

Public Document Pack



Development Control Committee

Monday, 5 October 2020 6.30 p.m.

To be held remotely - please contact below for access



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 Zygadlo

*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, 2 November 2020*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
3. URGENT DECISIONS	4 - 6
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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, 27 July 2020 via remote access

Present: Councillors Nolan (Chair), Morley (Vice-Chair), Carlin, R. Hignett, V. Hill, J. Lowe, C. Plumpton Walsh, June Roberts, Thompson, Woolfall and Zygadllo

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant and I. Dignall

Also in attendance: Councillor Philbin, Mr Moorehouse and one member of the press

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

	<i>Action</i>
DEV1 MINUTES	
<p>The Minutes of the meeting held on 3 March 2020 were taken as read and signed as a correct record.</p>	
DEV2 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> <p><i>Councillors Carlin and Zygadllo were excluded from voting on the item as they had joined the meeting late and missed both Officers' presentations to the Committee.</i></p>	
DEV3 - 19/00534/FUL - PROPOSED DEMOLITION OF EXISTING PHARMACY AND CONSTRUCTION OF MIXED DEVELOPMENT COMPRISING 12 NO. TWO BEDROOM APARTMENTS AND COMMERCIAL UNIT (USE CLASS A1) AT GROUND FLOOR TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ANCILLARY WORKS AT APPLETON VILLAGE PHARMACY, APPLETON VILLAGE, WIDNES, CHESHIRE	

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

The Planning Officer advised the Committee that the main considerations were all set out in the officer report, with the main issue being around parking. It was noted that Highways Officer and the Planning Officer had differing recommendations for the application and the Planning Officers provided details of the Highway Authority's objection and balanced this with other material considerations which led to a recommendation to approve the scheme.

The Highway's Authority Officer addressed the Committee and advised that the provision of parking on the application represented a reduction in basic standards to flats, and if approved would set a new precedent in relation to this. He added that the area already had high volumes of traffic from cars and pedestrians and the lack of parking would pose a danger to highway safety.

In response the Planning Officer advised Members that as per the Council's Unitary Development Plan (UDP) the Council did not have minimum parking standards and this application included the maximum number of spaces required for the number of flats. He added that the site was in a highly sustainable area near the Town Centre and public transport links were excellent. Members were also asked to consider that the peak use for the apartments was likely to be in the evening and weekend, when demand for the car park opposite the site would be at its lowest. He advised that refusal of the scheme could not be sustained when taking into consideration the above and also the benefits in terms of housing provision and visual improvements to the site.

The Committee was then addressed by Mr Moorehouse, the applicant. He advised that they had complied with all HBC planning requirements including parking and had reduced the scheme from 17 to 12 units in response to concerns of Highways. He added that they had included the pharmacy due to public support for this and reiterated comments made already regarding sustainability of the site and that the parking facilities would be more than adequate and serve the customers of the pharmacy and residents of the flats.

Councillor Philbin, Ward Councillor for Appleton, then addressed the Committee objecting to the application. He stated that the application was not just about parking and

referred Members to the joint letter of objection he had forwarded with his Ward colleagues, appended to the report. He objected due to the high volume of traffic already in the area due to the St Bedes School, Church and GP surgery which results in continuous high levels of traffic, not peaks as reported. He urged the Committee to refuse the application as this would add another 12 apartments to the existing 24 and exacerbate the situation.

Members commented on the conflicting recommendations given by the Planning Officer and the Highways Officer. They discussed the transport statement submitted, parking concerns, highway safety issues, accident data in the area and the proposed introduction of a cycle lane in the future.

One Member moved a refusal on the following grounds:

The cumulative level of parking provided across the proposed development would be detrimental to highway safety and pose a danger to pedestrians. The application would overload the capacity of the surrounding highway network. The proposal was therefore contrary to Policies BE13C, TP12 and TP17 of the Halton Unitary Development Plan and paragraph 102 of the National Planning Policy Framework.

The motion was seconded and carried, and the Committee voted to refuse the application.

RESOLVED: That the application be refused on the ground outlined above.

Meeting ended at 6.00 p.m.

REPORT TO:	Development Control Committee
DATE:	5 th October 2020
REPORTING OFFICER:	Chief Executive
PORTFOLIO:	Physical Environment
SUBJECT:	Urgent Decisions
WARDS:	Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To bring to the attention of Development Control Committee urgent decisions taken.

2.0 RECOMMENDATION:

- 2.1 That the report is noted.

3.0 SUPPORTING INFORMATION

- 3.1 The Council's Constitution gives authority to the Chief Executive to take urgent decisions which are required before the next formal meeting of the Committee.

These must be made in consultation with the Leader of the Council where practicable, with the Operational Director – Finance and/or Operational Director – Legal and Democratic Services where necessary and the Chair and Members of the Development Control Committee. They must also be reported for information to the next practically available meeting of the Committee.

- 3.2 The absence of meetings of Development Control Committee during the COVID19 crisis has meant that a number of urgent decisions have been necessary. More information on each can be found on the Council's website here:

<http://councillors.halton.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

- 3.3 The urgent decisions taken since the last meeting of Development Control Committee are attached at Appendix 1.

4.0 POLICY IMPLICATIONS

- 4.1 There are none other than the constitutional requirement to report urgent decisions for information.

5.0 OTHER IMPLICATIONS

- 5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 The report is for information, and there are no risk issues arising from it.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 No background papers have been used in the preparation of this report. Further information on the decisions taken is available from the link in paragraph 3.2.

Appendix 1

Date Decision taken	Decision details
24 April 2020	Land at Tudor Road, Runcorn. Proposed new build warehouse for use classes B1, B2 and B8 with associated ancillary works.
20 July 2020	Land South of Mathieson Road, Viking Park, Mathieson Road. Proposed erection of storage and distribution building (Use Class B8) including ancillary integral offices, associated access, parking, servicing and ancillary works.
2 September 2020	Cronton College To approve proposed demolition, refurbishment and extension to two areas to provide 24 classrooms, one tutorial room, 3 staff rooms, general store, male and female changing facilities, student WC's, staff WC and shower room, remodelled circulation spaces including new stairs and lifts and enhancements to external elevations including replacement of windows and doors.

REPORT TO: Development Control Committee

DATE: 5 October 2020

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
17/00468/FUL (page 9)	Proposed demolition of Pavilions clubhouse followed by development comprising 139 dwellings with associated ancillary development.	The Pavilions, Sandy Lane, Runcorn, WA7 4EX
18/00516/OUT (page 67)	Application for Outline Planning Permission (with landscaping reserved) for proposed development of 27 No. Apartments (consisting of 19 No. 2 bed and 8 No. 1 bed) and 31 associated car parking spaces.	Former Hallwood Raven Pub at Eagles Way, Halton Lea, Runcorn
20/00053/REM (page 82)	Application for approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) of outline permission 17/00602/OUT.	Land to the east of 137 Runcorn Road, Moore, Cheshire, WA4 6UQ
20/000241/FUL (page 94)	Proposed construction of 15 no. 1 bed apartments for assisted living (use class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works	The Croft, 1 Halton Lodge Avenue, Runcorn, WA7 5YQ
20/000329/P3JPA (Page 108)	Prior notification for proposed change of use of offices (use class B1) to 108 no. residential	Halton 5, Northway, Runcorn, Cheshire, WA7 2HF

<p>& 20/000354/COU</p>	<p>apartments (use class C3) (PRIOR APPROVAL APPLICATION)</p> <p>AND:</p> <p>Proposed change of use of part of the ground floor and third floor from offices into 5 residential apartments, residents gym and external alteration (PLANNING APPLICATION)</p>	<p>Halton 5, Northway, Runcorn, Cheshire, WA7 2HF</p>
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APPLICATION NO:	17/00468/FUL
LOCATION:	The Pavilions, Sandy Lane, Runcorn, WA7 4EX.
PROPOSAL:	Proposed demolition of Pavilions clubhouse followed by development comprising 139 dwellings with associated ancillary development
WARD:	Heath
PARISH:	None
APPLICANT:	MJ Gleeson.
AGENT:	Mr Mark Saunders, NJL Consulting, 8 Ashbrook Office Park, Longstone Road, Manchester, M22 5LB.
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Greenspace (Playing Fields - Private) – ENTIRE SITE and Environmental Priority Area – PART OF THE SITE - Unitary Development Plan Proposals Map.
DEPARTURE	Yes.
REPRESENTATIONS:	Sixty eight representations have been received from the publicity given to the application.
KEY ISSUES:	Development on a designated Greenspace, Protection of Outdoor Playing Space for Formal Sport and Recreation, Access, Noise, Air Quality, Affordable Housing, Open Space.
RECOMMENDATION:	That delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make the decision subject to conditions once the following have occurred: A Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council has engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary; The satisfactory completion of a Section 106 agreement to secure the following and also

	<p>to remove the Sport England holding objection:</p> <ul style="list-style-type: none">• £525,330 payment to mitigate for the loss of playing fields;• £45,151.86 payment in lieu of on-site open space provision;• £3,000 payment to fund local future road safety or traffic management schemes. <p>The application not being called in by the Secretary of State following referral to the Health and Safety Executive.</p>
<p>SITE MAP</p>	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is The Pavilions located on Sandy Lane in Runcorn. The site comprises of the Pavilions club building, playing fields and bowling greens with the northern part of the site occupied by Runcorn Town FC which comprises one football pitch and associated facilities. The site is 6.67ha in area. Access to the site is from Sandy Lane.

The site is bound by Sandy Lane to the south, Picow Farm Road to the west and the Western Point Expressway to the east. The areas to the south and east of the site are predominantly residential in nature, whilst the areas to the west and north are predominantly industrial in nature.

The site is designated as Greenspace (Playing Fields - Private) on the Halton Unitary Development Plan Proposals Map. The northern part of the site (to the north of the bowling greens and occupied by Runcorn Town FC) is located within an Environmental Priority Area as designated on the Halton Unitary Development Plan Proposals Map.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the area occupied by the bowling greens and Runcorn Town FC as Greenspace with the remainder of the application site being a proposed residential allocation. This is now a material planning consideration, however at this point carries very little weight in the determination of this planning application.

1.2 Planning History

The site has some planning history with the more recent applications being as follows:

- 00/00658/FULTEL - Proposed replacement of existing 15m high monopole mast with a 20m high lattice tower with 12 No. antenna and associated fencing – Granted.
- 01/00421/TEL - Prior notification in respect of 15 metre high monopole mast, antenna and equipment – Approval Not Required.
- 04/00766/FULTEL - Proposed replacement of existing 15m monopole with a 20m high monopole, additional 3 No. antenna and associated development – Granted.
- 09/00201/FUL - Proposed installation of new floodlights around football ground – Granted.
- 13/00313/FUL - Proposed creation of new access to football ground from Picow Farm Road – Withdrawn.
- 14/00059/FUL - Create access route and car park to football ground, from Picow Farm Road – Granted.

2. THE APPLICATION

2.1 The Proposal

Proposed demolition of Pavilions clubhouse followed by development comprising 139 dwellings with associated ancillary development.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Flood Risk Assessment, Air Quality Assessment, Extended Phase 1 Habitat Survey, Bat Survey & House Martin Report, Phase 2 Geo Environmental Assessment, Ground Gas Risk Addendum, Noise Assessment, Transport Assessment, Travel Plan, Arboricultural Impact Assessment, Maximising Security Through Design, Heritage Statement, Statement of Community Involvement, Runcorn Area Playing Fields Assessment and Strategy, Mitigation Strategy.

3. POLICY CONTEXT

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Greenspace (Golf Course) on the Halton Unitary Development Plan Proposals Map. A Potential Greenway which would be primarily along the eastern boundary of the application site is also shown on the Halton Unitary Development Plan Proposals Map.

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;
- BE3 Environmental Priority Area;
- BE5 Other Sites of Archaeological Importance;
- BE22 Boundary Walls and Fences;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE10 Protection of Linkages in Greenspace Systems;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;

- H3 Provision of Recreational Greenspace;
- LTC5 Protection of Community Facilities;
- PR1 Air Quality;
- PR4 Light Pollution and Nuisance;
- PR8 Noise Sensitive Developments;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessment;
- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- TP18 Traffic Management;
- TP19 Air Quality.

3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS7 Infrastructure Provision;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS21 Green Infrastructure;
- CS22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

3.3 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 of New Development.

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.4 Halton Borough Council – Affordable Housing Supplementary Planning Document.

This SPD seeks to provide greater certainty and clarity for all parties involved in the delivery of affordable housing in Halton through the planning system. The National Planning Policy Framework¹ requires local authorities to assess and meet the full needs for affordable housing in their housing market area.

3.5 Halton Borough Council – Design of Residential Development Supplementary Planning Document.

The purpose of the Design of Residential Development Supplementary Planning Document (SPD) is to provide additional practical guidance and support for those involved in the planning and design of residential development within Halton. It will also be used by the Council in its assessment of applications for planning permission for schemes of residential development or mixed use schemes containing a residential element.

3.6 Halton Borough Council – Planning for Risk Supplementary Planning Document

1.1 The purpose of this Supplementary Planning Document (SPD) is to:

- complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:
 1. deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
 2. deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;
- explain in more detail how UDP policies should be interpreted.

1.2 The reduction in the potential for certain land uses (hazardous installations and Liverpool Airport) to create harm through accidents to people or the environment outside the boundary of these land uses is a sustainable objective of this SPD as is the improved potential to create a safe, healthy and prosperous economy, environment and society.

3.7 Halton Borough Council – Provision of Open Space Draft Supplementary Planning Document

The purpose of this Draft Supplementary Planning Document (SPD) is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within the borough. Specifically, it will help provide;

- a) Networks of high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
- b) An appropriate balance between new provision and the enhancement of existing provision;
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of the Local Planning Authority in respect of open space, sport and recreation provision to serve new residential developments.

3.8 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states so that *sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:*

The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

Determining Applications

Paragraph 47 states that *planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.*

3.9 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4. CONSULTATIONS SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions and the contribution towards local future road safety or traffic management schemes.

4.2 Contaminated Land Officer

No objection to the proposed development subject to a condition.

4.3 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

4.4 Environmental Protection

No objection to the proposed development.

4.5 Open Spaces – Trees/Design & Development

No objection to the proposed development subject to conditions.

4.6 Conservation & Design Advisor / Archaeological Planning Advisor

No objection to the proposed development subject to a condition.

4.7 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

The Council's satisfactory adoption of a Habitats Regulations Assessment along with the attachment of the conditions suggested would ensure that no objection to the proposed development is raised.

4.8 Sport England

Sport England will be in a position to formally withdraw the objection once a signed s106 securing the necessary mitigation has been submitted, after consultation with Sport England.

4.9 Environment Agency

No objection to the proposed development.

4.10 Natural England

No objection to the proposed development.

4.11 Health and Safety Executive

The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

4.12 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site.

4.13 United Utilities

No objection to the proposed development subject to conditions.

5. REPRESENTATIONS

5.1 ORIGINAL CONSULTATION IN 2017 - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 05/10/2017, three site notices posted on Picow Farm Road, Sandy Lane and Russell Road on 06/10/2017 and six hundred and forty-eight neighbour notification letters sent on 28/09/2017.

5.2 FURTHER CONSULTATION ON AMENDED SUBMISSION IN 2020 - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 30/05/2020, four site notices posted on Picow Farm Road, Sandy Lane and Russell Road on 21/05/2020 and six hundred and sixty-five neighbour notification letters sent on 21/05/2020.

5.3 A total of sixty-eight representations from forty-seven contributors have been received from the publicity given to the application. A summary of the issues raised is below:

- What are the access arrangements?
- Sandy Lane is not well designed and a danger to users;
- There is no vehicular access on to Picow Farm Road. This would make sense in terms of accessibility;

- The emergency access onto Picow Farm Road should be open permanently;
- Concerns on how a fire appliance will access the site;
- Can the Council promise to create off-road parking for the terraced houses on Sandy Lane?
- There would be significant increases in traffic volumes;
- Traffic calming should be introduced on Sandy Lane;
- A school/pedestrian crossing is required on Sandy Lane;
- The junction on Picow Farm Road with Barlow Way should be modified to allow for greater manoeuvrability of vehicles;
- Parking for the bowling greens and football field must be accommodated as well as alternative community greenspace provision;
- Dedicated parking should be provided for the bowling club;
- The amount of parking for Ruincorn Town FC needs to be reviewed;
- There is insufficient parking proposed for the new houses;
- Public transport is not great especially later in the day;
- Vehicular access from Picow Farm Road to the site should be available during the construction stage;
- Is there adequate capacity for surface water and foul drainage?
- How will the site be drained? The existing system is not up to the extra capacity;
- Loss of privacy and open aspect;
- Concerns over excessive density and quality of development;
- Disturbance during construction;
- Is there capacity in local schools and GP surgeries to accommodate the residents of the new homes?
- The adjacent incinerator is already a nightmare for local residents in terms of noise and vermin;
- The area has one of the worst cancer rates and residents' health would be put at risk;
- The site is within the Inovyn/Mexichem COMAH zone stipulated by the HSE;
- Paragraph 8 of the National Planning Policy for Waste is clear on the protection that ERF (Energy Recycling Facility) should be afforded;
- Loss of designated Greenspace, greenery and the only open space in Weston Point;
- There is policy protection for Outdoor Playing Space for Formal Sport and Recreation;
- The land could be put to better use for the community (play area, football court, community garden etc.);
- The former ICI rec was sold with the purpose to guarantee sports and social facilities;

- Widnes has a wide and balanced range of sporting facilities. Should Pavilions be taken away, Runcorn will suffer;
- Loss of a local club which brings the community together;
- The Pavilions has been stripped of its assets to make it undesirable;
- No community projects will benefit from the proposal;
- Weston Point is a neglected area with a lack of facilities;
- The type of people who would occupy the dwellings reinforces the theory that Weston Point would end up a ghetto;
- The amount of social housing is having a massive impact on the area;
- This proposal will result in additional Council Tax for Halton Borough Council;
- Can the Council guarantee that money will be spent improving Weston Point if the proposal goes ahead?
- What improvements to sporting facilities in the immediate locality are proposed from S106 funding?
- A financial contribution commensurate with the scale of the loss of playing fields is required;
- There has been a lack of engagement with Runcorn Town FC;
- The applicant is not authorised to make an offer of a long term lease to Runcorn Town FC and the bowling club;
- Long term leases for Runcorn Town FC and the bowling club should be conditioned on the planning permission;
- The Runcorn Town FC pitch and the bowling greens should be protected by covenant;
- Compensation should be invested into Runcorn Town FC to provide an all-weather sporting hub and community building;
- How will the proposal impact on the nature reserve at Runcorn Hill?
- Reduction in property values;
- Lack of public consultation on the application;
- Increased air pollution;
- The air quality assessment does not consider the potential for minor fugitive emissions from the ERF operations and the potential impact on residential properties;
- An air quality monitor was moved from Picow Farm Road a matter of months after it started to display readings which if they continued would have required the Council to take action;
- The Planning, Noise and Vibration Assessment is flawed because it states that waste deliveries are not permitted at night;
- The new houses would likely experience noise levels above those set out in the Permit and above WHO recommended levels;
- No evidence has been provided to demonstrate that the residential use is compatible with neighbouring waste related operation.

6. ASSESSMENT

Key Policy Consideration leading to Principle of Development Assessment

6.1 Development on a Greenspace Designation

The site is designated as Greenspace (Playing Fields - Private) on the Halton Unitary Development Plan Proposals Map.

Protection is provided to designated Greenspaces within Policy GE6 of the Halton Unitary Development Plan and there is a presumption against development unless it is ancillary to the enjoyment of the Greenspace.

Policy GE6 does however set out some exceptions which may be made where the loss of the amenity value, which led to the designation of the site as greenspace is adequately compensated for. Policy GE6 sets out the following:

Loss of amenity value may be compensated for where either of the following criteria can be satisfied:

a Development on part of the site would fund improvements that raise the overall amenity value of the greenspace, as measured against the criteria for designation of greenspace set out in the justification to this policy. In assessing whether a proposal would raise the overall amenity value of the site, consideration will also be given to the extent to which accessibility to and through the site, including linkages with other greenspaces, would be improved.

b The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace. In assessing whether a proposal would significantly improve the amenity value of a nearby greenspace, consideration will be given to the extent to which the quality and accessibility of the space would be enhanced.

c No proposal should result in a loss of amenity for local residents by forcing them to travel to a less convenient location.

d In all exceptional cases there would have to be clear and convincing reasons why development should be permitted or that loss of amenity value could be adequately compensated.

6.2 Protection of Outdoor Playing Space for Formal Sport and Recreation

Policy GE12 of the Halton Unitary Development Plan relates to the Protection of Outdoor Playing Space for Formal Sport and Recreation and is

supplementary to Policy GE6 which relates generally to designated Greenspace.

Within the justification for the policy, it is explained that the definition of outdoor playing space for formal sport and recreation adopted by the Council for purpose of assessing adequacy of provision is based on the National Playing Fields Association (NPFA) definition of formal youth/adult playing space set out in "The Six Acre Standard" (1992).

The operating name of the NPFA is now Fields in Trust. The latest guidance is 'Guidance for Outdoor Sport and Play – Beyond the Six Acre Standard – England' which is dated October 2015.

Playing pitches are one of a number of open space typologies which are considered to be formal outdoor space and Policy GE12 of the Halton Unitary Development Plan as worded below is relevant to the determination of this application.

Development that would result in the loss of outdoor playing space for formal sport and recreation, such as pitches, courts, greens and athletics tracks, whether in public, private or educational use, will not be permitted unless one or more of the following criteria can be satisfied:

- a) A carefully quantified documented assessment of current and future needs for the school/ educational establishment or local community, has demonstrated that there is an excess of playing field provision and the site has no special significance to the interests of sport.*
- b) The existing facilities are of a poor quality and are underused and development on a small part of the playing space would fund improvements that significantly enhance the quality of these facilities and enhance the potential for the increased usage of the site for outdoor sports and recreation, provided that the development will not affect land forming part of a playing pitch, bowling green or tennis court, (outside a residential curtilage) including any safety margins or the loss of any other sporting/ancillary facility on the site nor reduce the size of the site to an extent which restricted its reasonable use, taking into account longer-term needs of the local community.*
- c) The developer provides a suitable replacement facility, at least equivalent in terms of quantity and quality, and which is in place prior to the existing site being lost.*

6.3 National Planning Policy relevant to Development on a Designated Greenspace

Paragraph 97 of the National Planning Policy Framework (NPPF) states that:

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

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The scope of Paragraph 97 is broad and whilst the terminology used differs from that in the Unitary Development Plan (Open Space rather than Greenspace), it is considered that the site's use as playing fields fits within this definition and is therefore a material consideration in the determination of this application.

6.4 Environmental Priority Area Designation

The northern part of the site (to the north of the bowling greens and occupied by Runcorn Town FC) is located within an Environmental Priority Area as designated on the Halton Unitary Development Plan Proposals Map.

Policy BE3 of the Halton Unitary Development Plan is relevant to Environmental Priority Areas and states the following:

Within the Environmental Priority Areas the Council will pay particular regard to significantly raising environmental standards:

a) Proposals for development will be expected to be of a quality of design that enhances the character and appearance of that area.

b) Development adjacent to or visible from the main road and rail transport routes should be of a high quality of design in terms of landscaping, boundary treatments and facing materials.

6.5 Principle of Development

The relevant policy on which the principle of development needs to be assessed is set out in paragraphs 6.1 to 6.4 above. Paragraph 47 of NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is considered that the development plan policies referenced are in general conformity with the NPPF and full weight should be given to these.

POLICY GE6 of HALTON UNITARY DEVELOPMENT PLAN

Firstly considering Policy GE6 of the UDP, the proposal would result in approximately 4.62ha of the 6.6ha site which is designated Greenspace being developed for residential purposes.

The justification for Policy GE6 sets out a criteria on which the amenity value of a greenspace is measured.

The table below will consider the impact that the proposed development would have on the amenity value of this designated greenspace.

AMENITY VALUE OF GREENSPACE	IMPACT OF THE PROPOSED DEVELOPMENT
An important link in the greenspace systems.	This designated greenspace is not directly connect to another greenspace and therefore does not form an important link in the greenspace systems.
An important link in the strategic network of greenways.	The site does not form part of any existing, proposed or potential greenways and is not part of the strategic network of greenways in Runcorn.
Value for organised sport and recreation.	The site currently comprises playing field with capacity for a number of playing pitches including the pitch used by Runcorn Town FC (one of the town's main football clubs). The site is also home to a bowling club which has two bowling greens. The site therefore has value for organised sport and recreation. The proposed residential development would have an impact on the amenity value of the site by virtue of the loss of some of the playing pitches.
Value for informal or unorganised recreation.	This site is currently in private ownership and is not available for informal or unorganised recreation. The development of the site for residential purposes would create some opportunities within the site for informal or unorganised recreation. The proposed development would therefore not compromise the site's value for informal or unorganised recreation.
Value for children's play, either as an equipped playing space or more casual or informal playing space.	This site is currently in private ownership and is not available for children's play. The development of the site for residential purposes would create some opportunities within the site for informal children's play. The proposed development would therefore not compromise the site's value for children's play.

Value as an allotment.	This site is not used as an allotment. The proposed development would therefore not compromise the site's value as an allotment.
Wildlife and landscape interest.	<p>The site is predominantly amenity grassland and which is low value habitat. The supporting document demonstrates that the proposal would not cause unacceptable harm to a species or flora or fauna protected under national or international legislation.</p> <p>The site currently has a number of trees located on it. The majority are located at the perimeter of the site and would be retained as part of the proposed development. There would be some trees which would need to be removed to implement the proposed development, however it is considered that the proposed landscaping scheme would adequately compensate for the loss.</p> <p>It is therefore considered that the site's wildlife and landscape interest would not be compromised by the proposed development.</p>
Value for an existing or potential role as part of the Mersey Forest.	The map accompanying Policy GE28 'The Mersey Forest' of the Halton Unitary Development Plan states that the site is in a Built Area and that open space will be targeted for planting. The application is accompanied by an appropriate landscaping scheme which ensures compliance with Policy GE28 and that the site's value as part of the Mersey Forest would not be compromised by the proposed development.
Value for environmental education	This site is currently in private ownership and is not available for environmental education. The proposed development would therefore not compromise the site's value for environmental education.

Visual amenity value (such as providing a visual break or visual variety in an otherwise built up area)	This site is one of few greenspaces within Weston Point and whilst landscaped to its periphery, it does provide a visual break in an otherwise built up area. The proposed development would result in a significant proportion of the site being developed for residential purposes which would have an impact on the visual break that the site currently provides.
Its structural value, such as defining local communities or providing a buffer between incompatible uses (such as noise attenuation zones)	The site is not considered to be buffer between incompatible uses.
The enhancement of the attractiveness of the area.	The site is a greenspace which provides a visual break in the built up area. The proposed development would have an impact on the visual break which currently exists, however the overall attractiveness of the area would not be compromised if a well-designed residential development were to be implemented.
A contribution to the health and sense of well-being of the community.	The site is a greenspace used for sport and recreation and therefore contributes to the health and well-being of the community. The proposed development would result in a significant proportion of the site being developed for residential purposes which would have an impact on the health and sense of well-being of the community.

The above table demonstrates the amenity values that result from the designated Greenspace and how the proposed development would impact on these. It is evident that a loss of amenity value would result if the proposed development were to be permitted on this site.

Where a loss in amenity value would result, there are exceptions set out in Policy GE6 which indicate where a loss in amenity value may be adequately compensated for.

The applicant acknowledges that the proposal would result in the loss of amenity value as is highlighted in the assessment above with the key value being for organised sport and recreation. The applicant has presented a mitigation strategy to compensate for the loss which has been informed by the Runcorn Area Playing Pitch Assessment that they have undertaken. The

applicant is of the view that their proposal meets exception b) of Policy GE6 as set out at paragraph 6.1.

POLICY GE12 OF THE HALTON UNITARY DEVELOPMENT PLAN

The proposed development would result in the loss of outdoor playing space for formal sport and recreation. In the absence of an up to date Halton Borough Council Playing Pitch Assessment, the applicant has undertaken their own Runcorn Area Playing Pitch Assessment which looks at the requirements for the area. The conclusion of the report is that there is no requirement for grass pitches to be reinstated and that the part of the Sandy Lane site proposed for development does not need to be protected for Sport, however investment to satisfy both wider planning policy and Sport England policy would be better invested into qualitative improvements in the Runcorn area as they set out in the report to ensure the quantitative requirements for Runcorn are met.

Based on the mitigation strategy presented, the applicant considers that the proposal would fund improvements that would significantly enhance the quality of facilities outlined in the Runcorn Area Playing Pitch Assessment which would ensure that quantitative demand for playing pitches is not compromised to ensure compliance with exception b) of Policy GE12 as set out at paragraph 6.2.

PARAGRAPH 97 OF THE NATIONAL PLANNING POLICY FRAMEWORK

The site's use as playing fields fits within this definition set out in paragraph 97 of NPPF. The applicant has presented a mitigation strategy that would ensure the loss resulting from the development would be replaced by better provision in terms of quality which would ensure that the quantitative demand in the Runcorn area would not be compromised as a result of the proposed development.

Sport England are satisfied that the proposal meets exception b) within paragraph 97 of NPPF and have stated that they will be in a position to formally withdraw the objection once a signed s106 agreement securing the necessary mitigation has been agreed, after consultation with Sport England.

POLICY BE3 OF THE HALTON UNITARY DEVELOPMENT PLAN

The development proposed which would be located within the Environmental Priority Area would comprise of the access to Runcorn Town FC and its associated parking provision. This proposal gives Runcorn Town FC a dedicated access point from Picow Farm Road rather than the existing access arrangements through the wider Pavilions site and through the provision of appropriate boundary treatments, landscaping and signage, has the potential to enhance the area, particularly as viewed from Picow Farm Road. It is considered that the proposed development would raise environmental standards in this particular location in accordance with Policy BE3 of the Halton Unitary Development Plan.

PRINCIPLE OF DEVELOPMENT CONCLUSION

The proposed development would result in the loss of designated greenspace with the amenity values highlighted as well as the loss of playing field. The applicant has undertaken their own Runcorn Area Playing Pitch Assessment which looks at the requirements for the area. The conclusion of the report is that there is no requirement for grass pitches to be reinstated and that the part of the Sandy Lane site proposed for development does not need to be protected for Sport, however investment into qualitative improvements in the Runcorn area as they set out in the report to ensure the quantitative requirements for Runcorn are met. It is considered that the qualitative improvements proposed would ensure that the proposal is compliant with Policies GE6 and GE12 of the Halton Unitary Development Plan and Paragraph 97 of the National Planning Policy Framework. The necessary mitigation would be need to be secured by Section 106 agreement to the satisfaction of Sport England to remove their holding objection. The proposed development falling within the Environmental Priority Area would raise environmental standards in this particular location in accordance with Policy BE3 of the Halton Unitary Development Plan. The proposed development is therefore considered to be acceptable in principle.

6.6 Proposed Ancillary Development

The site comprises of two bowling greens and the northern part of the site which is occupied by Runcorn Town FC which would continue to be used for the same purpose. Parking and access arrangements for both elements would altered as a result of the proposed residential development.

A new vehicular access serving Runcorn Town FC is proposed from Picow Farm Road which would lead to a new parking area compromising 60no. parking spaces. Detail regarding the means of enclosure of this area and associated landscaping should be secured by condition to ensure satisfactory appearance.

The bowling greens would be accessed through the new residential development and would have a dedicated parking area adjacent comprising of 16no parking spaces.

Both elements referred to are considered to be ancillary to the enjoyment of the designated greenspace and are considered acceptable in principle in accordance with Policies BE22 and GE6 of the Halton Unitary Development Plan. The detail of the proposed access and parking arrangements will be considered in the Highways and Transportation section at paragraph 6.9.

6.7 Protection of a Community Facility

A number of the representations received make reference to the loss of the Pavilions club which brings the local community together as part of the

proposed development. The Pavilions club has not been operational for a number of years and was primarily used ancillary to the adjacent playing fields / sporting provision.

The building is not a registered asset of community value and has not been in use for any purpose for a number of years. On this basis, it is not considered that a refusal on the basis of a loss of an important local need could be sustained nor the requirement for the developer to provide a replacement facility in this instance.

The proposed development is not considered to be contrary to the provisions of Policy LTC5 of the Halton Unitary Development Plan.

6.8 Heritage

The application is accompanied by a Heritage Statement which the Council's Conservation Advisor considers to be generally sound.

There are no designated heritage assets within or close to the site. The existing Pavilion building, which is to be lost to the development, is, however, a non-designated heritage asset. Whilst it has little architectural merit, it does have social value (as an example of the recreational facilities which large industries were keen to provide at the start of the early 20th century). The Heritage Statement should have included a section on this building, however this can be remedied by the suggested 'building recording and analysis' condition.

Whilst this non-designated heritage asset makes a positive contribution to the history and understanding of the area, it is not considered that the demolition can be resisted. The suggested archaeological recording should be secured by condition to ensure that the proposal is compliant with Policy BE5 of the Halton Unitary Development Plan, Policy CS20 of the Halton Core Strategy Local Plan and paragraphs 189-192 of NPPF.

6.9 Highways, Transportation and Accessibility

The Highway Officer notes that a Transport Assessment was submitted to support the application which is considered robust. It demonstrates that the access arrangement onto Sandy Lane will cater for the number of anticipated movements generated by the development, and that design standards are met, the Highway Officer considered the layout to be acceptable. The site utilises the existing access point onto Sandy Lane which would be realigned to form a cross road layout instead of a non-compliant staggered access.

Although the access onto Sandy Lane is the sole permanent link onto the adopted highway network an emergency link onto Picow Farm Road is provided via the new access to the football ground. The Transport Assessment adequately demonstrates a single access point operates within capacity and a

secondary access from Picow Farm Road as suggested in a number of the representations could not be insisted upon.

A number of representations raise concerns over Sandy Lane particularly in relation to parking. The development is sufficiently isolated from Sandy Lane with sufficient internal car parking provision for residents and visitors to mitigate impact on the amenity for existing residents. The creation of off-road parking for the existing properties on Sandy Lane cannot be justified as a result of the proposed development.

The Highway Officer has also requested that a sum of £3,000 be paid to the Highway Authority as contribution towards local future road safety or traffic management schemes. This would need to be secured as part of the S106 agreement and should alleviate some of the road safety concerns raised in the representations.

In terms of links to sustainable modes of travel the development has good access to bus services and pedestrian provision within the area is considered acceptable.

In addition to the highway works to the main access the plans show indicative improvements are proposed to the junction of Sandy Lane and Picow Farm Road. These improvements will assist residents, both new and existing, gain access to local amenities to the North and should be secured by condition.

A 3m wide shared use pedestrian/ cycle route around the perimeter of the site from the main access to the football club is provided and overall pedestrian routes throughout the site are considered suitable.

The Highway Officer considers the proposed access from Picow Farm Road serving Runcorn Town FC to be acceptable and should be delivered in advance of any other works including groundworks or demolition. The car parking arrangements now detailed for Runcorn Town FC are considered to be appropriate in terms of the level of provision shown and layout.

The Bowling Club also has improved provision as part of the development with access taken from the new development internal road network.

All dwellings have suitable car parking provision and the road alignments allow for servicing.

The implementation and maintenance of associated parking and servicing provision should be secured by conditions.

One of the representations states that the junction of Picow Farm Road and Barlow Way should be modified for greater manoeuvrability of vehicles. This alteration is not relevant to this proposal and is not something which can be requested in this instance.

Based on all the above, the proposed development is considered to be acceptable from a highways/transportation/accessibility perspective in compliance with Policies BE1, TP1, TP6, TP7, TP12, TP14, TP15, TP17 and TP18 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan.

6.10 Flood Risk and Drainage

As the site exceeds 1ha in area, the application is accompanied by a Flood Risk Assessment. The site is located in Flood Zone 1 and is not affected by flooding from either surface water or from rivers according to the Environment Agency's flood mapping.

It is understood that United Utilities has allowed discharge from the site into its combined sewer on Sandy Lane. Confirmation of this agreement will be required from the developer along with a detailed drainage strategy which should be secured by condition.

Based on the above, the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.11 Noise

The application is accompanied by a Noise Assessment which has been updated to reflect the latest proposed site layout. This demonstrates that the relevant noise standards can now be achieved with the windows open both daytime and night time in all the units across the site, even in the event that the Energy from Waste facility to the west of the site commences night time deliveries which its planning permission would allow for.

The Environmental Health Officer has assessed the methodology and rationale (BS4142 & BS8233) submitted and is satisfied that it is appropriately applied and that the conclusions are robust.

Concerns have been raised in a number of representations that the proposed properties will be above the World Health Organisation (WHO) guideline levels in relation to noise.

Officers and the developer have worked to ensure that dwellings comply with the WHO guidelines and BS8223 (broadly the same standards) across the site, with windows open. This has involved some reorientation of proposed dwellings and the installation of a noise barrier adjacent Barlow's Way.

It should also be noted that Environmental Health Officers have undertaken a large number of visits to the area, and assessed the noise subjectively not just at residents houses but also on Picow Farm Road, and are satisfied, that whilst

noise is audible from the adjacent Energy from Waste facility site is not pervasively loud and would not constitute a statutory nuisance even when sitting on Picow Farm Road opposite the plant operations, including the cranes.

Based on the above, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.12 Air Quality

The application is accompanied by an Air Quality Assessment which considers the impact of the existing environment on the development, its future residents and the surrounding area.

The Environmental Health Officer notes that the traffic on Picow Farm Road and Sandy Lane could justifiably be scoped out of air quality report on the basis that the annual average daily traffic counts from the development are below the levels within the Design Manual for Roads and Bridges (DMRB) which would require an air quality assessment. The report however has taken a worst case scenario approach and included these vehicle movements in the report.

The proposed development is assessed in line with the DMRB and the Land Use Planning for Development Control: Planning for Air Quality guidance. It is assessed in line with the air quality objective for particulate and nitrogen dioxide. The applicant has taken background data from 2013 and assessed the exposure to future residents of emissions from road traffic and that from local industry. This information was updated with more recent local data and indicates that the levels would be less than 50% of the national air quality objective for nitrogen dioxide (NO₂) and the Environmental Health Officer raises no objection to the proposed development.

Based on the above, the proposal is considered acceptable from an air quality perspective in compliance with Policies PR1 and TP19 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.13 Ground Contamination

The application is accompanied by a Phase 2 Geo-Environmental Assessment and a ground gas risk assessment addendum 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 implementation of the required remediation and verification reporting 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 and Policy CS23 of the Halton Core Strategy Local Plan.

6.14 Ecology

The application is accompanied by an Extended Phase 1 Habitat Survey and a Bat Survey & House Martin Report and the Council's Ecological Advisor has stated that the surveys are acceptable.

The development site is near to the following European and national designated sites:

- Mersey Estuary SPA;
- Mersey Estuary Ramsar; and
- Mersey Estuary SSSI.

The Council's Ecological Advisor has stated that the development will have an indirect effect on the features for which the site has been designated. Recreational pressure is recognised in the formal statutory Conservation Advice Packages as a Medium-High risk to qualifying features of the European sites.

Details of an assessment of, and mitigation for, the potential for damage to the European sites caused by increased recreational pressure has been submitted in the form of a Shadow Habitats Regulations Assessment. This is currently being reviewed by the Council's Ecological Advisor.

The Council as the competent authority needs to ensure that there will be no adverse effects on the integrity of a European site as a result of this proposal in order to demonstrate engagement with the Habitats Directive.

Members will be updated accordingly.

At the time of writing this report, delegated authority will need to be sought for the Operational Director – Policy Planning and Transportation to ensure that a Habitats Regulations Assessment is carried out and adopted by the Council as the competent authority to show how the Council has engaged with the requirements of the Habitats Directive.

In relation to protected species, the Bat Survey & House Martin report states that no evidence of roosting bats was found. However, commuting and foraging bats were recorded on site. The report includes mitigation which sets out proposals to avoid and mitigate impacts on the local bat population which should be secured by condition. The attachment of the suggested condition would ensure that it is unlikely that the species would be affected or an offence committed (Habitats Regulations).

The Phase 1 survey report states that 1 tree on site (T95) is considered to have low potential. This is a hybrid poplar with a split stem and is thought likely to offer most potential as summer roost site. Tree T95 would be felled as part of the proposed development and the Council's Ecological Advisor has stated that the felling of the tree should be undertaken under the supervision of a suitably qualified ecologist. This should be secured by condition.

The pavilion and vegetation on site may provide nesting opportunities for breeding birds, which are protected. A condition which secures protection during the period 1 March to 31 August inclusive whilst allowing for works if they are checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

The Bat Survey & House Martin report found 6 house martin nests on the pavilion and suggests mitigation comprising 8 artificial nests which is considered acceptable by the Council's Ecological Advisor. Full details of appropriate bird nesting boxes along with implementation before house martins return should be secured by condition.

The satisfactory adoption of a Habitats Regulations Assessment along with the attachment of the conditions suggested would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.15 Trees

The application is accompanied by an Arboricultural Impact Assessment.

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

As noted in the consideration of the site's landscape value at paragraph 6.5, the site currently has a number of trees located on it. The majority are located at the perimeter of the site and would be retained as part of the proposed development. There would be some trees which would need to be removed to implement the proposed development, however it is considered that the proposed landscaping scheme would adequately compensate for the loss.

In respect of the trees to be retained, a tree protection method statement in accordance with the British Standard to reflect the latest site layout is required and should be secured by condition.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.16 External Appearance

The elevations show that the proposed dwellings 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.

6.17 Residential Layout and Mix

The proposed residential layout is considered to provide active frontages, appropriate relationships between the proposed dwellings and sufficient parking provision.

In respect of density, Policy CS3 of the Halton Core Strategy Local Plan states that to ensure the efficient use of land, a minimum density on individual sites of 30 dwellings per hectare will be sought. The proposed development meets with this requirement.

The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document. There are some minor shortfalls in separation within the scheme, however not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application. The application is accompanied by topographical drawings which show the site sloping down in westerly direction towards Picow Farm Road. Based on the difference in levels across the site, whilst proposed site levels have not been provided, it is considered that an appropriate scheme can be presented and should be secured by condition.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit with properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit. The scheme has been designed so that it generally accords with this standard and would ensure that each house has a usable private outdoor space.

It is noted that the scheme generally comprises of semi-detached and detached houses with parking provision located to the sides of properties which allows space for soft landscaping to the front of properties which improves the overall appearance of the scheme. Appropriate boundary treatments are proposed

which are reflective of the positioning in terms of appearance, privacy and durability.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 2, 3 and 4 bedroom houses to meet a variety of needs.

The proposed layout and resultant residential amenity is considered to be acceptable and compliant with Policies BE 1, BE 2 & BE 22 of the Halton Unitary Development Plan and Policies CS 3 and 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.

6.18 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 Parks & Gardens, Amenity Greenspace, Provision for Children and Young Persons and Allotments in this particular neighbourhood.

The application proposes the creation of a public amenity greenspace which would be 6,500sqm in area. This would meet the requirement for Amenity Greenspace identified by the Open Space Requirement Calculator.

It is considered that the implementation of the public amenity greenspace along with its implementation and subsequent maintenance should be secured by condition.

In relation to the other deficiencies identified, the applicant is proposing to make a contribution in lieu of on-site open space provision which has been demonstrated as being financially viable through the evidence provided by the applicant. This financial contribution should be secured by Section 106 agreement and spent within the Area Forum.

Based on the above, 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.

6.19 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 policy is clear that the affordable housing contribution may only be reduced where robust and credible evidence is provided to demonstrate that the affordable housing target would make the development unviable.

The applicant has provided robust viability evidence setting out why on-site affordable housing provision is not financially viable having regard for the contributions required in relation to sports provision, public open space and off-site highway commitments.

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.

6.20 Risk

Policy PR12 of the Halton Unitary Development Plan is relevant to the determination of the application. It states that development on land within consultation zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The justification for the above policy indicates that the accidental risk level from the COMAH site is not considered to be significant where an individual accidental risk level does not exceed 10 chances per million in a year.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

On this basis, the likely individual accidental risk would not be considered significant.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Their assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

If the Council is minded to grant permission, the Local Planning Authority is required to give the HSE 21 days' notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

In terms of risk, for the reasons outlined above, it is considered that the proposal is in compliance with the Council's adopted policies in Policy PR12 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and also the Council's Planning for Risk Supplementary Planning Document.

6.21 Education and Health Provision

Some of the representations received question whether there is capacity in local schools and GP surgeries to accommodate the residents of the new homes proposed.

Policy CS7 of the Halton Core Strategy Local Plan states that development should be located to maximise the benefit of existing infrastructure and to minimise the need for new provision.

In terms of the availability of educational provision, it should be noted that capital adaptations have been made within the primary sector at Weston Point Primary school with the provision of an additional classroom which addressed existing accommodation issues.

For the 2018/19 academic year, Halton has 11,658 primary school places: 5,460 in Widnes and 6,198 in Runcorn. Widnes primary schools are currently operating at 94.5% occupancy, and Runcorn primary schools are operating at 89.7% occupancy, returning an overall 92% occupancy rate at primary level across Halton.

In the secondary sector Halton has 8,550 secondary school places, 4,000 in Widnes and 4,550 in Runcorn (an increase of 150 additional places since 2016/17). 3,721 pupils are currently on roll in Widnes providing a 93% occupancy rate, and 3,707 pupils are currently on roll in Runcorn providing an 81.4% occupancy rate, returning an 86.8% occupancy rate at secondary level across Halton.

The above demonstrates that Halton has an overall surplus capacity in both primary and sectors.

As part of the Delivery and Allocations Local Plan which has been submitted to the Secretary of State (DALP), sites for educational purposes have been identified and based on the latest 2016 based population projections do not predict significant increases in the number of school age residents over the Plan period to 2037.

In terms of availability of health provision, it is not considered that the proposed development would exacerbate availability of healthcare provision within Halton.

Based on the above, sufficient educational and health provision is available in the locality to accommodate likely demand from the proposed development in accordance with Policy CS7 of the Halton Core Strategy Local Plan

6.22 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 is supportive of the enhancement of opportunities for sustainable development and it is considered that 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 this development. A condition securing

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.

Based on the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.23 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan.

In terms of on-going waste management, there is sufficient space on site to deal with this.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

6.24 Planning Obligations

As highlighted within the report, there are a number of planning obligations which are required to be secured by legal agreement under Section 106 of the Town and Country Planning Act 1990 to mitigate the impact of unacceptable development to make it acceptable in planning terms. The securing of the following would ensure planning policy compliance:

- £525,330 payment to mitigate for the loss of playing fields;
- £45,151.86 payment in lieu of on-site open space provision;
- £3,000 payment to fund local future road safety or traffic management schemes.

6.25 Issues raised in the representations not addressed above

As stated earlier in the report, the proposed residential layout would provide for sufficient separation to ensure that privacy is not unduly compromised. In terms of loss of view, you do not have a right to a view over land which you do not own or control.

As with most forms of development, there will inevitably be some form of disruption. This is not considered to be a reason to refuse the application and it is considered appropriate to attach a Considerate Constructors Informative.

Representations have been received that this area is detrimental to health of its residents. The applicant has demonstrated the suitability of part of this site to be developed for residential purposes.

It is acknowledged that Paragraph 8 of the National Planning Policy for Waste is clear on the protection that an Energy Recycling Facility should be afforded. The proposed development has demonstrated its suitability on the application site having regard for surrounding land uses including the adjacent Energy Recycling Facility operated by Viridor.

The application has to be considered on the basis that it has been made rather than the suitability of other potential uses on the application site.

With regard to the former ICI recreational ground being sold to guarantee sports and social facilities which may have formed a legal agreement between parties, this not material to the determination of the application. As set out within the report, the application has to be determined based on the Development Plan and the material considerations set out.

In respect of the observation that Weston Point is a neglected area, this proposal would introduce new development into the locality which may improve perceptions of the area.

In terms of the type of persons who may reside in the properties, this is not material to the determination of the application.

It is correct that the Council would receive Council Tax from any occupied new dwelling, however this does not have bearing in the planning balance that is undertaken on the application.

The mitigation package which would be secured as part of the proposed development would be spent on projects within the Runcorn area.

Representations were made about a lack of consultation with Runcorn Town FC. The following observations have been made by the Runcorn Town FC Committee to the Council clarifying their position in respect of this development proposal:

Following a meeting earlier today, it has been brought to our attention that there has been an objection to Gleeson's planning application brought by Runcorn Town Supporters Club.

We would therefore like to confirm that Runcorn Town Football Club does not have a recognised Supporters Club. I am sure that the Football Supporters' Federation, which is the national body for football supporters in England and Wales and who maintain a register of Supporters Club's, will be able to confirm this.

Anybody portraying themselves as such will be doing so for their own agenda, whatever that may be, and are not representing the views of the committee, management and genuine supporters of the club.

It is very disappointing to hear of this objection. Runcorn Town Football Club is a not-for-profit entity which is run by a committee who are all dedicated supporters of the club. Any supporter can join the committee as per our constitution, and any profits we do make are put back into the club to improve the team and our facilities.

As a committee, we are actually looking forward to the development with Gleeson's coming to fruition and planning permission being approved by the council. A 99-year lease on the site has been provisionally agreed between solicitors of the football club and Severn Leisure upon planning permission being granted, something that we have long aspired towards as a club.

A long term lease such as what has been agreed will help safeguard the football club's future, and also allow us the opportunity to develop our facilities further with assistance from national bodies. We have a 5-year plan in place that includes a community facility and third generation pitch that will greatly benefit the community of both Weston Point and Runcorn as a whole.

Runcorn Town FC have made clear what the proposed lease arrangements are with the existing landowner – Severn Leisure. This is a matter between the respective parties and not something which needs to be secured as part of the planning process to ensure policy compliance. Except for altered access and parking arrangements which should be secured by condition, the other facilities and pitch at Runcorn Town FC would remain unaltered as would the bowling greens and the respective facilities at the Bowling Club. The protection of these existing facilities by covenant is not something which the Local Planning Authority would do. A covenant is something which is usually done by a developer or landowner.

In respect of potential loss of property value, this is not material to the determination of this application as the planning system does not exist to protect the private rights of one individual against another.

It is suggested in the representations that a lack of publicity has been undertaken on this application. The level of publicity undertaken is set out in paragraphs 5.1 and 5.2. This exceeds the statutory requirements.

6.26 Planning Balance

Based on the above assessment, it is considered that the proposed scheme would not have adverse impact that would outweigh its benefits through the provision of a range of homes in accordance with Halton's Spatial Strategy whilst ensuring that greenspace and playing pitch provision is appropriately mitigated.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF and Policy CS2 of the Halton Core Strategy Local Plan carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Development Plan subject to appropriate planning conditions and obligations.

7. CONCLUSIONS

The proposed development would result in the loss of designated greenspace as well as the loss of playing field. The applicant has undertaken their own Runcorn Area Playing Pitch Assessment which looks at the requirements for the area. The conclusion of the report is that there is no requirement for grass pitches to be reinstated and that the part of the Sandy Lane site proposed for development does not need to be protected for Sport, however investment into qualitative improvements in the Runcorn area as they set out in the report to ensure the quantitative requirements for Runcorn are met. The securing of the proposed mitigation by Section 106 agreement would ensure that the proposal is policy compliant in this regard and would also result in the removal of Sport England's holding objection.

Parking and access arrangements for both Runcorn Town FC and the Bowling Club would be altered as a result of the proposed residential development, however are considered to be ancillary to the enjoyment of the designated greenspace.

Access to the proposed residential development would be via a sole permanent link onto Sandy Lane and an emergency link onto Picow Farm Road provided via the new access to the Runcorn Town FC football ground. The proposal adequately demonstrates the suitability of this access arrangement.

All of the proposed dwellings would have an appropriate level of car parking provision and the road alignments allow for servicing. The site benefits from good access to bus services and pedestrian provision within the area is considered acceptable.

The proposed access from Picow Farm Road serving Runcorn Town FC (also the emergency link for the proposed residential development) is considered to be acceptable and the car parking arrangements appropriate in terms of the level of provision shown and layout.

The Bowling Club would also benefit from improved dedicated car parking provision as part of the proposal with access taken from the new residential development internal road network.

The site is located in Flood Zone 1 and is not affected by flooding from either surface water or from rivers and the implementation of a suitable drainage scheme can be secured by condition.

The proposal demonstrates that the relevant noise standards can be achieved with the windows open both daytime and night time in all the units across the site, even in the event that the Energy from Waste facility to the west of the site commences night time deliveries which its planning permission would allow for. No objection is raised from a noise perspective.

More recent local data indicates that the levels would be less than 50% of the national air quality objective for nitrogen dioxide (NO₂) and no objection to the proposed development in respect of air quality is raised.

The satisfactory adoption of a Habitats Regulations Assessment following its review along with the attachment of the conditions relating to both bats and birds would ensure that the proposal is acceptable from an ecology perspective.

The proposed landscaping scheme would adequately compensate for the loss of existing trees on the site.

The proposed residential layout is considered to provide a variety of property types, active frontages, appropriate relationships between the proposed dwellings as well as appropriate external appearance. Appropriate open space provision would be secured by the application.

In respect of accidental risk, this site falls outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year. On this basis, the likely individual accidental risk from the proposed development would not be considered significant and compliant with the Council's adopted policy.

Based on the above, the proposed 139 dwellings with associated ancillary development is therefore considered to be acceptable.

8. RECOMMENDATION

That delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make the decision subject to conditions once the following have occurred:

- A Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council has engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary;
- The satisfactory completion of a Section 106 agreement to secure the following and also to remove the Sport England holding objection:
 - £525,330 payment to mitigate for the loss of playing fields;
 - £45,151.86 payment in lieu of on-site open space provision;
 - £3,000 payment to fund local future road safety or traffic management schemes.
- The application not being called in by the Secretary of State following referral to the Health and Safety Executive.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Construction Phase Management Plan (Phasing of overall development) – (Policy BE1)
4. Proposed Site Levels (Policy BE1)
5. External Facing Materials (Policies BE1 and BE2)
6. Landscaping and Boundary Treatments Scheme – Residential Development (Policies BE1 and BE22)
7. Landscaping and Boundary Treatments Scheme – Runcorn Town FC (Policies BE1 and BE22)
8. Landscaping and Boundary Treatments Scheme – Bowling Club (Policies BE1 and BE22)
9. Tree Protection Measures – (Policy GE27)
10. Breeding Birds Protection – (Policy GE21 and Policy CS20)
11. Bird Nesting Boxes Scheme (No demolition of the Pavilions building until scheme is implemented) – (Policy GE21 and Policy CS20)
12. Bat Mitigation Measures – (Policy GE21 and Policy CS20)

13. Ecological Supervision of the felling of T95 – (Policy GE21 and Policy CS20)
14. Public Open Space Implementation and Management Plan – (Policy H3)
15. Hours of Construction – (Policy BE1)
16. Electric Vehicle Charging Points Scheme – Residential Development (Policy CS19)
17. Electric Vehicle Charging Point Scheme – Runcorn Town FC – (Policy CS19)
18. Electric Vehicle Charging Point Scheme – Bowling Club – (Policy CS19)
19. Off Site Highway Works – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
20. Access Road from Picow Farm Road serving Runcorn Town FC and the emergency link to the residential development – (Policy BE1)
21. Parking and Servicing Provision – Residential Development – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
22. Parking and Servicing Provision – Runcorn Town FC – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
23. Parking and Servicing Provision – Bowling Club – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
24. Implementation of Noise Mitigation Measures – (Policy PR2)
25. Ground Contamination - (Policy PR14 and Policy CS23)
26. Drainage Strategy – (Policy PR16 and Policy CS23)
27. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
28. Building Recording and Analysis for the Pavilions Building – (Policy BE5)
29. Waste Audit – (Policy WM8)

Informatives

1. Considerate Constructor Scheme Informative.

10. BACKGROUND PAPERS

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

11. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.

Appendix 1 – Full Consultation Responses.

1. Highways and Transportation Development Control

Further to your consultation we have considered the proposed application as the Highway Authority and would make the following representation;

Various plans have been passed to the Highway Authority since the application was first received back in 2017 and the Highway Officers has been consulted on several iterations as the scheme has developed into its current form.

The proposed scheme is for 139 dwellings and improvement works to the existing football ground and bowling club. The Highway Authority raise no objection to the application and would recommend for approval with conditions.

During consideration the Highway Officer has reviewed the scheme in line with the Halton UDP document and relevant technical guidance.

It is noted that a Transport Assessment was submitted to support the application and on review the report is considered robust.

The site utilises the existing access point onto Sandy Lane but following previous Highway Authority comments is to be realigned to form a cross road layout instead of a non-compliant staggered access.

Given that the Transport Assessment demonstrates the access arrangement onto Sandy Lane will cater for the number of anticipated movements generated by the development, and that design standards are met, the Highway Officer considered the layout to be acceptable.

Although the access onto Sandy Lane is the sole permanent link onto the adopted highway network an emergency link onto Picow Farm Road is provided via the new access to the football ground. It is noted that the Highway Officer did request a second permanent access point to the housing development onto Picow Farm Road during the ongoing dialogue but this request was not incorporated into revised proposals.

The rationale for this request was that an additional access would give users alternative options for inbound and outbound travel but, given the Transport Assessment adequately demonstrates a single access point operates within capacity, the secondary access could not be insisted upon.

The Highway Officer throughout has requested the development be isolated from Sandy Lane with sufficient internal car parking provision for residents and visitors to mitigate impact on the amenity for existing residents. The Officer has also requested that a sum of £3000 be paid to the Highway Authority as contribution towards local future road safety or traffic management schemes.

In terms of links to sustainable modes of travel the development has good access to bus services and pedestrian provision within the area is considered acceptable.

In addition to the highway works to the main access the plans show indicative improvements are proposed to the junction of Sandy Lane and Picow Farm Road. These improvements will assist residents, both new and existing, gain access to local amenities to the North.

Both these improvement works and the junction and the main site access will require approval by the Highway Authority prior to commencement and would require a suitable agreement to undertake them.

The works to the main access should be completed prior to first occupation of any dwelling and the improvements to the Picow Farm Junction could be conditioned to be undertaken prior to the occupation of the 50th dwelling.

A 3m wide shared use pedestrian/ cycle route around the perimeter of the site from the main access to the football club is provided and overall pedestrian routes throughout the site are considered suitable.

A major concern in previous layouts has been a failure to address the needs of the football ground to the East of the site. Information was supplied that demonstrated the car parking requirements of the football club on match days would likely cause issues on the surrounding area due to lack of onsite provision.

The applicant has considered these concerns and as part of the current proposal access and car parking arrangements have been detailed and included in the red line plan. These aspects of the development should be delivered in advance of any other works including groundworks or demolition.

The Bowling Club also has improved provision as part of the development with access taken from the new development internal road network.

A suitable car parking and access management is recommended with all 3 parties involved to ensure that the needs of the recreational uses do not have a significant negative impact on local residents.

In terms of internal layout the development the applicant has addressed the majority of the points we raised during earlier discussion. All dwellings have suitable car parking provision and the road alignments allow for servicing.

Full details of hard and soft surfacing, planting and boundary treatments should be conditioned for approval prior to commencement as should levels information and surface water drainage.

2. Contaminated Land Officer

The application is supported by the following documents;

- Phase 2 geo-environmental assessment, Sandy Lane, Runcorn, ref 16029, Patrick Parsons Ltd, November 2016
- Ground gas risk assessment addendum report, ref M16029GRA, Patrick Parsons Ltd, February 2017

The above documents detail the site investigation and subsequent risk assessment of the potential land contamination impacts on the site.

A series of shallow boreholes were drilled across the site, soil samples were taken for analytical testing and monitoring wells were installed to assess the gas and ground water regimes.

The site is predominately sports pitches that have seen little development and the investigation does not identify any significant contamination. Some potentially contaminated material is associated with the area of former bowling greens and the pavilion buildings, and two infilled ponds are within the site boundary. The report concludes that generally remediation is not necessary for the site soils, but it does make comment that 600mm of soil capping will be required in the eastern part of the site (in the vicinity of the Pavilion buildings).

The ground gas monitoring and assessment identifies elevated concentrations of carbon dioxide with measurable flow, and the site is characterised using the guidance in CIRIA Document C665 as requiring protection measures as per 'Characteristic Situation 2'.

I am broadly in agreement with the investigations and the assessment undertaken and the conclusions put forward. However, I think the degree of testing of soils is slightly limited, with particular reference to the eastern part of the site. I understand the on going usage of the site posed some limitations on the investigation, and it would be sensible to consider further testing after the clearance of the on site buildings. The former ponds do not appear to have been effectively targeted in the investigation and so would also warrant additional investigation in those areas.

The details of the proposed ground gas protection measures will need to be submitted, along with the verification reporting detailing the installation of those measures once complete.

I do not object to the proposed development but recommend that if approved it is conditioned to require the additional site investigation and assessment of the eastern area and former ponds, submission of a remedial strategy that includes the ground gas protection measures and details of any soil capping required,

and finally the submission of a verification report detailing the measures taken / installed.

3. Lead Local Flood Authority

The development is in flood zone 1, greater than one hectare in area and is not affected by flooding from either surface water or from rivers according to the Environment Agency's flood mapping.

The drainage hierarchy, as described in Part H of the Building Regulations should be used when considering site drainage. It is understood that United Utilities has allowed discharge from the site into its combined sewer on Sandy Lane. Confirmation of this agreement will be required from the developer. SUDS techniques should still be considered for non adoptable areas such as private drives and gardens. These areas should preferably be drained to a soakaway. Before a soakaway is constructed a percolation test should be undertaken.

The existing site is greenfield and the developer will be expected to mimic the existing drainage conditions. The detailed drainage strategy should include calculations to support the required attenuation and restricted flows offsite. These calculations will also require approval from United Utilities if discharging to a public sewer.

Confirmation of the adoption of the sewers within the development by United Utilities or the implementation of a maintenance regime by a management company will be required.

As the site is sloping the applicant needs to show that any exceedance flows from a storm return period of 1 in 100 years plus climate change will not cause flooding to occupied premises on site. Any exceedance flows will be expected to be contained within the boundary of the development.

4. Environmental Protection

Noise Observations

Further to my previous comments and in particular with reference to my email of the 27th February 2020 the applicant has supplied more amended information with regards to internal noise levels across the site.

The email in February acknowledged that, that with the addition of a 2m barrier along the Picow Farm Road boundary appropriate internal standards for both daytime and night time noise levels could be met in most of the residential units across the site. Two units (plots 51 and 52), however, were unable to meet the internal night time criteria within BS8233 with the windows open.

The applicant has since relocated these plots and submitted a further noise report which indicates that the standards can now be achieved with the

windows open both daytime and night time in all the units across the site, even in the event that the waste incinerator commences night time deliveries.

I have assessed the methodology and rationale (BS4142 & BS8233) submitted by the noise consultant and I am satisfied that it is appropriately applied and that the conclusions are robust.

On the basis of the updated noise report and plans submitted Environmental Health would no longer be able to uphold an objection to the application based on noise grounds.

Air Quality Observations

The applicant has provided an air quality report that considers the impact of the existing environment on the development, its future residents and the surrounding area.

The proposed housing development is located off Sandy lane with the Weston Expressway to the east and Picow Farm Road and the Runcorn Energy from Waste Plant to the east.

It should be noted that the traffic on Picow Farm Road and Sandy Lane could justifiably be scoped out of air quality report on the basis that the annual average daily traffic counts from the development are below the levels within the Design Manual for Roads and Bridges (DMRB) which would require an air quality assessment. The report however has taken a worst case scenario approach and included these vehicle movements in the report.

The development is assessed in line with the DMRB and the Land Use Planning for Development Control: Planning for Air Quality guidance. It is assessed in line with the air quality objective for particulate and nitrogen dioxide. The applicant has taken background data from 2013 and assessed the exposure to future residents of emissions from road traffic and that from local industry. This information was updated with more recent local data and indicates that the levels would be less than 50% of the national air quality objective for nitrogen dioxide (NO₂).

The predicted number of vehicle movements has then been assessed in line with DMRB and planning guidance for the opening year of 2022. This takes into account the improvements in emissions from road traffic vehicles and reassesses the predicted background concentrations

It is noted that the base year for data is prior to the commissioning of the energy from waste plant. The applicant has therefore separately noted the worst case scenario for process contribution in the area from the energy from waste plant.

If these are included in the 2022 predicted levels for NO₂ and particulate matter the levels are still predicted to be less than 50% of the air quality objective levels.

The tables conclude that the air quality at all of the identified receptors are within the 'negligible' range of impact. They are assessed as below 75% of the air quality objective and with less than 5% increase in levels due to the application.

Conclusions

On the balance of the information and the negligible air quality impact, Environmental Health could not justify an objection to the application.

Response to objections on noise and air quality grounds

Noise

- Concern that the proposed properties will be above the WHO guideline levels in relation to noise.
- Council officers and the developer have worked to ensure that dwellings comply with the WHO guidelines and BS8223 (broadly the same standards) across the site, with windows open. This has involved some reorientation of proposed dwellings and the installation of a noise barrier adjacent Barlow's Way. On the basis of this information, which the objectors have not referenced Officers are satisfied that
- In addition officers have undertaken a large number of visits to the area, and assessed the noise subjectively not just at residents houses but also on Picow Farm Road, and are satisfied, that whilst noise is audible from the site it is not pervasively loud and would not constitute a statutory nuisance even when sitting on Picow Farm Road opposite the plant operations, including the cranes.

Air Quality

- Location of the diffusion tube data over a mile away from the site and the proposed increase in waste assessed through a different planning.
- If you know the broad emissions coming from different vehicles it is possible to calculate the impact vehicles will have on the road, this is the basis of the DMRB guidelines and is an accepted method by which to assess air quality impacts from roads.. As discussed in the officers comments the methodology was complaint with the standard and the conclusion was that the impact on the site from the road was negligible.
- Objector suggests that there are 1000 movements per day.

- This is incorrect. The planning application granted in 2018 set the maximum number of vehicles accessing the site over a 7 day period at 965 (1930 total movements over a week). A further cap was set at no more than 198 vehicles to access the site in a 24 hour period (368 total vehicle movements in a day).

- An air quality monitor was located on the site 8 years ago for 6 months indicated that the Council would have to declare an air quality management area had the monitor been located in that area for 12 months.

The monitor was located on the opposite side of the road in 2001 and 2012, for just over 3 months, during the construction phase, when the compound was being used as a car park. More revealingly, when analysing the data, 3 of the 4 exceedances of particulate matter occurred on the 5th, 6th and 7th November over the week of bonfire night. Nationally we see increases in particulate matter over this period due fireworks and burning. There was a further exceedance on the 14th November. 35 exceedances of the objective level are permitted within a 12 month period, to allow for anomalies throughout the year. There were no further exceedances in the following December, January or February that the monitor was in this location. All other pollutants were fully compliant with the objective levels during the 3 and a half month period.

The objector is therefore incorrect as there was never any indication that an air quality management area would be to be declared.

Odour

- Residents being able to smell rotting 'garbage'.

- Environmental Health received a large number of complaints regarding odour from the site. In 2018 officers undertook over 40 visits to the area to try and ascertain whether odour from the site amounted to a statutory nuisance. The observations indicate that odour is detectable at the boundary of the energy from waste site on some occasions, however not to a level where an objection to the application could be sustained with regard to the houses on the proposed development.

5. Open Spaces

Trees

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

The proposal contained within the submitted Ascerta Arboricultural Impact Assessment for a small number of trees to be removed (G3 plus several poor

specimens from G5) along with hedgerow H1 is acceptable. The same document recommends Root Protection Areas calculated using BS5837 2012 and pruning works to BS3998. However submitted document Phase 1 Habitat Survey (section 5.1 paragraph 3) states that tree protection fencing should be placed '*as far away from the edge of the tree canopy as is practicable*'. For clarification, all root protection fencing should be as per the British Standard.

Some encroachment into the RPA of group G4 occurs, which a proposed Tree Protection Method Statement aims to mitigate. This method statement should be conditioned as the trees affected are large and adjacent to the busy Picow Farm Rd. The method statement would also provide detail/instruction regarding the proposed construction (raft foundation) close to group G2.

The proposal contains a tree replanting schedule that is acceptable.

Ecology

There are no ecological constraints associated with this proposal, however the Pavilions main building currently contains several house martin nests. Demolition outside of the bird nesting is recommended and mitigation proposed at section 5.3 of submitted Phase 1 Habitat Survey should be incorporated into the design of the buildings.

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

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

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

6. Conservation & Design Advisor / Archaeological Planning Advisor

The Heritage Statement which accompanies the application is generally sound. There are no designated heritage assets within or close to the site, and the assessment of the impact of the proposed development on those designated heritage assets in the vicinity is fair;

The existing Pavilion building, which is to be lost to the development, is, however, a non-designated heritage asset. Whilst it has little architectural merit, it does have social value (as an example of the recreational facilities which large industries were keen to provide at the start of the early 20th century). As such, the Heritage Statement should have included a section on this building. This oversight can be remedied by the addition of a 'building recording and analysis' condition to any subsequent approval;

The proposed development is traditional in form and materials, and the houses are not incongruous when compared to the residential properties which are found in the vicinity.

Approval of the application is supported, subject to the inclusion of the condition noted above.

The proposal is for the demolition of the Pavilions clubhouse and redevelopment of part of the former recreation grounds.

The Cheshire Archaeology Planning Advisory Service (APAS) supports the recommendation made by the conservation officer for building recording prior to the proposed demolition of the Pavilions Clubhouse.

The desk based assessment states that the site was rural and undeveloped until it was laid out to be used as a recreation ground (ICI Recreation Club) at some point between 1911 and 1927. The building dates from the early 20th century and is associated with the chemical industry at Weston Point and is considered by the HER to a Heritage asset. Further information from building recording would supplement the information on heritage assets identified by the desk based assessment.

7. Merseyside Environmental Advisory Service – Ecology and Waste Advisor

Part 1

Environmental Impact Assessment

The scheme falls within Schedule 2, 10(b) of the EIA Regulations 2017, as amended, being an 'urban development project'. The project's scale exceeds the stated screening threshold for site area (5ha) so that screening is necessary.

Having reviewed the submitted documents and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, I accordingly consider that the proposals are unlikely to give rise to significant environmental effects in EIA terms and that **EIA is therefore not required in this case**.

Full details of this Screening are provided for reference in Appendix 1 to this memo.

Ecology

The applicant has submitted an Extended Phase 1 Habitat Survey report in accordance with Core Strategy Local Plan policy CS21 (*SLR, Extended Phase 1 Habitat Survey, version no. 0, June 2017*). I advise the survey is acceptable with some limitations:

- The report does not include a Local Environmental Record Centre (Cheshire rECOrd) data search. However, due to the low value habitat on site, predominantly amenity grassland, this is not a significant limitation on this occasion; and

- The survey report contains a desk study which includes data obtained from the NBN Gateway (Atlas). I advise the Council that these data are insufficient to **solely** rely upon in determining the planning application. Further details are set out in Part Two.

Designated Sites and HRA

The development site is near to the following European and national designated sites and Core Strategy Local Plan policy CS20 applies:

- Mersey Estuary SPA;
- Mersey Estuary Ramsar; and
- Mersey Estuary SSSI.

The development will have an indirect effect on the features for which the site has been designated. I advise the following:

- Recreational pressure is recognised in the formal statutory Conservation Advice Packages which can be accessed at <https://www.gov.uk/government/collections/conservation-advice-packages-for-marine-protected-areas#irish-sea> as a Medium-High risk to qualifying features of the European sites. Recreational pressure is also highlighted in the Halton Core Strategy Local Plan HRA (Supporting Document C) as a Likely Significant Effect alone and / or in combination with the quantum of residential development identified within the Core Strategy Local Plan period in policy CS3;
- Details of an assessment of, and mitigation for, the potential for damage to the European sites caused by increased recreational pressure as set out in Part Two Paragraph 20 is required.

Due to the number and scale of recently proposed housing developments within close proximity to the European sites, this additional information is required to enable the Council to carry out an HRA **prior to determination**. This information can be included in the Ecological Appraisal or be supplied separately.

As the proposed development falls within the qualifying category 'residential developments of 50 units or more' Natural England must be consulted on the planning application **prior to determination**. The proposal may have impacts on the Mersey Estuary SSSI from recreational pressure.

Runcorn Hill LNR and LWS is also 255m to the east but separated from the site by the Expressway and residential properties which are likely to limit wildlife dispersal therefore I do not foresee any direct impacts from the development site. However, Runcorn Hill may also experience increased recreational pressure.

Bats

The Bat Survey & House Martin report (*SLR, Bat Survey & House Martin Report, June 2017*) states that no evidence of roosting bats was found. However, commuting and foraging bats were recorded on site. The report

includes mitigation (section 4.1) which sets out proposals to avoid and mitigate impacts on the local bat population. If these measures are put in place it is unlikely that the species will be affected or an offence committed (Habitats Regulations). I advise that the 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 Phase 1 survey report states that 1 tree on site (T95) is considered to have low potential. This is a hybrid poplar with a split stem and is thought likely to offer most potential as summer roost site. The Arboricultural Survey (*Ascerta, Arboricultural Impact Assessment, Rev A, 22 August 2017*) states that H1, G3 and G5 will require removal (Section 5.2). T95 appears to be included within the southernmost portion of G3. If felling of T95 cannot be avoided then I advise that it be undertaken under the supervision of a suitably qualified ecologist. This can be secured by a suitably worded planning condition.

Breeding Birds

The pavilion and vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, 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 the pavilion, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

The Bat Survey & House Martin report found 6 house martin nests on the pavilion and suggests mitigation (section 4.2) comprising 8 artificial nests which is acceptable. The proposed development will result in the loss of breeding habitat for house martin and Core Strategy Local Plan policy CS20 applies. House martin are site faithful and to mitigate for this loss, the applicant must provide full details of appropriate bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site for agreement with the Council prior to commencement of works. This can be secured by a suitably worded planning condition. The replacement nesting provision must be in place before house martins return.

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).

Construction Environmental Management Plan

I advise that the applicant prepares a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts including the waste audit, for example.

The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures. I advise that the CEMP can be secured through a suitably worded planning condition.

Part Two

Designated Sites and HRA

List of activities that may be considered among others:

- Dog walking;
- Walking;
- Active leisure pursuits e.g., running, geo-caching;
- Recreational activities that are shore-based e.g. sand yachting, horse-riding; and
- Car parking.

When considering housing proposals, the applicant will need to consider and include measures that will avoid and/or mitigate recreational pressure on the European sites. The Liverpool City Region is considering a wider strategic approach to visitor and recreation pressure management. The mitigation measures outlined below are not exhaustive and the applicant will need to consider an appropriate package that is informed by the location, scale and housing mix of the development proposed.

Examples of mitigation measures that could be included in an appropriate package:

- Design and management of public open space to encourage use of the provided open space within the proposed development boundary;

- Design and management of public open space outside the proposed development boundary to encourage use not on the European coastal sites;
 - Provision of information in sales packs, informing residents of the presence and importance of the European sites, and how residents can help protect them including an outline 'responsible user code';
 - Contributions to develop a visitor / householder 'responsible coast user code';
 - Contributions to improving and / or managing access to and/or within the internationally important nature sites including financial contributions;
 - Contributions to increase recreation management, wardening including, location-specific interventions e.g. signage, path management, habitat management;

Incorporation of these measures into the development proposal and scheme design, based on survey information, may enable the Council to conclude under the Habitats Regulations that there is no likely significant effect on the SPAs and Ramsar sites.

Bats

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

NBN data

The submitted ecology report includes data obtained from the NBN Gateway (now known as NBN Atlas) as part of the desk study. As set out in the CIEEM 'Guidelines for Ecological Report Writing' this may contravene the Terms and Conditions of use of NBN datasets which set out that the use of data for planning or commercial purposes is prohibited without the written permission of each data provider. The data provider must also be credited in any document that uses the data. It is the applicant's responsibility to provide this information. I advise a copy of each written permission is included within any future report referring to NBN Gateway / Atlas datasets along with accreditation of the data provider to enable the Council to use and rely on these data when determining a planning application. The NBN Atlas terms and conditions can be accessed at <https://nbnatlas.org/help/nbn-atlas-terms-use/>.

Waste Local Plan

A waste audit or similar mechanism (e.g. a site waste management plan) provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8, bullet point 3), and may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance for Waste:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;

- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete. Guidance and templates are available at: <http://www.meas.org.uk/1090>, <https://www.gov.uk/guidance/waste> and http://www.wrap.org.uk/http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

This information could be integrated with any Construction Environment Management Plan (CEMP) produced for the development.

Appendix 1: EIA Screening Opinion for 17/00468/FUL

1. The proposals fall under Schedule 2 10(b) of Environmental Impact Assessment Regulations 2017, as an 'urban development project'. The proposals comprise 144 residential dwellings on 6.67ha and therefore exceed the Schedule 2 area threshold whereby EIA Screening is required.

2. The applicant has submitted a EIA Screening Request on 18 October 2017 (NJL Consulting, EIA Screening Request, 2016-043, 18 October 2017 and the case officer requested (email 20 October 2017) that I undertake an EIA Screening Opinion of the development proposal which comprises:

3. Demolition of the pavilions clubhouse followed by development comprising 144 dwellings with associated ancillary development. The site is 6.67ha.

4. The site comprises two bowling greens, playing fields, a disused football pitch and the pavilion clubhouse with car parking on the east of the site. Trees line the south, east and west boundaries and access is from the south off Sandy Lane. Part of the site includes Runcorn FC Stadium which is to be retained. Weston Point Expressway (A557) lies adjacent to the east and Weston Point industrial area including Ineos Chlor / Viridor EfW facility lies to the west.

5. Halton Council's Core Strategy Local Plan (figure 10) West Runcorn Key Area of Change identifies the site as greenspace and the UDP Proposals Map shows the land to be designated as greenspace (private playing fields) and policies GE6,8, 9, 12,13, 15 and 16 apply.

6. The Screening Request states that whilst the site is designated greenspace it does not serve a useful function. The football pitch at the site has been disused for 5 years. These proposals would see improvements to the bowling greens and safeguarding the future of the football club which it considers would compensate for loss of greenspace.

7. The Screening Request also considers impacts on the local population and states that a Transport Assessment will be submitted which assesses transport, air quality and noise impacts and provide appropriate mitigation. This

should incorporate construction phase effects and consider impact from nearby industrial operators including the EfW facility. The applicant has the following documents which assess these impacts:

- Noise Report;
- Air Quality Assessment;
- Transport Assessment; and
- Travel Plan.

The Noise Report finds that whilst noise associated with the EfW facility is audible during daytime hours, it is not considered dominant. However, it does have some character which is otherwise distinct from the dominant road traffic noise. Noise and other potential nuisance impacts from waste facilities are controlled through the Environmental Permitting regime and regulated by the Environment Agency. I defer to Halton Council highways and environmental protection officers for more detailed comment on these matters.

8. The applicant states that there are no national, regional landscape or ecological designations on the site or in close proximity to it. Runcorn Hill LNR and LWS is 255m to the east but separated from the site by the Expressway and residential properties. The Mersey Estuary SPA, Ramsar, SSSI and LWS are 735m to the west. The applicant has confirmed they will submit an Ecological Appraisal which is welcomed and should consider amongst other things recreational pressure on European Sites. An extended Phase 1 Habitat Survey, protected species survey and Arboricultural Impact Assessment has been submitted. See ecology comments.

9. Ground conditions on site are considered to have low risk of potential contamination and lack any potential for archaeological remains. Historic mapping shows that the land was in agricultural use until it was developed for its current use from 1909. Two ponds are located to the south of the pavilion which have since been infilled and developed for car parking. The applicant has submitted a Phase 2 Geo-Environmental report and I defer to Halton Council for detailed comment on land contamination.

10. Production of waste from the proposals should be considered in two phase: construction and operational. The construction phase will comprise demolition, construction and excavation activities which will generate significant volumes of waste. A Waste audit or similar is required and the Screening Request proposes use of a Site Waste Management Plan to manage this waste. The operational phase will comprise household waste arisings and the proposals should be suitably designed to incorporate storage and collection arrangements. See Waste Local Plan comments.

11. Potential for pollution and nuisance from the development is likely to be associated with the construction phase. Issues such as operating hours, dust and noise levels can be controlled through planning mechanisms such as a CEMP. This can be secured by condition. A drainage and noise assessment are also proposed.

12. The site is not in Flood Zone 2 or 3 therefore flood risk does not require further consideration in my view. The submitted Flood Risk Assessment finds very low risk of fluvial flooding.

13. Matters relating to construction, waste production, pollution and nuisances, traffic and noise are mainly temporary impacts and confined to the construction phase. These issues can therefore be suitably managed through planning mechanisms such as a CEMP, transport and noise assessments and if necessary required by condition.

14. Notwithstanding the fact that the development scheme is just above the indicative Schedule 2 area threshold (5ha) the area of housing development will occupy 4.62ha and the remainder will comprise the retained football ground and bowling greens. The number of dwellings proposed is also below the threshold (150 dwellings). Having considered the proposals against the provisions of the EIA Regulations 2017, as amended, impacts arising are not anticipated to be more than local in scale are well understood and can be readily managed through the planning process.

15. The location of the development is not considered to be a sensitive area and the proposed scheme is not likely to give rise to significant environmental effects in EIA terms and therefore EIA is not required for this development.

8. Sport England

It is understood the £100k investment into Runcorn Town FC and Bowling Club is considered to be a civil matter and will be secured outside of the planning process. However, access to the sports ground will be dealt with via condition.

The £525k contribution to secure an agreed mitigation package for the loss of the playing field will be secured via a s106 agreement. Sport England require the following clauses to be included in the s106:

1. A trigger that secures the £525k payment prior to commencement of the development to enable the Council to secure contracts for the implementation of the agreed mitigation.
2. The mitigation includes:
 - a. Resurfacing of the Heath School Artificial Grass Pitch in accordance with the Feasibility Study provided by Notts Sport; and
 - b. A Feasibility Study and improvement works to the Heath Playing Field; and
 - c. The emerging Halton Playing Pitch Strategy to inform an appropriate cricket project. It is important a proportion of the £525k is ring fenced for this project.
4. A timescale for the each element of the mitigation to be implemented by.

As the payment and mitigation package is to ensure the proposal meets paragraph 97(b) of the NPPF and Sport England Policy Exception E4 in full then Sport England should be consulted on the wording of the s106. Please note a flexible approach has been taken by Sport England with respect to the trigger required for payment and implementation. The policy requires

implementation prior to commencement of development but in this case only the payment is being asked for prior to commencement, implementation is over a longer time period and to be agreed with Sport England.

*E4 - The area of playing field to be lost as a result of the proposed development will be replaced, **prior to the commencement of development**, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Sport England will be in a position to formally withdraw the objection once a signed s106 has been submitted, after consultation with Sport England. If the application is being considered at committee prior to the s106 being agreed and signed with a recommendation of approval, it is suggested you recommend approval subject to Sport England being consulted on the s106.

9. Environment Agency

Environment Agency position

We have no objection in principle to the proposed development but make the following comments;

There are a number of installations regulated by the Environment Agency situated within five kilometres of the proposed development. These installations are subject to permits issued under the Environmental Permitting Regulations (EPR) 2016 . Some of these installations are also subject to the Control of Major Accident Hazard (COMAH) Regulations for which the Health and Safety Executive (HSE) and the Agency comprise the joint competent authority. There are a total of six COMAH operators in this area some of whose off-site emergency planning arrangements may affect the proposed development. We understand that the HSE has been consulted on the proposed development.

10. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Mersey Estuary Ramsar and SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Mersey Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset

designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

11. Health and Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Halton (B).

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Communities and Local Government, or paragraph A5 of the National Assembly for Wales Circular 20/01. These require a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government, or Welsh Ministers, call-in the application for their own determination. The advance notice to HSE should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS or by email to lup.padhi.ci5@hse.gov.uk. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

12. Cadent Gas

Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity, Salt Union Supply (indicated in orange).

This was laid to the appropriate standards and in accordance with the relevant codes of practice.

It is essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline.

The BPD (Building Proximity Distance) for the Salt Union Supply Pipeline is 16.5 metres.

The BPD is taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission.

This is the standard adopted by Cadent Gas and endorsed by the Health and Safety Executive (HSE).

There are other restraints imposed on high pressure gas pipelines, these are land use planning distances. These are distances defined by the HSE to allow them to advise on the acceptability of new developments next to the pipeline and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process. Further guidance on how these are applied can be found on the HSE's website <http://www.hse.gov.uk/landuseplanning/padhi.pdf>

Under Land Use Planning the HSE may wish to apply more stringent criteria for Building Proximity. I recommend that you ensure that they are formally consulted.

When working in the vicinity of ANY Cadent Gas pipelines, the standards set out in the enclosed copy of the National Grid specification SSW22 must be strictly adhered to. PLEASE ENSURE THAT THIS IS HANDED TO THE RESPONSIBLE PERSON ON SITE, TOGETHER WITH COPIES OF THE ENCLOSED PLANS.

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. As you will appreciate we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

Early Contact at the planning stage is very important to allow full discussion of proposals and to ensure the safety of plant and operators.

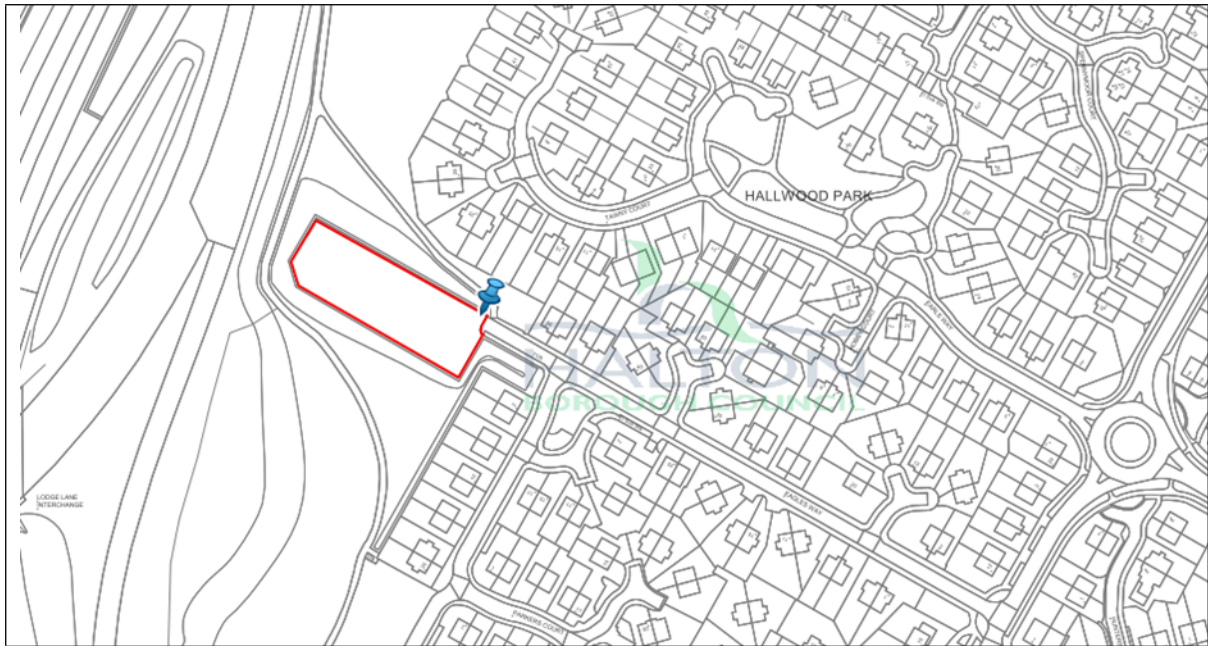
Plant Protection Team, 3rd Party Enquiries, National Grid Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 ONA.

Please note that a minimum 7 days notice, or shorter if agreed with Cadent Gas, is required before any work may commence within the easement.

13. United Utilities

United Utilities will have no objection to the proposed development provided that conditions relating to both foul and surface water are attached to any approval.

APPLICATION NO:	18/00516/OUT
LOCATION:	Location of former Hallwood Raven Pub at Eagles Way, Halton Lea, Runcorn.
PROPOSAL:	Application for Outline Planning Permission (with landscaping reserved) for proposed development of 27 No. Apartments (consisting of 19 No. 2 bed and 8 No. 1 bed) and 31 associated car parking spaces
WARD:	Halton Lea
PARISH:	None
AGENT(S) / APPLICANT(S):	Agent: Neil Pike Architect Applicant: Mr. W. Smith
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	Primarily Residential Area
DEPARTURE	No
REPRESENTATIONS:	6 objections received, one of which following substantial revision to the scheme.
KEY ISSUES:	Design, Amenity, Affordable Housing, Open Space, Drainage, Access, Ground Contamination, Parking and highway issues.
RECOMMENDATION:	Grant planning permission subject to conditions and the securing of a commuted sum in lieu of on-site open space provision



1. APPLICATION SITE

1.1 The Site

Site of approximately 0.2 Ha in area currently vacant following the demolition of the derelict Hallwood Raven pub.

Land to the north/east/south east of the site is predominantly housing stock. To the south and south west there are remnants of open space suspected to date back to the New Town era of landscaping. The site is bounded to the west by a steep landscaped embankment with an acoustic fence. Beyond this is the Central Expressway that is the direct route of traffic from J12 of the M56 over the Mersey Gateway.

The site is located within the Halton Lea Ward and is designated by the Halton Unitary Development Plan as a primarily residential area.

2. THE APPLICATION

2.1 The Proposal

The application proposes the development of 27 No. Apartments (consisting of 19No. 2bed and 8No. 1bed) and 31 associated car parking spaces. The Applicant has agreed to a contribution toward off site open space. This is to be secured by a S.106 agreement. The Applicant's representative has agreed the pre-commencement conditions that form part of the overall suite of conditions detailed at the end of this report.

Members attention is brought to the fact that the application as originally submitted related to a proposal for 67 sheltered accommodation apartments within Use Class C2. However, during the processing of the application, the amount of development sought has reduced in an effort to overcome officer concerns regarding overdevelopment of the application site, design, parking and servicing, concerns of objectors and the true nature of the proposed use. For the avoidance of doubt the development being sought is now that of 27 No. within Use Class C3, open market residential accommodation.

2.2 Documentation

The planning application is supported by the following documents:

- Planning Statement;
- Air Quality Assessment;
- Transport Statement;
- Site Investigation/ Remediation Reports;
- S106 agreement for off site contribution

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;
- PR7 Development Near to Established Pollution Sources;
- 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;

- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- TC5 Design of Retail Development;
- TC6 Out of Centre Retail Development;
- H3 Provision of Recreational Greenspace;
- H8 Non Dwelling House Uses

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;
- CS5 A Network of Centres
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport
- 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.

3.5 Supplementary Planning Documents (SPD)

- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

4. **CONSULTATIONS**

The application was advertised via the following methods: site notice posted near to the site, press notice, and Council website. Surrounding properties were notified by letter.

Following a redraw of the scheme, a follow up consultation exercise was undertaken in the form of letters to the same properties as originally consulted along with anyone who had made representation in response to the first exercise.

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

External Consultees:

Cheshire Constabulary - Designing Out Crime Officer

Council Services:

Highways
Lead Local Flood Authority
Contaminated Land Officer
Environmental Health Officer

5. REPRESENTATIONS

5.1 Six objections have been received. Five of which were in response to the scheme as first submitted. As noted above the scale of the proposal has reduced significantly since the first consultation exercise with number of proposed units reducing from 67 to 27. The objections raised are summarised as follows:

- Privacy interference as a result of the proposed roof top garden.
- Development would reduce potential for crime in the area
- Object to scale and massing of the development
- Noise impact to future residents from Central Expressway, Liverpool Airport Traffic, Trainline in Beechwood
- Insufficient parking
- Construction disturbance
- Increase in traffic

No new issues were raised by the subsequent letter of representation

The modifications to the proposed scheme have dealt with the majority of the concerns set out in the objections. However, not all expressed concerns relate to the design and end use of the development.

Construction disturbance is a natural consequence of development. In the past conditions have been recommended requiring submission and agreement of a Construction Environmental Management Plan including construction vehicle routeing and management and wheel wash facilities in an effort to protect local residents. Experience has however lead to a realisation that such conditions are unenforceable and lead to unrealistic expectations on the level of control available. On that basis it is not considered that imposition of conditions relating to construction management, use of wheel wash facilities or routeing and parking of vehicles could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework. A condition restricting hours of construction and delivery in order to minimise construction impacts is considered appropriate.

6. ASSESSMENT

6.1 Principle of Residential Development

The land is known locally as the site of the former Hallwood Raven Pub. The structure of the pub was demolished and the site cleared in 2018. As a result the site remains empty with no planning permission.

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan. Residential development is therefore considered acceptable in principle.

6.2 Highway Considerations

Highway Authority Planning Consultation Response

18/00516/OUT - Hallwood Raven Eagles Way Runcorn

Proposed development of 27 No. Apartments (consisting of 19 No. 2bed and 8 No. 1bed) and 31 associated car parking spaces

The application has been in the system since 2018 and the Highway Authority has commented on various iterations of the scheme.

A revised ground floor and external layout has been submitted following previous concerns raised by the Highway Authority.

The plans now show the loss of a ground floor 1 bedroom unit to accommodate internal bin storage and cycle storage and it is noted that there has been a small reduction in parking provision to allow for improved pedestrian access.

The description on the application has not been changed to reflect the reduction in unit numbers and it is the Highway Officers opinion that the submitted plans demonstrate the maximum density of units whilst allowing sufficient space for suitable car parking, pedestrian links and servicing arrangements.

The site is connected to the adopted highway network on Eagles Way but there appears to be an area of unregistered land that provided access to the former car park areas to the rear of the site. This access is not shown on the Highway Records as being adopted but does appear to have statutory undertaker's apparatus shown on third party plans.

The proposed car parking provision for the mix of one and two bed units is considered to be acceptable given the improvements made to the layout to cater for sustainable modes of travel, namely cycling and walking. The parking provision sits at 1.25 spaces per 2 bedroom unit and 0.8 spaces per 1 bedroom unit.

The development provide disabled parking bays to the current standards and spaces have been identified for electric vehicle charging provision. A condition will be required to ensure that suitable equipment is provided for EV charging, details should be submitted to the Highway Authority for approval.

The revised scheme includes for the storage of cycles within the building itself which is considered acceptable. The applicant now includes for short term cycle storage by utilising 2 cycle stands to the front of the building.

Concerns with regards to pedestrian links from the building to adopted footway have been addressed by the provision of a footway through the site. An uncontrolled tactile crossing point has also been included to link to the wider footway network to the North of the site.

This crossing point would be outside the red line for the proposal but would be on adopted Highway therefore deliverable relatively simply at the applicants expense.

The final point we would raise with regards to failings against the Halton UDP would be the distance from bus services which does not accord with TP1. The applicant has provided a narrative with walking routes and links but the current policy states that "Development will only be permitted where provision exists or is made for adequate access by public transport. No building within a development should be more than 400m walking distance from a bus stop or railway station." We would defer to the LPA to advise on if the application is considered above this policy.

The Highway Authority have not raised an objection to the development proposal. The majority of the scheme has been supported, the only observation to draw discussion on is the matter concerning the developments proximity to the public transport network.

As noted in the comments from the Highway Authority, Policy TP1 of the Halton UDP requires that residential development be no further than 400m from a public transport node. Whilst the development is outside of the 400m set by Policy TP1 there are sufficient mitigating considerations as follows:

- The development red line is located within a large residential area a large portion of which is already located further than 400m set by Policy TP1 regarding 400m distance from a bus stop or railway station.
- There is a precedent for residential development in this location
- The development red line is 530m from the Halton Lea town centre (approximately 900m to the southern bus station) and 595m from the Halton Hospital campus.
- The Halton Lea Town Centre is a significant public transport bus terminal where several bus routes converge with routes to Warrington, Chester and rail stations in the locality.
- Such deficiency is considered no worse than existed for the former pub which occupied the site and surrounding existing residential development. area

- A purchaser of the scheme will be aware of the distances to and from bus stops and the nearby town centre.

On balance the benefits of the location, specifically its proximity to the nearby hospital campus, the Halton Lea town centre with its services, including the wide access to the public transport network from this nodal point, is of considerable benefit to the future occupiers of the development proposal. Such benefit is greater than access to a bus stop within 400m of the development site boundary as envisaged by Policy TP1. Therefore sufficient material considerations exist that support this proposal despite its shortfall in proximity to a bus stop.

The proposed development is sited within an existing residential development. It would not be a sustainable objection to state that the proposed development is not sustainable when there is an existing community residing around the application boundary.

6.3 Layout

The proposed site layout has been amended in line with officer advice. The building is now considered to be appropriately located within the site having regard to securing appropriate access and providing an active frontage to ensure good monitoring of the site and the surrounding footpaths.

The reduction in the size of the apartment block and its re-orientation has resolved issues relating to providing a satisfactory outlook for future residents of the proposed building and those existing site residents that interface with the boundary.

Appropriate provision is given to servicing and refuse storage. Appropriate separation distances are considered to be provided to existing surrounding uses securing appropriate levels of amenity for existing and future residents and uses.

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. The scheme provides approximately 550sqm of general amenity space which represents a shortfall of approximately 850sqm. The Architect to the scheme acknowledges that there is shortfall to this level of on-site provision. However, there are existing parks in the locality that residents will be able to enjoy.

Given the overall size of the site, there is limited scope to provide the required level of amenity space in full on site without either significantly changing the form of the development or reducing its scale. . A change in the form of the apartment building and/ or inclusion of roof top gardens and balconies could

allow more open space provision. However, this would result in a taller building and potentially greater degrees of overlooking of surrounding existing properties that would have a greater impact on the surrounding residents and be out of character with the surrounding area. It is acknowledged that further reduction in development could affect the viability of the scheme.

It is the opinion of the LPA that an appropriate balance has been struck between selecting the appropriate form of building with an accompanying level of on-site garden space and off site payment contributions.

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.

Scale

Members will note that the representations to the scheme as originally submitted raised concerns that the proposed scale of development and that this would be out of character with the area. Significant amendments have been made to the scheme in line with officer advice and no further representations have been received as a result of the re-consultation undertaken.

Whilst the application site is located in an area of residential development there are no other apartment buildings in the vicinity, nor are there buildings above a traditional two storey house. However, the site and situation of the proposed apartment building is such that its juxtaposition will be minimalised. A modern apartment building will present a contrast to the surrounding housing stock. However, such a contrast has existed on site previously with the presence of a single storey pub. The use of the site as a residential use is more harmonious and as a result this assists to mitigate the contrast in build types.

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

6.4 Appearance

The scheme as submitted has been amended in line with officer advice. This has resulted in a change to the buildings positioning within the site and move in the principal facade to create an active frontage that faces Eagles Way. This change has also created an improved interface with surrounding properties and to the site boundaries.

Whilst the surrounding area consists of traditional two storey housing stock the proposed 3.5 storey structure would not appear so out of scale or character with the area especially given the surrounding landforms and landscaping. The

building is considered to be of a modern design comprised of high quality materials and provides an opportunity to bring a vacant site back into use and providing much needed housing. The scheme as amended is considered to overcome the earlier expressed concerns of surrounding residents and to represent a better outlook for those residents than the current derelict site.

The development of the application site will result in a significant enhancement to this area of the Hallwood estate. The choice of materials will be key in achieving the maximum quality of the final development. The submission of precise external facing materials and their subsequent implementation can 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.

6.5 Landscaping & Trees

The application is outline in nature. Landscaping matters are the only matters reserved for future consideration. Notwithstanding that limited scope exists within the scheme for proper landscaping, the site is well surrounded by existing designated greenspace and landscaping which will soften the development.

There are currently no trees within the application site. There are however a significant number of trees which directly adjoin the site on land owned by others.

The applications is supported by an arboricultural impact assessment and method statement. Whilst this identifies that closer trees will need work either by removing or pruning the submitted method statement includes provisions for the carrying out of those works and the protection of trees to be retained.

6.6 Designing Out Crime

Cheshire Constabulary Designing Out Crime Officer has provided a number of comments and recommendations with the aim of improvement in terms of a secured by design perspective. The following recommendations have been made:

- The shrubbery and trees to the site perimeter will need to be well maintained. The crown of any trees will need to be above 2 metres and any shrubbery below 1 metre to facilitate a clear line of sight and facilitate natural surveillance.
- The car park would need to be fitted with access controlled (compatible to UL 293) gates so only residents can gain access to the complex. The pedestrian access would also need to be access controlled.
- A video entry system needs to be fitted to the main building to prevent any unauthorized access. There should be special arrangements for post or tradespeople.

- The bin store lacks natural surveillance. If the bin store is an open structure it needs to be designed so people walking past cannot throw rubbish in, alternatively any enclosed structure would need to be designed to ensure it did not become a climbing aid into the development. The bin store should be added to the access control system.
- All doors and windows to the site should be PAS 24:2016 or equivalent.
- There should be limiters on any non fire windows to prevent sneak in crimes.
- Defensible space in the form of planting or decorative fencing should be positioned round ground floor windows to aid privacy.

In response to the recommendations by Cheshire Police the following comments are made.

Landscape maintenance within the site and access control are matters for the owner and boundary treatments will be secured by planning condition and consideration can be given to the above through subsequent determination. Maintenance of the landscape and woodland areas that surround the site are outside the control of the landowner. It is not considered that any policy justification exists to justify any insistence that the car park and any pedestrian access would need to be fitted with access controlled gates as advised. The bin store has been relocated within the building as a result of the latest amendments.

Significant improvement has been secured with the scheme and any issues must be balanced against the benefits of the scheme including those provided by the increased natural surveillance offered by the development of the site. Notwithstanding, the comments of Cheshire Constabulary can be attached to any planning permission by means of informative to ensure the Applicant is aware of the Police concerns for the area. It is understood that the opportunity exists for developers to liaise with the Police outside the planning process in order to consider the most appropriate measures in this regard.

6.7 Site Levels

The site is relatively level across its entire area. This level is the same as the access connection and that of Eagles Way and there are no proposed significant levels changes indicated as part of the application submission. Detailed site and finished floor levels can be secured by appropriately worded planning condition.

6.8 Noise

The application is not accompanied by an Environmental Noise Assessment. Given the close proximity to the A533 (Central Expressway) it is appropriate to require that a noise survey be undertaken prior to development commencing and that any recommendations to mitigate any noise disturbance e.g. high quality glazing or recirculated air are implemented to ensure that health standards are safeguarded.

Given the existing noise environment and that residential development exists in close proximity to the potential noise source, it is considered that readily available construction solutions are available to address any potential issues that may be identified in a future acoustic report.

The attachment of conditions securing the undertaking of an acoustic report and the subsequent implementation of the recommended noise mitigation measures are considered reasonable. On this basis the proposals are considered to be compliant with Policy PR7 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 is considered reasonable to attach a condition which secures the submission of a scheme, its subsequent implementation and maintenance thereafter.

Subject to the proposed condition 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.

It has been identified that there are open space deficiencies within the area across a number of open space typologies and no open space provision is proposed on-site. In the absence of any form of viability appraisal, a commuted sum in lieu of on-site provision is appropriate which can be secured by way of upfront payment or be secured by a S106 agreement.

Subject to such payment of a commuted sum in lieu of on-site provision / securing of such provision by S106 agreement, it is considered that the provisions of Policy H3 of the Halton Unitary Development Plan are met.

6.11 Ground Contamination

The application is accompanied by a Preliminary Risk Assessment. The Council's Contaminated Land Officer has reviewed this report and recommended that a condition be attached to any planning permission that requires submission of a detailed site investigation and risk assessment with a requirement if necessary as a result of the investigation and assessment, that a remediation strategy and verification reporting be implemented. This can be secured by appropriately worded planning condition.

6.12 Flood Risk and Drainage

The LLFA have reviewed the application. The site is located in Flood Zone 1 and not in a critical drainage area and no FRA is therefore required. However as this is a major development, there is requirement for the development to give consideration towards surface water mitigation in line with the NPPF, specifically that of the drainage hierarchy.

No such consideration has been made by the Applicant. The LLFA recommend the following condition to address this shortcoming;

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. (This shall include setting of building threshold levels to be above EA surface water flood risk levels where applicable.) The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. *A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) is not feasible then drainage to watercourse or iii) if i) or ii) is not feasible connection to any system adopted by, any public body or statutory undertaker.*
- ii. *Interceptors and attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield runoff rates for the new hardstanding/roof areas as a minimum, with additional improvements for existing runoff where practical (50% reduction required as a minimum in critical drainage areas).*

No development shall be occupied until a verification report confirming the system has been constructed in accordance with the approved details have been submitted to and approved by the local planning authority.

Provision to attach such a condition is included within the recommendation section of this report.

6.13 Waste Prevention/Management

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the

National Planning Policy for Waste paragraph 8, bullet point 3 and Planning Practice Guidance 49 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.

It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

7. CONCLUSIONS

The application proposes residential development on a derelict brown field site that is surrounded by housing stock and is designated as within a primarily residential area in the Halton Unitary Development Plan. The principle of residential development is therefore considered acceptable. It would further assist in the redevelopment of a site that is known to the local community as a site of anti-social behaviour with past instances of fly tipping and vandalism is welcomed.

The site benefits from an existing appropriate access point and a level ground across its site that is the same as the surrounding housing stock. The proposal complies with interface standards and is of good modern design Amendments have been secured to the scheme which it is considered will result in a quality of development which will make a positive addition to the area and secure appropriate levels of amenity for existing residents and future occupiers of the scheme.

Based on the sites location in an existing housing area, together with the scheme benefits of housing provision and visual improvement to the area, it is considered that the benefits of the scheme outweigh any outstanding issues and that refusal of planning permission cannot be justified in this case.

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. RECOMMENDATION

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. Time Limit.
 2. Approved Plans.
 3. External Facing Materials (Policies BE1 and BE2)

4. Soft Landscaping Scheme (Policy BE1)
5. Boundary Treatments Scheme (Policy BE1)
6. Electric Vehicle Charging Points Scheme (Policy CS19)
7. Provision & Retention of Parking (Policy BE1)
8. Provision and retention of cycle parking
9. Requirement for Acoustic Report and Implementation of Noise Mitigation Measures – (Policy PR2)
10. Affordable Housing Scheme – (Policy CS13)
11. Ground Contamination - (Policy PR14)
12. Drainage Strategy/ Scheme– (Policy PR16)
13. Waste Audit (WM8)
14. Submission and agreement of site and finished floor levels
15. Surface Water Drainage Strategy

16. Conditions relating to tree protection through the course of the development


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.

9. SUSTAINABILITY STATEMENT

As required by:

- the National Planning Policy Framework; and
- The Town and Country Planning (Development Management Procedure) Order 2015;

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

APPLICATION NO:	20/00053/REM
LOCATION:	Land To The East Of 137 Runcorn Road, Moore, Warrington, Cheshire, WA4 6UQ
PROPOSAL:	Application for approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) of outline permission 17/00602/OUT
WARD:	Daresbury
PARISH:	Moore
AGENT(S)/APPLICATN(S):	Confident Construction Ltd
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE:	No
REPRESENTATIONS:	At the time of writing the report, objections have been received from two neighbouring properties, Moore Parish Council and Councillor Bradshaw.
KEY ISSUES:	Layout, Scale, Appearance, Landscaping, neighbour amenity
RECOMMENDATION:	Approve subject to conditions
SITE MAP:	

1. APPLICATION SITE

1.1 The Site

The site subject of the application is a parcel of land which currently forms the side garden of No.137 Runcorn Road.

The site is currently identified as Green Belt in the Halton Unitary Development Plan and sits within a small ribbon of 4 houses backing onto the railway line which is in a cutting. It adjoins the edge of the built form before it gives way to open fields on the south side of Runcorn Road and ribbon development on the north side.

It appears as falling within a distinct residential area formed by residential areas including Lindfield Close, Hollybank, Six Acre Lane and Gardens and also including Moore Primary School. These are considered to form part of the Village of Moore.

1.2 Planning History and Background

- 17/00602/OUT - Application for Outline Planning Permission (with all matters other than Access reserved) for division of site, creation of new vehicular access and erection of 1 no. dwelling in the side garden area.
Permitted 07.02.2018

2. THE APPLICATION

2.1 The Proposal

This is a reserved matters application which provides detail following the grant of outline permission for 1no. dwelling.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that "planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing".

Paragraph 11 and paragraph 38 state that “plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.”

3.2 Halton Unitary Development Plan (UDP) 2005

The site is identified as Green Belt 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
- TP12 Car Parking

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design

3.4 Supplementary Planning Documents

- Design of Residential Development

4. CONSULTATIONS

4.1 The application has been advertised via the following methods: site notice posted near to the site and on the Council Website. Surrounding residents have also been notified by letter.

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

- **HBC Highways and Transport**
No objection
- **HBC Contaminated Land**
No comments received – Contaminated Land elements have been dealt with through the outline planning application and an associated condition attached to it.

- **HBC Open Spaces**
This reserved matters application does not require comment from Open Spaces Team. Issues regarding trees on site have been dealt with through the outline planning application. See below landscaping section for further discussion
- **Moore Parish Council**
Objection – see sections below
- **Network Rail**
No objection in principle - requirements which must be met as the proposal includes works within 10m of the railway boundary.

5. REPRESENTATIONS

5.1 The application was originally advertised by six neighbour notification letters sent on 13.02.20 and again on 21.02.20 due to an amendment to the site address and a site notice posted on 13.02.2020. Following amendments to the scheme the application was re-advertised by another 6 neighbour notification letters sent on 30.06.20 to the original 6 neighbouring properties which included the two properties which had already made representations.

5.2 At the time of writing the report, representations have been received from two addresses, Moore Parish Council and Councillor Bradshaw. The comments are summarised below:

- The new dwelling is only 4.8m from the gable of the existing dwelling (137 Runcorn Road) which has three windows all servicing habitable rooms. This will compromise the privacy, levels of daylight and sunlight of the existing property. Minimum separation distance should be 13m.
- The drawings show a dwelling of three stories with a ridge height significantly above the surrounding properties. This is contrary to documents cited in the outline planning consent which show a two storey dwelling.
- The plans show a bedroom created in the loft space and to achieve this the roof line of the proposed building is raised to an excessive height.
- The roof of the proposed is very dominant in its visual effect making the building look top heavy and ugly. As a result the building will appear incongruous, unduly prominent and out of character with the street scene.

- No consideration has been given as to how the development will affect the mature tree which sits within the curtilage. Should the tree survive, the roots could become problematic for the new dwelling.
- The application site is graded with the rear being over 1m higher than the front. Much of the rear land was designated as non-constructible land however the drawings show that the new dwelling will be built on over 2m of this non-constructible land. No provision has been made to stabilize the adjoining land should excavation take place.
- Provision of outdoor space for the new dwelling does not comply with the minimum requirements in the Design of Residential Development SPD.
- The proposed driveway for the existing property shows two car parking spaces which are 4.8m in length. In addition they are shown adjacent to the house making it impossible to get in/out of a vehicle
- A new vehicular crossing to Runcorn Road is to be provided as stated in the outline permission but this has been omitted from the plans.
- The proposed driveway for the new dwelling shows spaces for three vehicles, one of these is to the front of the house and would create an unattractive frontage and the street scene would be dominated by the view of cars.
- The boundary distance of 4m from the existing house stated in the outline application has been completely ignored and is shown as 3.8m on the submitted drawing.

Amended drawings have been submitted reducing the height of the roof of the dwelling. The following comments were received relating to the amended plans:

- Only minimal changes have been made to the application, it continues to over develop the site with a house of a proposed height and massing that remains oppressive and disproportionate, has a negative impact on the amenity of adjoining property, is out of character to the local street scene and would result in the loss of the mature tree situated in the adjoining plot 131 Runcorn Road.
- The proposal is still taller than the surrounding properties and is still showing as three stories. This is still out of character with the existing street scene.
- Section 7 of the outline planning permission states “prior to commencement of development, plans of the existing ground levels

and proposed ground levels and finished floor levels shall be submitted and approved by the Local Authority. This clause does not appear to have been addressed in the plans submitted for reserved matters.

- Previous comments are still relevant.
- The garage on site has been demolished without any fencing to protect the roots of retained trees.

5.3 Moore Parish Council have objected to the planning application providing the following comments:

The Parish Council wish to make the following observations to this application:

- *Number 137 Runcorn Road, the neighbouring and closest property has 3 side windows (all in habitable rooms) which will be directly overlooked by the proposed dwelling.*
- *The gable wall of the proposed dwelling is a mere 4.8 metres away from the neighbouring windows of 137 Runcorn Road. **Halton Borough Council's own policy states that habitable windows facing a blank wall/gable wall should have a 13 metre separation. The window to window separation is even greater.***
- *There will be a significant impact on the Right to Light of 137 Runcorn Road and irrespective of the adjoining owners right to seek an injunction on such grounds, the Council should not, we consider be granting consent for schemes that so adversely affect existing, established windows.*
- *Any windows on the gable wall must be obscured glass.*
- *The proposed development is very heavy for the size of the plot and as a consequence does not meet the minimum requirement for outside space. In fact the whole of the plot is only some 350m².*
- *The scale and massing of the proposed build, as effectively a 3 storey dwelling are inconsistent with the streetscape in this area.*
- *There is a mature tree on the boundary (but actually within the grounds of number 137 Runcorn Road) which has not been factored into the*

plans. It is evident that the proposed works will be injurious to this tree and therefore this needs consideration.

- *The proposal for parking 3 cars will result in cars reversing out into a main road which is both a bus route and very close to a school; this is a highway safety issue.*

Moore Parish Council urges Halton Borough Council to refuse this planning application because of the overwhelming problems given above; which when considered cumulatively would result in a problematic property.

Following the submission of amended plans, Moore Parish Council have provided further comments/objections:

The Parish Council has reviewed the amended proposal for the development of the land to the east of 137 Runcorn Road.

The Applicant has not addressed the scale of the building within the streetscape and the 3 storey building will dominate the 2 storey adjacent buildings. If this site is to be developed it should be limited to a 2 storey scheme to maintain the character of the area and streetscape. The Parish Council would ask for a strict condition that the ridge height must not exceed, at any point the existing ridge height on 137 Runcorn Road being 24.79 as detailed on the submission plans.

The new proposals do not address the breach of Halton Borough Councils SPD for Residential Development para 6.23 in that the spacing between a habitable window and a gable wall should not be less than 13m and on these grounds alone the Application should be refused.

The Parish Council would re-iterate our concerns that the Council is considering an Application that causes a breach of a right to light of an existing window opening. Whilst the Adjoining Owner may choose to exercise their legal right to seek an injunction with respect to the proposal, the Council should not create a position whereby they have to consider such given the clear policy standards the Council Residential SPD sets for daylight and sunlight.

5.4 Councillor Bradshaw has provided the following comments:

I can see how the proposed property is considered to be extremely large for the size of the plot and the exiting from it could be dangerous in view of it being on a through road with the proximity of a junior school. I have also noticed the discrepancy in that the size of the plot in the Outline Permission granted is quoted as 760 square metres, which is more than double the actual size of the plot in the Full Application?

Furthermore, the Full Application states that no pre-application consultation was done, which is incorrect as they are ignoring that done for the Outline under Reference 17/07067/PREAPP.

I have been copied in to the Parish Council's objections on this application and after looking at it all in detail myself, have to agree that the application is not acceptable in aesthetic and indeed Planning Terms. I would therefore ask that if there is any Council decision to pass the application, I am asking to call it in Before the Planning Committee.

6. ASSESSMENT

6.1 Principle of Development

The principle of locating 1no. dwelling on this site has been established by the granting of 17/00602/OUT. The purpose of this application is to consider the suitability of the detail for the 1no. dwelling.

6.2 Layout

In terms of siting, the proposed dwelling is located in a logical position within the plot in terms of its alignment with No.137 and No.139 Runcorn Road which would result in an appropriate relationship in the Runcorn Road street scene. The proposed dwelling would be slightly greater in depth than the adjacent properties, however this would not be visible from the street scene and would not result in any significant detrimental impact on the character or appearance of Runcorn Road or the wider area.

Site levels have been provided which demonstrate acceptable relationships with adjoining properties. It is considered appropriate to attach a condition which secures implementation in accordance with the proposed levels.

There are a number of windows on the gable elevation of neighbouring property No.137 Runcorn Road that have been considered throughout the assessment of the planning application and have been highlighted within neighbour objections to the proposal. On the ground floor there is a kitchen/dining room window that would have a separation distance of 4.9m between the blank gable of the proposed new dwelling. A kitchen is not considered to be a habitable room however a dining room is. There is a second window on the rear elevation which serves this room, which is also larger than the window on the gable elevation. It is considered that the window on the rear elevation is the principle window and the window on the side elevation is a secondary window. The main source of light access and outlook is provided by the window on the rear elevation.

There is also a lounge room window on the ground floor of No.137 and a small bedroom window on the first floor side elevation. A distance of 8.8m

would be maintained between the lounge window. Both are considered habitable rooms however they both benefit from a second window on the rear elevation which are larger than the windows on the gable elevation. It is therefore considered that the principle windows are located on the rear elevation and provide the main source of light and outlook, and that the windows on the gable elevation of No.137 Runcorn Road are secondary windows.

It is considered that given there are secondary windows serving the above mentioned rooms, the proposed development would not result in a substantial detrimental impact on the outlook, provision of light, privacy and overall residential amenity enjoyed by No.137 Runcorn Road sufficient to justify a refusal of the application. In addition to this, the positioning of the dwelling in terms of the footprint of the dwelling and the distance from the existing 137 Runcorn Road is as indicated within the plans for the original outline planning permission 17/00602/OUT.

Comments raised in the received objections regarding the boundary distance of 4m from the existing house being ignored are not accurate. The layout on the proposed plans has been checked and shows a distance of 4m between the gable of the existing dwelling 137 Runcorn Road and the proposed boundary fence along the site boundary.

The layout provides off road parking space for three vehicles, as well as soft landscaping which is considered to be appropriate. With regards to private outdoor space, the Design of Residential Development Supplementary Planning Document indicates that houses having 4+ bedrooms shall have a minimum private outdoor space of 90sqm per unit. This property would have a private outdoor space which exceeds 90sqm.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.3 Access

The principle of an access to a proposed dwelling from Runcorn Road has already been accepted by the granting of outline planning permission. The detailing shown in terms of parking provision and the ability to enter and exit the site is considered appropriate. A condition securing the implementation of the parking provision shown and its subsequent maintenance is considered reasonable.

From an access perspective, the proposal is considered to be acceptable in compliance with Policy BE1 of the Halton Unitary Development Plan.

A comment included in the received objection states that the new vehicular crossing to Runcorn Road has been omitted from the plans. The implementation of this access has been conditioned within the approved outline permission. The access to 137 Runcorn Road sits outside of the red line plan for the reserved matters application however these comments have been fed back to the agent who has amended the proposed block plan to show a dropped kerb and vehicle access to 137 Runcorn Road although outside of the red line boundary.

The proposed driveway for the existing property also shows two car parking spaces which are directly adjacent to the building. Concerns raised in the received objection highlight that it would be impossible to get in/out of a vehicle. Car parking spaces are sized at 2.5mx5m which are in accordance with standard parking space sizes and includes allowance for accessing the vehicle.. The indicated spaces are not considered to be so constrained as to prevent proper use.

The Council's Highway Authority have raised no objections to the reserved matters application and it is therefore considered that the proposal would not result in a detrimental impact on highway safety.

6.4 Scale

The proposed dwelling would appear as two storey in height but with the addition of utilizing the roof space (2.5 storey). Originally, the initial submitted plans showed the proposed dwelling with a ridge height significantly higher than the neighbouring properties.

Amended plans have been submitted with a reduced ridge height which creates a better visual relationship with the neighbouring properties and has address the concerns initially raised by planning officers. The proposed dwelling is still slightly taller than the surrounding properties however the change in land levels along the street scene of Runcorn Road benefits the way the property is viewed along Runcorn Road.

The wider area is characterised by significant variety in the scale and design of properties. It is not considered that the proposed building would appear dominant or incongruous within the street scene. It would not result in a detrimental impact on the character or appearance of the surrounding area. The proposal is considered to be acceptable in terms of scale compliant with Policy BE1 of the Halton Unitary Development Plan.

6.5 Appearance

The proposed dwelling would be constructed of appropriate materials given the nature of the surrounding area. Proposed materials have been indicated

on the submitted plans as a mix of red brick and slate roof tiles however the specific colour/brand/specification details and samples have not been confirmed or supplied. Submission and agreement of detailed materials has been conditioned to be submitted under the outline planning application and will therefore be secured and agreed via future discharge of conditions application. The suggested materials types shown on the proposed plans are considered to be appropriate in principle. This would ensure that the development is compliant with Policy BE1 of the Halton Unitary Development Plan in respect of appearance.

The proposed boundary details are considered to be acceptable.

6.6 Landscaping

The scheme provides sufficient detailing with regard to landscaping with the proposed hard and soft landscaping resulting in a satisfactory appearance. The proposal is considered to be compliant with Policy BE1 of the Halton Unitary Development Plan.

Concerns have also been raised via an objection to the application regarding the mature tree that is present within the application site. Issues regarding the trees and tree protection have been dealt with under the outline planning application.

Under the Outline planning application 17/00602/OUT the Council's Open Spaces Officer confirmed that there are no formal tree constraints within the site. A detailed Arboricultural Impact Assessment was submitted with the outline application. It was considered that tree protection could be adequately secured by appropriately worded planning conditions which were attached to the outline planning permission.

It is considered that issues regarding the trees on site have been dealt with under the outline planning application, and in addition to this, the footprint of the proposed dwelling accords with that indicated by the outline planning application with appropriate root protection being maintained. A number of conditions attached to the outline planning permission are considered to secure adequate protection for the trees potentially affected by the development.

7. Conclusion

Based on the above, the detail provided as part of this reserved matters application is considered to be acceptable. The proposal is considered to be compliant with Policy BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

8. Recommendation

The application is recommended for approval subject to conditions relating to the following:


1. Approved plans
2. Parking provision
3. Site levels

9. Informative

1. Network Rail

10. Sustainability Statement

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

APPLICATION NO:	20/00241/FUL
LOCATION:	The Croft, 1 Halton Lodge Avenue, Runcorn, WA7 5YQ
PROPOSAL:	Proposed construction of 15 no. 1 bed apartments for assisted living (use class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works
WARD:	Grange
PARISH:	None
AGENT(S)/APPLICANT(S):	Mr Craig Welsh, Studio KMA/Mr Daniel Anders, Hindle Property Investments Ltd.
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	No public representations have been received as part of the advertisement of the application
KEY ISSUES:	Principle of development, loss of public house; loss of tree; highway, car parking and traffic issues; impact on bat habitat; design; amenity
RECOMMENDATION:	Approve subject to conditions
SITE MAP:	 <p>The site map shows a residential area with several streets and buildings. A specific plot of land is highlighted with a red outline, indicating the location of the proposed development. The map is oriented with North roughly at the top.</p>

1. APPLICATION SITE

1.1 The Site

The application site is located along Halton Lodge Avenue in Runcorn, measures approximately 0.175 Ha in area and has vehicular access directly from Halton Lodge Avenue.

The application site comprised a derelict former public house, The Croft, which fronts on to Halton Lodge Avenue. It was a part single, part two storey building and the remainder of the site includes hardstanding and overgrown landscaping. It is thought that the public house had been closed since November 2014 and was demolished following a series of fires and ongoing complaints of anti-social behaviour. The site is located within a Primarily Residential designation in the Halton Unitary Development Plan.

1.2 Planning History

The site has a planning history dating back to September 1984 pertaining to its use as a public house. This application is a re-submission of a previous application with the same description 19/00506/FUL which was withdrawn in January 2020.

2. THE APPLICATION

2.1 The Proposal

The proposal seeks permission for the erection of 15No. 1 bedroom apartments for assisted living (Use Class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works.

2.2 Documentation

The planning application is supported by the following documents:

- Planning Statement Martin Planning Ltd. September 2019
- Design & Access Statement T832_DAS Studio KMA September 2019
- Design & Access Statement Addendum T832_DAS Studio KMA November 2019
- Phase 1: Preliminary Risk Assessment Ref: LKC 19 1467 LK Group September 2019

- Flood Risk Assessment & Outline Drainage Strategy Ref: 19 1069 LK Group September 2019
- Transport Statement VN91442 Vectos September 2019
- Noise Impact Assessment Report Ref: 27210/NIA Hann Tucker Associates October 2019
- Trees and Construction BS5837 Tree Survey Assessment Ref:19446/A1 Indigo Surveys Ltd. October 2019
- Trees and Construction BS5837:2012 Tree Survey, Arboricultural Implications Assessment & Method Statement Ref: 19446/A3 Indigo Surveys Ltd. October 2019
- Preliminary Roost Assessment Survey ARBTECH April 2020
- Bat Emergence and Re-entry Surveys ARBTECH May 2020

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that “planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing”.

Paragraph 11 and paragraph 38 state that “plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.”

Paragraphs 80-82 states the “need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area”.

3.2 Halton Unitary Development Plan (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- H8 Non Dwelling House Uses
- LTC5 Protection of Community Facilities
- PR1 Air Quality
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All

3.3 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
- CS12 Housing Mix
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

3.5 Supplementary Planning Documents

- Design of Residential Development SPD

4. CONSULTATIONS

4.1 The application has been advertised via the following methods: site notice posted near to the site and on the Council's website. Surrounding residents have also been notified by letter.

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

- **United Utilities**
No objection
- **Merseyside Environmental Advisory Service**
No objection, see section below
- **Natural England**
No objection
- **HSE**
Do not advise against
- **National Grid**
No objection, see informative

Council Services

- **HBC Highways and Transport**
No objection, see section below
- **HBC Environmental Protection**
No objection
- **HBC Contaminated Land**
No Objection
- **HBC Open Spaces**
No objection, see section below
- **Lead Local Flood Authority**
No objection
- **HBC Grange Ward Councillors**
No comments received

5. REPRESENTATIONS

5.1 The application has been advertised by 88 neighbour notification letters sent on 04.06.2020 and a site notice posted on 03.06.2020. At the time of writing the report, no representations or objections have been received.

6. ASSESSMENT

6.1 Principle of Development

The submitted Planning Statement provides the following background information:-

The property has been vacant since about 2014 and the windows and doors are currently boarded. The site has been the subject of anti-social behaviour and makes little contribution to the streetscene in terms of its design.

The Proposal seeks permission to demolish the existing building and to erect 15 no 1 bedroom apartments for supported living with communal areas and car park for 10 vehicles. The development will provide supported accommodation for people with disabilities and on completion by the applicant it will be leased to Hilldale Housing Association who, working with 1st Enable (a social care provider), will take over full management responsibility. The primary function of the development will be to offer suitable, supported accommodation to people with learning disabilities and enduring mental health problems. Some adults will also have autism and / or physical disabilities.

Hilldale Housing Association is a specialist housing association. The sole purpose of the operation is to provide high quality supported living to people that need additional support. Formed in 2009, they are a Not for Profit Company, whereby any money made is put back into providing further quality homes or investing in better services for their residents. In 2013 they became a Registered Provider with the Homes and Community Agency (Registered Number 4760).

Each unit within the development provides living accommodation to include a bedroom, bathroom, living area and kitchen with residents being given personal support to help them live more independently. There are also internal and external communal areas for residents to socialise. There will be at least one member of staff on site at all times with the number of staff increasing dependant on needs. There is a dedicated staff room located within the development to enable staff to be available at all times. This includes sleeping accommodation and bathroom facilities.”

6.2 The site is designated as a within a Primarily Residential Area. The proposed end use is C2, which includes uses such as a residential care home. The type of property proposed is that of ‘supported living’ with one unit acting as an office and used for an on-site carer, with the remaining 15 units provided as self-contained apartments. As such UDP Policy H8 applies.

H8 allows for the provision of non-dwelling house uses are considered mainly with regard to their effect on residential amenity and this can be approved providing the following criteria are met:-

- a. The development itself would not detract from the character of the area or the amenity of residents.
- b. The development would not result in an over-concentration of non-dwelling house uses to the detriment of the character of the area or the amenity of residents.
- c. Where parking is to be provided in any area fronting a highway, one third of that area should be provided with soft landscaping and screening.

Core Strategy Policy CS12: Housing Mix encourages proposals for new specialist housing for the elderly, including extra care and supported accommodation in suitable locations particularly those providing easy access to local services and community facilities.

Both these policies support the principles of the proposal subject to other matters of amenity being met and those are dealt with below.

6.3 Design and Character

The proposed front elevation of the proposed building is in the approximate position of the existing public house. This is 32m distance from the nearest affected residential occupiers directly opposite on Halton Lodge Avenue, numbers 53 to 61. The proposal is two-storey only therefore the Council's minimum interface distance of 21m is more than achieved. There are no residential properties to the rear (east of the site).

To the south the site is an existing building which is in use as a YMCA establishment which has residents living in the building as a multi-occupied unit. The building occupies a similar plot line on this side of the site. There are no habitable room windows which face this property and as such there are no significant impact on the occupiers in excess of that resulting from the existing building and the amenity of the occupiers of it is not significantly adversely affected.

The nearest affected occupiers to the north are those on the end terrace at 7 Fieldhouse Row. There are no windows on the side elevation of this property which faces the proposal and, given relative separation distances the proposals are not considered to impact unduly on occupiers of those properties.

The proposed design of the building is two storey brick face at ground floor and render at 1st floor with a profiled flat roof. The building is of a modern

appearance with a good amount of glazing on the front and rear elevation, with feature window casement frames on the front elevation at first floor. The proposal includes a feature porch and name plate. The side elevations include obscure and ghost windows to break up the elevation massing and to provide the perception of overlooking on both sides of the building.

Boundary treatment is provided to enclose the on-site amenity space in the form of metal railing type manor ball-top perimeter fencing 1.8m in height which will increase the visual permeability of the site. This is considered acceptable.

Landscaping is proposed indicatively to the side and front of the building. A bin collection area is provided on the frontage of the property adjacent to the highway with secure bin storage provided. Secure cycle parking is provided to the side of the car parking area and close to the building for adequate surveillance. Additional Sheffield cycle stands are provided for visitors. Two Electric vehicle charging points are provided within the car parking area as well as two marked out disabled parking bays. These are considered acceptable.

It is considered that the proposal meets the design requirements of the Council and is appropriate for its location. On this basis it complies with Policy BE1, BE2, BE22 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan and the NPPF.

6.4 Impact on Trees

The application has been accompanied by a Tree Survey and Method Statement for construction. There are several mature trees that the proposal will affect and the Council's Open Spaces Officer has been consulted to provide comments on the submitted information.

The Council's Open Spaces officer has agreed with the proposed tree removal and reduction, albeit that the applicant is required to obtain the permission from adjacent land owners for some of the reduction work proposed.

The Council's Open Spaces Officer has confirmed that there is no objection to the proposed development. On this basis the proposed impact on the existing trees at the site is acceptable and will not result in a significant detrimental impact on the amenity of the area. On that basis the proposal complies with Policy BE1 and H8 of the Halton UDP and NPPF.

6.5 Highway Safety

The Local Highway Authority have provided the following comments in relation to the proposed development:

Based on a C2 use with the specified number of employees and residents the car parking provision shown on the plans meets the requirements and is considered acceptable in terms of catering for the proposed development.

We would expect to see robust conditions to secure this usage as a more general residential apartment would require consideration against different standards as per Halton's UDP.

Following recent, and previous site visits it was noted that although the Croft has ceased to trade there is an established pattern of local residents parking within the site as it has been left unsecured allowing access.

There is an assumption that this practice is a carryover from when the business was operating and that the car park has functioned in some way as a community asset. Although these users may have no legal right to park on site the Local Highway Authority considers the displacement of these vehicles to be material to the consideration of parking provision.

There is a lack of available on street parking on Halton Lodge Avenue due to existing Traffic Regulation Orders and the surrounding residential area is subject to high demand for space both on street and within the un-adopted parking courts.

The applicant was advised of the potential parking issue and context as part of an earlier application process (19/00506/FUL) and the Highway Officer requested that that a parking study should be undertaken to support any under-provision of car parking spaces and to determine what impact the loss of the parking amenity enjoyed traditionally by residents would result in.

This study would be a simple practical exercise of viewing the area throughout a non-conflicting day to establish parking habits and capacity at key times i.e. early morning, peak hours and night time (the Highway Officer would be happy to scope the survey to agree study area and times etc.). The base information would identify practical available provision and usage throughout a non-conflicting day to allow assessment if there is capacity in the local area to sustain the displacement of vehicles.

A car parking study has not been provided as part of the planning application. Given that the use of the carpark is on what is private land, and is currently unauthorised, the Council cannot insist on the study being undertaken. The use of the site for this current car parking could easily be terminated at any time should the land owner decide to do so.

The Council's Highways Officer further comments that:

In terms of access to the site the proposed connection onto the highway is considered suitable with good visibility and the trip generation/ traffic movements associated with a C2 residential use will not have an adverse impact on the operation of existing highway.

The site is well served in terms of access to bus services and walking routes to local services and sits within an existing residential area, therefore the proposed use is considered acceptable.

The scheme encourages the use electric vehicles by inclusion of two number car parking bays served by and charge point. Details of proposed equipment should either be submitted for approval or conditioned accordingly.

Cycle parking as part of the scheme catering for longer dwell times is considered to be of a good standard and the inclusion of additional Sheffield style stands caters for shorted dwells times in welcomed.

There is an amenity pathway that runs from Fieldhouse Row to the existing site car park at the rear of the site and then informally connects across the site to the adopted footway linking to the busway. Whilst this connection appears to be informal the surfaced nature of the path from Fieldhouse Row suggests it was intended as a defined route by whomever constructed it.

We would therefore raise concern that it may be claimed as a public right of way by a third party which may impact on the scheme. As the pathway was neither constructed by the Highway Authority nor any claims made we would not look to take the path at this time. It should be noted that the Highway Authority would need to review any evidence of usage submitted should it be claimed and that a stopping up may need to be sought in the future.

This information was passed to the applicant as part of previous discussion and no action to secure the site or investigate further the nature of the path have been taken.

Given the proximity to local schools and current on street parking restrictions a construction phase management plan is recommended. This document would demonstrate an understanding of how the works can be carried out safely with consideration for users of the adjacent adopted highway.

In summary, the Highway Authority would not object to the proposal on specific transportation policies set out within the Halton Unitary Development Plan. As such, the proposal is acceptable based on NPPF and UDP Policies TP6, TP7, TP12, TP15 and TP17.

6.6 Ecology

The application has been supported by a Preliminary Roost Assessment Survey and Bat Emergence and Re-entry Surveys. The Merseyside Environmental Advisory Service have been consulted for comments.

It is advised that there is no pathway that could result in the likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- *The development site is located approximately 2.9km from the Mersey Estuary as the nearest European site. Construction related impacts will not be significant due to the distance and barriers in the form of large-scale residential, industrial and retail development. No likely significant effects;*
- *A residential development of 15 units can be considered to be contributory towards recreational pressure on the Mersey Estuary SPA and Ramsar sites as part of the quantum of development. However, on this occasion, the assisted living nature of the proposal means recreational use is likely to be significantly reduced in comparison to conventional residential development. The development can be discounted from recreational pressure impacts. No likely significant effects*

Priority Habitat

Trees adjacent to the north and east boundaries are Priority Habitat deciduous woodland (*Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017*) and Local Plan policy CS20 applies. This habitat is a material consideration. I advise that tree protection and construction exclusion zone measures recommended by the submitted Arboricultural Implications Assessment are sufficient to protect the woodland during construction and can be secured by a suitably worded planning condition

Bats

The submitted bat report contains the following limitations:

- *The survey and report are not informed by an LERC record search;*
- *The report does not include identification of and assessment of impacts to nearby Land North of Hallwood Park LWS;*
- *The report does not include a Phase 1 Habitat Map showing the location of trees to be felled. The report also lacks detailed information of trees (age, condition, distinguishing features of possible bat roost potential such as ivy).*

However, on this occasion, I advise that the omission of an LRC data search is not a significant limitation, in line with CIEEM guidance for single dwelling developments, and the required bat emergence survey can account for the

limitation in relation to bats. Additionally, my own assessment has concluded that the development will not have significant impacts upon Land North of Hallwood Park LWS. Whilst the report does not include detailed information on trees, photographs of individual trees and descriptive text provide adequate information when read in conjunction with the separate Arboricultural Impact Assessment which provides the location and condition of trees on site. I advise appropriate survey has been undertaken to allow for a robust conclusion to be reached regarding potential ecological impacts from development and the report is accepted.

*The submitted Bat Emergence and Re-entry Surveys report is accepted (Bat Emergence and Re-entry Surveys, Arbtech, 20th May 2020). The report states that no evidence of bat use or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).*

Breeding birds

Trees T5, T6, T7, T30, T31 and T34 on site are to be felled or subject to Arboricultural works and may provide nesting opportunities for breeding birds, which are protected and Core Strategy policy CS20 applies. The following planning condition is required:

CONDITION

No tree felling or tree works to trees T5, T6, T7, T30, T31 and T34 are 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 trees 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 are required to be submitted for approval.

Bird nesting boxes

The proposed development will result in the loss of bird breeding habitat and Core Strategy policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required:

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Biodiversity enhancements

In line with Table 5 of the submitted Bat Emergence and Re-entry Surveys report, Core Strategy policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that bat boxes should be provided on site.

Appropriate bat and bird box mitigation can be secured by appropriately worded planning condition. Protection of nesting birds is covered by alternative legislation and a reminder of the obligations in this regard can be added by way of informative to any planning permission. It is considered that the proposed development would not result in a significant detrimental impact on the habitat of any protected species in accordance with the NPPF, Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Core Strategy Local Plan.

6.7 Flood Risk and Drainage

The proposal has satisfied the requirements of the Lead Local Flood Authority subject to their recommended conditions and on this basis the proposal satisfies UDP Policy PR16 and the NPPF. United Utilities raise no objections subject to conditions.

6.8 Contaminated Land

The Council's Land Contamination Officer has raised no objection to the proposal subject to further detailed phase 2 investigation which can be secured by appropriately worded planning condition. The proposal satisfies UDP Policy PR14 and the NPPF.

7. CONCLUSIONS

It is accepted that the principle of the use as C2 assisted living apartments is appropriate for the location and site. The proposed development complies with and is in line with the provisions of the Halton Unitary Development Plan, Core Strategy Local Plan and NPPF. Further, the scheme will deliver benefits in meeting specialist housing needs whilst bringing a currently vacant site back in to use.

The previous use as a public house ceased a number of years ago and the building remained vacant for some time. The building has recently been demolished following a series of fires and complaints about antisocial behaviour. The proposals are considered to offer an number of benefits in providing supported residential development involving the regeneration of a brownfield site in a sustainable location.

The proposed development is considered to be acceptable and is therefore recommended for approval.

8. RECOMMENDATION

The application is recommended for approval subject to conditions relating to the following:

1. Time
2. Approved Plans
3. Confirming permitted use class
4. Site levels
5. Material details
6. Landscaping details
7. Boundary treatments
8. CEMP
9. Vehicle access, parking, servicing etc. constructed prior to occupation/use
10. Cycle parking details
11. Surface water
12. Drainage scheme
13. Contaminated land
14. Tree protection
15. No tree felling
16. Provision of bird nesting boxes & bat boxes

9. INFORMATIVES

1. National Grid

10. SUSTAINABILITY STATEMENT

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

<p>APPLICATION NUMBERS & PROPSALS:</p>	<p>20/00329/P3JPA – Prior notification for proposed change of use of offices (use class B1) to 108 no. residential apartments (use class C3 (PRIOR APPROVAL APPLICATION));</p> <p>20/00354/COU – Proposed change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration (PLANNING APPLICATION);</p>
<p>LOCATION:</p>	<p>Halton 5, Northway, Runcorn, Cheshire, WA7 2HF.</p>
<p>WARD:</p>	<p>Halton Lea</p>
<p>PARISH:</p>	<p>None</p>
<p>AGENT(S) / APPLICANT(S):</p>	<p>AGENT – Ms Louie Sneddon – DLP Planning. APPLICANT – Ms Emma Thompson – Empire Property Concepts Ltd.</p>

SITE MAP



Members should note that both applications relate to the same building complex and are to be determined by the Development Control Committee due to the cumulative number of residential units being proposed. One application is a prior approval applications under Schedule 2, Part 3, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended). The second application is a full planning application for a proposed change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration. Due to the interrelated nature of the applications, they are presented as one report.

RELEVANT PLANNING HISTORY

15/00154/FUL - Proposed external alterations comprising recladding, refenestration, canopies, landscaping, car parking spaces accessed directly from Northway and creation of a new access and ramp providing access to car parking in a rear courtyard – Granted 01/05/2015.

15/00155/P3JPA - Proposed change of use from former office building to residential (Use Class C3), creating 63 dwellings comprising of 2no. 1 bedroom apartments, 55no. 2 bedroom apartments and 6no. 3 bedroom apartments including the provision of 41no. car parking spaces – Prior Approval Required and Given 01/05/2015.

19/00575/P3JPA - Prior notification for proposed change of use of ground to fourth floors inclusive from office (use class B1) to 170 no. residential flats (use class C3) – Withdrawn.

CONSIDERATION OF APPLICATION 20/00329/P3JPA.

This application proposes a change of use from Class B1(a) offices to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

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

Development is not permitted by Class O where—

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, **DOES NOT APPLY**

(c) when it was last in use; **DOES NOT APPLY**

- (d) the site is or forms part of a safety hazard area; THIS LAND IS NOT WITHIN THE CONSULTATION ZONE OF A MAJOR HAZARD SITE OR PIPELINE. **DOES NOT APPLY**
- (e) the site is or forms part of a military explosives storage area; **DOES NOT APPLY**
- (f) the building is a listed building or is within the curtilage of a listed building; **DOES NOT APPLY**
- (g) the site is, or contains, a scheduled monument. **DOES NOT APPLY**

None of the above instances apply to these proposals.

These proposals are therefore permitted by Class O subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) **transport and highways impacts of the development;**
- (b) **contamination risks on the site;**
- (c) **flooding risks on the site;**
- (d) **impacts of noise from commercial premises on the intended occupiers of the development;**
- (e) **the provision of adequate natural light in all habitable rooms of the dwellinghouses,**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Publicity undertaken

The prior approval application has been publicised by two site notices posted on Northway on 8th July and thirty-nine neighbour notification letters sent on 9th July. The representations received on this application are set out below.

Representation received from Mike Amesbury MP

Summary of issues raised and responses in *italics*:-

- Some of the flats would be below the minimum space standards recommended by the Government; (*not a consideration with this prior approval application*)
- The market for one and two bedroom apartments in the immediate area is already saturated; (*not a consideration with this prior approval application*)
- This development does not answer the need for high quality affordable housing for families; (*not a consideration with this prior approval application*)
- No mention of plans to investigate and safely remove asbestos that may exist in the building; (*not a consideration with this prior approval application*)
- Concerns over fire safety and emergency services accessing the building in an emergency; (*not a consideration with this prior approval application*)

- There is no mention of the existing single-glazed aluminium sash windows being replaced which raises concerns over safety and energy efficiency; (*not a consideration with this prior approval application*)
- There will be no contribution to the local services or infrastructure and a very likely increase in Police, Fire and Rescue and Council resources required should the development go ahead; (*not a consideration with this prior approval application*)
- The level of car parking seems insufficient and there is nowhere in the vicinity for overflow parking. (*to be considered in the Transport and highway impacts of the development section below*)

Representation received from Cheshire Fire and Rescue Service

Summary of issues raised and responses in *italics*:-

- They strongly advise the applicant to consult with Cheshire Fire and Rescue Service; (*The observations made by Cheshire Fire and Rescue Service should be attached as an informative*)
- Can you confirm that the intention is to fit a sprinkler system as part of the conversion? (*not a consideration with this prior approval application. The Building Regulations cover fire safety and this legislation is regulated by a local authority building control department or approved inspector for building regulations*).
- The conversion is highly likely to compromise compartmentation; (*not a consideration with this prior approval application. The Building Regulations cover fire safety and this legislation is regulated by a local authority building control department or approved inspector for building regulations*).
- A full compartmentation survey should be completed with remedial works completed before the premises is occupied; (*not a consideration with this prior approval application. The Building Regulations cover fire safety and this legislation is regulated by a local authority building control department or approved inspector for building regulations*).
- Cheshire Fire and Rescue Service wish to be made aware should staged occupation be considered to ensure compliance with the Fire Safety Order; (*The observations made by Cheshire Fire and Rescue Service should be attached as an informative*).
- The immediate area has suffered considerably with various forms of Antisocial Behaviour; (*not a consideration with this prior approval application*).
- A similar project has resulted in the Fire and Rescue Service and the Police having considerable interaction with the building due to issues at the site with a minority of tenants. This development is likely to have similar resource issues; (*not a consideration with this prior approval application*).
- Under the Fire Safety Order 2005, a suitable and sufficient fire risk assessment should be produced that underpins the robust management of the building once

complete. *(not a consideration with this prior approval application. In the majority of premises, the local fire and rescue authorities are responsible for enforcing fire safety legislation).*

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

Transport and highway impacts of the development

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

The Highway Officer noted that the applicant previously submitted an application for this site under the prior approval procedure (19/00575/P3JPA) for 170 dwellings on this site which was withdrawn due to significant concerns being raised. The Highway Officer notes that the applicant has comprehensively reviewed the scheme in line with the previous Highway Authority responses to develop a scheme providing a reduced number of dwellings with enhanced access arrangements, car parking provision and consideration of sustainable modes of travel.

The applicant’s Highway Consultant has been in dialogue with the Highway Officer to scope the submitted Transport Statement which is considered to be acceptable reflecting the operation of the existing highway network and the likely impact of the proposed development.

The Highway Officer’s overarching concern with the development of the site has been provision of adequate car parking given the location and lack of on street provision in the area. The application includes for 70 car parking spaces including accessible provision and charging facilities for electric vehicles. This car parking provision is provided at lower ground level and is accessed via a ramp that meets the standards set out in current guidance for multi-storey car parks.

In terms of number of spaces provided the application falls short of the maximum car parking standard for dwellings set out in the Halton Unitary Development Plan (127 spaces based upon 1 space per 1 bed unit and 1.5 spaces per 2 bed unit). As this is a prior approval application, the Council is unable to apply all the same planning considerations as if it were a planning application with the test in this case being are the residual cumulative transport and highway impacts of development are severe.

It is considered reasonable to allow a relaxation based on the Town Centre location. The Highway Officer has commented that the proposed 70 spaces is below the ideal but is a vast improvement on both the previously submitted scheme and is comparable to other previously approved prior approval application in the area. The Highway

Officer therefore on balance raises no objection to proposed parking provision and arrangement in this instance.

The provision of cycle parking within the building and outside the building for visitors is welcomed and considered to be appropriate for the scale and type of development.

The Highway Officer has requested the provision of an electric vehicle charging point scheme be secured by condition. The use of low and ultra-low emission vehicles are a sustainable transport mode and the condition is considered to be justified in this instance.

The new left in/ left out access arrangement and access ramp connecting the adopted highway to the North (Northway) and circulation within the car park area requires large sections of the existing building to be demolished and this more comprehensive strategy is welcomed as the resulting arrangement is considered to be acceptable meeting design standards for a priority junction with good visibility. Convenient servicing is proposed via a lay-by formed adjacent to the Northway to deal with regular movements such as refuse collections.

In terms of pedestrian provision the proposals now demonstrates users can access the building at both ground and lower ground levels. The proposal has been updated to show pedestrian access at ground level facing Northway as shown would serve users of the parking bays or people utilising the steps from the car park at lower ground level to the West and a proposed pedestrian link to the existing footway network to the North. The detailing of this pedestrian link should be secured by condition. At lower ground level users would access from the East from an existing pedestrian link to the wider amenities including the main shopping area and Halton Lea North Bus Station.

A key consideration for a residential scheme of this scale would be accessibility by sustainable modes of travel. The applicant's consultants have covered the travel options available to future residents within the supporting transport statement and although there are some residual issues with regards level of local bus services they would not warrant an objection given other previously approved prior approval application in the area. The applicant has also included a Travel Plan as part of the submission which should be suitably conditioned to see that it is implemented and suitably managed to ensure future residents receive the benefits.

It is not considered that the proposal would have a severe transport and highway impact.

The proposals are therefore considered acceptable in this regard.

Contamination risks on the site

Considering the proposal in respect of contamination risks and whilst the development is for new residential units, the nature of the conversion and a lack of historical

potentially contaminative land uses mean that there is no requirement for detailed land contamination assessment for the site.

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

Flooding risks on the site

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

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

The site is located in the designated town centre of Runcorn which includes a wide range of uses. The proposed residential use is considered to be compatible with the adjacent land uses and it is not considered that the impacts of noise from commercial premises would have a significantly detrimental impact on residential amenity.

The provision of adequate natural light in all habitable rooms of the dwellinghouses.

In terms of definitions, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) states that a habitable room means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. Adequate natural light is not defined.

The separation distances contained within the Council's Design of New Residential Development Supplementary Planning Document would usually be a determining factor when considering a planning application. As this is a prior approval application, the Council cannot apply all its policies and guidelines in this instance, however must still consider whether there is provision of adequate natural light in all habitable rooms of the dwellinghouses.

Officers noted that a large number of the resultant relationships of habitable room windows in this scheme ensure sufficient separation for light. There are however were some relationships with the adjacent Halton Lea Library which Officers do not provide the level of separation which implies adequate natural light would be available in all habitable rooms of dwellinghouses in this part of the scheme. The applicant has considered this point and has amended the layout of apartments in this part of the scheme so the ground floor units now become dual aspect with the main habitable living space containing the lounge facing in the opposite direction away from the Halton Lea Library elevation. The apartment layouts at ground floor in this part of the

scheme now just contain bedroom windows which would typically be used at night where there would be a lower demand for adequate natural light and the applicant's rationale for the amended layout is understood. Based on the amendments made, it is not considered that a refusal on the basis of the provision of adequate natural light could now be sustained.

It is considered that the proposal demonstrates the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Conclusion

Based on the five considerations with a prior approval application, the proposals are acceptable and prior approval is required for the matters secured by condition which require further submissions.

RECOMMENDATION – 20/00329/P3JPA - 108 no. residential apartments
It is recommended that prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) is required.
Conditions:
<ol style="list-style-type: none"> 1. 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. <p>Reason - In accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).</p> <ol style="list-style-type: none"> 2. The development shall be carried out in accordance with the following application drawings: <ul style="list-style-type: none"> • Proposed Floor Plans Ground Floor – Scale 1:100 @ A0 – Drawing No: A(20)001 Rev H – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020. • Proposed Floor Plans First Floor – Scale 1:100 @ A0 – Drawing No: A(20)002 Rev J – Date May 2020 – AMENDED PLAN RECEIVED 09/09/2020. • Proposed Floor Plans Second Floor – Scale 1:100 @ A0 – Drawing No: A(20)003 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 27/07/2020. • Proposed Floor Plans Third Floor – Scale 1:100 @ A0 – Drawing No: A(20)004 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 27/07/2020. • Proposed Floor Plans Fourth Floor – Scale 1:100 @ A0 – Drawing No: A(20)005 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 27/07/2020.

- **Location Plan & Block Plan Existing Plan Level & Roof Plan – Scale 1:200, 1:500 & 1:1250 @ A0 – Drawing No: A(10)006 Rev B – Date May 2020.**
- **Proposed Crossing at Northway – Scale 1:250 @ A3 – Drawing Number CH5016-1PD-005 – RECEIVED 07/09/2020.**

Reason – For the avoidance of doubt.

- 3. The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in Drawing No: A(20)001 Rev H which have been granted planning permission (application reference 20/00354/COU). The parking and servicing areas shall be retained as such thereafter.**

Reason - In the interests of mitigating transport and highways impacts, in accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 4. The development shall not be brought into use until the areas indicated on the submitted plans for cycle parking have been implemented in accordance with the details and specifications shown in Drawings: A(20)001 Rev H and A(20)002 Rev J. The cycle parking shall be retained as such thereafter.**

Reason - In the interests of mitigating transport and highways impacts, in accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 5. No development shall take place until an electric vehicle charging point scheme has been submitted to and approved in writing by the Council as Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.**

Reason - In the interests of mitigating transport and highways impacts, in accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 6. The approved Residential Travel Plan (prepared by Sustainable Development and Delivery – July 2020 – CH5016 – 1PD) shall be implemented in accordance with the timetable contained therein and shall continue to be implemented so long as any part of the development is occupied.**

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for

a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason - In the interests of mitigating transport and highways impacts, in accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

7. No development shall take place until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include:

- **A north/south pedestrian link across Northway (as indicated on Drawing Number CH5016-1PD-005).**

The approved scheme shall be implemented before the development is brought into use.

Reason - In the interests of mitigating transport and highways impacts, in accordance with the provisions of Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Informatives

- 1. Cheshire Fire and Rescue Service Observations.**

CONSIDERATION OF PLANNING APPLICATION 20/00354/COU

This application proposes a change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration.

Publicity undertaken

The planning application has been publicised by two site notices posted on Northway on 22nd July and thirty-nine neighbour notification letters sent on 23rd July. Due to an error with the description, a further two site notices were posted on Northway on 10th August and forty neighbour notification letters sent on 7th August. The one representation received on this application is set out below.

Representation received from Mike Amesbury MP

Summary of issues raised and responses in *italics*:-

- Some of the flats would be below the minimum space standards recommended by the Government; (*Halton does not have an adopted policy for minimum space standards for dwellinghouses and the refusal of a planning application on this basis could not be sustained*)

- The market for one and two bedroom apartments in the immediate area is already saturated; *(The refusal of this planning application for 5no. dwellinghouses could not be sustained on the basis of housing mix)*
- This development does not answer the need for high quality affordable housing for families; *(The refusal of this planning application for 5no. dwellinghouses could not be sustained on the basis of housing mix)*
- No mention of plans to investigate and safely remove asbestos that may exist in the building; *(The refusal of the planning application on this basis could not be sustained. The Building Regulations control how buildings are modified and this legislation is regulated by a local authority building control department or approved inspector for building regulations)*
- Concerns over fire safety and emergency services accessing the building in an emergency; *(The refusal of the planning application on this basis could not be sustained. The Building Regulations control how buildings are modified and this legislation is regulated by a local authority building control department or approved inspector for building regulations)*
- There is no mention of the existing single-glazed aluminium sash windows being replaced which raises concerns over safety and energy efficiency; *(The refusal of the planning application on this basis could not be sustained. The Building Regulations control how buildings are modified and this legislation is regulated by a local authority building control department or approved inspector for building regulations. It is noted that on the latest plans that the applicant is intending to replace the existing windows with uPVC windows (anthracite in colour))*
- There will be no contribution to the local services or infrastructure and a very likely increase in Police, Fire and Rescue and Council resources required should the development go ahead; *(Developer contributions cannot be requested in this instance based on the amount of development proposed)*
- The level of car parking seems insufficient and there is nowhere in the vicinity for overflow parking. *(To be considered in the Highway Considerations section below)*

Principle of Residential Development and Associated Resident's Gym

The site is located in a Primarily Employment Area as designated by the Halton Unitary Development Plan (UDP). Policy E3 'Primarily Employment Area' of the UDP indicates that B1, B2, B8 and Sui Generis Industrial Uses will be acceptable in this area. This proposal does not form one of the uses considered acceptable by the policy so therefore needs to be considered on its merits.

It is important to note that this particular Employment Area comprises of predominantly B1 (office) uses. B1 uses are considered to be compatible with residential in planning terms and the provision to change of use from Class B1(a) offices to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class O

of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) is also noted.

As set out in the applicant's Planning, Design and Access Statement, the reason why full planning permission is being sought for 5 residential apartments is due to small parts of the building not being used for a use falling within Use Class B1 hence their exclusion from the prior approval application.

The application site is located in a sustainable location adjacent to the town centre and as stated in the consideration of the prior approval application above, the proposed residential use (5 apartments along with an ancillary resident's gym is considered to be compatible with the adjacent land uses and acceptable in principle.

Design

A number of external alterations are proposed to make the building suitable for residential use for the 5 apartments subject of this application and also for those proposed as part of the prior approval application as there no provision for external alterations in Class O. The external alterations proposed are detailed in the Planning, Design and Access Statement and shown on the submitted plans. One of the key alterations would be the removal of existing brickwork and concrete retaining wall to form vehicular access from Northway. Replacement windows are also proposed.

The alterations proposed would secure some enhancements to the appearance of the building whilst making it functional for residential purposes. In order to ensure satisfactory appearance, it is considered reasonable to attach a condition ensuring that the development is carried out in accordance with the material details shown on the submitted plans.

In conclusion, the resultant external appearance of the building is considered acceptable in compliance with Policies BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

Amenity

The proposed 5no. residential apartments subject of this planning application are considered acceptable in terms of light and privacy by virtue of the location of the window openings which would serve habitable rooms.

The Council's Design of Development SPD seeks that apartment developments make provision for private outdoor amenity space with 50sqm being used as a guide. This proposal is for the conversion of a building and the existing courtyard areas would become parking provision for the wider scheme. There are many examples in and around town centres where apartments do not benefit from private amenity space. The close proximity to Town Park is also noted in this instance. The refusal of this application on the basis of lack of private amenity space is not considered to be substantiated.

In conclusion, the proposal is acceptable from an amenity perspective in compliance with Policy BE1 of the Halton Unitary Development Plan.

Highway Considerations

As set out in the description of development, the majority of the residential units proposed are being dealt with through the prior approval procedure with this development just including 5 residential apartments and a resident's gym. This application does however include the external alterations required for both this application and also the prior approval application.

In terms of parking provision, the Highway Officer considered it reasonable to allow a relaxation based on the Town Centre location and has commented that the proposed 70 spaces for the overall scheme is below the ideal but is a vast improvement on both the previously submitted scheme for the site. A refusal of this planning application for the amount of development proposed based on the overall parking provision for the site could not be sustained.

The provision of cycle parking within the building and outside the building for visitors is considered to be appropriate for the scale and type of the overall development and should be secured by condition.

The Highway Officer has requested the provision of an electric vehicle charging point scheme be secured by condition. The use of low and ultra-low emission vehicles are a sustainable transport mode and should be secured by condition.

A proportion of the external alterations proposed involve the creation of the vehicular access to the site and the associated parking provision which the Highway Officer considers to be acceptable in terms of design standard as set out in the assessment with the prior approval application. The implementation of the proposed parking and servicing provision should be secured by condition.

The implementation of the proposed pedestrian link to the existing footway network to the North of the site would ensure that the site is accessible for pedestrians. The detailing of the required pedestrian link along with its implementation should be secured by condition.

The applicant's consultants have covered the travel options available to future residents within the supporting transport statement and although there are some residual issues with regards level of local bus services they would not warrant an objection. The applicant has also included a Travel Plan as part of the submission which should be secured by condition to see that it is implemented and suitably managed to ensure future residents receive the benefits.

Based on the above, it is not considered that any significant highway implications result from the proposals subject of the full planning application and the proposal is

compliant with Policies BE1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

Open Space

Policy H3 of the Halton Unitary Development Plan states that for new residential development, developers will be required to ensure that there would be sufficient recreational greenspace to meet the local needs of the people living there.

Based on the ministerial statement in government policy on small scale developers dated 28th November 2014 and the changes to the Planning Policy Guidance (PPG), contributions for schemes which are for less than 10 dwellings are no longer being sought.

Trees and Landscaping

The proposed development would result in the loss of some trees within the existing courtyard areas on which car parking is proposed. None of the trees are protected by Tree Preservation Order and are not considered to be a constraint to development. It is however considered reasonable to attach a condition securing protection for breeding birds.

There are number of trees shown as being retained. In order to ensure their successful retention during the implementation of development, it is considered reasonable to ensure the implementation of tree protection measures during the development of the site.

Some proposed soft landscaping is indicated on the proposed plans which is considered acceptable in principle. The detail along with implementation and subsequent maintenance should be secured by condition.

The hard landscaping and boundary treatments proposed are considered to be acceptable and their implementation and subsequent maintenance should be secured by condition.

In conclusion, the proposal is considered acceptable in this regard in compliance with Policies BE1, BE2, BE22, GE21 and GE27 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

Ground Contamination

Considering the proposal in respect of contamination risks and whilst the development is for new residential units, the nature of the conversion and a lack of historical potentially contaminative land uses mean that there is no requirement for detailed land contamination assessment for the site.

Based on the above, the proposal is considered to be compliant with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

Flood Risk / Drainage

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

In order to ensure the satisfactory implementation of an appropriate drainage scheme, it is considered that a condition securing the submission of a drainage strategy for the site along with its subsequent implementation and maintenance should be attached.

Based on the above, the proposal is considered to be compliant with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

Waste Management

Policy WM9 of the Joint Merseyside and Halton Waste Local Plan is applicable to this application. In terms of waste management based on the amount of development proposed, there is likely to be sufficient space for the storage of waste including separated recyclable materials within the proposed bin store. The proposal is considered to be compliant with Policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

Crime Reduction

Cheshire Constabulary have made observations regarding the detailing of scheme which covers matters such as the specification of doors, windows etc., as well CCTV, door access systems and lighting. It is considered appropriate to attach the observations made as an informative.

Conclusion

The proposed change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration is considered to be acceptable and the application is recommended for approval.

RECOMMENDATION – 20/00354/COU – PROPOSED CHANGE OF USE OF PART OF THE GROUND FLOOR AND FIRST FLOOR FROM OFFICES INTO 5 RESIDENTIAL APARTMENTS, RESIDENT'S GYM AND EXTERNAL ALTERATIONS.

Grant planning permission subject to conditions:

1. Time Limit

The development must be begun within three years of the date of this decision notice.

Reason - Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Approved Plans

The development shall be carried out in accordance with the following application drawings:

- **Existing Floor Plans Ground Floor – Scale 1:100 @ A0 – Drawing No: A(11)001 – Date June 2020.**
- **Existing Floor Plans First Floor – Scale 1:100 @ A0 – Drawing No: A(11)002 – Date June 2020.**
- **Existing Floor Plans Second Floor – Scale 1:100 @ A0 – Drawing No: A(11)003 – Date June 2020.**
- **Existing Floor Plans Third Floor – Scale 1:100 @ A0 – Drawing No: A(11)004 – Date June 2020.**
- **Existing Floor Plans Fourth Floor – Scale 1:100 @ A0 – Drawing No: A(11)005 – Date June 2020.**
- **Location Plan & Block Plan Existing Plant Level & Roof Plan – Scale 1:200, 1:500 & 1:1250 @ A0 – Drawing No: A(11)006 - Date June 2020.**
- **Existing Elevations Sheet 1 of 2 – Scale 1:100 @ A0 – Drawing No: A(11)007 – Date June 2020.**
- **Existing Elevations Sheet 2 of 2 – Scale 1:100 @ A0 – Drawing No: A(11)008 – Date June 2020.**
- **Proposed Floor Plans Ground Floor – Scale 1:100 @ A0 – Drawing No: A(21)001 Rev D – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020.**
- **Proposed Floor Plans First Floor – Scale 1:100 @ A0 – Drawing No: A(21)002 Rev C – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020.**
- **Proposed Floor Plans Second Floor – Scale 1:100 @ A0 – Drawing No: A(21)003 Rev A – Date June 2020 – AMENDED PLAN RECEIVED 27/07/2020.**
- **Proposed Floor Plans Third Floor – Scale 1:100 @ A0 – Drawing No: A(21)004 Rev B – Date June 2020 – AMENDED PLAN RECEIVED 27/07/2020.**
- **Proposed Floor Plans Fourth Floor – Scale 1:100 @ A0 – Drawing No: A(21)005 Rev A – Date June 2020 – AMENDED PLAN RECEIVED 27/07/2020.**
- **Location Plan & Block Plan Existing Plant Level & Roof Plan – Scale 1:100, 1:200 & 1:500 @ A0 – Drawing No: A(21)006 Rev D – Date May 2020 – AMENDED PLAN RECEIVED 27/07/2020.**
- **Proposed Elevations – Sheet 1 of 2 – Drawing No: A(21)007 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 09/09/2020.**
- **Proposed Elevations – Sheet 2 of 2 – Drawing No: A(21)008 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 09/09/2020.**

- **Proposed Crossing at Northway – Scale 1:250 @ A3 – Drawing Number CH5016-1PD-005 – RECEIVED 07/09/2020.**

Reason - For the avoidance of doubt

3. External Facing Materials

Prior to the commencement of the use of the building for the purposes permitted, the external alterations shall be carried out in accordance with the external facing materials detailed on the plans below and shall be maintained thereafter:

- **Proposed Elevations – Sheet 1 of 2 – Drawing No: A(21)007 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 09/09/2020.**
- **Proposed Elevations – Sheet 2 of 2 – Drawing No: A(21)008 Rev F – Date May 2020 – AMENDED PLAN RECEIVED 09/09/2020.**

Reason - To ensure that the development has a satisfactory appearance, in accordance with Policies BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

4. Implementation of Bin and Cycle Storage

Prior to the commencement of the use of the building for the purposes permitted, the bin and cycle storage shall be implemented in accordance with the details on the plans below and shall be maintained thereafter:

- **Proposed Floor Plans Ground Floor – Scale 1:100 @ A0 – Drawing No: A(21)001 Rev D – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020.**
- **Proposed Floor Plans First Floor – Scale 1:100 @ A0 – Drawing No: A(21)002 Rev C – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020.**

Reason – To ensure that appropriate bin and cycle storage is implemented in the interests of waste management, highway safety and encouraging travel by sustainable modes in accordance with Policy TP6 of the Halton Unitary Development Plan and Policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

5. Provision of Parking and Servicing

The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in Drawing No: A(21)001 Rev D. The parking and servicing areas shall be retained as such thereafter.

Reason - To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance, in accordance with policies BE1, TP12 and TP17 of the Halton Unitary Development Plan.

6. Pedestrian Link to the North

No development shall take place until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include:

- A north/south pedestrian link across Northway (as indicated on Drawing Number CH5016-1PD-005).**

The approved scheme shall be implemented before the development is brought into use.

Reason - To ensure that sufficient measures are taken to ensure that the required pedestrian link to the existing footway network is created. This is in accordance with policies TP7 and TP17 of the Halton Unitary Development Plan.

7. Electric Vehicle Charging Points

No development shall take place until an electric vehicle charging point scheme has been submitted to and approved in writing by the Council as Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

Reason – To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles to help reduce pollution in accordance with the National Planning Policy Framework and policy CS19 of the Halton Local Plan Core Strategy.

8. Travel Plan

The approved Residential Travel Plan (prepared by Sustainable Development and Delivery – July 2020 – CH5016 – 1PD) shall be implemented in accordance with the timetable contained therein and shall continue to be implemented so long as any part of the development is occupied.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason - To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable, in accordance with policies TP6, TP7, TP16 and TP17 of the Halton Unitary Development Plan.

9. Soft Landscaping

No development shall take place until a soft landscaping scheme has been submitted to and agreed in writing with the Council as Local Planning Authority. The scheme shall include the following:

- **Layout drawing/planting plans;**
- **Planting Schedule (indicating size, species, spacing, number and density of plants);**
- **Written specifications;**
- **Tree pit specifications;**
- **Ground condition enhancement (including cultivation and other operations associated with trees, shrub, hedge or grass establishment);**
- **Method statements;**
- **Implementation and maintenance programme;**
- **Management and monitoring plans.**

The agreed scheme shall be implemented prior to any part of the development being brought into use.

Any planting which within a period of 5 years of implementation dies, is removed, or becomes seriously damaged or diseased shall be replaced during the next planting season with others of a similar size or species, unless the Council as Local Planning Authority gives written consent to a variation.

Should replacement planting be necessary, the Council shall be notified in writing not less than 7 days prior to the planting taking place. Notification shall include details of the problem with the implemented scheme and the specification and timing of the replacement planting.

Reason - To ensure that an appropriate landscaping scheme is agreed, implemented and maintained in accordance with policy BE1 of the Halton Unitary Development Plan.

10. Hard Landscaping and Boundary Treatments

Prior to the commencement of the use of the building for the purposes permitted, the hard landscaping and boundary treatments shall be implemented in accordance with the details on the plans below and shall be maintained thereafter:

- **Proposed Floor Plans Ground Floor – Scale 1:100 @ A0 – Drawing No: A(21)001 Rev D – Date June 2020 – AMENDED PLAN RECEIVED 09/09/2020.**

Reason – To ensure that appropriate hard landscaping and boundary treatments are implemented and maintained in accordance with policies BE1 and BE22 of the Halton Unitary Development Plan.

11. Tree Protection

No development shall take place until a scheme of temporary measures to provide physical protection to all trees, hedges and shrubs shown to be retained on the submitted plans, has been submitted to and agreed in writing by the Council as Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of development and shall be retained for the duration of the construction phase.

The submitted details must show the provision of total exclusion zones to not less than the minimum standard contained in British Standard BS5837 (2012). The areas so defined shall be kept free of machinery, stored materials of all kinds and any form of ground disturbance not specifically catered for in the agreed measures, for the duration of the construction phase.

Reason - To ensure that the development is carried out with minimum loss of existing landscape features and, in particular, that trees to be retained on the site suffer minimum disturbance, in accordance with policies BE1 and GE27 of the Halton Unitary Development Plan.

12. Breeding Birds Protection

No tree or hedgerow felling, lopping or pruning shall take place from 1st March to 31st August inclusive, unless a survey for breeding birds has been undertaken and the results, together with a scheme of mitigation and protection measures has been submitted to and approved in writing by the Council as Local Planning Authority. Should tree or hedgerow felling take place between the dates stated above, the agreed mitigation and protection measures shall be implemented in full and retained through the duration of the relevant works.

Reason - To protect breeding bird habitat, in accordance with policy GE21 of the Halton Unitary Development Plan.

13. Drainage Scheme (Policies PR16 and CS23)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage (SuDS) scheme for the disposal of surface water in accordance with the SuDS hierarchy have been submitted to and approved by the local planning

authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. This should be reported within a stand-alone Surface Water Drainage Assessment and referred to within the main report, this should include the following details:

i. A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) is not feasible then drainage to watercourse or iii) if i) or ii) is not feasible connection to any system adopted by, any public body or statutory undertaker.

ii. Interceptors, attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield runoff rates for the new hardstanding areas as a minimum, with additional improvements for existing runoff where practical (50% reduction required as a minimum in critical drainage areas). Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + climate change allowance).

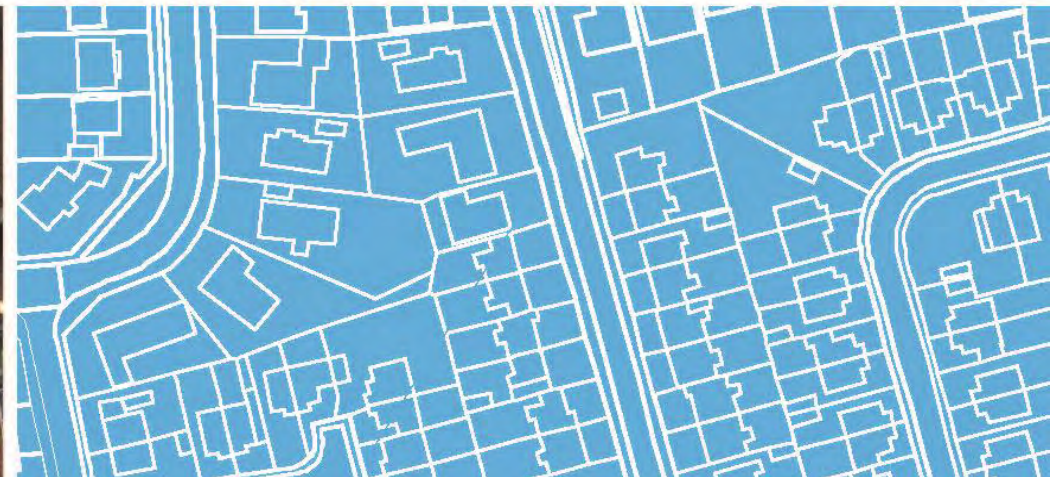
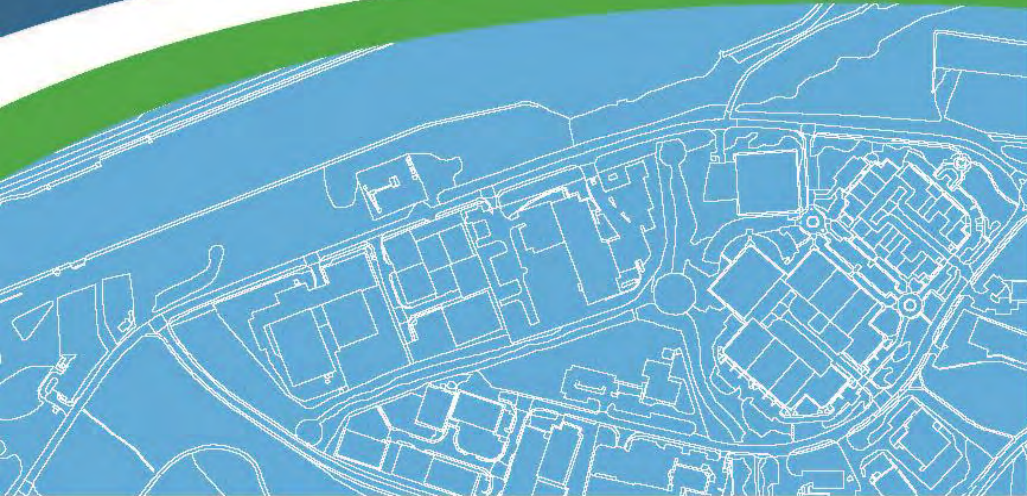
Reason - To ensure that surface water is drained appropriately from the site, in accordance with policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

Informatives:

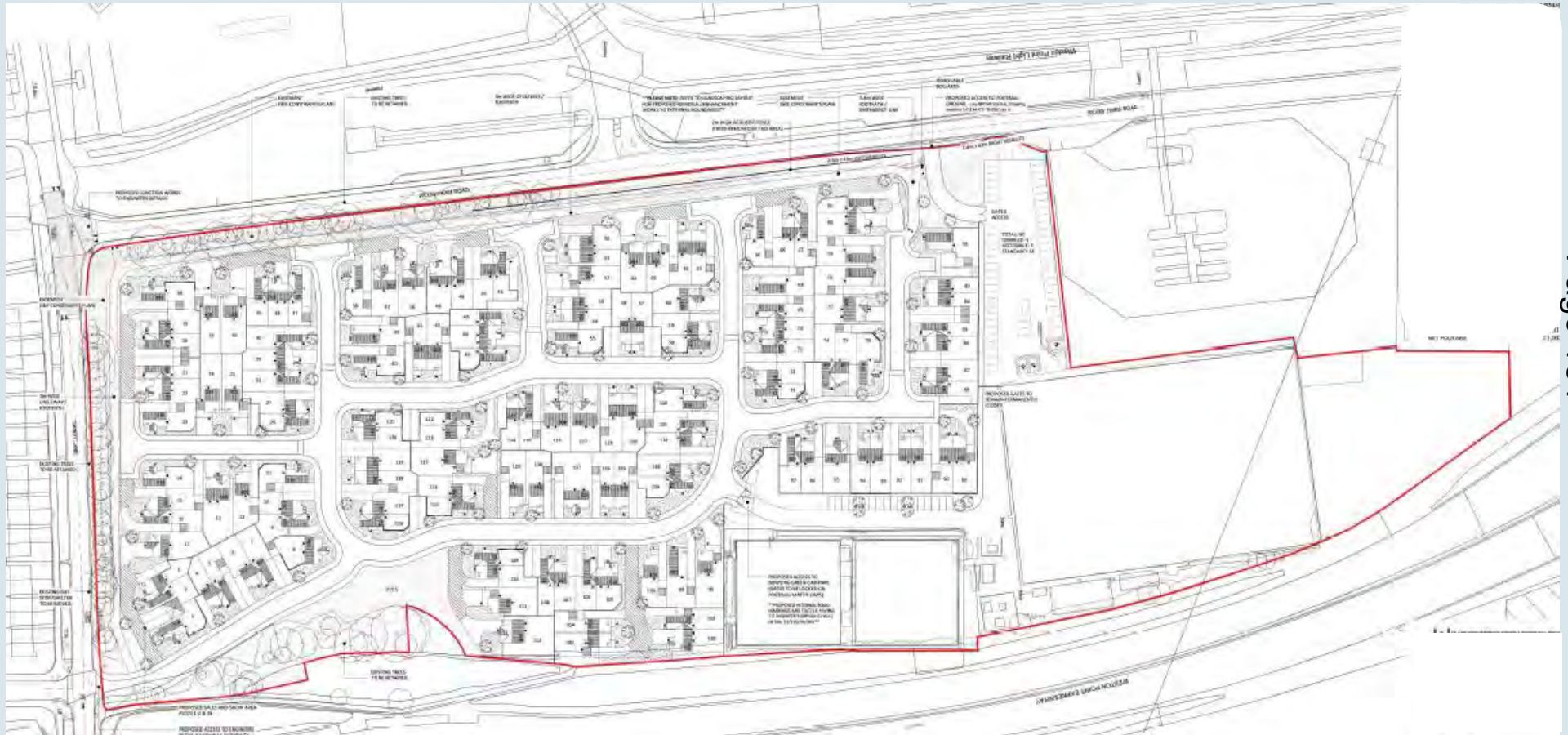
- 1. Construction Management**
- 2. Cheshire Constabulary Observations**
- 3. Cheshire Fire and Rescue Service Observations**

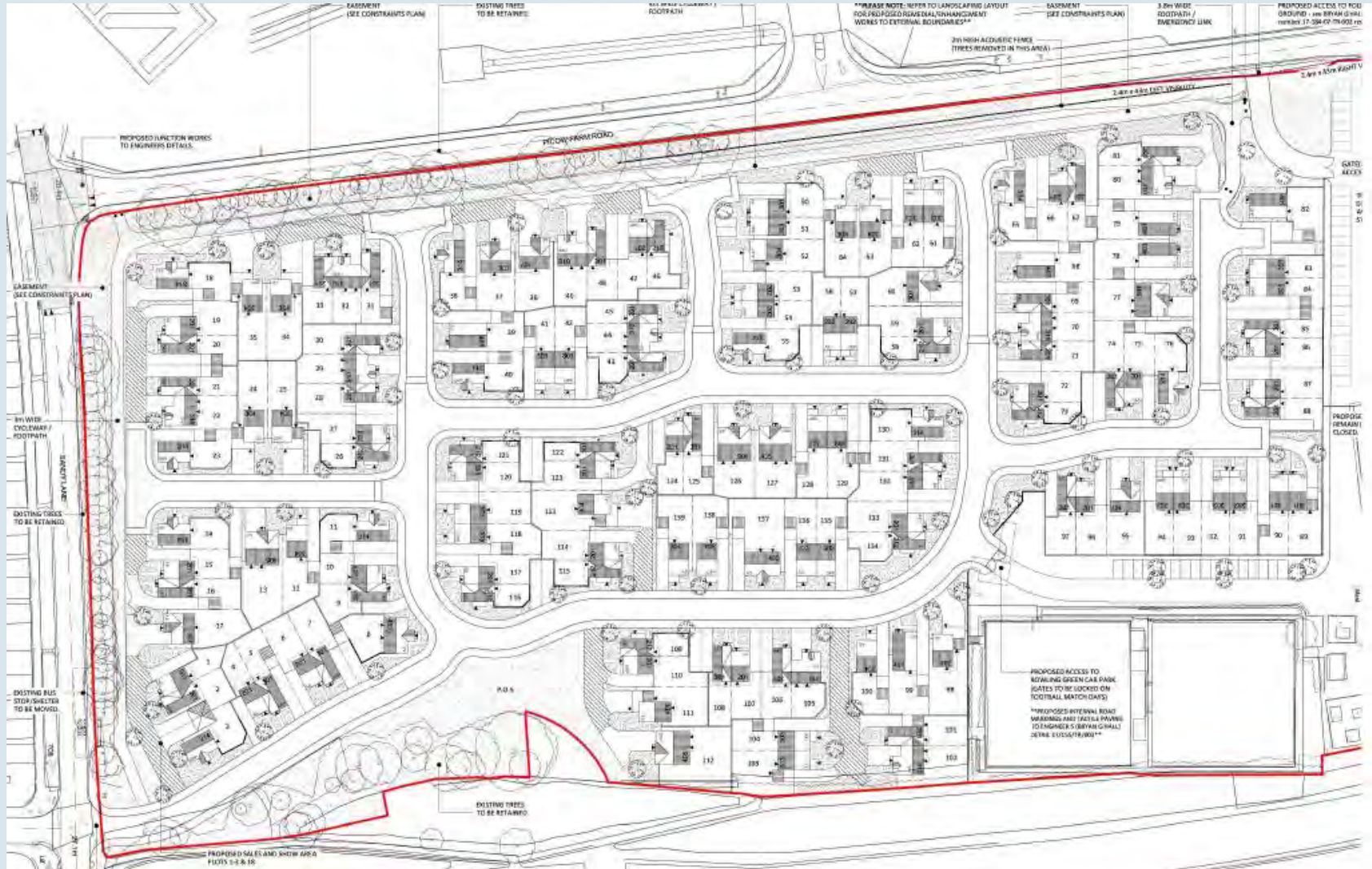
SUSTAINABILITY STATEMENT

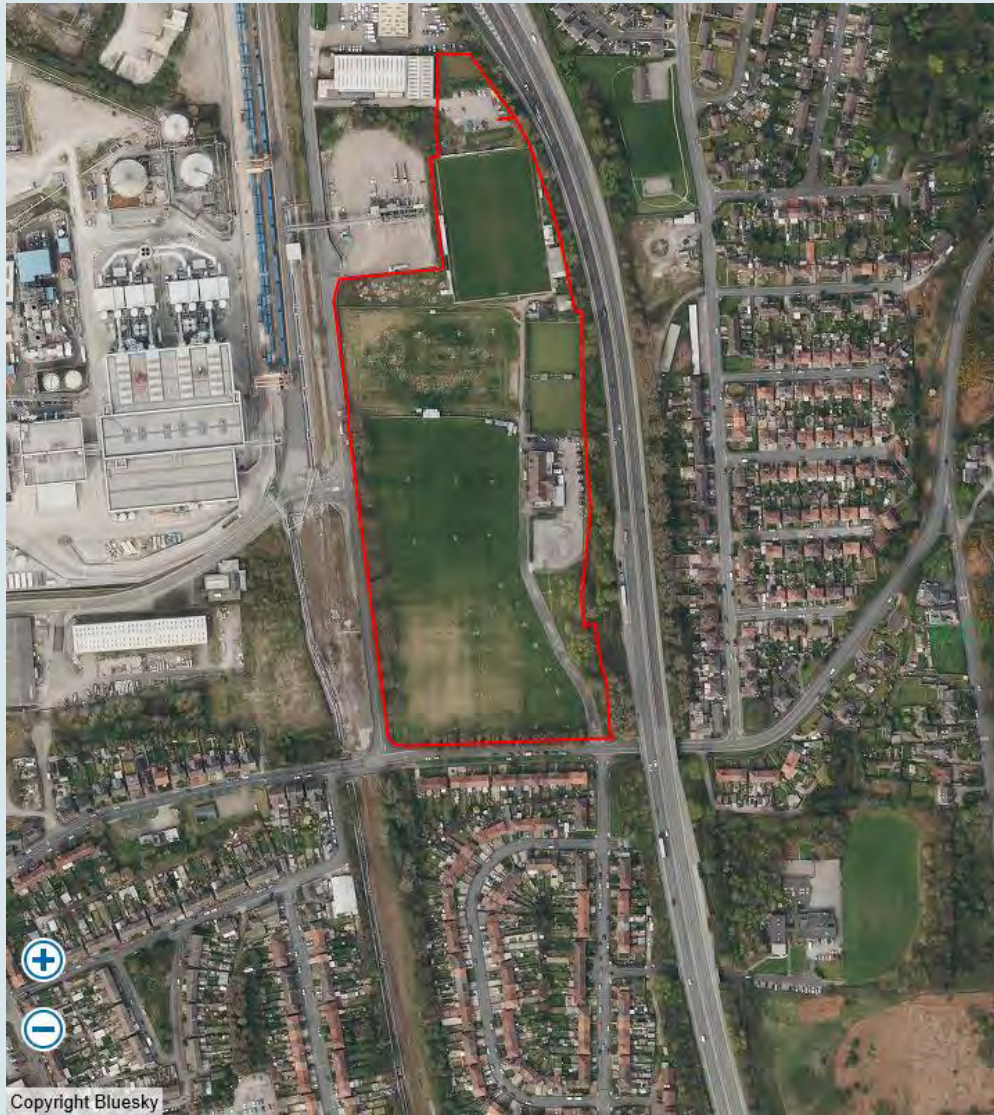
The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

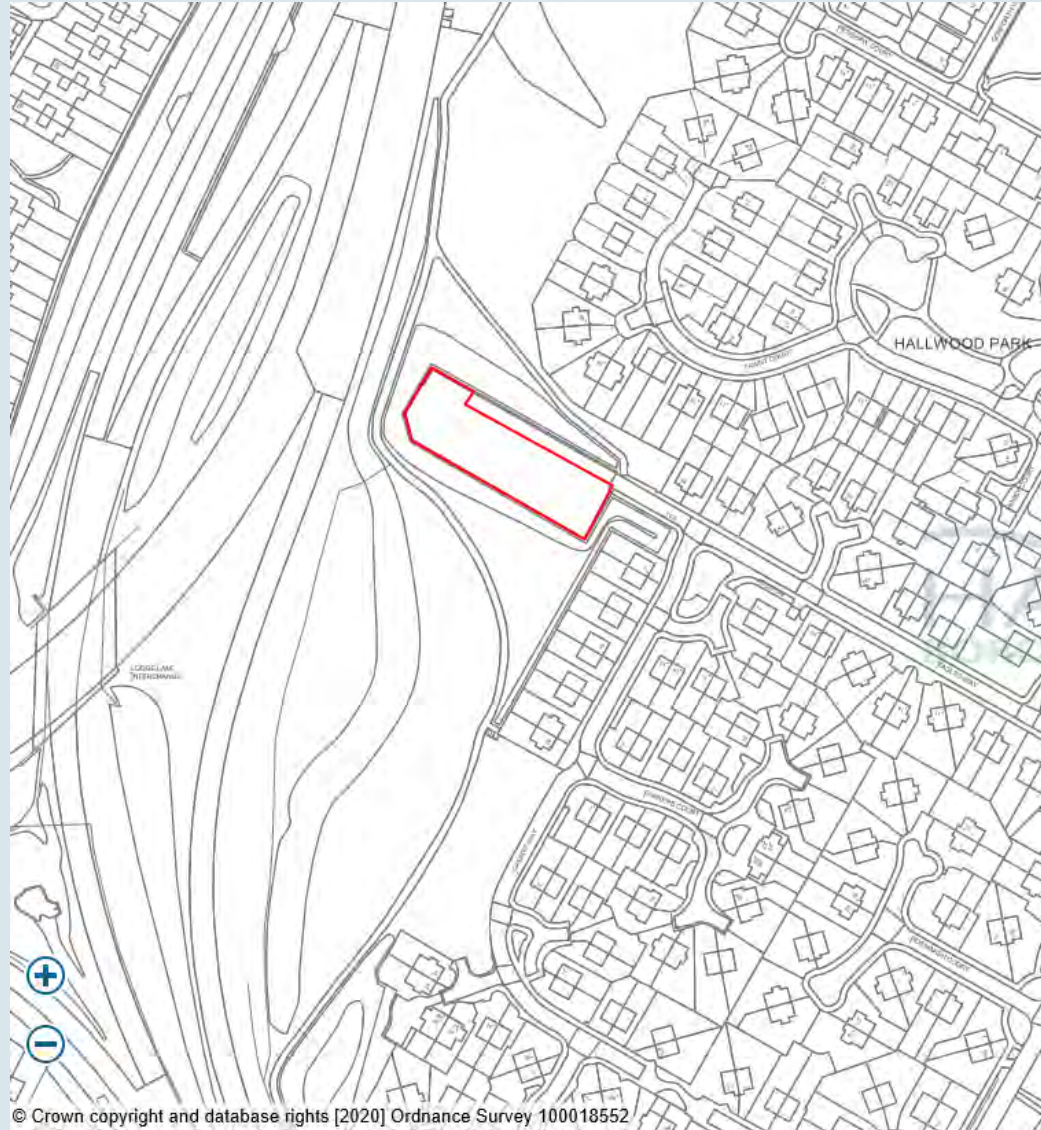


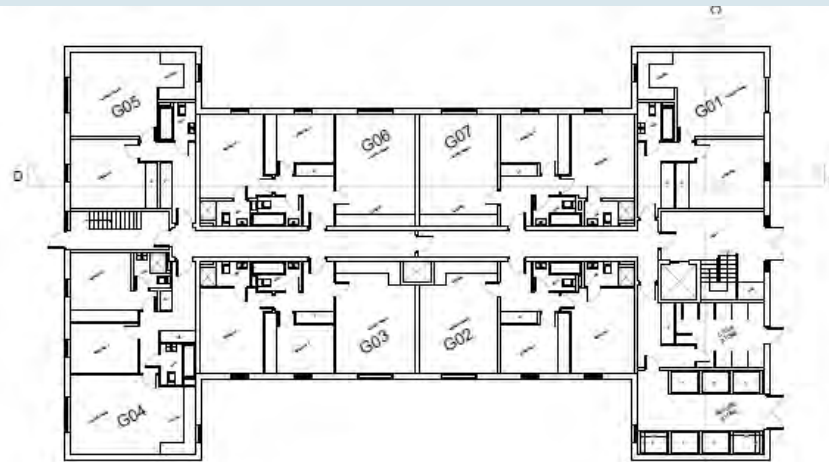




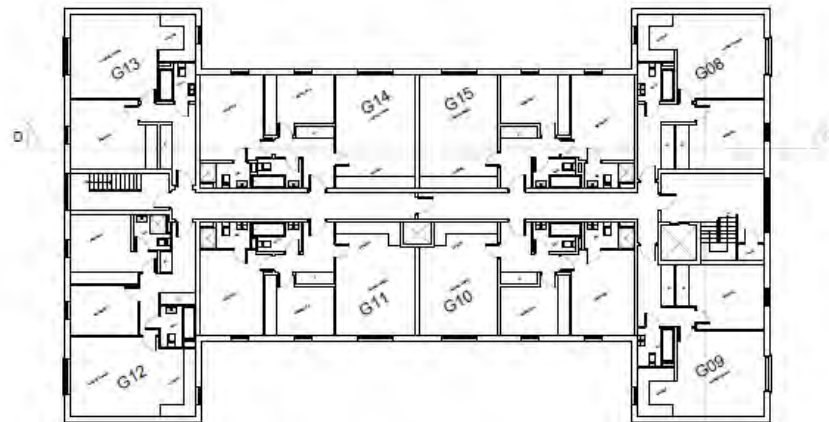




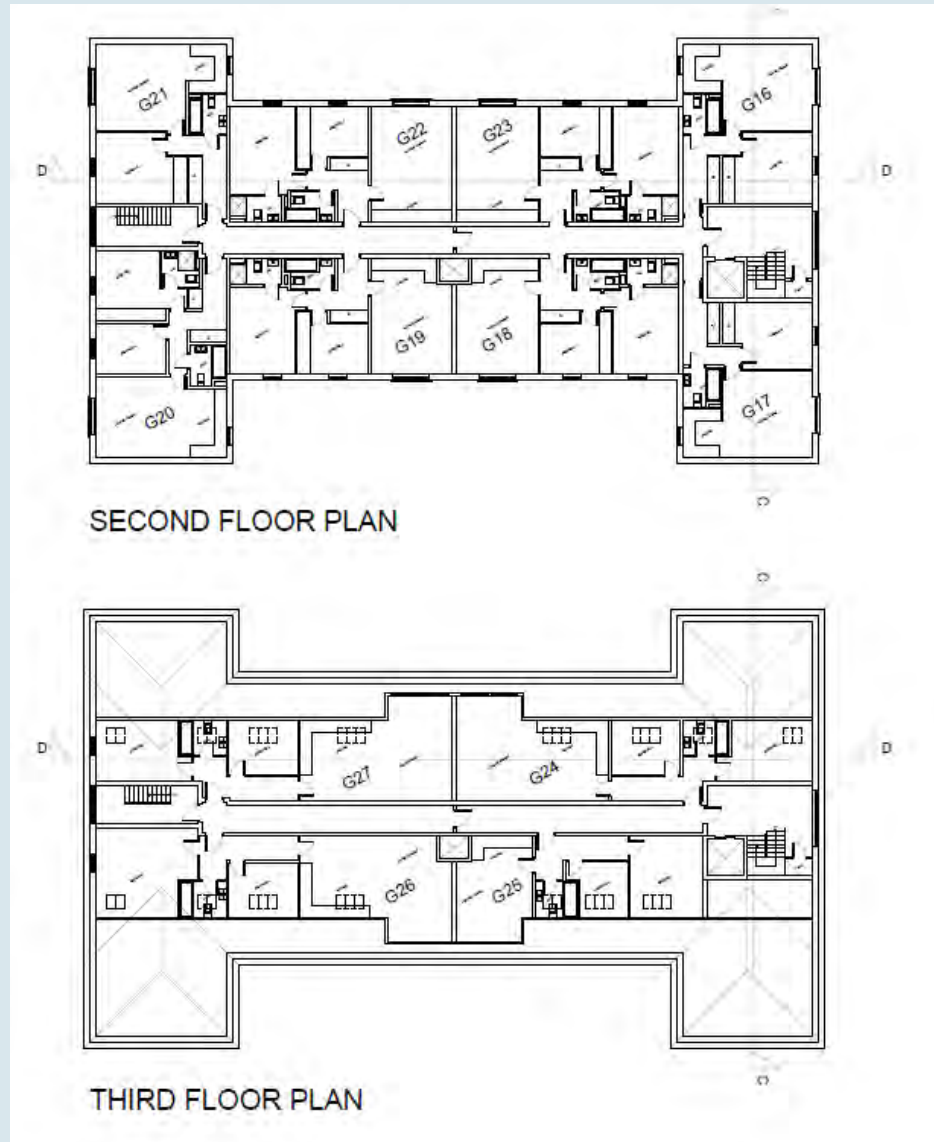


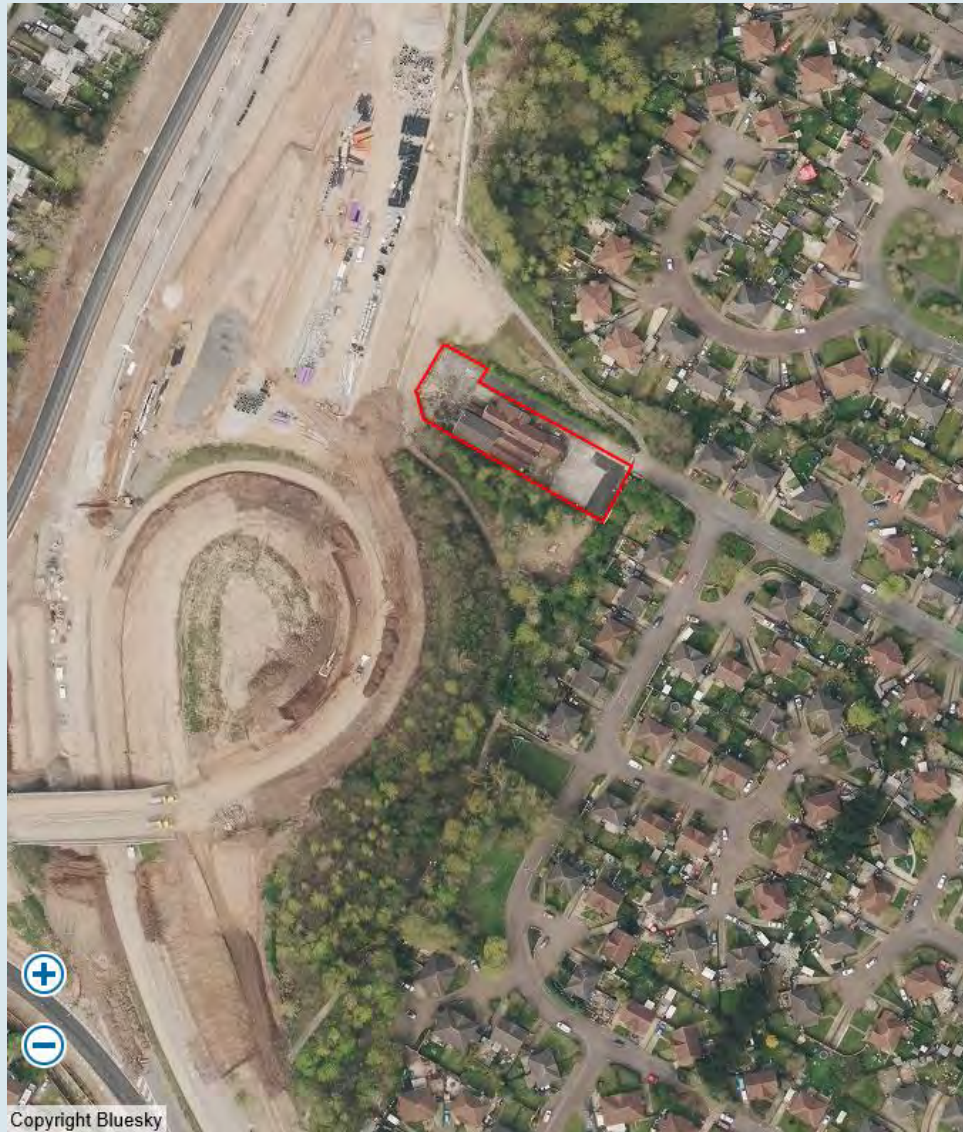


GROUND FLOOR PLAN

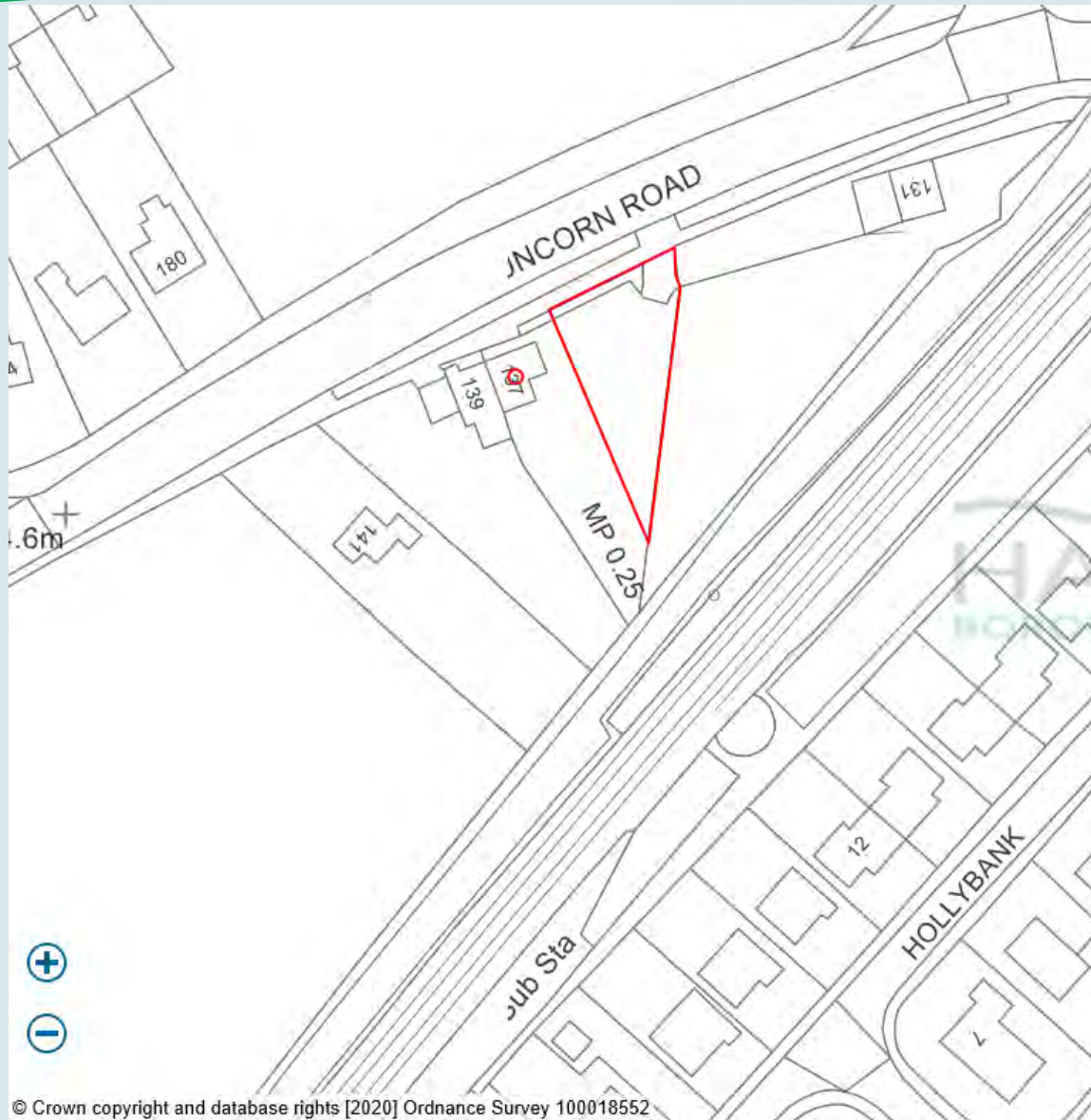


FIRST FLOOR PLAN



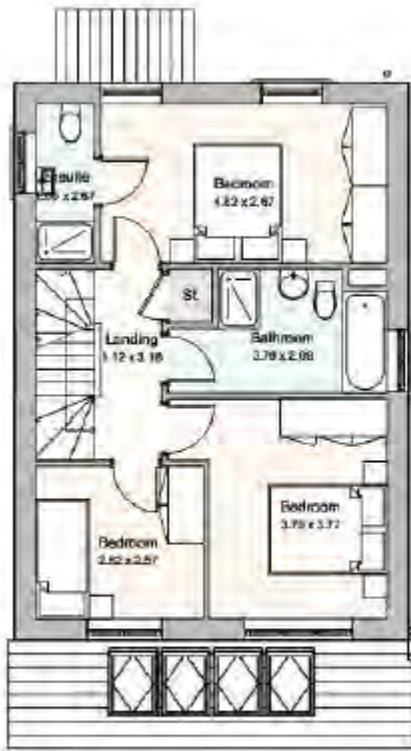


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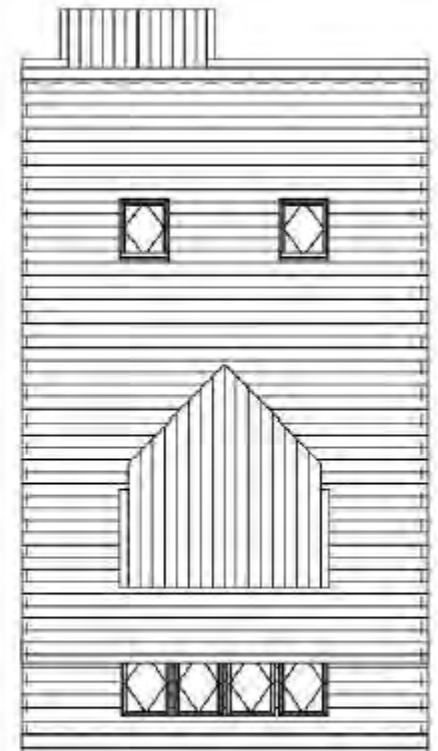




First Floor



Second Floor



Roof Plan





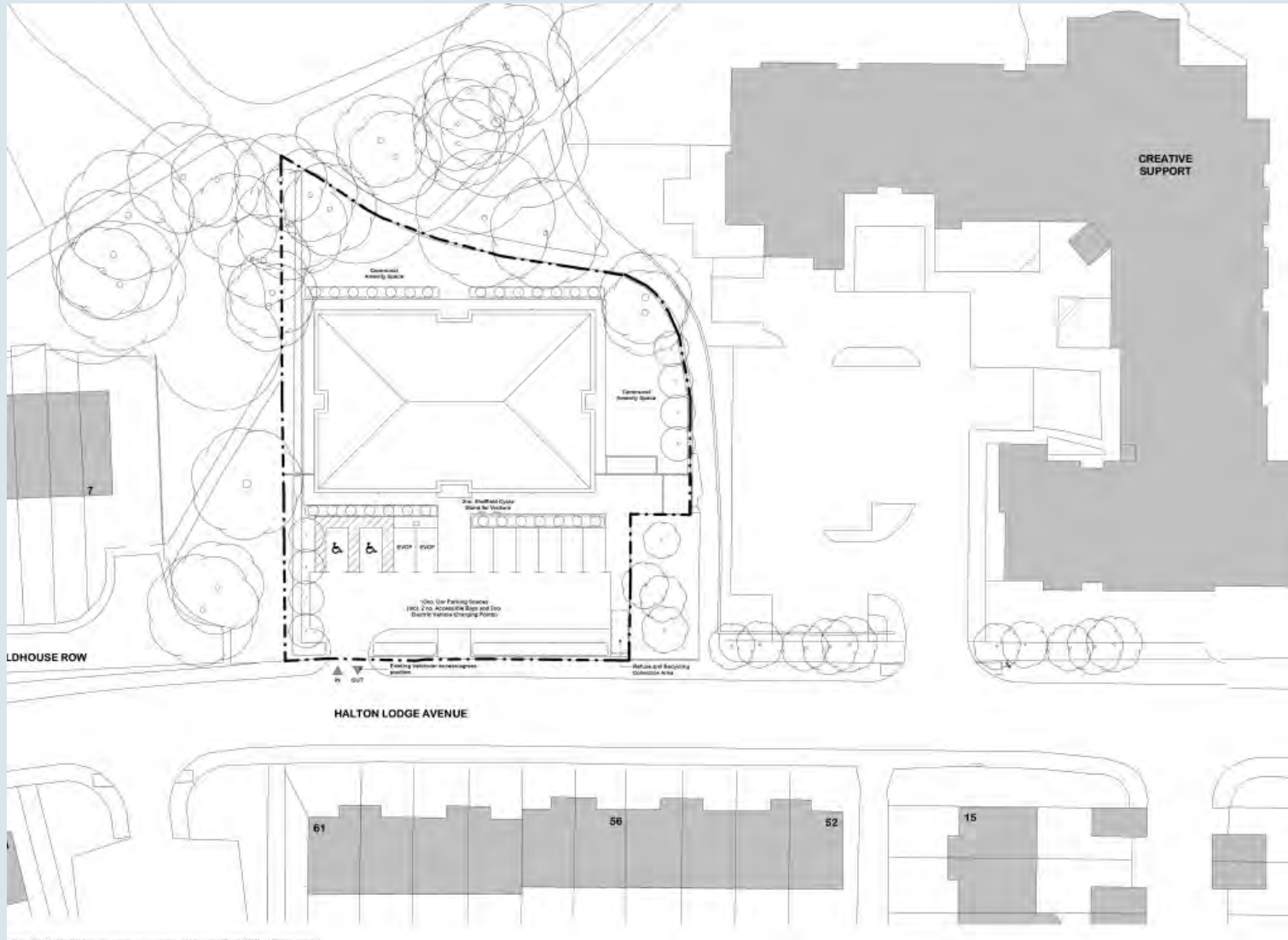
Gable 1 Elevation



Gable 2 Elevation









North West Elevation



South East Elevation



North East Elevation



South West Elevation



