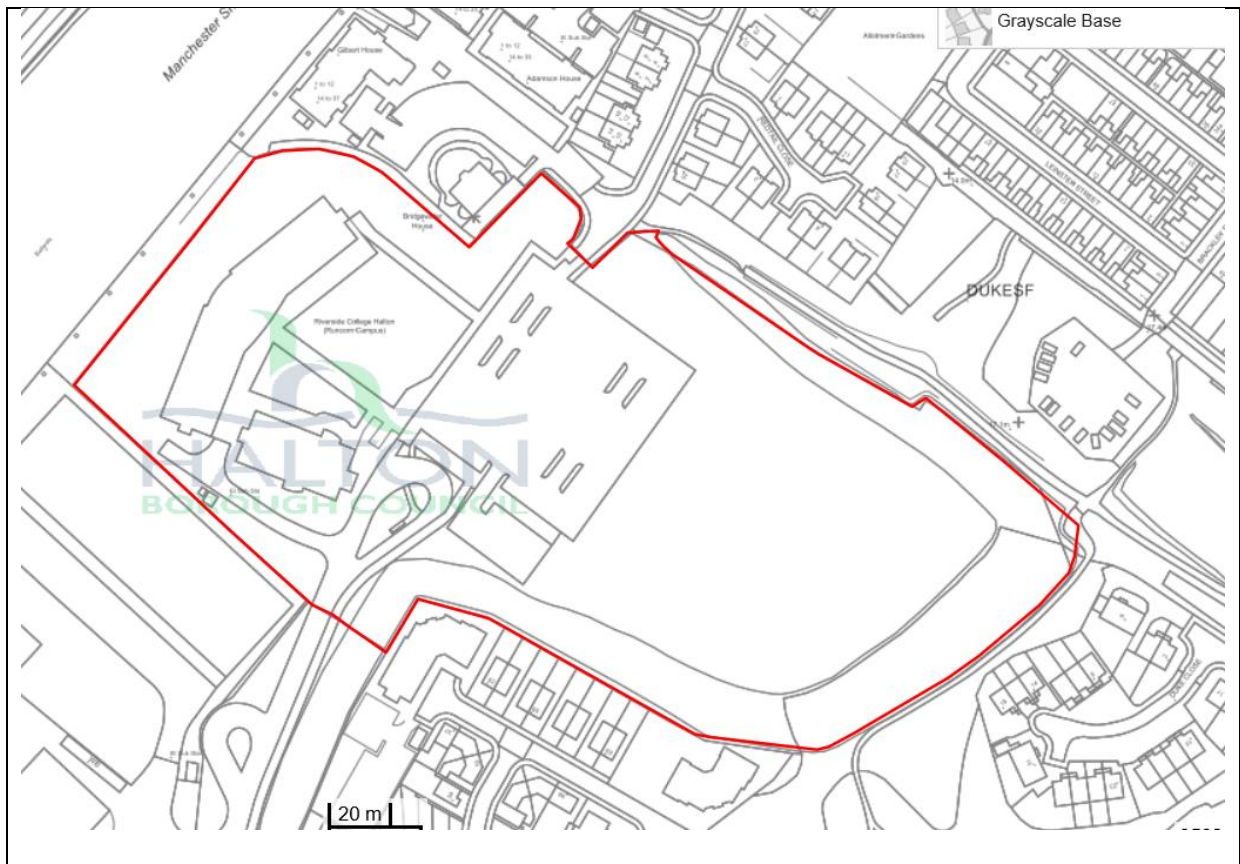


APPLICATION NO:	18/00174/FUL and 18/00176/REM
LOCATION:	Former Riverside College Percival Lane Runcorn
PROPOSAL:	18/00174/FUL - Proposed residential development comprising 24 no. dwellings with full details for access, landscaping, scale, layout and appearance 18/00176/REM - Reserved matters application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



APPLICATION SITE

The Site

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

Planning History

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

THE APPLICATION

The proposal

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

Documentation

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

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

POLICY CONTEXT

National Planning Policy Framework

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

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

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

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

Halton Unitary Development Plan (UDP) (2005)

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

- RG4 Action Area 4 – Runcorn and Weston Docklands
- BE1 General Requirements for Development
- BE2 Quality of Design
- BE5 Other Sites of Archaeological Importance
- BE10 Protecting the Setting of Listed Buildings
- GE9 Redevelopment and Change of Use of Redundant School Buildings
- GE21 Species Protection
- GE29 Canals and Rivers
- GE30 The Mersey Coastal Zone
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- PR7 Development Near to Established Pollution Sources
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP3 Disused Public Transport Facilities
- TP14 Transport Assessments
- TP15 Accessibility to New Development

Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS3 Housing Supply and Locational Priorities
- CS10 West Runcorn
- CS12 Housing Mix
- CS13 Affordable Housing
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

Joint Waste Local Plan 2013

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

Supplementary Planning Documents

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

- Draft Open Spaces Supplementary Planning Document
- Affordable Housing SPD

CONSULTATIONS

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

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

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

Council Services:

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

REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

Building in proximity to The Manchester Ship Canal

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

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

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

Access rights

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

Drainage

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

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

ASSESSMENT

Background

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

Principle of Use

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

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

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

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

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

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

Rights Affecting Means of Access

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

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

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

Design and Density

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

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

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

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

Highway Considerations

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

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

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

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

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

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

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

Heritage Impacts

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

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

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

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

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

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

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

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

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

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

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

It is further advised that:

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

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

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

Canal Safeguarding and interface

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

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

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

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

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

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

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

Trees

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

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

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

Ecology

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

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

Noise and Other Amenity Issues

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

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

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

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

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

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

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

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

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

Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and detailed drainage design. The application site lies entirely within an area at the lowest risk of flooding (Flood Risk Zone 1). The principle of residential development of the site has been previously agreed. Foul drainage is proposed to discharge to a sewer which crosses the site and this will be subject to approval United Utilities. Surface water drainage is proposed to be drained to the Manchester Ship Canal. Confirmation that approval for such discharge is available and at what rates have been requested from the applicant. In addition, further information has been requested relating to condition surveys of the existing outfall, groundwater monitoring to demonstrate that proposed finished floor levels are appropriate, flood risk calculations and information demonstrating that appropriate levels of filtration are also awaited. United Utilities has confirmed that they raise no objections in principle. They have however also recommended conditions relating to submission and agreement of a plan for drainage management and maintenance. They have however stated that they are not in a position to comment on any future submission in this regard. It is not considered that such a recommended condition relating to drainage maintenance and management plan can be justified with respect to the application of the 6 tests contained within the NPPF. The Environment Agency has raised no objection. On the basis that the above issues are addressed satisfactorily, the Lead Local Flood Authority (LLFA) raises no objection in principle. Members will be updated accordingly. Planning conditions are appropriate to require drainage and finished floor levels be carried out as approved.

Contaminated Land

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

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

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

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

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

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

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

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

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

Archaeology

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

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

Waste

The proposal involves demolition and construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted. Policy WM9 of the Joint Merseyside and Halton Waste Local Plan requires submission of information with respect to provision of on-site waste storage and management. Comments from the Council's retained adviser on waste matters are outstanding. Members will be updated as required.

Other Material Matters

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

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

CONCLUSIONS

Two applications are submitted for the redevelopment of the overall site of the former Riverside College, Runcorn for a residential development with a combined total of 144 dwellings. Application 18/00176/REM is submitted pursuant to the previously approved outline planning permission for 120 dwellings. A parallel application 18/00174/FUL has been submitted for full planning permission for part of the site being approximately 1.8 acres for 24 dwellings to allow for an uplift in the total number of dwellings to 144. Core Strategy Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the principle of residential development of the site is considered acceptable and has been established by the earlier grant of outline planning permission. The increase in numbers of dwellings by twenty four is not considered to raise significant, different or additional issues to justify refusal of planning permission in this case. The proposals have the benefits of potentially contributing much needed housing in the borough in a sustainable location on a brownfield site close to the town centre whilst making a positive contribution to the regeneration of the area and safeguarding the route for the reinstatement of the Bridgewater Locks. The development also offers potential to generate capital for the college to invest in the continued improvement and expansion of its retained campuses in the Borough. Whilst a number of issues remain it is considered that these can be properly resolved through ongoing negotiation, amendment to the scheme and by response from the applicant and consultees. Members will be updated as required at Committee.

RECOMMENDATIONS

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

That the application is approved subject to:-

(a) The entering into a Legal Agreement or other agreement for the maintenance of specified land in accordance with the landscaping requirements of the Permission and the transfer of that land to the Council upon written notice for the purposes associated with the reinstatement of the former Bridgewater Canal and that the College expend all of the net land receipts from the sale of the site to discharge debt in respect of improvements at land and property belonging to it.

(b) For application 18/00174/FUL conditions relating to the following:

1. Specifying Approved Plans (BE1)
2. Requiring development be carried out in accordance with the approved Construction Environmental Management Plan including measures for wheel cleansing facilities, construction vehicle access routes, construction parking and management plan, noise and dust minimisation measures. (BE1 and GE21)
3. Materials condition, requiring the development be carried out as approved (BE2)
4. Landscaping condition, requiring submission and approval both hard and soft landscaping, including native planting and replacement tree planting. (BE2)
5. Boundary treatment condition requiring the development be carried out as approved. (BE2)
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
7. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
8. Requiring submission and agreement of a scheme of works for environmental inspection relating to further detailed site investigation/ mitigation/ verification (PR14)
9. Requiring submission and agreement of gas protection measures (PR14)
10. Requiring submission of a verification reporting post-completion of the proposed remediation works including details of the cover system and gas protection measures installation (PR14).
11. Condition relating to unidentified contamination (PR14)
12. Condition relating to on-site biodiversity requiring measures to be incorporated in the scheme to encourage wildlife including bird/ bat boxes to be carried out as approved (GE21)
13. Drainage condition requiring development to be carried out as approved (BE1/ PR5)
14. Condition relating to site and finished floor levels to be carried out as approved. (BE1)
15. Condition requiring Site Waste Management Plan to be implemented through the course of the development (WM8)
16. Submission and agreement of a sustainable waste management plan (WM9)

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

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

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

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

SUSTAINABILITY STATEMENT

As required by:

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

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