

# Public Document Pack



## Development Control Committee

Monday, 2 July 2018 6.30 p.m.  
Civic Suite, Town Hall, Runcorn

A handwritten signature in black ink, appearing to read 'David W R', written over a faint rectangular stamp.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Paul Nolan (Chair)
Councillor Keith Morley (Vice-Chair)
Councillor Chris Carlin
Councillor Ron Hignett
Councillor Valerie Hill
Councillor Joan Lowe
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 August 2018*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 8</b>
<b>2. DECLARATIONS OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>9 - 72</b>

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

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 9 April 2018 at The Board Room - Municipal Building, Widnes*

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

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, G. Henry, P. Peak and L. Wilson-Lagan

Also in attendance: 7 Members of the public

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

	<i>Action</i>
DEV39 MINUTES	
<p>The Minutes of the meeting held on 6 March 2018 having been circulated, were taken as read and signed as a correct record.</p>	
DEV40 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS	
<p>The Committee was advised that two matters had arisen which required immediate attention by the Committee (Minutes 44 and 45 refer). Therefore, pursuant to Section 100 B(4) and 100 E and due to the need to allow the maximum time for a considered response by Members (44) and time constraints due to a public Inquiry (45), the Chairman ruled that the items be considered as a matter of urgency.</p>	
DEV41 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and in accordance with its powers and duties, made the decisions described below.</p>	

DEV42 - 18/00018/FUL - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION ON A NEW WAREHOUSE / MANUFACTURING FACILITY (USE CLASS B1/B2/B8) WITH ASSOCIATED CAR PARKING AND SERVICE ROAD AT MANOR PARK INDUSTRIAL ESTATE, STUART ROAD, RUNCORN

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

Since publication of the agenda it was reported that issues raised as a result of the original submission had been fully addressed. Additionally the applicant had provided a detailed response to queries raised regarding surface water attenuation, to the satisfaction of the Council's Highways Officer. Members were advised that an additional condition was recommended requiring the implementation of the footpath link in accordance with the approved plans, prior to occupation.

The Committee agreed that the application be approved subject to the conditions listed and the addition of the condition mentioned above.

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

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, including wheel wash;
4. Materials condition(s) requiring the submission and approval of the materials to be used (BE2);
5. Landscaping condition, requiring submission and approval both hard and soft landscaping (BE1/2);
6. Submission and agreement of boundary treatment including gates/barriers (BE2);
7. Submission and agreement of scheme of biodiversity features including bat and bird boxes;
8. Condition requiring development be carried out in accordance with the approved Ecological Appraisal and bat survey reports and recommendations, mitigation and avoidance measures contained therein (GE21);
9. Condition restricting construction and delivery hours audible at site boundary (BE1);
10. Submission and agreement of detailed lighting

- scheme including measures to minimise impacts on foraging and commuting bats (PR4/GE1);
11. Detailed site investigation, including mitigation to be submitted and approved in writing (PR14);
  12. Submission and agreement of detailed retaining wall design and special working methods to minimise bank excavation/loss of trees/vegetation;
  13. Conditions relating to tree protection during construction (BE1);
  14. Vehicle access, parking servicing etc to be constructed prior to occupation of properties/commencement of use (BE1);
  15. Requiring submission and agreement of cycle parking details (TP6);
  16. Requiring submission and agreement of electric vehicle parking and charging points(s) details (NPPF);
  17. Condition relating to discovery of unidentified contamination (PR14);
  18. Condition requiring surface water/highway drainage be carried out as approved (BE1/PR5);
  19. Requiring development be carried out in accordance with the approved site and finished floor levels (BE1);
  20. Submission and agreement of Site Waste Management Plan (WM8);
  21. Submission and agreement of a sustainable waste management plan (WM9);
  22. Requiring submission and agreement of onsite waste storage (WM9);
  23. Conditions restricting external storage and working (E5); and
  24. Prior to occupation the implementation of the footpath link in accordance with the approved plans.

DEV43 - 18/00021/FUL - PROPOSED DEVELOPMENT OF 28 NO. APARTMENTS IN 3 STOREY BLOCKS WITH ASSOCIATED CAR PARKING AND ANCILLARY DEVELOPMENT AT SPORTING FORD, 64 HOUGH GREEN ROAD, WIDNES

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

The Committee was advised that since the publication of the report the outstanding issues relating to bin storage, parking and servicing had been resolved by amendment to the scheme, which had altered the mix of apartments to 16 two bedroom apartments and 12 one bedroom apartments. Delegated authority was requested to

approve the scheme subject to the listed conditions and receipt of minor amendments relating to door sizes of bin stores and cycle shelter design, and the agreement of a legal agreement as set out in the conditions.

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

- a) A legal or other appropriate agreement relating to securing financial contributions to Open Space.
- b) Conditions relating to the following:
  1. Standard 3 year permission to commence development (BE1);
  2. Condition specifying approved and amended plans (BE1);
  3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking (BE1);
  4. Materials condition, requiring the submission and approval of the materials to be used (BE2);
  5. Landscaping condition, requiring the submission and approval of landscaping details (BE2);
  6. Boundary treatments to be submitted and approved in writing (BE2);
  7. Wheel cleansing facilities/strategy to be submitted and approved in writing (BE1);
  8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  9. Vehicle access, parking, servicing etc, to be constructed prior to occupation of properties/commencement of use (BE1);
  10. Condition relating to the implementation of bin store provision (BE1);
  11. Requiring submission and agreement of site and finished floor and site levels (BE1);
  12. Site investigation, including mitigation/validation to be submitted and approved in writing (PR14);
  13. Condition relating to the implementation of cycle store provision in accordance with details to be submitted and approved (TP6);
  14. Submission and agreement of biodiversity enhancement features including bird/bat boxes, insect/hedgehog houses etc (BE1 and GE21);
  15. Requiring submission and agreement of foul and surface water drainage including attenuation (PR16);
  16. Submission and agreement of Site Waste Management Plan (WM8);

17. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF); and
18. Grampian style condition requiring removal of taxi rank.

- c) That if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director - Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

DEV44 - 18/00132/FUL - PROPOSED EXTERNAL ALTERATIONS TO INSERT NEW WINDOWS AND ENTRANCE DOORS AND FOUR PRIOR APPROVAL APPLICATIONS AT VICTORIA BUILDINGS, HIGH STREET, RUNCORN;

18/00129/P3JPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR FROM OFFICES (USE CLASS B1) TO 16 NO. STUDIO APARTMENTS (USE CLASS C3);

18/00130/P3MPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR FROM FORMER BANK (USE CLASS A2) TO 4 NO. STUDIO APARTMENTS (USE CLASS C3);

18/00131/P3PPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF BASEMENT FROM STORAGE AND DISTRIBUTION (USE CLASS B8) TO 5 NO. STUDIO APARTMENTS (USE CLASS C3);

18/00133/PDJPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF GROUND FLOOR FROM OFFICES (USE CLASS B1) TO 4 NO. STUDIO APARTMENTS (USE CLASS C3).

Members were advised that all five applications related to the same building and were to be determined by the Development Control Committee due to the cumulative number of residential units being proposed. Four of the five applications are prior approval applications under Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended). The fifth application was a full planning application for the external changes required to facilitate the changes of use proposed. Due to the related nature of the applications, they were presented in one report.

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

The Committee was advised that since the publication of the report, amended plans had been received which addressed the issue with the alterations not respecting the character of the building. This amendment limited the alterations required to the outward facing elevations and Officers now considered all the applications to be acceptable and recommended approval of all five.

It was noted that two representations had been received from Councillors Norman Plumpton Walsh and Sinnott, who raised concerns about the small size of the bedsits, the lack of availability for parking, access to the building and the lack of natural light in the basement.

It was reported that due to the need to issue a decision within a 56 day period on prior approval applications, delegated authority was requested for the Operational Director – Planning, Policy and Transportation, to determine the applications following the expiry of the publicity. Also to consider any representations received which were relevant to the considerations of the applications as set out in the report and consideration of any amended plans received which attempted to address the issues raised.

Members discussed all applications and considered the updated Officer's recommendations relating to 18/00130/P3MPA and 18/00132/FUL, where the plans had been amended. They considered that the limiting of the alterations on these two applications to the outside of the building did not go far enough to maintain the strong design features and detail of the outward facing elevations. The Committee made the decisions described below, for each application.

RESOLVED: That

- a) delegated authority is given to the Operational Director – Planning, Policy and Transportation, to issue a decision within a 56 day period as required on prior approval applications, following the expiry of the publicity; and
- b) the delegated power be exercised along the following line:



**18/00129/P3JPA & 18/00133/P3JPA**

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

Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

**18/00130/P3MPA**

Delegated authority is granted, to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair, to determine the application following clarification of the implications in relation to the external alterations.

**18/00131/P3PPA**

That prior approval for the change of use from class B8 (storage or distribution centre) to Class C3 (dwellinghouses) was not required; and

Development under Class P was permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

**18/00132/FUL**

The application was refused as the proposed external alterations would result in the conversion of existing windows into entrance doors in the main outward facing elevations to both High Street and Devonshire Place, which would not respect the character of the building and adversely affect the streetscene. So the proposal was contrary to the provisions of Policy BE2 of the Halton Unitary Development Plan.

**DEV45 LAND AT DELPH LANE ETC, DARESBURY**

The Committee was advised that an e-mail had been received from the Planning Inspectorate on 9 April 2018, relating to the Redrow appeals on the above site.

Officers requested delegated authority is granted to the Operational Director – Policy, Planning and Transportation, so that the requests from the Inspector (and any other matters) can be complied with before the completion of the Inquiry.

RESOLVED: That authority is delegated to the Operational Director – Planning, Policy and Transportation, to answer the requests of the Planning Inspectorate and to decide on all matters arising in connection with the upcoming appeals.

*Meeting ended at 6.55 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 2 July 2018

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

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

**WARD(S):** Boroughwide

<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
17/00389/FUL	Proposed demolition of the existing outbuildings and construction of residential development comprising 12 no. one bedroom apartments and 12 no. two bedroom apartments with associated parking and reconfigured parking provision for Appleton Village Pharmacy.	Land to the rear of Appleton Village Pharmacy, Appleton Village, Widnes.
18/00174/FUL	Proposed residential development comprising 24 no dwellings with full details for access, landscaping, scale, layout and appearance.	Former Riverside College, Percival Lane, Runcorn
18/00176/REM	Reserved matters application relating to outline application 16/00131/OUT for details relating to appearance, scale, landscaping and layout.	

<b>APPLICATION NO:</b>	17/00389/FUL
<b>LOCATION:</b>	Land to the rear of Appleton Village Pharmacy, Appleton Village, Widnes, Cheshire.
<b>PROPOSAL:</b>	Proposed demolition of the existing outbuildings and construction of residential development comprising 12no. one bedroom apartments and 12no. two bedroom apartments with associated parking and reconfigured parking provision for Appleton Village Pharmacy.
<b>WARD:</b>	Appleton
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Constructive Thinking Studio Ltd.  Mr Nasr, Appleton Village Pharmacy.
<b>DEVELOPMENT PLAN ALLOCATION:</b>  National Planning Policy Framework (2012)  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	Primarily Residential Area
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	Four representations received from the publicity given to the application.
<b>KEY ISSUES:</b>	Design, Amenity, Affordable Housing, Open Space, Access, Ground Contamination.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions and the securing of a commuted sum in lieu of on-site open space provision either by an upfront payment prior to the determination of the application or by a S106 agreement.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site subject of the application is land to the rear of Appleton Village Pharmacy which is located off Appleton Village in Widnes. The site is currently vacant with the western part of the site having previously been used as a Builders Yard. The site is 0.27ha in area.

Located to the north and east of the site are residential development some of which are well established and others which have been recently completed.

Located to the west of the site is a Council car park with St Bede's Church and St Bede's RC Infant and Junior School located beyond this.

Located to the south of the site are commercial buildings accessed from Appleton Village and Deacon Road.

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application proposes the demolition of existing outbuildings and construction of residential development comprising 12no. one bedroom apartments and 12no. two bedroom apartments with associated parking and reconfigured parking provision for Appleton Village Pharmacy.

Members should note that when the application was submitted, permission was sought for 36no. two bedroom apartments, however during the processing of the application, the amount of development sought has reduced to 12no. one bedroom apartments and 12no. two bedroom apartments in order to have regard for the parking requirements for the existing Pharmacy and also for the residential development proposed.

### **2.2 Documentation**

The planning application is supported the following documents:

- Design and Access Statement;
- Noise Report;
- Tree Survey;
- Phase I Desk Study Report;
- Preliminary Ecological Appraisal Survey;
- Bat Survey – Preliminary Roost Assessment;
- Bat Emergence Survey Report.

## **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 a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;

- BE2 Quality of Design;
- BE22 Boundary Walls and Fences;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- PR4 Light Pollution and Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian 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;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

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

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

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

## **4. CONSULTATIONS**

### 4.1 Highways and Transportation Development Control

Highways would have no objections to this application. Our early concerns regarding road safety, numbers, pedestrian routes and parking have been addressed to our satisfaction. The nearby flats on St Bede's View, Appleton Village were granted permission in 2007 with a mixture of one and two bedroom flats. Here 36 apartments consisting of 22 one bed apartments and 14 two bed were given permission with a parking provision of 40 spaces. This considered 100% parking provision for the one bed roomed flats and 1.25 for the 2 bed roomed flats providing what was deemed an appropriate level of parking. In this instance, given the number of two bed roomed flats a relaxation of 1.5 units per flat was deemed appropriate instead of the 2 spaces per unit Council standard, 10% of which are disabled.

### Layout/Highway Safety

It will be necessary to amend the access crossing for the usage proposed to allow for the increase in use and two way movements which needs be constructed by the highway maintenance section at the applicant's expense prior to any development commencing.

### Parking

It is noted that the applicant makes the necessary 10 space provision which, through a previous Planning permission 'shall be retained throughout the lifetime of the development to the satisfaction of the Local Planning Authority.'

The applicant is proposing for 24 flats (and not the 36 written on the application).

As such there is be a requirement for 30 car parking spaces (including a 10% requirement for disabled parking bays) in addition to the 10 provided for the pharmacy which have been provided for with some visitor spaces.

A clear distinction between pharmacy parking and residential parking has been created with a tree lined/landscaped dividing line which creates a clear definition to the distinct parking areas.

Parking for the pharmacy must remain at the front of the site and parking for the residential units adjacent to the flats.

The secure, visible and covered cycle parking within the proposal is acceptable and well located.

### FRA/Drainage

If permission were to be granted 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.

### Construction Phase Considerations

Submission of construction phase management plan prior commencement.

The applicant should arrange a pre works inspection with the highways maintenance section and will be responsible for the cost of making good any damage caused by the implementation of the planning permission.

### Conditions

Submission of construction phase management plan prior commencement.

It will be necessary to amend the access crossing for the usage proposed to allow for the increase in use and two way movements which needs be



constructed by the highway maintenance section at the applicants expense prior to any development commencing.

## 4.2 Lead Local Flood Authority

I think the main requirements for the drainage in this case are the reduction in flows offsite and use of the drainage hierarchy. These could be conditioned: The drainage strategy for the development should/shall provide a reduction of 50% in surface water discharge rates with the aim to reduce runoff to greenfield rates, up to a 1% AEP (1 in 100 year) storm event, considering climate change.

The drainage strategy for the development should/shall demonstrate use of the drainage hierarchy, as described in Part H of the Building Regulations, (This is the same as the standard condition requested by United Utilities.)

## 4.3 Contaminated Land

The following document submitted with the application has been reviewed;

- Phase 1 desk study for land at Appleton Village, Widnes, ref CCG-C-17-9509, CC Geotechnical Ltd, February 2017.

The report purports to present the findings of a preliminary risk assessment in line with best practice and current guidance.

The report does not identify the pre-existing site investigation data available for the site, which would be very useful in refining the preliminary conceptual model.

Key to the site history is the presence under a significant part of the development of the former Appleton Quarry. Previous investigations have identified up to 16m of fill that previous lab testing reported significant contamination with regard to human health and controlled waters.

The proposed building alignment straddles the former quarry wall, which will have implications for the foundation design.

I note that the drainage strategy for the site is focussed in reducing surface water discharges from the site to sewer by increasing infiltration. However, during previous applications on the site the need to reduce infiltration has been identified in order to minimise the potential impacts on ground water quality.

Whilst there are some key elements omitted from the above report, I am in agreement that site investigation is required to fully characterise the site and refine the conceptual model, identifying whether there are remedial requirements to ensure the site is suitable for the proposed use.

I would recommend that, if approved, that the permission be conditioned to require the completed preliminary risk assessment, site investigation, risk assessment and, if necessary, remedial strategy. The condition should also require the submission of a verification report upon completion of any remediation works.

#### 4.4 Environmental Health

No observations received at the time of writing this report.

#### 4.5 Merseyside Environmental Advisory Service

The applicant has submitted a Preliminary Ecological Appraisal survey report (*Arbtech, Preliminary Ecological Appraisal, 01/08/2017*) and Preliminary Roost Assessment bat survey (*Arbtech, Bat Survey – Preliminary Roost Assessment, 01/08/2017*) in accordance Local Plan policy CS20 which meets BS 42020. I advise the survey is acceptable and will be forwarded to Cheshire rECOrd.

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 plants;
- What methods will be used to prevent the plant spreading further, including demarcation; and
- What methods of control will be used, including details of monitoring.

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

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

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, vegetation management, ground clearance and/or building works 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 and scrub are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

The applicant has submitted a bat emergence survey report in accordance with Local Plan policy CS20 (The Remote Sensing Company, Bat Emergence Survey Report (Final), 146.2 Bat Emergence Survey, 22nd May 2018). I advise the survey report is acceptable for buildings B1 and B2. Buildings B3-B5 were not included. However, I understand that the Council has recently

dealt with a prior notification application for demolition of buildings B3 to B5 (18/00197/DEM) and that these buildings have now been demolished.

The survey report states that no emergence from buildings B1 and B2 was recorded. A single faint common pipistrelle was recorded commuting on the far east of the site or potentially off site. The report includes mitigation (section 6) which sets out proposals to avoid and mitigate impacts on the local bat population. If these reasonable avoidance measures and mitigation are put in place it is unlikely that the species will be affected or an offence committed (Habitats Regulations). I advise that the reasonable avoidance measures are secured by a suitably worded planning condition. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England.

The survey report states there is a medium likelihood of reptiles occurring on site due to the potential basking, foraging and hibernating opportunities presented by the neutral grassland, dense scrub and rubble. A precautionary approach to site clearance to protect reptiles is recommended in section 4.2 of the survey report (Arbtech, Preliminary Ecological Appraisal, 01/08/2017) and I advise that this can be secured by a suitably worded planning condition. See Part Two.

#### Waste Local Plan

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8, bullet point 3) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a 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.

The applicant has provided sufficient information to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8, bullet point 2).

#### 4.6 Open Spaces

##### Trees

There are no trees afforded Statutory Protection and the plot is not situated within a designated Conservation Area.

The trees and scrub currently situated on the site should not be seen as a constraint to development and could be mitigated for, on site, with replacement planting. Trees T1 – T4 appear to be situated off site however so

root protection measures should be installed if the trees are retained. There would be no objection if these trees were also removed and mitigated for in any replanting scheme.

#### 4.7 United Utilities

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Foul Water

##### *Condition 1*

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

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

Surface Water

##### *Condition 2*

*Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.*

*The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 7.4l/s.*

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.*

## 5. REPRESENTATIONS

5.1 The application was originally advertised by a press advert in the Widnes & Runcorn Weekly News on 17/08/2017, a site notice posted on 10/08/2017 on Appleton Village and 68 neighbour notification letters sent on 10/08/2017. Following the receipt of amended plans, a reconsultation exercise was undertaken which comprised of 68 neighbour notification letters sent on 19/01/2018 and a site notice posted on Appleton Village on 22/01/2018.

5.2 A total of four representations from three households have been received from the publicity given to the application. A summary of the issues raised is below:

- A three storey development would be out of character with the area;

- A loss of light and privacy for existing properties;
- The infrastructure of Appleton Village cannot support the additional number of vehicles which 24 apartments would generate;
- The proposed 34 parking spaces is considered insufficient for 24 apartments;
- Additional noise and light pollution would result.

## **6. ASSESSMENT**

### **6.1 Principle of Residential Development**

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan. Residential development is the predominant land use in the area.

It is also noted from the site history that planning permission for the proposed demolition of existing offices and erection of 1no. three storey and 1no. two storey apartment block containing 36no. apartments (in total) (Application Reference 07/00271/FUL) was granted on 31<sup>st</sup> May 2007.

In conclusion, the principle of residential development on this site is considered to be acceptable.

### **6.2 Highway Considerations**

By virtue of the scale of the proposed development, there is not a requirement for the application to be accompanied by either a Transport Statement or a Transport Assessment.

It is noted that the objections received relate to the infrastructure of Appleton Village not being sufficient to accommodate further development and the lack of car parking for the proposed 24 apartments.

The Highway Officer has not raised an objection to the proposed development and is satisfied that a severe highway impact would not result, nor are there any highway capacity issues. It is also noted that the Council has granted planning permission for a greater number of residential units than is proposed by this application. It is noted that alterations will need to be made to the access crossing to allow for two way movement and increased vehicular movements. The necessary off-site highway works (alteration to the site access) can be secured by condition.

Adjacent to the site subject of this application is the Appleton Village Pharmacy. The application which granted permission for this use (13/00381/COU) was subject to a condition (condition number 14) which stated that the car park as shown on Drawing No. A.X>SITE.2/G had to be implemented on site and shall remain throughout the lifetime of the development to the satisfaction of the Local Planning Authority.

The site layout plan now shows a reconfigured car parking area for 10no. car parking spaces associated with the Pharmacy which would maintain the provision previously secured. This should be secured by condition.

In terms of parking provision, the Highway Officer considers that there is a requirement for 30 car parking spaces (1 space per unit for the 1 bedroom apartments and 1.5 spaces per unit for the 2 bedroom apartments) (including a 10% requirement for disabled parking bays) in addition to the 10 provided for the pharmacy which have been provided for with some visitor spaces for the proposed development. The proposal would provide 34 car parking spaces for the residential development in addition to the 10 car parking spaces for the Pharmacy which is in excess of the Highway Officer's requirement.

Members should also note that the recently completed nearby flats on St Bede's View, Appleton Village were granted permission in 2007 with a mixture of one and two bedroom apartments. Here 36 apartments consisting of 22 one bed apartments and 14 two bed were given permission with a parking provision of 40 spaces. This considered 100% parking provision for the one bedroomed apartments and 1.25 spaces for the 2 bedroomed apartments was deemed an appropriate level of parking. This proposed development would provide a greater amount of parking for the number of units proposed.

The representations received considered that the proposed parking provision to be insufficient, however it is not considered that two spaces per unit can be insisted on in this case based on the location of the application site in a sustainable location and the size of the residential units proposed.

The proposed site plan has demonstrated that there is sufficient space for the Council refuse vehicle to enter and exit the site in forward gear.

Cycle parking in the form of 7 no. cycle lockers accommodating 14no. cycles is proposed. The Highway Officer has commented that the secure, visible and covered cycle parking within the proposal is acceptable and well located. It is considered reasonable to secure the implementation of the cycle parking provision and its maintenance thereafter by condition.

A construction management plan is required prior to the commencement of development. The submission and implementation of an appropriate construction management plan can be secured by condition.

The proposal is considered to be acceptable from a highway perspective compliant with Policies BE1, TP6, TP7, TP12 & TP 14 of the Halton Unitary Development Plan.

### 6.3 Layout

The proposed site layout is considered to logical having regard for the requirement to retain 10no. car parking spaces on the application site for the Appleton Village Pharmacy which is located directly adjacent to the site.

The proposed building would be located towards the rear of the site and the Council has previously granted permission for a building in a similar position. The front elevation of the apartment block would face towards Appleton Village which again is considered logical.

The proposal has been designed so that there is a clear delineation between the Appleton Village Pharmacy and its associated parking provision to the front of the site and the proposed residential development to the rear. The boundary wall and associated hedging makes the residential development distinct from the Pharmacy and its parking to the front of the site.

Members will note that some representations have been received raising concerns over the loss of light and privacy that would result.

The existing residential properties on Regent Road to the north of the site would face the side elevation of the proposed apartment block which contains no habitable room windows with the openings comprising an entrance door and windows within the stairwell. The side elevation of the building would be considered as a gable. The Design of Residential Development SPD states that for habitable room windows facing a blank gable elevation with no habitable room windows should provide a separation of 13m. The diagram indicates that this is the requirement where the properties in question are two storey in height. No guidance is provided where habitable room windows face a three storey gable, however it is considered a reasonable approach that some additional separation is provided as per the diagrams relating to habitable room windows which face each other. The separation to the main rear wall of properties on Regent Road to the gable wall of the proposed apartment block (above ground floor relationship) is approximately 17m which is significantly in excess of the 13m guideline. It is also noted that no.20 Regent Road has a two storey rear extension and taking account of this addition, still ensures separation in excess of 13m. The conclusion regarding this particular relationship is that sufficient separation distance would be provided to ensure that light would not be significantly restricted to the detriment of residential amenity.

In respect of the relationship between the eastern elevation of the proposed apartment block and the side gable elevation of the existing apartment development at Randle Mews accessed off Sayce Street, sufficient separation would exist in respect of the guideline for habitable room windows facing a blank gable elevation.

The layout has regard for the siting of commercial buildings to the south of the site and the building is orientated so habitable room windows face towards Appleton Village and the existing residential development to the east.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that flats/apartments are required to ensure that there is a private outdoor space appropriate to the size of the development and as a guide, 50sqm per residential unit should be used. This

development would provide an attractive garden area to the front of the building with potential for tree/shrub planting as well as functional space for bin storage and cycle storage and is considered to be acceptable in respect of private outdoor space.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 1 and 2 bedroom apartments. In terms of tenure, the applicant is aware of the Council's affordable housing policy regarding 25% of the units being affordable and has confirmed acceptance to the attachment of a condition which would secure that 25% of the units will be affordable as per the definition set out in the NPPF. There is considered to be properties to meet a variety of needs on site.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

### 6.4 Scale

Members will note that some representations have been received raising concerns that the proposed three storey development would be out of character with the area.

It is noted that there are other three storey developments in this area including the recently completed apartment development at St Bede's View. The residential development at Randle Mews accessed off Sayce Street directly next to the application site is two storey in height. The terraced houses located to the north of the site on Regent Road are two storey in height. A three storey apartment block was previously granted on this site in a very similar location to one proposed by this application back in 2007. There is a variety of property types and styles in the locality and it is not considered that the proposed three storey apartment block would be out of character with the area.

The proposal is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

### 6.5 Appearance

The elevations show that the building proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. The submission of precise external facing materials and their subsequent implementation should be secured by condition.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.



## 6.6 Landscaping & Trees

There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area.

The application is accompanied by a tree survey. It is noted that some of the trees on site have now been removed and that tree protection measures will need to be agreed to protect trees located outside of the application site. This can be secured by condition.

Indicative landscaping and boundary treatments details have been shown on the site plan which accompanies the application. It is considered that the proposed landscaping scheme would compensate for the loss of the existing trees on site. A condition securing the submission of a detailed scheme, subsequent implementation and maintenance thereafter is suggested.

The indicative boundary treatment detail shown on the site plan for the boundary between the Pharmacy and its associated parking is considered to be acceptable in principle. A condition securing the submission of a detailed scheme, subsequent implementation and maintenance thereafter is considered reasonable.

This would ensure compliance with Policies BE 1 and GE 27 of the Halton Unitary Development Plan.

## 6.7 Site Levels

Based on the site's topography, it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation.

This would ensure compliance with Policy BE 1 of the Halton Unitary Development Plan.

## 6.8 Noise

The application is accompanied by an Environmental Noise Assessment due to the proposed apartments being in a mixed use area with noise sources such as a commercial garage to the south and road traffic to the west.

The report identifies that mitigation measures are required in the form of glazing and ventilation to the windows located in living rooms and bedrooms.

The attachment of conditions securing the implementation of the noise mitigation measures is considered reasonable and would ensure that residential amenity is not unduly harmed.

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

#### 6.9 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.

The applicant has yet to provide a scheme which demonstrates compliance with the Council's affordable housing policy however they are prepared to accept a condition attached to a subsequent planning permission which secures such provision. It considered reasonable to attach a condition which secures the submission of a scheme, its subsequent implementation and maintenance thereafter.

The proposal is considered to be compliant with Policy CS 13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

#### 6.10 Open Space

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

The Open Space Requirement Calculator has identified that there is a deficit of Provision for Children and Young Persons and Allotments in this particular neighbourhood.

No on-site open space provision is being proposed by the applicant. There is provision in the policy for exceptions to on-site requirements. The applicant is prepared to pay a commuted sum in lieu of on-site provision and this would ordinarily be secured by a S106 agreement. In this case, the applicant has confirmed that they are prepared to make an upfront payment prior to the determination of this application. At the time of writing this report, no such payment has been received by the Council as Local Planning Authority.

Based on the payment of a commuted sum in lieu of on-site provision / securing of such provision by S106 agreement, it is considered that the proposal would provide sufficient residential greenspace to meet the local needs of the people living there in compliance with Policy H3 of the Halton Unitary Development Plan.

#### 6.11 Ground Contamination

The application is accompanied by a Phase I Desk Study Report.

This has been reviewed by the Contaminated Land Officer and no objection has been raised subject to the attachment of a condition which secures the submission of a site investigation, remediation strategy and appropriate validation to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

#### 6.12 Flood Risk and Drainage

The application site is located in Flood Zone 1 and is at low risk from flooding and has a site area of less than 1ha which does not necessitate the requirement for a Flood Risk Assessment.

The main requirements for the drainage in this case are the reduction in flows offsite and use of the drainage hierarchy which can be conditioned.

The drainage strategy for the development should provide a reduction of 50% in surface water discharge rates with the aim to reduce runoff to greenfield rates, up to a 1% AEP (1 in 100 year) storm event, considering climate change.

The drainage strategy for the development should/shall demonstrate use of the drainage hierarchy, as described in Part H of the Building Regulations, (This is the same as the standard condition requested by United Utilities.) The requirement for the submission of an appropriate drainage strategy and its subsequent implementation to satisfy both the Lead Local Flood Authority and United Utilities can be secured by condition.

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

#### 6.13 Ecology

The application is accompanied by a Preliminary Ecological Appraisal, Bat Survey – Preliminary Roost Assessment and a Bat Emergence Survey Report. The Council's Ecological Advisor has commented that the reports are acceptable. Conditions in relation to Japanese Knotweed (Method Statement and Validation) Breeding Bird Protection, Reasonable Avoidance Measures + Mitigation – Bats, Protection of Reptiles have been suggested.

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

#### 6.14 Sustainable Development and Climate Change

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

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

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

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

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

#### 6.15 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. The submission of a Waste Audit should be secured by condition.

In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

### 7. CONCLUSIONS

In conclusion, the proposal would deliver further residential development within the Primarily Residential Area.

An appropriate access point to site from Appleton Village would be achieved and the layout demonstrates sufficient space for movement within the site as well as an appropriate level of car parking.

The proposed apartment block demonstrates sufficient separation for both light and privacy and the scheme would have an appropriate amount of private amenity space.

The proposal is considered to be of an appropriate design and the elevations indicate a mix of materials to add interest and result in a well-designed development.

The application is recommended for approval subject to conditions and the securing of a commuted sum in lieu of on-site open space provision.

## **8. RECOMMENDATIONS**

Grant planning permission subject to conditions and the securing of a commuted sum in lieu of on-site open space provision either by an upfront payment prior to the determination of the application or by a S106 agreement.

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Existing and Proposed Site Levels (Policy BE1)
4. External Facing Materials (Policies BE1 and BE2)
5. Soft Landscaping Scheme (Policy BE1)
6. Boundary Treatments Scheme (Policy BE1)
7. Breeding Birds Protection – (Policy GE21)
8. Reasonable Avoidance Measures + Mitigation - Bats – (Policy GE21)
9. Protection of Reptiles – (Policy GE21)
10. Japanese Knotweed Method Statement
11. Japanese Knotweed Validation Report
12. Hours of Construction – (Policy BE1)
13. Construction Management Plan (Highways) – (Policy BE1)
14. Electric Vehicle Charging Points Scheme (Policy CS19)
15. Provision & Retention of Parking for Residential Development – (Policy BE1)
16. Provision & Retention of 10no. Car Parking Spaces for Appleton Village Pharmacy – (Policy BE1)
17. Off Site Highway Works – (Policy BE1)
18. Implementation of Noise Mitigation Measures – (Policy PR2)
19. Affordable Housing Scheme – (Policy CS13)
20. Ground Contamination - (Policy PR14)
21. Drainage Strategy – (Policy PR16)
22. Foul and Surface Water on a separate system – (Policy PR16)
23. Waste Audit

### Informatives

1. Highway Informative
2. United Utilities Informative
3. Cheshire Police Informative

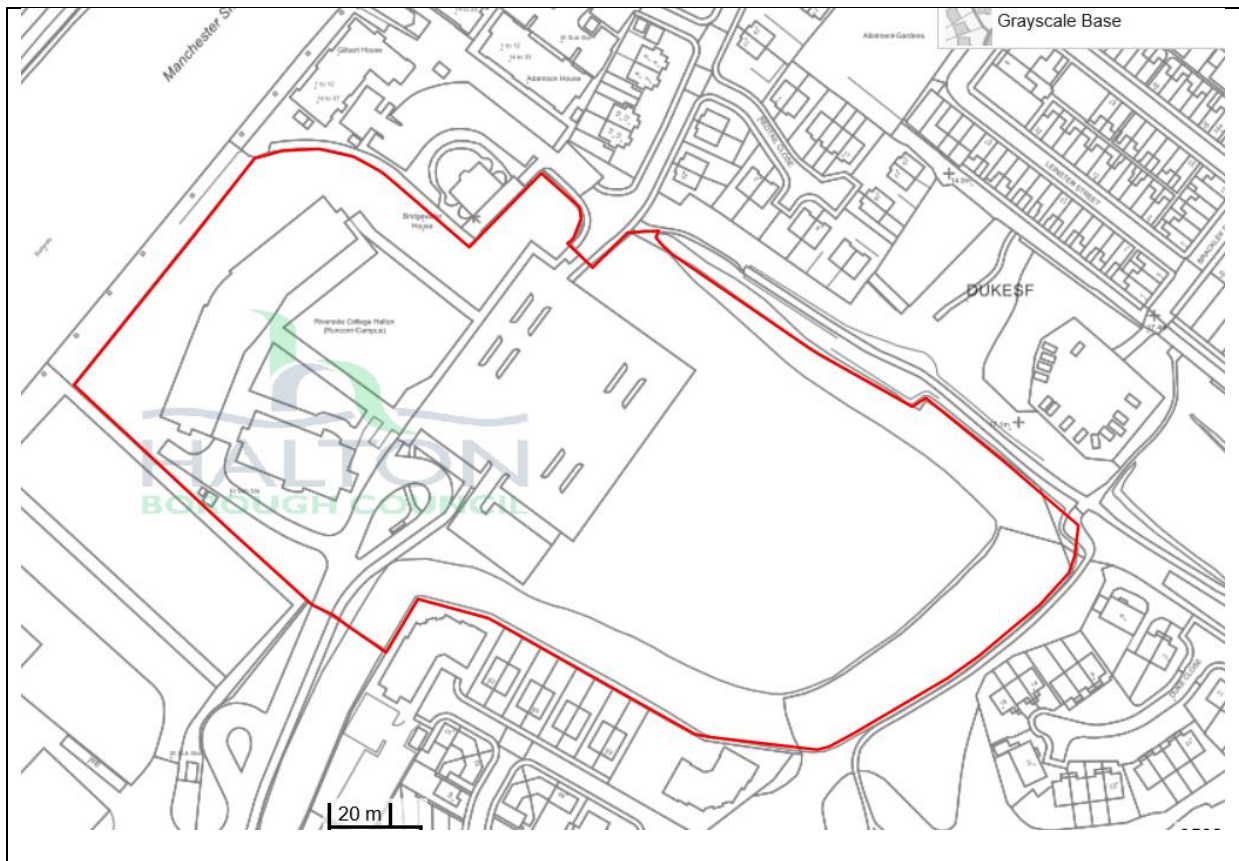
## **10. SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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

<b>APPLICATION NO:</b>	18/00174/FUL and 18/00176/REM
<b>LOCATION:</b>	Former Riverside College Percival Lane Runcorn
<b>PROPOSAL:</b>	18/00174/FUL - Proposed residential development comprising 24 no. dwellings with full details for access, landscaping, scale, layout and appearance 18/00176/REM - Reserved matters application relating to outline application 16/00131/OUT for details relating to appearance, scale, landscaping and layout.
<b>WARD:</b>	Mersey
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Countryside Properties
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	UDP Action Area 4: Runcorn & Weston Docklands Canal Safeguarding Area Key Area of Change: West Runcorn
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	2 letters of objection/ representation from residents 1 letter of objection on behalf of the Runcorn Locks and Restoration Society 1 letter of Objection/ Representation with respect to each application received from Manchester Ship Canal Co.
<b>KEY ISSUES:</b>	Regeneration; canal safeguarding; ecology impacts; drainage; design quality; heritage/ listed building impacts; residential amenity and highway impacts, Access Rights
<b>RECOMMENDATION:</b>	18/00174/FUL - Approve Subject to Conditions 18/00176/REM - Approve Subject to Conditions
<b>SITE MAP</b>	



## **APPLICATION SITE**

### **The Site**

Both sites combine to provide approximately 10.2 acres adjoining the Bridgewater Canal approximately 1km from Runcorn town Centre. Site of the former Riverside College which is now vacant. Bridgewater House, a Grade 2 listed building, lies immediately to the north east. Land to the north east and south is predominantly residential in character. Land to the south west is in predominantly employment use with the nearest use being Runcorn Docks. The Manchester Ship Canal lies to the north.

### **Planning History**

Outline planning permission (16/00131/OUT) was previously approved, with all matters other than access reserved, for development of up to 120 dwellings, open space, infrastructure and associated works. This report includes consideration of the reserved matters submitted pursuant to that outline planning permission. A further application (18/00293/COND) to discharge conditions attached to the outline planning permission has also been received and will be determined under delegated powers.

## **THE APPLICATION**

### **The proposal**



Two applications are submitted for the redevelopment of the overall site of the former Riverside College, Runcorn for a residential development with a combined total of 144 dwellings. Application 18/00176/REM is submitted pursuant to the previously approved outline planning permission for 120 dwellings. A parallel application 18/00174/FUL has been submitted for full planning permission for part of the site being approximately 1.8 acres for 24 dwellings to allow for an uplift in the total number of dwellings to 144.

### Documentation

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

Planning Statement  
Design and Access Statement  
Transport Statement  
Phase 1 and 2 Site Investigation/ Contaminated Land Report  
Remediation and Enabling Works Strategy  
Archaeological Written Scheme of Investigation  
Arboricultural Impact Assessment and Method Statement  
Ecological Assessment  
Flood Risk Assessment  
Noise Impact Assessment  
Heritage Statement  
Viability Assessment  
Construction Environmental Management Plan

### **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: -

- RG4 Action Area 4 – Runcorn and Weston Docklands
- BE1 General Requirements for Development
- BE2 Quality of Design
- BE5 Other Sites of Archaeological Importance
- BE10 Protecting the Setting of Listed Buildings
- GE9 Redevelopment and Change of Use of Redundant School Buildings
- GE21 Species Protection
- GE29 Canals and Rivers
- GE30 The Mersey Coastal Zone
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- PR7 Development Near to Established Pollution Sources
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP3 Disused Public Transport Facilities
- TP14 Transport Assessments
- TP15 Accessibility to New 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
- CS3 Housing Supply and Locational Priorities
- CS10 West Runcorn
- CS12 Housing Mix
- CS13 Affordable Housing
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- 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

- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document

- Draft Open Spaces Supplementary Planning Document
- Affordable Housing SPD

## **CONSULTATIONS**

The application has been advertised as a departure 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 as appropriate:

Environment Agency – No Objection  
Network Rail – No Objection  
United Utilities – No Objection  
Peel Ports/ Manchester Ship Canal Co. - Objection  
Natural England – Objection

### Council Services:

HBC Open Spaces – No Objection  
HBC Environmental Health – No Objection  
HBC Contaminated Land – No objection  
HBC Highways – No Objection  
HBC Lead Local Flood Authority – No Objection

## **REPRESENTATIONS**

2 letters of representation have been received from neighbours/ residents stating as follows:

1. Runcorn urgently needs further education campus far more than private property moguls!
2. I have no problems with the building works etc, I understand more homes are needed and they look like they will be lovely homes. However, in between my home and the new homes what will be in that space? I have a row of trees directly behind my garden fence, nobody can get near my garden thanks to these. Will these be moved or taken down for any reason? Nobody has any reason to be on the field at the back of our houses where the development will be, however there will be a lot more footfall with a load of new houses. Please note this is not an opposition in any way, although the building works will no doubt get on my nerves at some point, they won't last forever. I am just extremely worried about how secure my house and garden will be with the works due to take place.

A response has been provided to the queries within bullet point. Any subsequent comments received will be reported orally.

A letter has been received on behalf of the Runcorn Locks and Restoration Society which states that:

*“The R.L.R.S. in partnership with Halton Borough Council, Propose to re-open the Bridgewater Canal between Waterloo Bridge and the Manchester Ship Canal. This project we feel is vital to the regeneration plans for Runcorn town. We have support from H.B.C. M.P.s Dereck Twigg and Mike Ainsbury, Mersey Regional Mayor Steven Rotheram, local business and the community (5,000+ signatures). We offer an alternative plan for the site to include a Marina with full facilities, shops etc. Surrounded by affordable housing, Nursery infant and junior schools in the Collage Building, and include a Maritime Collage. We feel this would enrich the local environment, regenerating the area by creating jobs, tourism and a much needed boost to the local economy. I attach a copy of the engineers report on the feasibility of our plans.”*

The planning authority must consider each application on its merits. The principle of residential development of the site has been established by the grant of outline planning permission and considered further as detailed within this report. In the absence of a detailed adopted policy or plan specifying an alternative use, it is not considered that the suggested alternative use of the site can be considered to justify refusal of planning permission in this case.

A letter of objection has been received on behalf of the Manchester Ship Canal in relation to each of the applications.

In relation to both applications 18/00174/FUL and 18/00176/REM they state that:

*The proposed development sits immediately adjacent to operational port land. As the operational port use pre-exists the proposed residential use, we would expect that our future operations would not be hindered in any way as a result of the proposed residential development. Any potential future concerns relating to an operational port use sitting adjacent to a non-port use should be considered on the understanding that the port use existed prior to the proposed adjacent residential use. The Manchester Ship Canal Company still have concerns with regard to dust and noise and therefore without prejudice, we require safeguarding provisions to be put in place.*

With respect to application 18/00176/REM they also state that:

*Building in proximity to The Manchester Ship Canal*

*The proposed plans show a substantial 4 storey apartment block in close proximity to the Ship Canal. As the statutory authority for the navigation of the MSC any works adjacent to the Canal must not interfere with the waterway. No surcharge should be imposed on the bank of the Canal, no hydraulic support should be assumed, water levels and flow velocity will vary considerably at times of flood discharges. Furthermore that no encroachment on the waterway through engineering design, construction works or unintended collapse can be allowed.*

*Tree Preservation Order on Trees in Ownership of Manchester Ship Canal Company*

*On review it appears that the design layout of some of the buildings to the east of the site are within the canopy of a considerable number of TPO trees, which are within our ownership. We believe that the proximity of these proposed houses will have a detrimental effect on the lifespan and health of the trees and therefore object and seek to see revision of plans to address this.*

*Access rights*

*With regards to the north east access into the site, could the applicant provide evidence that they have a legal right of access across this land to the east of Bridgewater House.*

*Drainage*

*Should there be intention to utilise any existing surface water outfall into the Manchester Ship Canal, that unless agreed, prior to construction, with ourselves this is not a permitted activity for a residential development or any other development on this site.*

With respect to issues raised in relation to potential noise and dust/ conflict use, access rights, drainage and trees are addressed elsewhere within this report. With respect to building proximity to the canal, in the absence of evidence of such impacts this is a private matter between the affected parties, any planning permission granted by the Council would still be subject to matters of private property, drainage law and other relevant legislation. The proposed FRA and drainage scheme has been assessed by LLFA and relevant issues arising are addressed elsewhere within this report.

## **ASSESSMENT**

### **Background**

Two applications are being considered which seek permission to develop the site of the former college site at Runcorn. The purpose built college buildings were constructed in early 2000 but have remained vacant for a number of years following relocation and consolidation of facilities to the College's Widnes Campuses. Both applications combine to propose a total of 144 dwellings. Application 18/00176/REM is submitted pursuant to the previously approved outline planning permission (16/00131/OUT) for up to 120 dwellings which was the maximum allowed for by that planning permission. A parallel application 18/00174/FUL has been submitted for full planning permission for part of the site being approximately 1.8 acres for 24 dwellings to allow for an uplift in the total number of dwellings to 144. A further application (18/00293/COND) to discharge conditions attached to the outline planning permission has also been received and will be determined under delegated powers.

### Principle of Use

It is considered that the principle of residential development on the site has been established by the approval of outline planning permission which remains extant. The determination of that application included a policy reasoning in this regard which was as follows:

*The site is designated within Action Area 4: Runcorn and Weston Docklands on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Housing Site. UDP Policy RG4 specifically lists housing as an acceptable use within the area. The justification to that policy also states that:*

*On an area of land adjoining the Dukesfield housing area there is an opportunity for building a new education building for Halton College. Alternatively this area would be suitable for waterside housing.”*

*The site is also within the Key Area for Change: West Runcorn as defined by Core Strategy Policy CS10. Whilst that Policy identifies Halton Riverside College as an existing use, provision is made within that policy for residential development. The site is also sandwiched between previous residential development at Dukesfield and an area identified within the policy as Runcorn Waterfront. That Policy makes clear provision for residential development as a principle use within the redevelopment and regeneration of that area. In addition Core Strategy Policy CS3 aims to deliver at least 40% of new residential development on previously developed land to which this scheme would contribute.*

*UDP Policy GE9 specifically relates to redevelopment of redundant school buildings and makes no reference to college buildings. Notwithstanding that we are not aware of any evidence that the site is meeting, or is likely to meet in the near future, the current needs of the local community for any use listed within Policy GE9(2) and it is not considered that any argument could be sustained that the proposals would conflict with that policy.*

As occurred at determination of the outline planning application, objectors have suggested preferential alternative uses for the site. In the absence of any adopted detailed Policy in this regard it is again considered that no significant weight can be given to such suggested alternative uses. The proposed increase in numbers of dwellings over and above that approved at outline is not considered to impact on the principle of development and residential development of the site is therefore considered acceptable.

### Rights Affecting Means of Access

The layout provides for access through the site connecting Campus Drive and Old Coach Road providing a potential future through connection for buses and links to Runcorn Old Town. A similar access arrangement was also approved through the grant of outline planning permission. It has however come to our attention that, whilst Campus Drive and the majority of Old Coach Road are adopted, the turning head at the end of Old Coach Road where it adjoins the site remains unadopted. This is believed to be in the ownership of Peel Land and Property Group and raises a

potential accessibility and ransom situation. Peel have questioned whether rights exist to use this land as a means of access. The Council's Highways Officers have revealed that the turning head is believed to have been built to adoptable standards and was always intended to be adopted but that this was never completed. They are in the process of investigating scope for completing this process now.

Notwithstanding the above, the applicant has provided the Title Deeds which provide for "a right of way for all reasonable purposes at all times with or without vehicles". This is believed to provide rights of access to any properties within the site (including by emergency vehicles) but not to traffic, pedestrians, emergency vehicles etc passing through. Whilst the scheme has been designed to appear to function as a through route, it is not considered to rely on it for resident or visitor access or access by emergency or service vehicles. It may however raise issues for people, emergency vehicles, bin lorries etc using the road as a through road. Whilst the road has been designed to be capable of providing for future bus services passing through, this may raise particular issue with respect to whether they are legally entitled to do so. No such route currently exists and the proposals are not making the situation worse but doing all possible with respect to accessibility. In any case, it would be for the landowner of the unadopted land to enforce any access which they deem to be illegal. On the basis of the information available, if they chose to enforce any breach, it is not considered that this would prohibit access to such an extent so as to justify refusal of planning permission.

### Design and Density

The full application proposes 24 no. three bed, open market houses. The reserved matters application seeks approval for 120 residential units comprising a mix of 37 no. three bed open market houses and 83 no. private rented sector (PRS) units. The PRS units will consist of a mix of 32 no. two bed apartments within a four storey block, 8 no. two bed and 37 no. three and four bed houses. The houses consist of a mix of two and two and a half storeys. All will be of fairly traditional construction predominantly being of a mix of traditional red and buff brick with contrasting render and hanging tile detail with traditional ridged tiled roofs.

Based on the submitted numbers the scheme provides for a development density of approximately 35 dwellings per hectare (dph). This is considered to accord with the minimum density on sites of 30 dph required by Core Strategy Policy CS3. It is not considered that any significant argument could be made that the site represents a "more accessible location" for which Policy CS3 provides for a presumption for higher densities of 40dph or greater. Having regard to the character of surrounding residential development and constraints on development including steep wooded banks around the south eastern edge of the site and land to be protected for the route of the canal, the proposals are considered to offer a suitable density of development.

Discussions are ongoing with the developer to resolve issues including proximity, relationship and impact on the adjoining listed building at Bridgewater House, relatively minor highway and levels revisions. These are addressed elsewhere within the report however, subject to resolution by appropriate amendment to the layout

and details in these areas, the scheme is considered to provide an opportunity to provide a quality development suited to the character of the site and the wider area.

### Highway Considerations

The application is supported by submission of a Transport Assessment. The assessment predicts that, compared with the previous use of the site, the proposed development would result in a substantial reduction in weekday and daily trips and that the combined development would result in only a minor increase in traffic compared with the consented scheme. As such it is concluded that the traffic impact of the proposals are acceptable. The Council's Highways Officers raise no significant highway capacity or safety issues and it is therefore considered acceptable in principle.

Whilst no issues have been raised in relation to the current applications, concern was raised through the process of determination of the outline planning application regarding potential for the site to be used as a future 'rat-run'. Notwithstanding issues of rights of access covered earlier in this report, the principle of the through road design was addressed and agreed by the grant of outline planning permission and justified as follows:

*“Any potential for through traffic must be balanced against the benefits of futureproofing potential bus links through the site. It is considered that given the wider expressway network it is unlikely that substantial volumes of traffic would be attracted to utilise the new road linkages as a shortcut to through traffic much greater than local traffic. Traffic calming and detailed design can further be used to reduce the attractiveness of the route. With respect to concerns that the route would encourage use by HGV's to access surrounding employment areas it is considered that powers exist for the Council as Highway Authority to apply appropriate weight restrictions as required.”*

Bus stops are in excess of 400m from the site (reported as 540m and 740m) as required by UDP Policy TP1. The site is located approximately 1km from Runcorn Old Town and 600m from Runcorn train station. The Council's Transport Officer has previously advised that bus service operators are unlikely to be willing to divert services for such a small development. The principle of development of up to 120 dwellings has been previously established by the earlier outline planning permission. The addition of 24 dwellings is not considered to raise significantly different or greater issues or concerns in this regard. It is considered that the site is relatively well located with respect to access to Runcorn town centre, train station and bus stops and that refusal of planning permission could not be justified on these grounds.

Whilst the Council's Highways Engineers have confirmed that they raise no objection in principle, they have suggested a number of relatively minor amendments to the scheme. Amended plans are awaited in this regard and Members will be updated accordingly at Committee.

Potential construction impacts, including routeing, timing of deliveries, wheel wash and construction parking are addressed through the submitted Construction Management Plan. The Council's Highways Officer has advised that, subject to



minor amendment to address winter wheel wash considerations, that the plan is acceptable. Implementation of the plan will also help to ensure that disturbance to existing local residents are kept to a minimum. Members do need to be aware however that, whilst all reasonable efforts can be made to minimise disturbance and potential conflict such issues are largely a site management issue. Implementation of the plan throughout the course of the development, once amended, can be secured by suitably worded planning condition.

### Heritage Impacts

The NPPF requires that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The application is accompanied by a Heritage Statement which includes a summary of relevant planning policy and guidance at national and local levels and consideration of the impact of the proposals on the setting of heritage assets.

The heritage statement identifies two designated heritage assets which have the potential to be impacted by redevelopment of the site. It identifies that no harm will result to the Former Tide Dock of Bridgewater Canal and this conclusion is accepted by the council's retained adviser on Conservation matters.

However, the site directly adjoins Bridgewater House, which dates from circa 1760. This is a Grade 2 listed building and was the occasional residence of the Duke of Bridgewater, his agent, John Gilbert, and engineer, James Brindley who were responsible for the construction of the Bridgewater Canal (1759-61).

The application for the grant of outline planning permission included an indicative layout plan. This provided for an area of open space adjacent to the listed building which it was considered would allow for a degree of separation between the heritage asset and the new development. In determination of that application it was reported that:

*“The development proposed is for smaller residential units, which will be substantially smaller in scale than the heritage asset. Whilst the development will sit in relatively close proximity, the scale, massing and dominance of the listed building will still be apparent.”*

*“The primary elevations of the building are also reported to be the north-east elevation, where the main entrance is located, and the north-west elevation. The proposed development does not spread to surround these elevations, and therefore the locations in which the building is primarily appreciated from will be largely unaffected by the proposals.”*

*“It is considered that the proposed development has the potential to cause some degree of harm to the setting of the heritage asset, through bringing development closer to the building. The heritage statement confirms however that this will be:*

*“markedly less than substantial, located at the low end of that spectrum, at a minor level of harm”*

*The wider benefits of the scheme are considered to outweigh any such low level harm and it is not considered that refusal of planning permission can be justified in this case."*

The current reserved matters application is considered to most closely potentially affect the setting of the listed building. Whilst the indicative plan submitted at outline stage provided for a degree of separation provided by an area of open space, the current application provides for properties backing onto the boundary of the listed building. This originally included for properties along the south west boundary and wrapping around the southern corner of the building with 1.8m boundary fencing directly adjoining these boundaries. In similar vein to issues raised in regard to the interface of properties with the protected canal line, the applicant has argued that, due to minimum plot depths, to allow sufficient interface and garden provision, in relation to the dimensions of the developable area and the prohibitive cost of road construction with houses on one side only, this would not make efficient use of land and would result in the loss of plots and make the scheme unviable. The alternative could be to have properties with high boundaries and rear parking backing onto internal estate roads as was indicated on the outline indicative plan but which raises significant design issues.

The Council's retained adviser on Conservation matters has stated that, although the site has been altered by industrial development throughout the course of its history, according to map evidence, Bridgewater House has always had space surrounding it. In this regard, the Heritage Statement concludes that the open area around Bridgewater House is an "artefact of recent history". This view is not accepted by the Council's adviser, based on the map evidence which is included within the statement.

It is further advised that:

- The significance of the setting has, in the past, not been fully appreciated and this has allowed residential and educational uses to encroach upon what was an industrial landscape;
- The proposed development with housing will substantially alter the landscape probably forever and therefore it is important that Bridgewater House is not subsumed by it;
- The proposed development has tried to maintain, to some extent, some of the spaciousness around Bridgewater House, but the proposed removal of the college buildings provide an opportunity to reinstate more space;
- Plots 1, 2, 119, 120 and 121 and the associated parking areas appear to intrude into the setting more than in the outline application. These plots should be relocated to open up views of Bridgewater House and maintain / reinstate its setting;
- Compared with the approved outline application, the rear gardens of Plots 7-12 have been increased and compromise the buffer zone which was established within the approval. Although the houses within these plots have been moved further from Bridgewater House, the boundaries to the gardens will have an equally detrimental impact. Therefore, the previously approved buffer zone should be included within this scheme;

- As currently laid out, the proposals still cause harm. This is identified as "less than substantial" after mitigation within the Heritage Assessment. However, the Planning (Listed Buildings & Conservation Areas) Act 1990 s.66 & s.72 advocates preservation and enhancement. Preservation is defined as: 'to keep safe from harm'. The starting position should, therefore, be no harm. Before balancing harm against competing interests, every effort should be made to 1. prevent harm; 2. avoid harm; 3. minimise harm. Only when these exercises have been undertaken should mitigation be considered. In this instance, it is believed that harm can be further minimised by the relocation of the above mentioned plots;

An amended plan has been provided by the applicant in an attempt to address these concerns. The properties encroaching into the area on the southern corner of the building have been redesigned and relocated to reflect the line of the open space shown on the indicative plan submitted at outline stage. Whilst this is acknowledged to open up views of the southern corner of the listed building, as currently shown, it is considered to raise concerns about the degree of overlooking afforded to areas of open space and potential crime and antisocial behaviour issues in the future. The applicant has also removed the 1.8m high timber feather edged fencing from the boundary with the listed building to rely on the existing railings which surround the listed building. Whilst sections of 1.8m fencing remain proposed nearest the houses along the south west elevation to maintain a degree of privacy to rear gardens, the sections of fencing adjoining the listed building have been reduced to 1.5m to reduce the feeling of enclosure of the listed building. The effect of this must however be acknowledged to be somewhat limited as wider views of the listed building from this south west elevation remain substantially obscured by the built form of the houses and 1.8m fencing which remains for security and privacy essential to the outermost boundaries. Discussions are ongoing with the developer with regards the detailed design in this area and it is considered that further amendments will be required. Follow-up comments from the Council's retained adviser are awaited and Members will be updated accordingly at Committee. However, it must be acknowledged that the proposed development maintains the potential to cause some degree of harm to the setting of the heritage asset by bringing development closer to the building and that that harm is likely to be greater than considered in the grant of the outline planning permission. Members must therefore consider whether the wider benefits of the scheme are considered to outweigh any such level harm and that approval of the scheme can be justified on that basis.

### Canal Safeguarding and interface

The Halton UDP policy TP3 seeks to ensure that development does not prejudice the re-opening of disused public transport facilities including the Bridgewater Locks which connects the Bridgewater Canal to the Manchester Ship Canal. The UDP Proposals Map provides an indicative line for the safeguarding of the former canal defined as the Canal Safeguarding Area which runs along the north eastern boundary of the site. As part of the determination of the outline planning permission a line was agreed deemed to protect sufficient land within control of the then applicant and considered necessary to safeguard the line of the canal. This was secured by legal agreement to allow the land to be landscaped and managed as part of the proposed development but also to be transferred to the Council should a

viable scheme be developed for re-instating the canal in whole or in part. With hindsight the quality of that plan was poor. The current applicant has therefore sought to produce a more accurate and definitive plan to identify the line of the Canal Safeguarding Area and this has been agreed subject to minor amendments which are awaited. The applicant has therefore suggested that a new legal agreement, or deed of variation be made to reflect the updated plan. This will also be required to ensure that the parallel full planning permission is subject to the same obligations.

This land is shown as green space within the indicative layout/ landscape masterplan. Subject to final and agreement of detail through the layout and existing or updated legal agreement, it is considered that, for the land under the control of the applicant, not only are the proposals able to demonstrate compliance with the requirements of UDP Policy TP3 but also provide the Council with sufficient control over the land currently under private ownership to facilitate the implementation of the scheme in future. Members will be updated in this regard.

The Council's Design and Development Manager for Open Spaces has raised concerns regarding the interface of the proposed development with the protected canal corridor and the provision and maintenance of landscaping within the protected land. The indicative plan submitted with the outline application provided for houses fronting the line of the proposed canal. The current applications provide for properties backing onto the line of the canal currently showing a 1.8m high feather edge fence along its length. The applicant has argued that, due to minimum plot depths, to allow sufficient interface and garden provision, in relation to the dimensions of the developable area and the prohibitive cost of road construction with houses on one side only, this would not make efficient use of land and would make the scheme unviable. The plot depth argument is considered reasonable and to provide canal frontage development would appear to require the loss of a significant number of plots. The alternative could be to have properties with high boundaries and rear parking backing onto internal estate roads with which raises significant design issues.

The properties fronting the safeguarded canal land are, for a significant portion of its length, at a lower level. Albeit generally level where the canal land meets the access road at Old Coach Road, the line of the canal rises relatively steeply along this and hence the assumed historical reason for locks at this point. No detailed design for the future lock restoration is currently available. For much of its path, it is anticipated that the potential future canal will be raised in relation to the proposed houses and any rear boundary treatment. The submitted Landscape Masterplan indicates a good depth of tree and a native mix buffer planting to the intervening embankment which slopes down to the rear boundary of the proposed houses. Whilst the future lock restoration may subsequently require removal of areas of landscaping this is not clear at this stage. It is therefore considered that, balancing all of these factors, an appropriate relationship will exist between the future properties and what can be reasonably anticipated should the canal be re-opened. A landscape specification and management plan has been submitted for the scheme however final details will be agreed by condition.

Notwithstanding the above, in consultation with the Cheshire Police Designing out Crime Officer, the proposal for a 1.8m high feather edged timber fence along this

boundary is considered unacceptable. For such a location a high quality, more permanent and more durable solution is considered necessary. A 2.1m high brick wall has therefore been requested along this boundary and an amended plan has been provided by the applicant to this effect. This plan is currently being reviewed with respect to how this affects the sewer easement, whether minor amendments to the layout are required and/ or railings would be appropriate in certain locations. Members will be updated accordingly.

### Trees

The application is supported by an Arboricultural Impact Assessment. A Tree Preservation Order is in force with respect to trees immediately adjacent to the site adjoining Bridgewater House. These trees are on land under separate ownership but do overhang the site. One of these trees has failed and its felling has previously been agreed under exemption. Concerns raised regarding the incursion of proposed properties as originally submitted into the root protection area of these protected trees have been answered by the applicant. On that basis the Council's Open Spaces Officer has confirmed that, the proposed activity within the root protection area of the protected trees should be minimal and is therefore acceptable. Such incursion has been further reduced by subsequent amendment to the scheme.

Initial concern was raised with respect to the layout as originally submitted, the close proximity of plots to the protected trees and the resultant conflict with overhanging branches. The applicant had proposed that this should be resolved by a programme of regular pruning of overhanging branches. The scheme has however now been amended to increase separation from the protected trees. On that basis the Council's Open Spaces Officer has advised that, although there may be pressure from future residents to prune the trees, they should now be technically unaffected by the development proposal. It is therefore considered that the concerns initially raised by the Council's Open Spaces Officer and the Manchester Ship Canal Company have been sufficiently addressed and that refusal of planning permission could not be justified in this regard. It is advised that protective fencing for RPA's prescribed in the applications submitted tree documentation should be secured by planning condition.

The development will require the removal of a number of trees from within the site. The scheme also proposes the removal of 5-6m of woodland edge to provide a 2m stand-off from new rear garden boundaries. The Council's Open Spaces Officer has confirmed that none are judged worthy of statutory protection, that the proposed removal is acceptable and that sufficient provision has been made within the scheme for replacement planting. A landscape masterplan has been submitted with the application. Detailed planting and landscape details can be secured by appropriately worded planning condition.

### Ecology

In accordance with national and local planning policy, the application is supported by a detailed Ecological Assessment. Natural England has identified that the site lies in close proximity to the Mersey Estuary Site of Special Scientific Interest (SSSI), Ramsar site, Special Protection Area and Ramsar site. In line with concerns raised by Natural England in relation to impacts of demolition and construction noise on the

SSSI the applicant has provided a technical note on the construction noise prediction to inform the assessment of potential effects on the protected areas. Natural England has subsequently advised that their concerns regarding the impacts of construction disturbance to birds and their objections remain. Comments from the Councils retained adviser on ecology (Merseyside Environmental Advisory Service - MEAS) are awaited at the time of writing. The issues raised were addressed through determination of the outline planning application which was approved on the basis of advice from MEAS and of measures which could be secured via Construction Environmental Management Plan (CEMP). A CEMP has been submitted as part of the application documents and MEAS are expected to advise on its suitability accordingly. It is considered that this matter will likely be resolved by the awaited advice which may include a need for additional noise mitigation measures which could be adequately secured by planning condition. On that basis and in order to avoid delay in bringing the application to Committee it is advised that this matter, along with any other matters raised by MEAS, will be addressed by oral update at Committee.

### Noise and Other Amenity Issues

The application is accompanied by a Noise Impact Assessment. The survey indicates that the main source of sound affecting the site are distant road traffic noise, overflying aircraft and railway traffic. The site is adjacent to an existing industrial premises but noise from the site is deemed to be of low level, although occasional activities were audible.

The report concludes that, with standard glazing and alternative means of ventilation to be provided by positive input ventilation to each dwelling, suitable internal sound levels in order to meet the British Standard internal noise criteria can be achieved in all plots across the site. The report advises that suitable sound levels will be achieved with regards to outdoor amenity without need for further mitigation. It advises that the impact of noise from the adjacent industrial premises would be low and the proposed mitigation measures would adequately mitigate any impact. The Council's Environmental Health Officer has confirmed agreement with the report and that no objections are raised.

Objections were raised by the Manchester Ship Canal Company in relation to the original outline planning application. These were addressed as follows:

"With respect to other sources of pollution from the adjoining commercial uses such as dust and odour UDP Policy PR7 provides as follows:

*"Development near to existing sources of pollution will not be permitted if it is likely that those existing sources of pollution will have an unacceptable effect on the proposed development (as defined in Policies PR1, 4, 5, 6 13 and 14) and it is considered to be in the public interest that the interests of the existing sources of pollution should prevail over those of the proposed development."*

*In this regard no evidence has been provided that such forms of pollution are an inevitable result of essential activities by the adjoining commercial uses and necessary for the future of those commercial activities. No evidence has been*

*provided that such form of pollution, if they do exist, cannot be mitigated by appropriate management of those activities. It is considered that the benefits of the scheme in terms of regeneration and provision of much needed housing are considered to outweigh any benefits from the unrestricted activities of the adjoining commercial uses and any resultant nuisance from those activities in future can be controlled through other appropriate legislation.”*

In relation to the current applications they have sought to reiterate their concerns that that they expect that their “future operations would not be hindered in any way as a result of the proposed residential development. Further, that any future concerns should acknowledge that the port use existed prior to the proposed residential use, that they continue to raise concerns with regard to dust and noise and would request safeguarding provisions be put in place. The above response is considered to remain valid in relation to their restated concerns.

It is considered that construction impacts on adjoining existing residents can be minimised through implementation of the carrying out of development in accordance with the submitted CEMP including appropriate wheel wash provisions and by restricting construction and delivery hours. These can be secured by appropriately worded planning conditions.

#### Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and detailed drainage design. The application site lies entirely within an area at the lowest risk of flooding (Flood Risk Zone 1). The principle of residential development of the site has been previously agreed. Foul drainage is proposed to discharge to a sewer which crosses the site and this will be subject to approval United Utilities. Surface water drainage is proposed to be drained to the Manchester Ship Canal. Confirmation that approval for such discharge is available and at what rates have been requested from the applicant. In addition, further information has been requested relating to condition surveys of the existing outfall, groundwater monitoring to demonstrate that proposed finished floor levels are appropriate, flood risk calculations and information demonstrating that appropriate levels of filtration are also awaited. United Utilities has confirmed that they raise no objections in principle. They have however also recommended 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. 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 Environment Agency has raised no objection. On the basis that the above issues are addressed satisfactorily, the Lead Local Flood Authority (LLFA) raises no objection in principle. Members will be updated accordingly. Planning conditions are appropriate to require drainage and finished floor levels be carried out as approved.

## Contaminated Land

The application is supported by a phase 1 and 2 site investigation reports. The investigation included sampling of the soils, ground gases and groundwater. The reports have been reviewed by the Council's Contaminated Land Officer

The documents report on the findings of previous site investigations and reclamation works as well as a new phase of investigation and assessment. The site is historically associated with a series of docks, basins and canals that formed part of Runcorn Docks. These features were progressively infilled with wastes as the canal and that part of the docks fell into disuse.

In the late 1980s a reclamation scheme was undertaken that created a large level development plot by excavating the contaminated fill from the dock basins and backfilling with natural material taken from the eastern part of the site. It is noted that an easement around the large foul sewer that crosses the site meant that some contaminated material was left in situ. A warehouse was developed on the site, with the current ex-college building being constructed in the early 2000s.

Relatively minor soil contamination was identified which it is argued can be mitigated by installing a simple cover system to garden / landscaped areas (600 mm of certified clean top and sub soils). No significant contamination was identified with respect to groundwater.

A ground gas monitoring programme was completed and elevated concentrations of carbon dioxide and methane were detected. These findings are reported to be usual given the history and nature of infilling of docks. The reporting recommends gas protection in accordance with current guidelines, which can be achieved through a variety of options implemented during the build phase of the development.

The Council's Contaminated Land Officer has confirmed broad agreement with the investigations undertaken and the proposals for dealing with the potential land contamination risks to development. Clarification and additional detail has sought with respect to technical details within the submission and a scope of works for environmental inspection as works progress. Subject to response on these points no objections are raised in relation to the development proposals, but it is recommended that any approval is conditioned to require the following:

- The submission of the details of the gas protection measures to be installed prior to commencement of construction,
- A watching brief to be maintained with environmental engineer oversight of the earthworks (having a particular focus on the areas of the site within the sewer easement with some additional sampling to be undertaken to demonstrate that the proposed 600 mm cover system is still appropriate) and any adverse findings to be reported to the LPA and any necessary amendments to the remedial strategy to be submitted and agreed by the LPA;
- The submission of the verification reporting post-completion of the proposed remediation works including details of the cover system and gas protection measures installation.



An additional condition is also recommended relating to mechanisms for dealing with events where previously unidentified contamination is identified during the construction process.

It is considered that these measures can be addressed by suitably worded planning condition. The Environment Agency also raises no objection subject to previous advice given in relation to the grant of outline planning permission insofar as they are relevant to the reserved matters and informative referencing standing advice with respect to land contamination and risk to controlled waters.

### Archaeology

Cheshire Archaeology Planning Advisory Service (APAS) have previously advised that the proposed development is reported to lie on the site of the 19th-century complex of docks, locks, basins, wharves and warehouses which once surrounded Bridgewater House. Previous archaeological investigation of part of the site in 2002 encountered evidence for surfaces and walls surviving at a depth of up to 5m below the current ground surface. On that basis the earlier grant of outline planning permission was subject to a condition requiring submission and agreement of a programme of mitigation in the form of a watching brief.

Both applications are supported by an archaeological written scheme of investigation detailing the scope and methodology for the works. APAS have advised that they are satisfied that the submission provides the required archaeological mitigation for the area covered by the reserved matters application. With respect to the area covered by the application for full planning permission, APAS have confirmed that the south-eastern extent of the wider development area, which includes the application area of the full application, was the subject of a substantial programme of re-grading during the latter part of the 20th century, which is likely to have removed and/or damaged any below ground archaeological remains in this area. Therefore in this instance no further archaeological mitigation will be required within the area covered by this application.

### Waste

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. Policy WM9 of the Joint Merseyside and Halton Waste Local Plan requires submission of information with respect to provision of on-site waste storage and management. Comments from the Council's retained adviser on waste matters are outstanding. Members will be updated as required.

### Other Material Matters

Under normal circumstances the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5 and provision of open space in accordance with UDP Policy and the Open Space SPD.

Through the determination of the outline application it was identified that the land owner was Riverside College and that the stated purpose of the application was to “generate capital for the College to reinvest in the continued improvement and expansion of its retained campuses”. This benefit was secured by legal agreement and accepted in lieu of the benefits of securing affordable housing and/ or open space contributions. Variations to that agreement are required including in relation to the safeguarded canal land as outlined earlier in this report and to ensure that the new full planning permission is subject to the same restrictions. It is however recommended that this same degree of planning gain remains appropriate for the combined scheme.

### **CONCLUSIONS**

Two applications are submitted for the redevelopment of the overall site of the former Riverside College, Runcorn for a residential development with a combined total of 144 dwellings. Application 18/00176/REM is submitted pursuant to the previously approved outline planning permission for 120 dwellings. A parallel application 18/00174/FUL has been submitted for full planning permission for part of the site being approximately 1.8 acres for 24 dwellings to allow for an uplift in the total number of dwellings to 144. 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. As set out in this appraisal, the principle of residential development of the site is considered acceptable and has been established by the earlier grant of outline planning permission. The increase in numbers of dwellings by twenty four is not considered to raise significant, different or additional issues to justify refusal of planning permission in this case. The proposals have the benefits of potentially contributing much need housing in the borough in a sustainable location on a brownfield site close to the town centre whilst making a positive contribution to the regeneration of the area and safeguarding the route for the reinstatement of the Bridgewater Locks. The development also offers potential to generate capital for the college to invest in the continued improvement and expansion of its retained campuses in the Borough. Whilst a number of issues remain it is considered that these can be properly resolved through ongoing negotiation, amendment to the scheme and by response from the applicant and consultees. Members will be updated as required at Committee.

### **RECOMMENDATIONS**

For both applications 18/00174/FUL and 18/00176/REM

That the application is approved subject to:-

- (a) The entering into a Legal Agreement or other agreement for the maintenance of specified land in accordance with the landscaping requirements of the Permission and the transfer of that land to the Council upon written notice for the purposes associated with the reinstatement of the former Bridgewater Canal and that the College expend all of the net land receipts from the sale of the site to discharge debt in respect of improvements at land and property belonging to it.
- (b) For application 18/00174/FUL conditions relating to the following:
1. Specifying Approved Plans (BE1)
  2. Requiring development be carried out in accordance with the approved Construction Environmental Management Plan including measures for wheel cleansing facilities, construction vehicle access routes, construction parking and management plan, noise and dust minimisation measures. (BE1 and GE21)
  3. Materials condition, requiring the development be carried out as approved (BE2)
  4. Landscaping condition, requiring submission and approval both hard and soft landscaping, including native planting and replacement tree planting. (BE2)
  5. Boundary treatment condition requiring the development be carried out as approved. (BE2)
  6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
  7. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
  8. Requiring submission and agreement of a scheme of works for environmental inspection relating to further detailed site investigation/ mitigation/ verification (PR14)
  9. Requiring submission and agreement of gas protection measures (PR14)
  10. Requiring submission of a verification reporting post-completion of the proposed remediation works including details of the cover system and gas protection measures installation (PR14).
  11. Condition relating to unidentified contamination (PR14)
  12. Condition relating to on-site biodiversity requiring measures to be incorporated in the scheme to encourage wildlife including bird/ bat boxes to be carried out as approved (GE21)
  13. Drainage condition requiring development to be carried out as approved (BE1/ PR5)
  14. Condition relating to site and finished floor levels to be carried out as approved. (BE1)
  15. Condition requiring Site Waste Management Plan to be implemented through the course of the development (WM8)
  16. Submission and agreement of a sustainable waste management plan (WM9)

17. Condition relating to external lighting to be carried out as approved (PR4/GE21)
18. Condition requiring implementation of noise mitigation measures in accordance with the Noise Impact Assessment (PR7)
19. Condition requiring submission and agreement of details of interim landscaping and management for retained canal corridor (BE1)

For application 18/00176/REM conditions relating to the following:

1. Specifying Approved Plans (BE1)
2. Condition requiring implementation of noise mitigation measures in accordance with the Noise Impact Assessment (PR7)
3. Condition requiring implementation of the archaeological scheme of investigation throughout the course of the development (BE6)
4. Condition requiring submission and agreement of validation report in relation to archaeological scheme of investigation (BE6)
5. Conditions relating to tree protection (BE1)

( c ) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

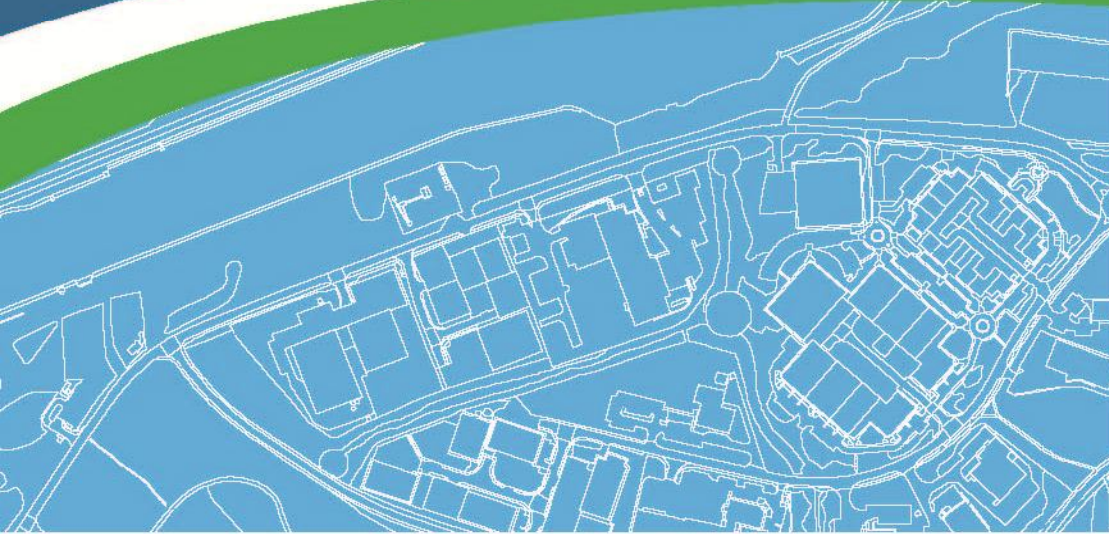
### **SUSTAINABILITY STATEMENT**

As required by:

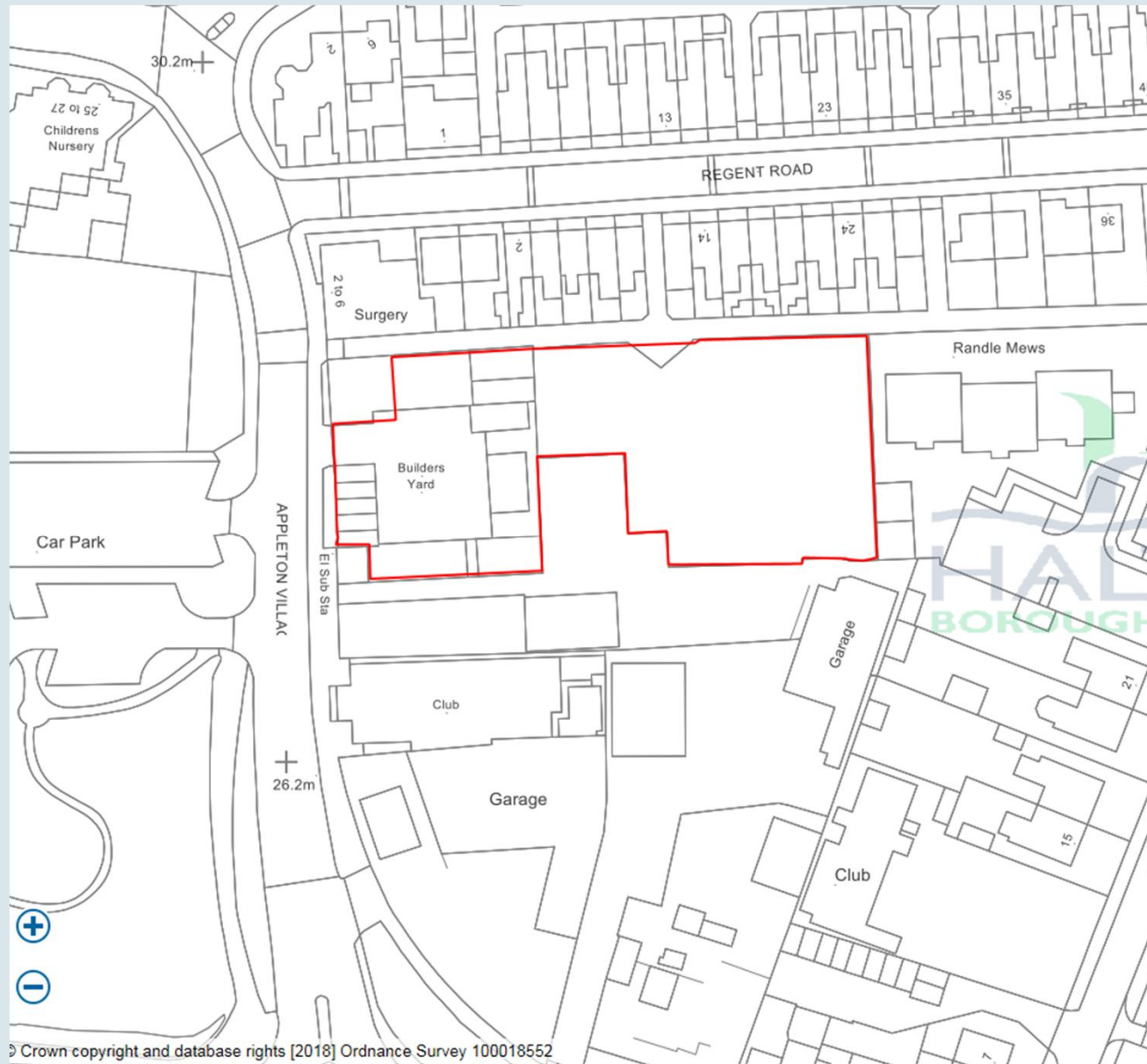
- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

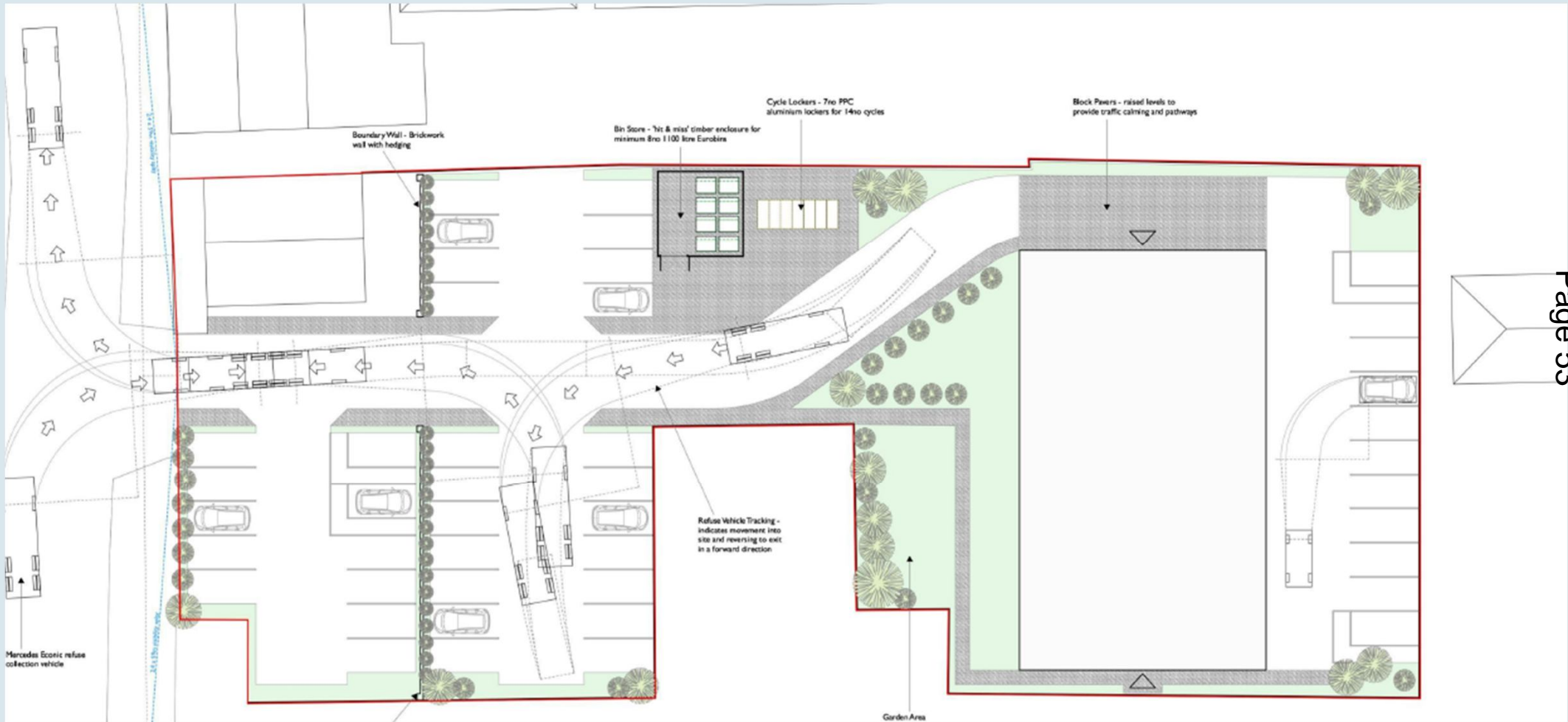
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

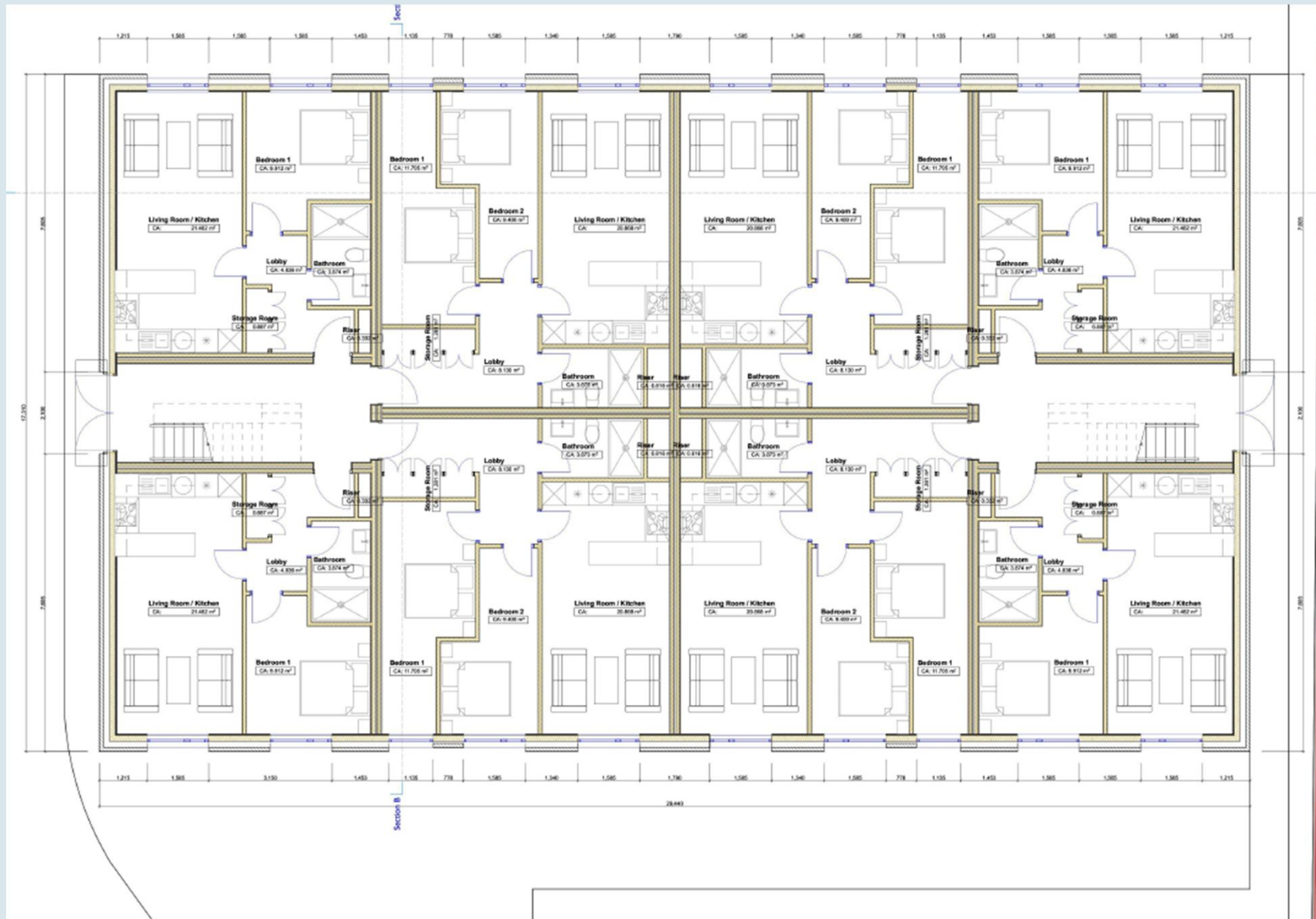








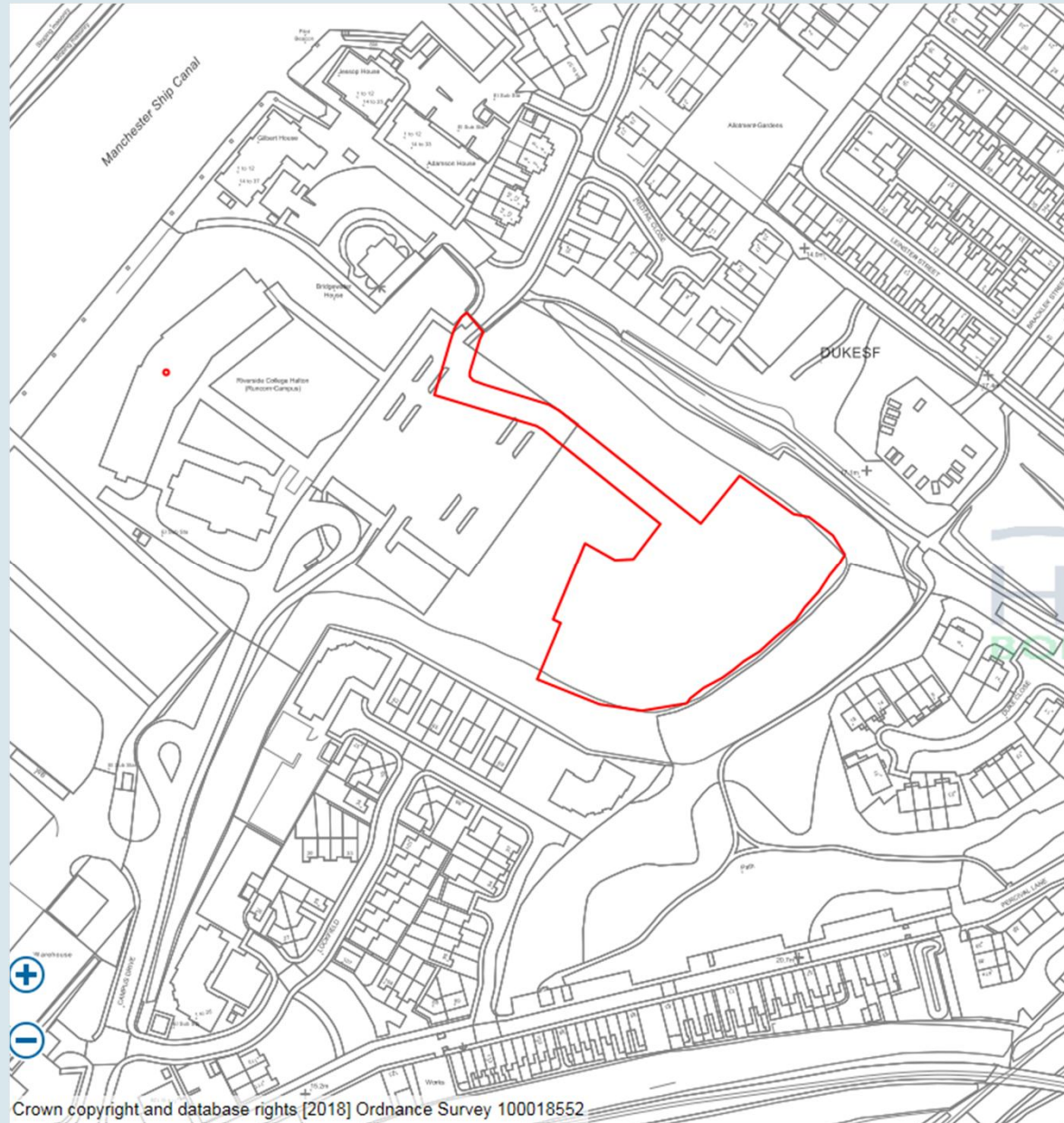
















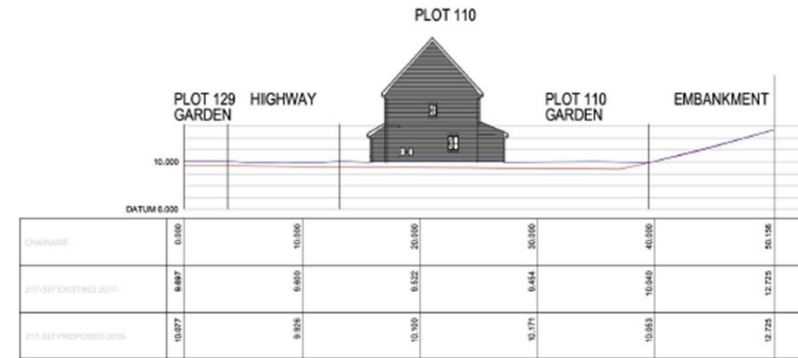








SECTION 1



SECTION 2











