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Development Management Committee

Tuesday, 18 January 2022 6.30 p.m.
Halton Stadium, Widnes



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Stan Hill (Chair)
Councillor Rosie Leck (Vice-Chair)
Councillor John Abbott
Councillor John Bradshaw
Councillor Chris Carlin
Councillor Noel Hutchinson
Councillor Alan Lowe
Councillor Ged Philbin
Councillor Rob Polhill
Councillor John Stockton
Councillor Dave Thompson

*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 Tuesday, 1 March 2022*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 7
2. DECLARATIONS OF INTEREST	
<p>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.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
(A) 19/00391/WST - Proposed construction of waste transfer building, change of use to commercial and industrial waste transfer station and ancillary development at ASH Waste Ltd, MacDermott Road, Widnes	8 - 27
(B) 21/00161/FUL - Proposed demolition of the existing vacant office building and the erection of apartment block and townhouses totalling 153 no. dwellings (use class C3) a 66 no. bedroom care home (use class C2) and a 85 no. bedroom hotel (use class C1) with associated hard and soft landscaping and parking at East Lane House, East Lane, Runcorn, WA7 2UR	28 - 45
(C) 21/00408/FUL - Proposed change of use from care home (C2) to 3 no. self-contained HMO's (Sui Generis) with associated infill extension, layout of car park and landscaping at 61 Derby Road, Widnes, WA8 9LG	46 - 56
(D) 21/00498/FUL - Proposed erection of industrial / storage building for use class B2 / B8 purposes, parking and servicing areas, bunds, fencing, landscaping, ancillary works and retrospective permission for the retention of previously installed bunds at Bowman Works, Gorsey Lane, Widnes, WA8 0YZ	57 - 67
(E) PLANS	68 - 112

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 MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Tuesday, 7 December 2021 at the Halton Stadium, Widnes

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Carlin, Hutchinson, A. Lowe, Philbin, Polhill, J. Stockton and Thompson

Apologies for Absence: Councillors Abbott and J. Bradshaw

Absence declared on Council business: None

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

Also in attendance: 22 Members of the public, Councillors Gilligan and Wall and one member of the press

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

DEV24 MINUTES

The Minutes of the meeting held on 1 November 2021, having been circulated, were taken as read and signed as a correct record.

DEV25 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

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

DEV26 21/00166/OUT - OUTLINE PLANNING APPLICATION, WITH ALL MATTERS RESERVED, FOR LABORATORY AND OFFICE SPACE (USE CLASS E(G)(I) AND E(G)(II)) DEVELOPMENT WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT DARESURY LABORATORY, KECKWICK LANE, DARESURY

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

Action

Since the publication of the agenda an updated opinion was received from the Council's retained conservation advisor following the Applicant's submission of a Landscape Visual Impact Assessment (LVIA), this was presented in the published AB update list. It was noted that the opinion was consistent with the assessment findings of the Committee report. The comments with regards to reserved matters and heritage impacts in the update list were noted.

The Committee was addressed by Mr Winter, who spoke on behalf of the applicant. He commented *inter alia* that the proposal was an outline application on a site in an employment development area; that the landscape officer raised no objections; there would be no heritage impacts; the height of the building would be secured by conditions; and that highway improvements would be secured by a Section 106 Agreement. In conclusion, he stated that the proposal would be of significant benefit to the Borough, providing high quality jobs.

The Committee agreed that the application be approved.

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

- a) a planning obligation and/or other appropriate agreement relating to securing matters as set out in the report;
- b) that if the Section 106 agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application;
- c) delegated authority be given to the Operational Director – Policy, Planning and Transportation, to determine and agree the terms of all matters to be included in the planning obligation and/or other appropriate agreement and the conditions mentioned below; and
- d) conditions relating to the following:
 1. Outline planning permission conditions setting out time limits and reserved matters (Section 92 of the Act);

2. Condition specifying approved and amended plans (BE1);
3. Condition stipulating maximum build heights as shown on the Landscape Visual Impact Assessment (Ref: 2572A dated: 23.9.21) (BE1);
4. Details requiring submission and agreement of Construction, Management and Environmental Development Plan (BE1);
5. Details regarding electric vehicle charging provision (CS19);
6. As part of a future reserved matters application, the Applicant will be required to submit details of a low carbon and renewable energy strategy (CS19);
7. Applicant to submit a scheme regarding operational lighting phase (BE1 and GE21);
8. Landscape scheme to include details of habitat and protected species mitigation (BE1 and GE21);
9. Condition ensuring no net biodiversity loss (NPPF);
10. Applicant required to undertake a site waste management plan (WM8);
11. Requirement of the applicant to undertake piling risk assessment for controlled waters and underground water resources (PR5);
12. Applicant required to submit details proposing a sustainable drainage system (NPPF);
13. Details requiring verification report demonstrating surface water drainage implemented in accordance with approved details (NPPF);
14. Condition requiring submission and agreement of site levels and finished floor levels (BE1); these shall not exceed the levels demonstrated in the Landscape Visual Impact Assessment; and
15. Applicant required to submit a scheme for the provision of cycle storage.

DEV27 21/00466/FUL - PROPOSED CONSTRUCTION OF A SUPERCOMPUTING CENTRE PROVIDING 3,070SQM OF FLOOR SPACE (USE CLASS E1) WITH FORMATION OF NEW ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT DARESBUURY LABORATORY, KECKWICK LANE, DARESBUURY

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

Since the publication of the agenda, an ecology update had been provided as outlined in the published AB

update list. It was noted that the recommendation for an increased level of compensatory tree planting was agreed by the applicant and would be secured by a suitably worded landscape condition.

One Member wished to note the significance of this proposal for Halton in that it would be only the second one of its kind in the country and could impact on future Government investment in the area.

The Committee agreed that the application be approved.

RESOLVED: That the application be approved subject to the list of conditions below:

1. Condition setting our standard time limits (Section 92 of the Act);
2. Development to be carried out in accordance with approved plans (BE1);
3. Details regarding a construction and environmental management plan detailing the following:
 - Protection measures for the woodland areas to the east (Daresbury Firs LNR/LWS) and north-east, and any associated buffer habitats located at the eastern site boundary.
 - Protection measure for the Bridgewater Canal to the west, to include a minimum buffer along the watercourse of 5 metres.
 - Pollution control measures to prevent runoff and other potential pollutants entering the woodland area to the east or the canal to the west.
 - Avoidance measures for protected/priority species including badger and hedgehog.
 - Timing restrictions in respect of clearance of potential bird nesting habitat.
 - Invasive species control method statements (Himalayan balsam).
4. Requirement concerning a verification report demonstrating the approved surface water drainage scheme has been implemented (NPPF);
5. Details concerning external plant equipment noise protections (PR2);
6. 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 (BE1 and GE21);
7. Details concerning the submission of a construction

waste audit (WM8);

8. Details requiring the installation of a lighting scheme to prevent excessive light from affecting the canal corridor and Daresbury Firs (BE1 and GE21);
9. Details for a scheme demonstrating the number and location of bat boxes (BE1 and GE21);
10. Condition requiring the installation of any boundary treatment the Applicant shall submit details concerning measures to implement a hedgehog highway (BE1 and GE21);
11. A Landscape and Ecology Maintenance Plan shall be submitted and agreed in writing. It shall address the following points:
 - Creation, establishment and management of wildflower areas;
 - Planting, establishment and management of hedgerows;
 - Tree management;
 - Pond Management;
 - Management of areas containing bluebell;
 - Locations of hedgehog highways in boundary fences;
 - Bat and bird box types and locations – this should be informed by the updated bat activity and breeding bird surveys completed in 2021; and
12. Details requiring submission and agreement of site levels and finished floor levels (BE1).

DEV28 21/00471/FUL - PROPOSED DEVELOPMENT COMPRISING 233 DWELLINGS, RECONFIGURATION OF GOLF COURSE, DEMOLITION OF EXISTING CLUB HOUSE AND ASSOCIATED BUILDINGS AND ERECTION OF NEW CLUB HOUSE AND GREEN KEEPERS STORE, CREATION OF NEW VEHICULAR ACCESSES, ROADS, CAR PARKING, GREEN FOOTPATH LINK AND ANCILLARY DEVELOPMENT AT WIDNES GOLF CLUB, HIGHFIELD ROAD, WIDNES, WA8 7DT

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

It was noted that this report was being presented to Committee as the applicant had appealed this second application to the Planning Inspectorate, rather than await a Council decision.

The Committee was addressed by Councillor Wall, who spoke on behalf of neighbouring residents to the Golf Course and her Highfield Ward colleagues Councillors

Nolan and Gilligan.

Councillor Wall made the following comments *inter alia*:

- The Planning Inspectorate had found the Local Plan to be sound where the Golf Course was designated as a green space;
- The second application is similar to the one refused – she presented an email from the applicant dated 10 November stating that a public inquiry would begin on 6 December for the first application and it was their intention that the second application would also be appealed, at the same time;
- This greenspace must be protected for the people of Widnes and for future generations;
- Greenspace were important for wellbeing, good physical health and mental health;
- There had been hundreds of objections against this application from the whole Town and Derek Twigg MP had offered his support in objection;
- She paid tribute to the residents of Widnes who had worked together to campaign against the proposals in these difficult times; and had fought off tactics by the developer to defeat hope amongst them;
- It was important to protect an integral part of the landscape which was the heart of the community and housed wildlife and trees that have TPO's on them;
- This development would increase traffic capacity at road junctions (she named the roads in question) and further increase demand for local school places;
- The application was contrary to Halton's planning policies; and
- The Applicant sought to profit from the development by investing in a neighbouring authority.

In conclusion Councillor Wall, also on behalf of Ward colleagues, urged the Committee to support the case for refusal and support the Council's position to defend refusal at appeal.

It was confirmed that the Applicant did have an opportunity to address the Committee today but had not responded to communication in this regard.

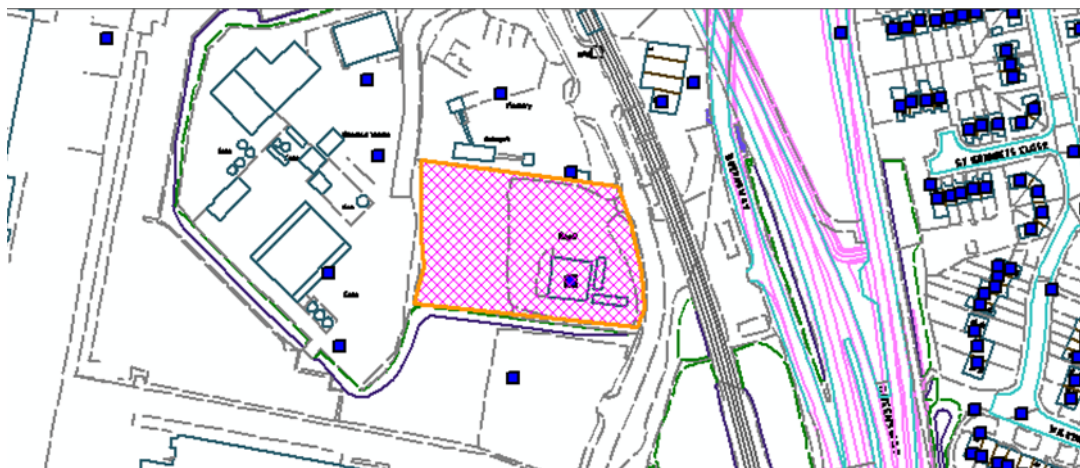
The Committee agreed the content of the report and supported the Council's case for refusal at appeal.

RESOLVED: That

1. the Committee agrees the content of the report;
2. the Committee supports the case for refusal; and
3. Officers make submissions on the appeal and defend the Council's position for refusal.

Meeting ended at 7.15 p.m.

APPLICATION NO:	19/00391/WST
LOCATION:	ASH Waste Ltd MacDermott Road Widnes
PROPOSAL:	Proposed construction of waste transfer building, change of use to commercial and industrial waste transfer station and ancillary development
WARD:	Central and West Bank
PARISH:	None
AGENT(S) / APPLICANT(S):	ASH Land Widnes Ltd MTP Town Planning Ltd
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2018) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Primarily Employment Area
DEPARTURE	No
REPRESENTATIONS:	None
KEY ISSUES:	Principle of development, employment; design; waste policy; noise, dust, odour and other amenity issues; drainage; contaminated land and highway and traffic issues
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP**THE APPLICATION SITE**

The Site

Site of approximately 0.45 hectares being the site of the former Klaruw depot which was a specialist surfacing company on the west bank dock industrial estate. The site is adjoined to the north, south and west by a concrete batching plant, the Tesco's chilled distribution centre. The Silver Jubilee Bridge and West Coast Mainline viaduct are east. The site is accessed via MacDermott Road which is unadopted.

Planning History

The site has a lengthy Planning history associated with the former industrial uses. None are considered directly relevant to the current application.

THE APPLICATION

The Proposal

Permission is sought for the proposed construction of a waste transfer building, change of use to commercial and industrial waste transfer station and ancillary development

Documentation

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

Planning and Issues Statement
Phase 1 Contamination Risk Assessment
Transport Statement
Archaeology Desk Based Assessment

POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 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.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

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 person's 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.

Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- PR1 Air Quality
- PR2 Noise Nuisance
- PR3 Odour Nuisance
- PR4 Light Pollution and Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- MW1 All Minerals and Waste Management Developments
- MW2 Requirements for All Applications
- 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
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities
- CS8 3MG
- 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

Delivery and Allocations Local Plan

The Council submitted the Submission Delivery and Allocations Local Plan (DALP) to the Planning Inspectorate 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 application site as Primarily Employment. This is now a material planning consideration, however at this point carries very little weight in the determination of planning applications.

Joint Waste Local Plan 2013

- WM0 Presumption in Favour of Sustainable Development
- WM1 Guide to Site Prioritisation
- WM2 Sub-regional Site Allocations
- WM3 Allocations for District Level Sites
- WM5 Areas of Search
- WM10 High Quality Design and Operation
- WM11 Sustainable Waste Transport
- WM12 Criteria for Waste Management Development
- WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding commercial properties 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 where appropriate:

External Bodies:

Environment Agency – No Objection

United Utilities – No objection subject to conditions

Natural England – No Objection

Liverpool Airport – No Objection

Network Rail – No objection subject to asset protection

Council Services:

HBC Contaminated Land – No Objection subject to Conditions

HBC Highways – No Objection subject to Conditions

Lead Local Flood Authority – No Objection subject to Conditions

HBC Environmental Health - No Objection subject to Conditions

MEAS – No Objection (see detailed observations below)

Major Projects –Objection (see Principle of Development)

REPRESENTATIONS

None Received

ASSESSMENT

Background

The applicant operates a waste collection and management service across the north west including Halton and Merseyside.

The existing use of the site is as an industrial use with offices and a workshop. The submitted supporting statement indicates that the proposed building will be used to store and sort non-hazardous wastes, predominantly mixed packaging, paper, cardboard, glass, wood and general trade waste. The quantity of waste accepted at the site is proposed not to exceed 75,000 tonnes per annum.

As an update to the planning application form as originally submitted the applicant suggests an approximate breakdown as follows:

- Commercial and Industrial – 50,000 Tonnes
- Construction, Demolition and Excavation – 10,000 Tonnes
- General Trade Waste – 15,000 Tonnes

The submission states that “the activities to be carried out on site will consist of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for disposal or recovery. All waste treatment will take place within the building and all treatment and storage of wastes shall be carried out on an impermeable surface.”

The applicant has indicated that the following EWCs will be accepted at the site: 15 01 06 (mixed packaging); 20 01 01 (paper and cardboard); 20 01 02 (glass); 20 03 01 (mixed municipal waste); occasional loads of C&D waste, including 17 01 07 (stone / hardcore), 17 02 01 (wood) and 17 09 04 (mixed C&D waste). All the waste will be non-hazardous.

It is understood that the waste will primarily be trade waste collected from businesses within Halton and Merseyside (albeit the Council are not treating this as a condition of the grant of permission). Trade waste from local businesses is typically subject to 'at source' separation i.e. cardboard and clearly recyclable material separated from residual wastes. The proposed bulking/ treatment facility will allow recyclates to be bulked on the site and residual waste to be treated to produce a refuse derived fuel for use in consented recovery facilities aimed at increasing the rates of trade waste recycling and minimise the amount of trade waste sent to landfill. Bulked waste, recyclates etc. would be transported from the facility to re-processors and recovery facilities within a reduced number of larger vehicles.

The submitted application form states that the business currently supports 3 staff directly at the site and this would require an additional 6 staff. The proposed waste transfer and treatment building which is aligned along the eastern rear boundary of the site will provide a footprint of approximately 1,252 square metres (approximately 47 metres x 30 metres) with an overall height of 8.2m to the ridge.

The building will be a portal framed industrial building with exposed precast concrete panels at its base, goosewing grey single skin profiled metal cladding to the wall and roof above with contrasting red detailing and doors. The scheme as originally submitted proposed an open fronted building with simple goosewing grey cladding but, in line with officer advice, amended plans have been supplied to provide for an enclosed building with roller-shutter doors and colour variation detailing to provide better enclosure of the waste activities and a degree of visual variation to the building design.

Principle of Development

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan (UDP). UDP Policy E3 provides that development falling within Use Classes B1, B2, B8 and Sui Generis Industrial uses will be permitted in such areas. There is an argument that the proposed use would most likely be considered a B2 general industrial use. Even if a counter argument were made that the proposals constituted a Sui Generis use provision is made within UDP Policy for either within such areas where such uses meet tests with respect to the justification and other policies relating to operational impacts and compatibility with surrounding uses. Such compatibility and operational impact issues are addressed elsewhere within the report however on this basis, the proposed use is considered acceptable in principle.

The Council's Major Projects Officer has commented that:

“3MG is designated for rail related uses. This proposed construction of waste transfer building, change of use to household, commercial and industrial waste transfer station does not fit into this designation. More fundamentally, we have a fresh food facility adjacent to the site, even with all the controls in place there is the likelihood that the facility will omit odour, dust / ash, rubbish as the waste is being transported to the facility and generally cause a nuisance.”

Whilst the applicant had initially submitted a description of development for “...change of use to household, commercial and industrial...” it is understood that this was a reflection of harmonising the terminology used in this application with that of the environmental permit application with the Environment Agency in order to ensure that the planning permission, if granted, was accurately matched with the permit sought. The initial permit sought at the time was for a regulator specified “SR2015 No 6: 75kTe household, commercial and industrial waste transfer station with treatment” and hence the use of this terminology. Across their existing business, the applicant does not currently service households and does not intend to do so at this address. The description of development has therefore been amended to more closely reflect the waste streams intended to be handled. The Council are satisfied that there is no prejudice in making this amendment to the scheme to members of the public.

The site is included within the shaded area for the 3MG Key Area of Change as contained within Core Strategy Policy CS8. Core Strategy Policy CS8 also includes overarching policies and aspirations with respect to the delivery of B8 employment to deliver regionally important logistics and distribution development and provision of jobs. That Policy does not however supersede designation on the UDP Proposals map or UDP Policy E3. It is not considered that refusal of planning permission could be justified on the basis of the “land use designation”. Issues relating to environmental impacts and compatibility with adjoining uses are addressed later in the report.

The Council’s retained adviser on waste has at numerous stages of the application raised a number of ongoing queries with the applicant in order to demonstrate compliance with the Waste Local Plan (WLP) having particular regard to Policies WM1, WM2, WM3, WM10, WM12 and WM13. The advice received from MEAS by the planning authority is included as an appendix to this report.

Through their final advice correspondence they confirm that:

“a questionnaire regarding the current status and availability of the site was sent to the current owner of site H1 on 3rd August 2020 by post (no email or telephone number available). A preferred response date of 14th August was set, but so far no response has been received.

In the absence of any updated information from the site owner of site H1, I have undertaken the following assessment with respect to policies WM1 and WM13 of the

Merseyside and Halton Joint Waste Local Plan.

The proposed development is not on an allocated site, however, the applicant has undertaken a qualitative assessment of the availability and suitability of all the sites allocated in the WLP. The applicant also notes that the proposed site is not considered to be strategically significant in terms of policy WM2, and I would concur with this. They have contacted the owner of site H1 but have not received any response. Site H2 is not currently available. I am satisfied that the review of other sites is satisfactory and that the reasons given for unsuitability are fair. The proposed site is to serve Halton and the immediate area, proximity to their existing site is a deliverability consideration for them. The applicant has not stated where the sister sites are, however, it is understood that they are based in Wrexham, Chester and Birmingham (based on google search 24/08/20), so the synergy in terms of location is not clear other than proximity to the Mersey Gateway.

The proposed site sits with the Area of Search for Halton identified in policy WM5.

The applicant has submitted a site scoring assessment which they identify has achieved as score of 32. When run through the WLP scoring process the site achieved a score of -23. However, having reviewed the discrepancies between the scores and have made various adjustments to the WLP score where I believe this was underscored resulting in a score of 7. The applicant's score is possibly over scored by 25 (proximity to large energy uses and major road junctions), if this adjustment is made then the applicant score matches the WLP score of 7.

This is lower than site H1, but the scoring process is not definitive in identifying the most suitable sites and is partly used to identify constraints on a site. I am satisfied with how the scoring has been undertaken.

The applicant has not included a sustainability appraisal, but in this instance I do not think this is critical, as it is a relatively small facility within an area of search and on an industrial estate.

Habitats Regulations Assessment was undertaken as part of the original response to the application on 26th September 2019 which concluded no likely significant effect. Natural England issued a 'no objection' response.

A deliverability assessment has been included as part of the review of other sites, I am satisfied that the majority of sites are unsuitable because they are too large, or unavailable. This would particularly be the case for H1, and they state in an email dated 14th July 2020, that ASH's proposal would take only a very small part of the H1 site if it were available and would potentially impact upon the development of other waste sites at that location. From their deliverability perspective, at present there is no supporting infrastructure on site H1, which would need to be in place in the same way

that it already is at the ASH application site. The assessment of sites also indicated that site H1 is likely to require significant site investigation and remediation which is also identified in the site profile for the WLP. It is not clear whether the proposed site requires remediation but other infrastructure is in place.

Overall, in the absence of an update from the owner of site H1, I consider the applicant has submitted sufficient information to demonstrate compliance with policies WM1 and WM13.

My email response (dated 18th May 2020) in relation to additional information provided (Information dated 11/03/20) indicated that I was satisfied that all the information requirements of policy WM12 had been provide subject to Environmental Health, Highways and Planning colleagues being satisfied.”

The proposed development is not on an allocated site but does sit within the Area of Search for Halton identified in policy WM5. Officers have made contact with the owner of Site H1 who confirmed that the site was available but at that time discussions were ongoing with a prospective purchaser. The applicant has stated that “contact has been made with the owners of site H1 in relation to purchasing an acre of the site for a waste facility. The owners have made it clear that they do not want to develop the site piecemeal and are not prepared to sell the required amount of land.” Officers have not verified this statement with owner however, notwithstanding the issue of availability, Site H1 is considered to have been “demonstrated as not being suitable for the proposed waste management operation” per policy WM1. Site H2 is currently occupied and not available.

It is considered that the applicant has supplied sufficient information to demonstrate compliance with the Waste Local Plan (WLP) having particular regard to Policies WM1, WM2, WM3, WM10, WM11, WM12 and WM13. No pathway is identified that could give rise to likely significant effects on the European sites and therefore a detailed Habitats Regulations Assessment report is not required in this case.

The proposal is considered compliant with policy WM10 (High Quality Design and Operation of Waste Management Facilities), the visual impacts are not considered significant as the area is an existing industrial area, the facility will be designed to fit into its surroundings.

As requested, the applicant has provided further clarification demonstrating that traffic generation from the proposed development are likely to be significantly lower than other potential lawful uses of the site and the Council’s Highways Officer has confirmed that they raise no objection. No information has been provided on where the waste will be going. This is however considered to be a market decision dependant on contracts and not a matter for control through any grant of planning permission.

Issues relating to noise, dust, odour and other amenity issues are addressed later in this report. The proposals are considered to accord with UDP policies BE1, BE2 and E5, the Waste Local Plan and Core Strategy Policy CS24 and are therefore considered acceptable in this regard.

Design and Character

The scheme proposes a waste transfer and treatment building aligned along the eastern rear boundary of the site will provide a footprint of approximately 1,252 square metres (approximately 47 metres x 30 metres) with an overall height of 8.2m to the ridge.

The building will be a portal framed industrial building with exposed precast concrete panels at its base, goosewing grey single skin profiled metal cladding to the wall and roof above with contrasting red detailing and doors. The scheme as originally submitted proposed an open fronted building with simple goosewing grey cladding but, in line with officer advice, amended plans have been supplied to provide for an enclosed building with roller-shutter doors and colour variation detailing to provide better enclosure of the waste activities and a degree of visual variation to the building design.

Despite the utilitarian nature of the building amendments have been sought which result in some improvement to the overall design. The building is considered appropriate to the proposed use and the character of the area. It is not considered that refusal of planning permission could be justified on design grounds. It is considered that conditions requiring that all tipping and handling/ treatment of waste be contained within the building and restricting external storage of waste or processed material are considered appropriate. Existing offices and a workshop building on site continue to be used for administration staff and vehicle maintenance respectively.

The proposed site is located close to and fronts the approach to the Silver Jubilee Bridge approach and West Coast Main Line Viaduct. Given that activities will be contained within the proposed building, relative levels and screening of views into the site from the viaduct it is not considered particularly visible from any main road or rail transport routes and any views are likely to be limited and fleeting. The proposals are considered to accord with UDP Policy BE1, BE2, E5 and the Council's adopted Design of New Industrial and Commercial Development SPD.

Noise, Dust, Odour and Other Amenity Issues

The applicant has indicated that the following EWCs will be accepted at the site: 15 01 06 (mixed packaging); 20 01 01 (paper and cardboard); 20 01 02 (glass); 20 03 01 (mixed municipal waste); occasional loads of Construction and Demolition (C&D), including 17 01 07 (stone / hardcore), 17 02 01 (wood) and 17 09 04 (mixed C&D)

waste). All the waste will be non-hazardous. The waste will primarily be trade waste collected from businesses within Halton and Merseyside.

The Council's retained adviser on Waste matters has identified that concern has been raised by the Council's Environmental Health Officer that, given that mixed municipal waste is proposed to be accepted at the site, this could result in odour/pest problems. The EU definition of municipal waste is 'Municipal waste covers household waste and waste similar in nature and composition to household waste'. This could include commercial/trade waste of a similar nature, therefore the concerns are reasonable and information on odour management and bird/vermin control should be submitted to the satisfaction of Environmental Health colleagues.

The Council's Environmental Health Officer has commented as follows:

Environmental Health has considered this application with regards to noise, odour and dust. The application is for a waste transfer site in an existing commercial area.

Noise and dust

The location of the site bounded by industry and major roads offers mitigation to the residential areas in relation to noise and dust

Odour

With regard to odour it is unclear whether the site will be accepting food waste or soiled packaging. The application does not indicate that there will be any technical upgrades to the building, and actually indicates that the building will be open along one side. Whilst there have been some assurances that food waste will not be handled, I would suggest that this would need to be conditioned as part of the planning, so as to make its handling an offence. I would ask as well that a similar assurance is provided with regard to food packaging as often this contains food debris which can cause odours and attract pests.

Conclusion

I would suggest that the applicant either needs to upgrade the building such that it is able to contain odours or accept conditions that remove their ability to accept food waste and food packaging. Without these assurances Environmental Health would not be able to support the application.

The applicant also indicates that if the planning permission is successful they will apply for a bespoke Environmental Permit at which point they will prepare the following information: Environmental Management System, Odour Management Plan, Noise Management Plan, Fire Prevention Plan and Dust Management Plan. However, some of these details are required to satisfy the requirements of policy WM12 (Box 1 General Information) and Environmental Health requirements.

The Council's Environmental Health Officer has sought confirmation that the facility will not be accepting food waste or soiled packaging.

With respect to concerns about odour the applicant has provided further clarification regarding the nature of the waste and the way in which it will be managed, particularly with regard to food waste. The applicant confirms that the proposals are to handle a mixture of dry waste streams coming from waste collection rounds and, whilst there may be occasional elements of food or soiled packaging included, this is not a significant proportion of the waste received. It has been confirmed that there is no specific food waste collection round proposed to deliver to this site. Each load is inspected as it is unloaded at the site and any waste containing food or soiled packaging is removed from the main waste stream and stored separately to avoid cross contamination with recyclable materials. Any such waste will be loaded into a sealed storage container for removal from the site.

As a result it is suggested that risk of odours is low as a result of the type of material handled which is generally low odour and not putrescible, but also because there is a rapid throughput of material with waste being held on site for only a short period of time. It is indicated that the bays within the building which handle mixed residual wastes are filled and emptied sequentially so that waste is not left on site for a prolonged period and does not have the opportunity to become odorous and that this is the company's standard operating procedure.

With respect to noise, dust and litter issues, all unloading, management and loading of materials handled is to be undertaken within the building including shredding. All waste entering and leaving the site will be in either sealed vehicles or covered containers. Consequently, the potential for fugitive release is considered to be low. This, together with the distance from the nearest residential areas and intervening structures means the potential impacts on local residents are also low.

Such issues will be a consideration of the Environmental Permit issued by the Environment Agency. As stated in the NPPF "...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes....local planning authorities should assume that these regimes will operate effectively".

Notwithstanding that, It is considered that conditions restricting the volume of waste, requiring all materials to be handled within the building, restricting external storage and that all waste entering and leaving the site will be in either sealed vehicles or covered containers can appropriately be secured by planning condition. A further condition restricting the nature of waste received is also proposed as follows:

Wastes accepted at the site shall be limited to commercial and industrial residual waste, recyclates and construction and demolition waste. Source segregated food waste from any source or unsegregated waste obtained from domestic premises shall not be accepted, stored or processed on the site at any time. Any food waste inadvertently accepted shall be separated to minimise cross contamination and loaded into a sealed storage container for removal off site as soon as practicable..

Reason:- To define the permission and minimise the risk of odour.

The applicant has confirmed that normal operating hours will be 6am to 8pm 7 days a week. It is not considered that imposition of a condition restricting hours of operation could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework.

Airport Safeguarding

Liverpool John Lennon Airport have confirmed that they have assessed the above proposal in line with Aerodrome Safeguarding. After confirmation from the developer that the site will not be accepting putrescible waste The Airport have found that the proposed works will have no impact on operations at LJLA; therefore they have No Objections to this application.

Highway Considerations

The existing site is currently accessed via Macdermott Road which has no adopted status and is remote from the adopted highway network. Connectivity is provided to the wider highway network through the existing industrial area. The proposed additional facility will continue to be accessed in the same way.

The application is supported by a Transport Statement which the Council's Highways Officer has confirmed that, on the whole, is considered robust. The Council's Highways Officer has noted that the site has an existing commercial use and the proposal is comparable in terms of trip generation and vehicle movements, therefore no significant impact is anticipated by the change of use.

Links for non-motorised users and access to sustainable travel is considered poor due to lack of footway connections however the fact that there is an existing permitted use within a commercial area needs to be considered and therefore there are no grounds for the Highway Authority to object to the proposal. It is also noted that good footpath links do exist to points in relatively close proximity to the site with lower grade footpaths completing the connection to the site entrance. Land required to improve these final sections falls largely outside the control of the applicant and it is not considered that requiring the applicant to secure such improvements could be justified.

On that basis it is considered that no significant transport or highway safety issues are raised capable of sustaining a refusal of planning permission and is acceptable based on NPPF, UDP and Core Strategy Policy.

Ecology

The following European designated sites are close to the development site and Core Strategy Policy CS20 applies:

Mersey Estuary SPA; and

Mersey Estuary Ramsar.

The proposed development is 315m north of the European sites and has potential to cause likely significant effects i.e. noise, visual and dust on these designated sites. In line with Sweetman (2018). MEAS have undertaken the assessment of likely significant effects, using the Source-Pathway-Receptor model, which is based upon the essential features and characteristics of the project only (Appendix 1, Table 1). This concludes that the proposals will have no likely significant effects on the above European sites.

Natural England has also confirmed that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and raise no objection.

The Councils retained adviser has confirmed, following confirmation regarding the limited vegetation on the site, that no bat survey is required. Vegetation on site may however provide nesting opportunities for breeding birds, which are protected. It is considered that this can be properly addressed by condition.

Flood Risk and Drainage

The Lead Local Flood Authority has confirmed that the site is 0.45ha, the proposed development lies within Fluvial Flood Zone 1 and the site can be seen to have a low Surface Water Flood Risk based on the Environment Agency Flood Map for Planning and Environment Agency Long Term Flood Risk Maps. The site is not within a Critical Drainage Area.

There are public combined and surface water sewers within a reasonable distance of the development. Permission from United Utilities will be required to connect the drainage from the development to the public sewer and for consent to divert their current drainage system. It should be noted that United Utilities will expect to see that the drainage hierarchy, as described in Part H of the Building Regulations, has been considered before allowing any discharges to the public sewer. United Utilities has confirmed that they raise no objection subject a condition to that effect and limiting discharge rates where discharge to the public sewer is proposed. A United Utilities sewer is shown to cross the site and to be diverted to allow construction of the

proposed waste transfer building. This will require separate consent from United Utilities.

The submission is considered to provide sufficient justification for the drainage proposals in accordance with the drainage hierarchy. The LLFA and United Utilities has confirmed that they raise no objections in principle. Detailed drainage design, including appropriate interceptors and attenuation, can be adequately secured by appropriately worded condition attached to a planning permission.

Contaminated Land

The application is supported by the following document;

- Phase 1 contamination assessment, MacDermott Road, Widnes, ref 3965-426-A, Oaktree Environmental Ltd, 25 January 2019

The report has been reviewed by the Council's Contaminated Land Officer and has commented as follows:

"The report reviews the historical map data and other environmental databases provided within a Groundsure Report, and identifies a number of potential contamination sources both on and off site. However, there is no detail from the surrounding historical investigations or discussion of the particular known issues in the former West Bank Dock area.

The report concludes that there are no significant complete pollutant linkages associated with the site and therefore no further assessment nor remediation measures are required.

The site is in part underlain by an infilled dock. It is known that the dock was filled using a range of wastes from local industries, including a substantial volume of asbestos containing wastes. Neighbouring historical land uses have involved mobile and persistent organic pollutants that could have impacted this site.

The linkage to controlled waters is discounted, both to shallow and deeper groundwater. However, I believe there is a reasonable possibility of a significant linkage given the site history, potential contaminants and the underlying geology that should be assessed in more detail.

The potential for ground gases is discounted as the proposed new building is open sided and therefore there is not an enclosed space vulnerable to gas accumulation. However, there is the possibility that in the future there is a need to enclose the building (or in light of comments from the Environmental Health Officer at this development stage). Regardless of the newbuilding, there is an existing building on site that forms part of this application, and there is no assessment of the risk posed to this element.

The report states that the nature of the proposed construction method will not involve significant excavation of the underlying ground. However, there are proposals within the application to divert a sewer. The drawings indicate that the sewer sits at a depth

of approximately 4m below ground level. This suggests that significant excavations would be necessary with the resulting generation of potentially contaminated spoil. Given the reasonable possibility of contamination, particularly asbestos containing materials, I think that is also an area that requires further assessment.

In summary, there are a number of potentially significant pollutant linkages that require further assessment. Ideally this should be resolved prior to a decision, however, it may be possible to control via applying a condition to any approval. Therefore, I do not object to the application if any approval is conditioned to require the detailed site investigation, risk assessment and, where necessary, remediation strategy with associated verification reporting.”

The Environment Agency has confirmed that they raise no objection in principle subject to conditions relating to ground contamination, remediation and verification as similar to those raised above. They also raise questions in response to the report conclusions that the site does not pose a risk to controlled waters and that no further works are required in respect of controlled waters. They advise that, taking into account the historical land uses both on and off site, further works are required to enable the risks to controlled waters to be fully assessed to determine whether any mitigation measures are required to protect the controlled water receptors of concern. They also suggest conditions relating to the restriction of penetrative or piled foundation design to protect controlled waters. It is considered that these outstanding issues can be address by appropriately worded planning conditions.

The attachment of the condition above will ensure compliance with Policy PR5, PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan. Additional comments of the Environment Agency can be attached to any planning permission as an informative.

Archaeology

The application is supported by an Archaeological Desk Based Assessment. This concludes that there is very little evidence of Prehistoric and Roman activity and that the site remained as salt marsh through the Early Medieval and Medieval periods so the potential for the site is low. Accounting for later impacts the potential is reduced to very low. The Post Medieval and Modern development of the site are reported as being well understood with the development of the docks and chemical and industrial works. The potential for remains of these is identified as high but of negligible significance. The potential for well preserved remains of the Mersey Flat type boats known to have been used as part of the infill of the dock is categorised as very low and if remains are found, to be of low to medium significance.

The report has been reviewed by the Council's retained adviser who has confirmed that the potential for significant archaeological deposits for this proposed area are

unlikely and therefore, there are no archaeological observations required for this development.

Other Waste Issues, Sustainable Development and Climate Change.

The proposal is major development and involves 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), the National Planning Policy for Waste and Planning Practice Guidance 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 is required. It is considered that this can be secured by a suitably worded planning condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials in accordance with Policy WM9.

Halton Core Strategy Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The applicant has stated that it is not possible to meet BREEAM rating standards due to the proposed nature of the waste transfer station and commercial arrangements. The building is a simple, portal framed construction which is functional in terms of the operations to be carried out, namely waste sorting. There are no welfare facilities etc as these are located elsewhere on the site or need for insulation.

It has previously been accepted that efforts to secure a BREEAM rating would be inappropriate and counterproductive in such cases. Whilst the development is unable to demonstrate compliance with this element of the policy, it is considered that the proposals are in conformity with the Development Plan when taken as a whole, and meet the principles of achieving sustainable development as required by the NPPF.

When considered against the justification to policies CS19 and WM10 this justification is considered acceptable and it is not considered that refusal of planning permission could be justified on these grounds.

Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

Conclusions

The application seeks permission for the proposed construction of waste transfer building, change of use to Commercial and Industrial waste transfer station and ancillary development. Wastes will be treated and stored within a new proposed, enclosed waste transfer building.

Core Strategy Policy CS2, JWLP Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The proposals are considered compliant with the Joint Waste Local Plan and Core Strategy policy CS24. The proposals are also considered to accord with UDP Policies MW1 and MW2. Where any areas of such compliance have been queried with the applicant, these are considered to have been adequately addressed and it is not considered that refusal of planning permission could be justified in this regard.

The proposals are considered appropriate to the character of the industrial area, will result in significant environmental improvement when compared with the former use and contribute to the regeneration of the area. The proposals are accord with UDP Policy RG5, BE3 and GE30.

Purely in the alternative, even if it was found that the proposal was contrary to the development plan as a whole (ie. that the Council's approach to the policies was considered flawed), the Council remain satisfied that as a matter of planning judgment the benefits of the proposal (including the opportunity to treat further waste) and the

lack of any tangible planning harms arising from the development justify the grant of planning permission as a material consideration (i.e. if the proposal was contrary to the development plan, applying s.38(6), this would be a material consideration that would justify departure from the development plan). Thus, on any approach to the application, officers are satisfied that this constitutes sustainable development that should be granted.

The Council's Highways Engineer and Environmental Health Officer have confirmed that they raise no objections.

RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Requiring submission and agreement of a Construction Environmental Management Plan to include wheel wash and construction hours
4. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2)
5. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
6. Requiring submission and agreement of cycle parking details (TP6)
7. Condition restricting waste throughput to 75,000 tonnes per annum
8. Condition restricting waste types accepted/ processed
9. Condition(s) restricting external storage processing
10. Condition(s) requiring waste to be delivered/ exported in sealed/ covered wagons (BE1)
11. Protecting nesting birds (GE21)
12. Restricting penetrative/ piled foundations (PR5)
13. Submission and agreement of solar panel details (BE1/2)
14. Condition relating to contamination/ ground investigation/ remediation (PR14/15)
15. Conditions relating to/ requiring submission and agreement of detailed surface water/ highway drainage scheme including attenuation/ interceptors (BE1/ PR5)
16. Submission and agreement of Site Waste Management Plan (WM8)

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.

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.

APPLICATION NO:	21/00161/FUL
LOCATION:	East Lane House East Lane, Runcorn Cheshire, WA7 2UR
PROPOSAL:	Proposed demolition of the existing vacant office building and the erection of apartment block and townhouses totalling 153no. dwellings (use class C3), a 66no. bedroom care home (use class C2) and a 85no. bedroom hotel (use class C1) with associated hard and soft landscaping and parking.
WARD:	Halton Lea
PARISH:	None
APPLICANT:	Shah Capital Trading Ltd 71 Knowl Piece, Wilbury Way, Hitchin, Hertfordshire, SG4 0TY
AGENT:	Nexus Planning Holmes House, 4 Pear Place, London, SE1 8BT
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013) Proposed Modification version DALP	ALLOCATIONS: Primarily Employment Area – HALTON UNITARY DEVELOPMENT PLAN PROPOSALS MAP Retail and Town Centre allocation – PM - DALP
DEPARTURE	Yes.
REPRESENTATIONS:	15 representations have been received from the publicity given to the application.
KEY ISSUES:	Development in a Primarily Employment Area, Noise , Amenity, Access, Parking and Servicing.
RECOMMENDATION:	Grant planning permission subject to conditions and legal agreement
SITE MAP	

1. APPLICATION SITE

The Site

The site subject of the application is known as East Lane House, located on East Lane in Runcorn. The application site is approximately 1.2ha in area and is located to the east of Runcorn Shopping City. On the opposite side of Crown Gate is the Royal Mail Delivery Office and to the east of the site is the Territorial Army Centre. The site is identified as a Primarily Employment Area 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. The Draft DALP is currently out to consultation on the main modifications to the plan the policies and the weight to be given to them are set out below.

Planning History

The site has some planning history as set out below:

- 05/00289/OUT – Outline application for a retail store – Application Granted – no longer extant.
- 15/00012/FUL and 15/00034/FUL Change of use to 448 residential units. Refused but allowed on appeal – No longer extant.

2. THE APPLICATION

The Proposal

Proposed demolition of the existing vacant office building and the erection of apartment block and townhouses totalling 153no. dwellings (use class C3), a 66no. bedroom care home (use class C2) and a 85no. bedroom hotel (use class C1) with associated hard and soft landscaping and parking.

Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Health Impact Assessment, Bat reports, Noise assessment, Construction Management Plan, Planning Statement, Transport Statement, Economic Paper, Daylight and Sunlight assessment, Flood risk and Drainage statement

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

Halton Unitary Development Plan (UDP) (2005)

The site is designated as Primarily Employment Area 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;
- GE21 Species Protection;
- PR7 Development Near to Established Pollution Sources
- 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 Assessments;
- TP16 Green Travel Plans;
- TP17 Safe Travel for All;
- LTC9 Tourism Development;
- H3 Provision of Recreational Greenspace;
- H4 Sheltered Housing;
- E3 Primarily Employment Area.

Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS22 Health and Well-Being;
- CS23 Managing Pollution and Risk.

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.

Delivery and Allocations Local Plan (DALP) - Proposed Modifications December 2021

The following policies within the DALP are of relevance:

- CS(R) 1 Halton's Spatial Strategy
- CS(R) 12 Housing Mix and Specialist Housing
- CS(R) 13 Affordable Housing
- CS(R) 15 Sustainable Transport
- CS(R) 18 High Quality Design
- CS(R) 19 Sustainable Development and Climate Change
- CS(R) 20 Natural and Historic Environment
- CS(R) 22 Health and Well Being
- RD4 Greenspace Provision for Residential Development
- C1 Transport Network and Accessibility
- C2 Parking Standards
- HC2 Retail and Town Centre Allocations
- HE1 Natural Environment and Nature Conservation
- HE8 Land Contamination
- HE9 Water Management and Flood Risk
- GR1 Design of Development
- GR2 Amenity

MATERIAL CONSIDERATIONS

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

3.1 Halton Borough Council – Design of Residential Development Supplementary Planning Document

3.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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.*

3.3 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.

Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

4. CONSULTATIONS SUMMARY

Highways and Transportation Development Control

No objections subject to conditions

Lead Local Flood Authority

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

Environmental Protection

No objection subject to conditions

Public Health

No observations received.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection subject to conditions

Natural England

Have outstanding concerns in relation to the HRA. They are awaiting the details of the final agreement for the provision of off-site open space.

Cheshire Police

No objection has raised considerations in respect of CCTV and lighting and other secured by design considerations.

United Utilities

No objection subject to conditions

Regeneration Officer

No comments to make

5. REPRESENTATIONS

The application was advertised by a press advert in the Widnes and Runcorn Weekly News, site notices posted in the vicinity of the site and a total of 1220 neighbour notification letters sent.

A total of 15 representations have been received from the publicity given to the application. Approximately 7 in support and 8 in objection (the reason for stating approximately as some objections contained support for some elements of the proposal) A summary of the issues raised in the representations are below:

- Eyesore needs to go, so if genuine, let it happen
- Housing and Care Home Yes
- Hotel no not good use of space. Who would want to stay in a hotel between deprived council estate and rundown shopping centre
- Welcome demolition but question demand for apartment and hotel. Should consider parkland or leisure use for the site.
- Good to demolish but to build anything overlooking a derelict shopping centre would result in same eyesore. Provide better shopping and replace existing shopping centre.
- Demolish good but this kind of housing not needed
- Full support more investment and jobs
- Concerns of increased traffic on Main Street
- What benefits does a hotel bring should be used for much needed leisure facility
- Object more people in overpopulated area schools, shops doctors and hospital are rammed and struggling to manage. Roads are crazy massive impact on pollution and health.
- Care home maybe positive need more data on flats density still high. Has demand been established? Hotel seems positive all other factors look positive. Site in need of redevelopment
- Support redevelopment of major site. Active travel and reduction in parking and support for cycleway. Issues over safety for cyclist and laybys. Design needs to prevent pavement parking
- Support redevelopment question over the size and problems with Castle View House. Support more jobs and families.
- Potential to improve and enhance the area surrounding areas needs to be improved. Concerns over large apartment block and question the need for this type of housing? Care Home positive. Is there need for Hotel?
- Given energy bills and climate change should be passivhaus and heating network should be considered
- Not enough infrastructure to support the plans. Question living space standards. Not suitable for hotel and enough parking spaces should be demolished and turned into a park.

An objection has been received from Royal Mail this sets out the importance of the Delivery office to service provision and the times of operation (04:00 – 20:00). The objection is based on the amenity of residential development from the Delivery Office,

impact on Royal mails traffic movements and any obstruction would impact on their operations.

Councillor Kath Loftus – Total agreement with this. Happy that the eyesore is going to be demolished.

Councillor Peter Lloyd Jones – Questions adequate size of space and car parking provision.

6. ASSESSMENT

Principal of Development

The site is designated in the Halton Unitary Development Plan as a Primarily Employment Area. Therefore, Policy E3 of the UDP would be applicable. The uses proposed in the application are not listed within the policies permitted within employment use areas. However, given the history of the site and the state of the current building it is unlikely to come forward for employment purposes. In addition the previous permissions have been either for retail or residential. In addition in the DALP proposed modifications the site is allocated for a retail and town centre allocation and policy HC2 would apply the site is identified as TC5 the proposed use is Mixed (Retail, Leisure & Residential) therefore the proposal would be compatible with the DALP policy. Whilst the plan is not adopted, it has been through examination and this policy is not subject to modification and on this basis is a material consideration that carries substantial weight.

In relation to the Care Home policy CS12 does state that proposals for new specialist housing for the elderly ,including extra-care and supported accommodation, will be encouraged in suitable locations, particularly in locations which provide easy access to local services and community facilities. This policy position is carried forward into the DALP. This element of the policy is not subject to modification and is therefore considered to have substantial weight in determining the application. Therefore the application for the Care Home is compliant with Policy CS12 as it has easy access to local services.

Policy LTC9 in the UDP sets out that development that would enhance the tourism potential of the Borough will be permitted. The Policy states that proposals that would increase the provision of accommodation in hotels will be considered favourably. Furthermore, Large-scale, new build accommodation should be located in or adjacent to town centres or close to existing major leisure or tourism facilities. Therefore, the proposal is considered to comply with Policy LTC9.

Design, Appearance and Residential Amenity

The development proposal comprises four core elements, being the Hotel (Use Class C1), which will front onto East Lane, the Care Home (Use Class C2) which will front onto Crown Gate, the Apartment Block (Use Class C3), which will be located centrally within the site and the Mews Houses (Use Class C3), which will be located at the rear of the site.

The majority of the existing building on site is proposed to be demolished, with the exception to the building fronting on to East Lane. It is proposed that this building will be modified particularly the top floor.

The proposed apartment building is nine storeys comprising of 144 residential units. The mix is split as follows:

- 40x 1 bedroom studios
- 70 x 1 bedroom
- 34 x 2 bedroom

The proposal includes 25% affordable housing of 36 units. This is policy compliant with Core Strategy policy CS13. This will be secured through a legal agreement

The proposal seeks permission for the construction of 9 mews houses along the boundary of the site. This includes 7 x 2 bedroom (2 storey) and 2 x 4 bedrooms (3 Storey). The proposal includes a policy compliant (25%) level of affordable housing.

The proposal seeks permission for the construction of a 7 storey care home, falling within Use Class C2. The care home comprises a total of 66 units, of which 36 would be 1 bedroom, and the remaining 30 would be 2 bedrooms.

It is intended that the proposed care home will cater to people who require some assistance or care to help with their daily life, but still seek to maintain a degree of independence. The applicant has stated that the proposed care home will employ approximately 10 full time equivalent (FTE) employees who would work in shifts onsite.

The proposal seeks permission for the construction of a 5 storey hotel building (Use Class C1). The hotel would comprise 85 rooms. The applicant has stated that proposed hotel is anticipated to employ approximately 28 FTE employees.

The height of the development is considered appropriate to the scale of the area and the existing structure at the site. The design and the materials of the buildings are considered to be of high quality and reflect the materials in the area and will comprise stone, brick and metal. The proposed facades of each use will feature a different material in order to define the uses. The materials will be secured by way of a condition.

The site currently is predominantly hard landscaped with very little soft landscaping. The proposal includes enhancement of the public realm and improves the provision of soft landscaping across the site, improving biodiversity, and creating attractive, tree lined streets. The implementation and management will be secured by way of a condition.

A Daylight and Sunlight Report has been submitted with the application. This is due to the fact that the distances between buildings does not meet the distances set out within the Council's SPD which is guidance. This SPD does state that should the distances not be met consideration to the daylight and sunlight should be taken into

account. The report submitted by the applicant assesses the internal daylight achieved by the development, as well as the daylight, sunlight and overshadowing impacts to surrounding properties.

With respect to internal daylight levels, the report concludes that all habitable rooms within the dwellings, hotel and care home, would achieve the average daylight factors greater than the minimum target daylight factors. Furthermore, the overshadowing results show that the rear gardens to the mews houses, and the communal Play Space would satisfy the BRE Guidelines.

In relation to the impact on surrounding buildings, the daylight and sunlight assessment concludes that results have shown that the surrounding properties windows and external amenity spaces would only be negligibly affected in terms of daylight, sunlight and overshadowing.

The proposal will use high-quality materials and has been designed to create visually interesting buildings with high-quality landscaping and public realm. Therefore, the proposal complies with Policy CS18 in the Core Strategy, Policies BE1 and BE2 in the UDP and Policies CS(R)18 and GR1 in the DALP.

Open Space Requirements

The proposal does include on site soft landscaping and amenity space including private amenity for the housing through gardens to the rear and the apartment have balcony space. Due to the character of the area and the nature of the proposal it is limited to the amount that can be provided on site. The site is however, in close proximity to Town Park and on off-site payment has been sort for the improvement of off-site open space in the vicinity this would be secured by way of a legal agreement.

Highways, Transportation and Accessibility

The application is accompanied by a Transport Assessment and subsequent Transport Assessment Addendum.

The Transport Assessment and Addendum reports produced by Prime Transport confirms that the site is highly accessible with a range of local amenities within walking distance of the site including bus services and as a result, the site is considered to be located within a sustainable location.

To align with polices TP6, TP7 and TP17 the development needs to fully detail how the site will be accessed safely by all users both motorised and non-motorised. A suitably worded condition is therefore recommended to ensure that, in addition to offsite highway works including new and improved vehicular access, full details of walking and cycling routes to frontages adjacent to the existing adopted highway be submitted for approval prior to commencement.

Additional survey work was undertaken and subsequent traffic modelling undertaken. The outputs contained within the technical report are considered to be accurate and acceptable demonstrating that the proposed access strategy and quantum of

development would not result in an unacceptable impact on the existing highway in the area.

Access to the site is a mix of one way routes on and off East Lane and a smaller element of two way access from Crown Gate. The technical work undertaken demonstrates that this approach would not result in an unacceptable impact on either road safety or operational capacity.

The scheme seeks to deliver a total of 211 car parking spaces across the site. The breakdown of the proposed car parking provision is as follows:

Apartments -104 standard spaces and 13 accessible
Houses – 17 standard spaces and 1 accessible
Care Home – 11 standard spaces, 2 accessible spaces and 10 staff
Hotel – 42 Standard Spaces, 8 accessible spaces and 3 staff spaces

Across the site the current proposal falls 17 spaces below the relaxed recommended standard which, given the sites previous history and constraints, the highway officer concedes that the layout and provision is now at a level that would not justify a sustained objection.

Measures would need to be taken to ensure that the supporting strategies are in place to control both access and use of the car parks. These include a car parking management plan and full details of the car club referred to within the submission documentation.

Both of these aspects should be secured via condition for approval and implemented on site for the life of the development.

An appropriate level of cycle parking will be provided on site, as well as disabled parking, motorcycle parking and EV facilities. The provision and management of the parking and its implementation will be secured by condition.

The highways officer has outlined that further details of the off-site highway works in relation to access, lay-bys and the interface between the site and adopted network needs to be provided and this can be secured by way of a condition.

In addition the highway officer has requested that a Construction Phase Management Plan be secured by condition.

It is therefore considered, that the proposal provides adequate car parking provision and will not result in an adverse impact on highways. Therefore, the proposal complies with Policy CS15 in the Core Strategy, Policies TP1, TP14 and TP16 in the UDP and Policy CS(R)15 in the DALP.

6.1 Flood Risk and Drainage

In line with Policy HE9 (Water Management and Flood Risk) a Flood Risk Assessment and Drainage Strategy has been prepared. The Flood Risk Assessment and Drainage Strategy concludes that the site has a very low risk of flooding from surface water.

Sustainable Urban Drainage Systems are also proposed to be integrated into the development including rainwater attenuation and green roofs, reducing the risk of flooding on and off site further.

The Environment Agency interactive flood map identifies the site as being within Flood Zone 1, meaning it has a low probability of flooding, equating to less than a 1 in 1000 annual probability of river or sea flooding. Therefore, the site is considered to be at low risk of flooding.

The site currently predominantly comprises hard standing. The proposed development seeks to introduce green infrastructure and landscaping, including permeable surfaces, which will reduce the impact of surface water run off or potential flood risks.

The LLFA have confirmed that the applicant has adequately assessed the risk of flooding to the site and has a clear strategy for the disposal of surface water from the site through SuDS. The LLFA recommends conditions should be attached in relation to drainage and SUDs implementation and verification.

Therefore, it has been demonstrated that the proposed development will not increase flood risk on and off site and complies with Policy CS23 in the Core Strategy, Policy PR14 in the UDP and Policies HE8 and HE9 in the DALP.

Noise

The application is accompanied by a Noise Assessment. The report assesses the proposed noise implications of the development. Following the noise survey and assessment, several mitigation measures have been recommended in order to protect the proposed habitable spaces from external noise intrusion, and these can be secured via an appropriately worded condition.

Given the considerable setback from the development and nearby sensitive uses, it is not anticipated that the proposals would cause any undue impacts with respect to light pollution and/or residential privacy.

It has therefore been demonstrated that the development will protect the existing and future amenities of occupants and complies with Policies PR2.

Following the objections from Royal Mail an updated noise report was submitted.

The Environmental Health Officer has assessed the noise report supplied in October. The applicant has considered the noise environment at the various different facades and heights of the building and designed a detailed scheme to ensure that all units on all facades can attain the noise levels outlined in BS8233. This includes a mix of different glazing specifications for different units based on the room use and the external noise exposure in that location. This ensures that all units can meet the appropriate internal specifications to permit relaxation and sleep.

In particular it addresses the concerns regarding potential noise from the Royal Mail depot and will ensure that future residents can adequately protect themselves against intrusive noise from this site.

Any future development based on this application must ensure that the details of the noise report are included in the construction of the development, this is therefore recommended as a condition

Subject to the suggested conditions, 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.

Ground Contamination

The application is accompanied by a Site Investigation Report.

This has been reviewed by the Contaminated Land Officer and they consider the report and its recommendations which include a remediation strategy to be acceptable. They advise that a condition should be attached which secures the implementation of the remediation strategy and the submission of a verification report on completion of the works.

The attachment of the suggested condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal.

Firstly considering Protected National and International Sites, the Council's Ecological Advisor has considered the proposals and the possibility of likely significant effects using the source-pathway-receptor model and advises that there is no pathway for the reasons set out in the consultation response and that the proposals do not warrant a detailed Habitats Regulations Assessment. Natural England have been consulted on this and there remain an outstanding issue as natural England wish to be informed of the provision of offsite open space in order to finalise their comments. Members will be updated orally on this.

Secondly considering Protected Species, habitats on site and adjacent to the site may provide foraging and commuting habitat for bats MEAS have considered the details submitted by the applicant and are satisfied that appropriate regard has been had. MEAS have suggested conditions in relation to the provision of an appropriate licence from Natural England and a condition securing a lighting scheme which protects ecology has been suggested. MEAS has also requested conditions in relation to securing protection during breeding bird season and the installation of bird boxes is suggested.

Subject to the attachment of the suggested conditions, the proposal is acceptable from an Ecology perspective compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

Sustainable Development and Climate Change

The applicant has stated that in line with Policy CS19 the proposed development will adopt an Energy Statement and Strategy that is based on the defined hierarchy of: Be Lean; Be Clean and Be Green. The proposed development will seek to reduce CO₂ emissions and include measures to save energy.

Policy CS19 in the Core Strategy seeks non-residential development to achieve BREEAM 'Excellent'; however, the DALP has set this to 'Very Good'. The proposed non-residential development will seek to achieve BREEAM 'Very Good' in line with the DALP. An appropriately worded condition is suggested to seek to meet this target. The proposed residential development will seek to meet the standards of BRE's Home Quality Mark. In addition the applicant is to provide EV charging points details are contained within the highway section of this report.

Therefore, it is considered that the proposed development complies with Policy CS19 in the Core Strategy and Policy CS(R)19 in the DALP.

6.2 Crime Reduction

Policy BE1 (2)(e) of the Halton Unitary Development Plan states that development must be designed in such a way that minimises the fear and risk of crime.

Cheshire Constabulary have made observations on the proposal predominantly relating to the detailing of the scheme for items which would not in themselves need planning permission. It is considered reasonable to attach an informative setting out the observations received for the applicant to consider.

In general layout terms, the proposed development is designed in a manner which reduces the risk of crime and is considered acceptable in this regard in compliance with Policy BE1 (2)(e) of the Halton Unitary Development Plan.

6.3 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. The submission of a waste audit should be secured by condition.

In terms of on-going waste management, there is sufficient space within the development to deal with this as demonstrated by the proposed site layout.

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.

6.4 Health Impact Assessment

Policy CS22 of the Halton Core Strategy Local Plan states that healthy environments will be supported and healthy lifestyles encouraged across the borough by ensuring that applications for large scale major developments are supported by a Health Impact Assessment (HIA) to enhance potential positive impacts of development and mitigate against any negative impacts.

The application is accompanied by a HIA. The assessment indicates that it provides recommendations to seek maximising health gains and remove or mitigate potential adverse impacts on health. It also considers that the development would have a positive health effect in relation to the majority of the key health themes as a result of the proposed development.

It is acknowledged that that proposed residential development would create an environment for future residents that would be both of a high quality and a healthy environment.

The proposal is therefore compliant with CS22 of the Halton Core Strategy.

7. CONCLUSIONS

In conclusion, the proposal would deliver a mix of uses on a vacant site and deliver both housing and employment. Whilst there is a degree of non-compliance with policy E3 given that the site does have employment benefits and given other policies in relation to the delivery of housing and redevelopment of brownfields sites it is considered to comply with the development plan as a whole. In addition the DALP policies are a material consideration weighing in favour of the development.

The proposal is of a high quality and would bring back in the use a vacant brownfield site. The proposal is not considered to have an adverse effect to surrounding properties.

The application is recommended for approval subject to conditions.

8. RECOMMENDATION

Grant planning permission subject to conditions and a legal agreement:

9. CONDITIONS

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 – Full Permission.
 2. Approved Plans.
 3. Restriction on Use.
 4. Submission of Proposed Site Levels (Policy BE1)
 5. Submission of Facing Materials (Policies BE1 and BE2)
 6. Submission of Soft Landscaping Scheme and subsequent maintenance (Policy BE1)
 7. Implementation of Submitted Boundary Treatments Scheme and subsequent maintenance (Policy BE1)
 8. Breeding Birds Protection – (Policy GE21 and Policy CS20)
 9. Submission of Bird Boxes Scheme – (Policy GE21 and Policy CS20)
 10. Lighting Scheme to Protect Ecology and to consider safety – (Policy GE21 and Policy CS20)
 11. Hours of Construction – (Policy BE1)
 12. Electric Vehicle Charging Points Scheme (Policy CS19)
 13. Noise condition in respect of implementing recommendations in the report – (Policy PR8)
 14. Implementation of Remediation Strategy and Submission of Validation Report - (Policy PR14 and Policy CS23)
 15. Implementation of Off Site Highway Works – (Policy BE1)
 16. Provision & Retention of Parking and Servicing including EV spaces – (Policy BE1 and TP12)
 17. Cycle Parking Scheme to be implemented – (Policy BE1 and TP6)
 18. Implementation of Travel Plan – (Policy TP16)
 19. Implementation of a Drainage Strategy including SUDS and verification report – (Policy PR16 and Policy CS23)
 20. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
 21. Waste Audit (Policy WM8)
 22. Requiring the climate change standards to be met
 23. Resident information park in relation to impacts on protected sites
 24. Provision of the appropriate bat licence
 25. Submission of CCTV scheme
 26. Provision and implementation of car club
 27. Implementation of a car parking management plan.
 28. Construction phase management plan.
- 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.

Informatives

1. Considerate Constructor Scheme Informative.
2. Cheshire Constabulary Informative.
3. United Utilities 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 (2021);
- 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.

APPLICATION NO:	21/00408/FUL
LOCATION:	61 Derby Road, Widnes, WA8 9LG
PROPOSAL:	Proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with associated infill extension, lay out of car park and landscaping
WARD:	Farnworth
PARISH:	N/A
AGENT(S)/ APPLICANT(S):	Greyside Planning / Crosshill Property Partners
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) Primarily Residential Area Halton Core Strategy Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	256 representations have been received from 235 addresses: 4 No. in support 252 No. objections/ representations 2 petitions have also been received
KEY ISSUES:	Principle of development, traffic and highway safety, unsuitable location, fear of crime, impact on character of village and trees
RECOMMENDATION:	Approve with conditions
SITE MAP:	

This item was deferred by Development Management Committee Members at the November 2021 Development Management Committee Meeting, to allow for site meeting to be carried out by Committee Members which took place on the 29th November 2021.

APPLICATION SITE

The Site and Surroundings

The site subject of the application is the former Cartref House Nursing Home located at 61 Derby Road in Farnworth, Widnes. The site is a sizeable plot that encompasses a large, detached building. There is vehicular access from the highway and a high boundary wall and mature trees that border the site fronting Derby Road, where a bus stop is located directly outside. The building is setback from the highway allowing an area of car parking to the front. There are residential properties surrounding the application site and the Farnworth Neighbourhood Centre is located approximately 50m to the east of the site.

Planning History

Planning permission (ref. 18/00275/FUL) for the proposed conversion of the existing care home to 9 no. apartments, approved on 19/12/2018, remains extant albeit due to expire in December 2021 unless it can be demonstrated that development has commenced.

THE APPLICATION

Proposal Description

The application seeks permission for a proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with an associated infill extension, the layout of a car park and landscaping.

Documentation

The application is accompanied by the necessary plans and planning statement outlining the scope of the development. Given the nature of the application, no further information has been submitted.

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.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 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.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Halton Unitary Development Plan 2005 (UDP)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE27 Protection of Trees and Woodlands
- H8 Non Dwelling House Uses
- PR2 Noise Nuisance
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All

Halton Core Strategy 2013 (CS)

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

- CS2 Presumption in Favour of Sustainable Development
- CS12 Housing Mix
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change

Supplementary Planning Documents (SPD)

None of direct relevance

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 person's 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.

Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

CONSULTATIONS

- **HBC Highways**
No objection
- **HBC Contaminated Land**
No comments received
- **HBC Open Spaces**
No objection
- **HBC Environmental Protection**
No comments received
- **Cheshire Police**
No Objection

REPRESENTATIONS

The application has been advertised by way of a site notice and neighbour notification letters sent on the 15th July 2021. The overall consultation period ended on the 5th August 2021.

A total of 256 representations have been received from 235 addresses as a result of the consultations undertaken. Of these, four letters were received in support of the application, highlighting the following:

- Proposal would bring an economic boost to the village

- Providing needed affordable homes
- The development would bring the vacant building back into use
- The community would benefit from revenue for local businesses

A summary of the issues raised in the 252 letters of representation/ objection which includes one from a planning consultant “instructed by local residents and business owners” are listed below:

- Increase in traffic and congestion
- Highway and pedestrian safety
- Emergency vehicle access
- Lack of parking
- No bin and cycle storage
- Noise
- Odour
- Air pollution
- Increase demand on drainage for the building
- Crime and Anti-Social Behaviour
- Overlooking
- Type of tenants
- Child safety
- Impact on character of village
- Unsuitable location and inappropriate development
- Loss of a historic building
- Building should be granted conservation status
- Loss of green space
- Over development of the site
- Local amenities are at capacity – schools and doctors
- Need for care homes in the area
- No demand for HMOs in the area
- Some rooms are smaller than the technical requirements within the Nationally Described Space Standards
- Incorrect ownership certificate issued
- Impact on house prices
- Impact on local businesses
- Unsafe boundary wall
- Don't want a HMO

In addition 2 resident's petitions as follows:

37 signatures – Objecting based on traffic, drainage, too many hmo's, over crowding, pressure on local amenities

512 signatures – Objecting that the change of use would cause serious traffic congestion and change the character of Farnworth.

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

ASSESSMENT

The application seeks permission to change use from a care home to 3 no. Houses in Multiple Occupation (HMOs). The development would result in three self-contained HMOs each providing at least one living room and shared kitchen/dining areas alongside communal bathrooms and private bedrooms.

The layout would be achieved via the following:

- 8-bedroom HMO to the ground floor west annexe accessed via the front door and comprising a living area, kitchen, 2 no. communal bathrooms and 1 no. communal shower. Bedroom 8 has an en-suite.
- 9-bedroom HMO to the first floor west annexe accessed via a side door and comprising a living area, kitchen, 2 no. communal bathrooms and 1 no. communal shower
- 12-bedroom HMO to the ground floor, first floor and second floor east annexe accessed via a side door and comprising 6 en-suite apartments, 2 communal bathrooms and a single kitchen/living area.

Principle of Development

The application site is designated as within a Primarily Residential Area on the Halton Unitary Development Plan Proposals Map and as such, proposals for residential development are considered acceptable in principle.

Conversion of the building to residential use in the form of apartments has been previously established through the approval of planning permission (ref. 18/00275/FUL).

Policy BE1 of the Halton Unitary Development Plan states that development must be compatible with existing and proposed surrounding uses. Policy H8 of the Halton Unitary Development Plan states that within Primarily Residential Areas, proposals for development other than Class C3 will be considered with regard to their effect on residential amenity. In such cases, development will be permitted where the development itself would not detract from the character of the area.

It is considered that given the HMO's would be residential in their nature, the proposed development is in accordance with the criteria set out in Policy BE1 and H8 of the Halton Unitary Development Plan.

The development also proposes an associated infill extension which will be located on the left hand side of the building. The proposed extension would replace the existing conservatory structure and would consist of a two storey structure built within the same footprint as the existing conservatory. Two new windows would be

included at first floor level to serve a new kitchen area. The extension would be built using materials to match the original dwelling.

It was stated in the November 2021 committee report, discussed at the November Development Management Committee Meeting, that details of boundary treatments would be conditioned to ensure acceptable levels of privacy are secured, in the interest of protecting the residential amenity enjoyed by Neighbouring properties No.59 and No.57 Derby Road. Amended plans have been received detailing the proposed boundary treatment. Close board fencing would be affixed to the top of the existing brick walls close to the boundary shared with No.59 Derby Road. The new fencing would have a total height of 2m, including the height of the existing walls they will sit upon. The proposed boundary treatments would be conditioned to ensure the approved details are implemented prior to the first use of the building. There would be minimal over looking into the rear garden of No.59 Derby Road however this would be mitigated by the existing mature trees surrounding the application property and the new boundary fencing. The proposed extension is considered to be acceptable.

With regards to residential amenity enjoyed by the surrounding neighbouring properties including to the opposite side at 63 Derby Road, each bedroom within the proposed HMO's would achieve an outlook and degree of overlooking that is existing to the original property and not significantly different from the lawful use as a care home or as previously approved under planning permission 18/00275/FUL The proposal includes only a relatively small extension within the context of the site and existing building and having taken into account other factors such as potential vehicle movements etc it is not considered that the proposals amount to over-development of the site. In response to the representations received as a result of the publicity given to the application, obscure glazing would be installed to both the ground floor and first floor kitchen windows located within the proposed extension on the west elevation of the building. The implementation of obscure glazing would be conditioned to ensure the acceptable levels of privacy are achieved for No.59 Derby Road prior to the first use of the building. The proposed development has incorporated suitable design principles to comply with Policy BE1 of the Halton Unitary Development Plan whereby there would not be an unacceptable loss of amenity to occupiers of adjacent buildings by virtue of overlooking.

It should also be noted that the HMO property will need to be licensed by the Council's Environmental Health Team with respect to maintaining minimum standards of accommodation, facilities provision and fire safety.

Issues of crime and disorder are dealt with elsewhere within this report. The proposed development is not considered to have a detrimental impact on the amenity of the area or the amenity of surrounding residents and is considered to comply with Policy BE1 and H8 of the Halton Unitary Development Plan.

Trees

The trees located to the frontage of Derby Road and trees to the rear are protected by Tree Preservation Orders (TPO 69). The submitted Planning Statement and planning drawings indicate that all existing trees would be retained to ensure the

green character of the area is maintained. The Council's Open Spaces Officer has requested the submission of a tree constraints plan that would show root protection areas for the purpose of protecting the trees covered by Tree Protection Orders from plant machinery and storage of materials during the construction phase. It is considered that this tree constraints and protection plan can be secured by a suitably worded planning condition(s). Subject to the proposed condition, the proposal is considered to be compliant with Policy GE27 of the Halton Unitary Development Plan.

Highways, Parking and Accessibility

The proposed access to the HMO's would be achieved directly via Derby Road with the existing vehicular access provided to the car park via a dropped kerb. The proposed development would re-configure the existing car park and would provide 13 car parking spaces. Secure cycle storage would also be provided with a capacity of 20 spaces.

The Council's Highways Officer has been consulted on the application and has provided the following comments:

The development site is considered to be in a sustainable location with good access to local amenities and bus/ train services.

In terms of car parking provision, the layout plans show 13 spaces for the proposed 29 rooms with an additional 3 spaces for motorcycles. The recommended parking ratio for HMO's is 0.5 spaces per apartment which would equate to 14.5 spaces in this situation. On balance however, and giving consideration to the good links to sustainable modes of travel, the Highway Authority considers parking provision to be adequate for the proposed use.

The application originally offered 8 cycle storage spaces which we would consider to be below the desirable standard for the 29 units and the shelter specification put forward was not considered suitable for the potential long dwell times associated with a residential use. Amended plans have now been submitted to demonstrate secure cycle parking with a capacity of 20 spaces which is considered to be acceptable.

Initial concerns were raised by the Council's Highways Officer concerning the lack of improvement to the pedestrian access as part of the development, however amended plans have been received to address these concerns and the pedestrian access is now considered to be acceptable. It is considered reasonable to request details of how the new pedestrian access will be formed within the existing attractive boundary wall together with any gates or other details. It is considered that this can be secured by appropriately worded planning condition.

Many of the representations received as a result of the publicity given to the application, raised concerns regarding additional congestion on Derby Road as a result of illegal parking. The Council's external consultee, Designing Out Crime Officer from Cheshire Police, has provided updated comments as follows:

While my role as Designing out Crime Officer is to comment on issues that may affect crime and disorder, I am aware that Derby Road can be very busy. There have been historic issues with vehicle congestion which could cause potential danger and inconvenience to local residents. The local police officers are regularly on duty in the area and do issue enforcement notices where appropriate.

It is the responsibility of the Police to enforce and resolve issues surrounding improper and illegal parking and a refusal of the application due to potential for illegal parking not within the application site and resulting congestion could not be justified.

It is considered that the development is within a sustainable location with good access to local amenities and public transport provision. The proposal is considered to be compliant with Policies TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

Crime and Anti-Social Behaviour

The applicant states through their submitted supporting statement that the proposed development would aim to promote a safe and secure environment with the inclusion of measures to address crime, fear of crime and anti-social behaviour including glazing features to promote natural surveillance, lighting and CCTV. Objections have been received from local residents in relation to fears based on safety concerns over housing individuals with no background security checks, the proximity of the site to vulnerable people and schools, concerns that men congregating in groups would be intimidating to local residents and passers-by and concerns that there is not enough policing in the area. Whilst such concerns are capable of being a material planning consideration, no evidence has been provided that such problems would arise or as to the characteristics of future occupiers which may give rise to them. HMOs are a residential use providing accommodation for predominantly single adults and couples as a cheaper alternative to renting or buying a house or flat in the borough. On that basis it is considered that little or no weight can be attributed to such fears. The Designing Out Crime Officer at Cheshire Police has been consulted on the application. Whilst suggestions are made with respect to specific detailed crime prevention measures which can be relayed to the applicant by way of informative, no objection is raised to the proposed development.

Other Matters

Concerns have been raised during the public consultation by members of the public regarding noise levels of the new tenants and the impact that might have on the existing residential properties. It is advised that any allegations of nuisance would need to be investigated, and there is currently no evidence to justify an objection to the proposed development on the basis of potential noise complaints. On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy PR2 of the Halton Unitary Development Plan.

Objections have been received raising concerns that the proposed development would impact on already stressed local services such as doctors, dentists and other health services, schools and education provision. Statistics for the 2020/2021 academic year demonstrated that Halton had an overall surplus capacity in both primary and secondary 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, provision of health care locations is a matter for other organisations and the Council looks to allocate sites through the development plan process where such a need has been identified. Such concerns must also be balanced against the likely demand resulting from the lawful use of the site as a care home. It is considered that given the number of potential new residents to the area is relatively low, and the application site is well connected in terms of transport links, it is not considered that the proposed development would exacerbate availability of healthcare provision within Halton and refusal on this basis could not be justified.

With respect to need for HMOs within the Borough there is no evidence to justify a policy restriction on such properties nor is it considered that an argument that there exists an over-supply or over-concentration locally could be sustained. It should also be noted that the site is currently vacant and has been for some time. Bringing the building back into beneficial use would secure the future of the building and bringing more people into the area with potential benefits to the area and local economy.

Summary and Conclusions

The application seeks permission for a proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with an associated infill extension, the layout of a car park and landscaping.

The proposed development of 3 no. HMO's in this location would be an acceptable use for the land given the application site is designated as a Primarily Residential Area on the Halton Unitary Development Plan Proposals Map and as such, proposals for residential development are considered acceptable in principle.

Conversion of the building to residential use in the form of apartments has been previously established through the approval of planning permission (ref. 18/00275/FUL). The principle of a residential use in a primarily residential area is considered to be acceptable and compatible with existing and proposed surrounding uses.

The means of access to the proposed development are acceptable and a sufficient amount of parking would be provided as advised by the Council's Highways Officer. The proposal complies with interface standards and would bring back into use the vacant property that is in a prominent location and in a state of disrepair. It would

also provide much needed residential accommodation in the Borough and is therefore recommended for approval.

RECOMMENDATIONS

Approve subject to conditions.

CONDITIONS

1. Standard 3 year permission
2. Condition specifying plans including obscure glazing and implantation of the boundary treatment
3. Materials condition
4. Construction and delivery hours to be adhered to throughout the course of the development
5. Vehicle access and parking to be constructed prior to occupation of 1st property
6. Implementation of bin and cycle parking provision
7. Tree constraints/protection plan and tree protection during construction
8. Submission and agreement of boundary wall/ pedestrian access construction detail

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

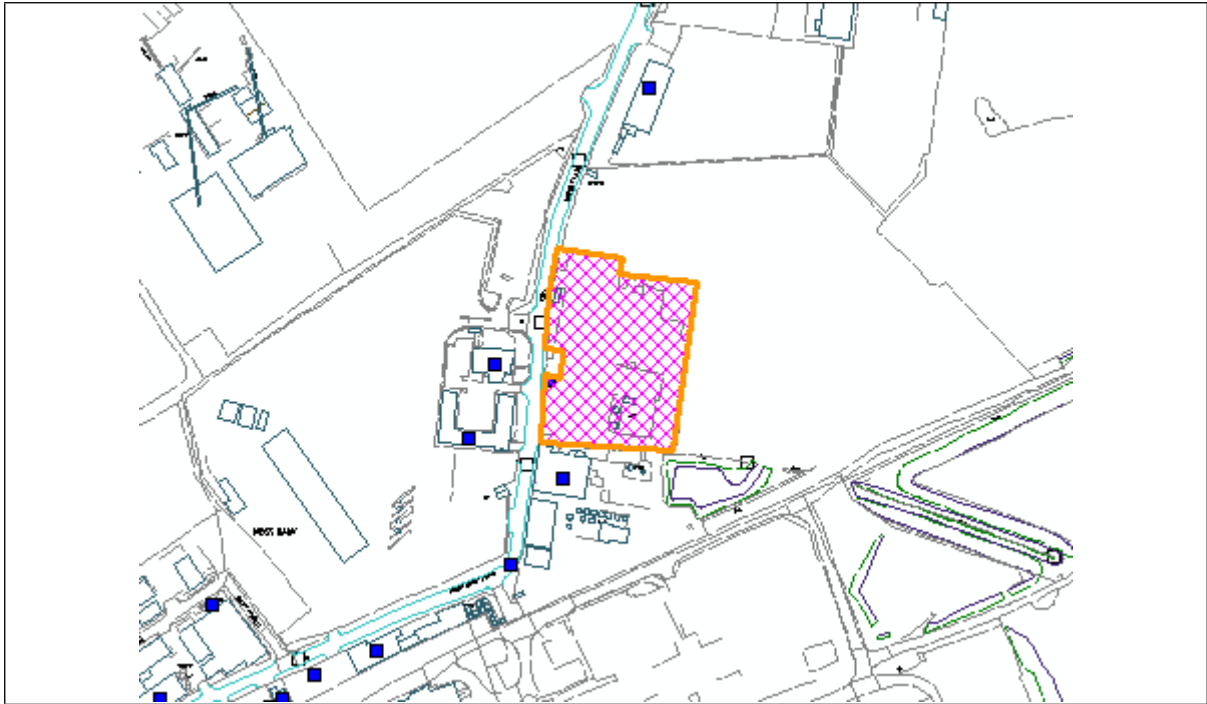
SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2021);
- 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.

APPLICATION NO:	21/00498/FUL
LOCATION:	Bowman Works Gorsey Lane Widnes Cheshire WA8 0YZ
PROPOSAL:	Proposed erection of industrial/storage building for use class B2 / B8 purposes, parking and servicing areas, bunds, fencing, landscaping, ancillary works and retrospective permission for the retention of previously installed bunds.
WARD:	Halton View
PARISH:	N/A
APPLICANT:	Industrial Chemicals Ltd
AGENT:	Lawson Planning Partnership Ltd
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3) and Environmental Priority Areas (BE3)
Halton Core Strategy (2013)	South Widnes Key Area of Change (CS9)
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No
REPRESENTATIONS:	None
KEY ISSUES:	Principle of Development, Design and Layout, Highways and Access, and Flood Risk and Drainage
RECOMMENDATION:	Approve subject to conditions
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The Bowman's Chemical Works site is located within the defined town settlement boundary for Widnes, to the east of Widnes town centre. It is accessed from Gorsey Lane, which is located to the south of the A562 which links to the town of Warrington to the east. The river Mersey Estuary is approximately 200m to the south of the site.

The site is bounded to the west by Gorsey Lane followed by Suttons Logistics, by vacant brownfield land (formerly occupied by a number of chemical operators) to the south beyond Bowman's works, by grassland and two former waste disposal lagoons to the east, and by grassland to the north.

1.2 Planning History

Planning permission 14/00626/FUL was granted 13 March 2015 for the construction of an industrial / storage building (Use Classes B2 and B8) associated parking, servicing areas, plant and bunds, fencing, landscaping and ancillary works.

This planning permission was for a larger building on the same site which was never implemented. Since then the applicant's operational requirements have changed, and they now require a smaller building to cover part of the processing areas, plant and storage of raw materials. It is understood that covering these areas is a requirement of the Environment Agency's permit.

2. THE APPLICATION

2.1 The Proposal

The site manufactures a range of products which are supplied to the steel manufacturing, water treatment, food, and paper making industries. In 2018 the company installed various infrastructure and plant, including various tanks, open top dissolvers and storage of raw magnetite used to manufacture Ferrous Sulphate.

The development proposals are to support the sites existing chemical manufacturing, and the proposed new building will enclose part of the manufacture/processing of Ferrous Sulphate by housing the open top dissolvers and storage of raw magnetite. This forms part of a programme of environmental improvements required by the Environmental Agency and their permitting regime.

This proposal comprises the following main elements:

- A portal framed, steel clad building measuring approximately 25m wide by 45m in length providing a floor space of approximately 1120m². The building would contain the plant, control room, processing tanks and materials storage.
- Bunds for containment of spillages and surface water
- The relocation of the access and associated hardstanding
- Provision of 16 car parking spaces and cycle parking
- New 2.4m high green palisade fencing, gates and landscaping

The proposed building will operate 24/7 (subject to demand) in line with the existing chemical plant, which has no planning restrictions on hours of use and enjoys 24 hour unrestricted working.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Design and Access Statement, Contaminated Land Report, Surface Water Drainage Strategy, Preliminary Ecological Assessment, and a construction traffic management plan.

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 2005 (UDP)

The site is designated as part Primarily Employment Area 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
- GE21 Species Protection
- 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
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

3.2 Halton Core Strategy 2013 (CS)

The site is located within the South Widnes Key Area of Change. The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes Key Area of Change
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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 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.

3.5 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 person's 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.

3.6 Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

4. **CONSULTATIONS**

Highways and Transportation Development Control

No objection subject to conditions to secure the provision of cycle storage and electric vehicle charging points. Detailed comments from the highways engineer have been incorporated into the report below.

Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor

No objection. The applicant has submitted an ecological assessment report in accordance with Local Plan Core Strategy policy CS20 which meets BS

42020:2013, the survey/report is acceptable. Conditions recommended relating to protection of nesting birds, provision of insect boxes, and a waste audit or site waste management plan.

Major Projects

Have confirmed that they have no comments to make on this application.

Lead Local Flood Authority

No objections subject to conditions relating to the provision and agreement of a suitable drainage strategy. Detailed comments from the drainage engineer have been incorporated into the report below.

Contaminated Land Officer

No comments received yet, members will be updated at committee.

Natural England

Have confirmed that they have no comments to make on this application.

The Environment Agency

No objection to the proposed development, subject to conditions relating to the contaminated land site investigation, remediation and verification. Conditions are also required relating to piling and foundation designs using penetrative methods, and no drainage systems for the infiltration of surface water to the ground other than with the written consent of the local planning authority.

United Utilities (UU)

No objection, conditions recommended in relation to the drainage strategy and to ensure that foul and surface waters are drained on separate systems.

5. REPRESENTATIONS

5.1 No representations have been received.

6. ASSESSMENT

6.1 Principle Development

The site is located within an area defined as Primarily Employment Area, in Policy E3 of the Halton Unitary Development Plan. Policy E3 states that use classes B1, B2, B8 and Sui Generis industrial uses are considered to be acceptable within this area. Furthermore, the previous use of the site was B2 'general industry' as the land previously sited buildings used in the manufacturing and processing of chemicals. Therefore, the proposed use is

consistent with the established previous use and policy E3 and is considered to be acceptable in principle.

Policy E5 requires new industrial and commercial developments to be compatible with existing and proposed surrounding uses. Outside storage areas must be screened and open storage of loose materials will not be permitted.

UDP saved policy E3 states that B1, B2, B8 and Sui Generis industrial uses will be permitted in primary employment areas. Core Strategy policy CS1 also supports the prioritisation and re-use of previously developed land for new development. The site's location, proposed use and the form of the development proposals comply with both these policies and the proposals are in keeping with the use, scale and character of existing premises adjacent to and near to the site.

6.2 Scale, Layout and Appearance

The proposed car parking area would be positioned to the front of the site. The proposed building would have a gross external floor plan measuring 45m long x 25m wide, it would have two shallow pitched roofs with a valley in the middle, with eaves heights of 12.8m and ridge height of 16m. The walls and roof of the building are proposed to be clad in box section metal sheeting, coloured 'goose-wing grey' with blue trim including the rain water goods.

The general appearance, materials and details of the proposed building would be consistent with existing buildings within the surrounding area. It would represent a simple building of neat functional and durable design, appropriate to the established surrounding industrial and commercial context.

The proposal includes a new 2.4m high palisade fence and gates across the front of the site. These would be colour coated green, and are appropriate in this industrial setting.

The development would not appear incongruous, and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2, BE22 and E5 of the UDP and CS18 of the Core Strategy. A condition is recommended that the buildings be implemented in accordance with the approved plans and details, and for approval of external materials.

6.3 Highways and Access

The application provides for 16 additional spaces and 28 in total to serve the site which the Highway Authority would deem appropriate. The application does appear to indicate that there is available space to provide additional parking if it were deemed necessary in the future. Included within this parking layout we would require 10% disabled parking provision and a minimum of one electric vehicle charging bay to be provided.

It is noted that cycle parking is proposed as per the design and access statement, this should be covered, secure and located in a prominent and overlooked location. The position identified on the plan is considered to be acceptable, but details are required to ensure that they meet the appropriate standards and are covered. Plans have been provided to demonstrate safe walking and cycling routes through the site to the main building and cycle storage area would be provided.

Details of the new access have been provided with the application, and are considered to be acceptable, these should be secured by planning condition. The proposed parking provision would help remove pavement and on road parking in the area

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP6, TP7, TP12, TP15 and TP17 of the Halton Unitary Development Plan.

6.4 Flood Risk and Drainage

The applicant has provided an overview of flood risk considerations within the design and access statement and a drainage strategy document with accompanying drawings, and the Lead Local Flood Authority (LLFA) have been consulted on the application.

The Environment Agency mapping identifies that the site has a low risk of fluvial flooding. The location of less vulnerable development in Flood Zone 1 is consistent with the NPPF. The site is also not within a Critical Drainage Area which are identified on the Councils Strategic Flood Risk Assessment. Therefore, the LLFA agrees that a Flood Risk Assessment (FRA) is not required to support the planning application.

It is noted that Environment Agency mapping indicates that the site is located within an area that has a high risk of flooding from surface water. This would appear to be related to historic issues in part associated with blockages along Johnsons Brook. So whilst a formal FRA is not required, the developer is required to demonstrate that the site would be safe from flooding and would not increase flooding elsewhere by way of producing an acceptable drainage strategy.

It is stated within the drainage strategy that runoff from roof areas would be routed into Johnson's Brook, but recognises the issues with blockages. It is understood that the applicant is currently liaising with the LLFA, the EA and other landowners along the course of the brook to address this issue.

Whilst the applicant has a strategy for managing surface water on the site, the Lead Local Flood Authority are of the opinion that this strategy is deficient in various areas, and should be better articulated to in terms of what standards have been used, to clearly demonstrate that the SUDs hierarchy has been considered, as well as the effect of climate change amongst other things.

Evidence of resolving the blockages on Johnson's Brook should also be provided as part of the strategy.

Therefore, whilst the LLFA do not object, they consider it necessary for a planning condition to be attached for a revised Drainage Strategy. This condition is considered to be necessary to ensure that the proposed development is acceptable from a flood risk and drainage perspective and that it complies with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.5 Contamination and Pollution

The application has been submitted with a site investigation report with associated mitigation measures. The Environment Agency has advised that if the application were to be supported that further site investigation work remediation, implementation and verification should be controlled by conditions.

In the interests of protecting ground water, the Environment Agency have also stated that they would require conditions relating to piling and foundation designs using penetrative methods, and that there should be no drainage systems for the infiltration of surface water other than with the written consent of there shall the local planning authority.

The contaminated land officer has also been consulted, any comments received will be provided to members via the written update or presented orally at committee

The attachment of the conditions above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.6 Ecology and Habitats

The application is supported with a preliminary ecological assessment and Merseyside Environmental Advisory Service have been consulted. They note the separation from the Mersey Estuary SPA/Ramsar/SSSI, and that the development is unlikely to harm the features for which the sites have been designated for the following reasons:

- The development is relatively small scale and located in an existing industrial site on hardstanding.
- The site is over 3.1 km for the European sites at the Mersey Estuary. At this distance noise and visual disturbance during construction and operation are very unlikely.
- The site is already subject to significant disturbance as a result of the existing industrial use and heavy vehicle movement.

- The land immediately adjacent to the site is primarily industrial and is not considered to be functionally linked to the European sites.

The site has potential to be used by nesting birds, therefore, conditions are recommended to ensure their protection during nesting season. The applicant has also provided details of insect boxes, the implementation of which can be secured by condition.

The attachment of the conditions suggested above 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.

6.7 Waste Management

Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP) requires 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.

7. CONCLUSIONS

7.1 The principle of the development is considered to be acceptable. The scale, layout and appearance of the buildings is also acceptable, and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination, drainage and protection of nesting birds can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies BE1, BE2, GE21, E3 and E5 of the Unitary Development Plan, and CS9, CS18 and CS20 of the Halton Core Strategy Local Plan, and is recommended for approval.

8. RECOMMENDATION

That the application is approved subject to the following conditions:

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. External facing materials (BE1 and BE2)
4. Conditions covering ground investigation report, and remediation strategy, implementation and validation (PR14 and CS23)
5. Detailed access design drawings (BE1)
6. Parking, access and servicing provision (BE1)

7. Electric Vehicle Charging Points Scheme (CS19)
8. Cycle parking (TP6)
9. Existing and proposed site and finished floor levels (BE1)
10. Conditions for the submission and agreement of drainage scheme, implementation and validation (PR16 and CS23)
11. Foul and surface water on a separate system (PR16 and CS23)
12. Protection of nesting birds (GE21, CS20)
13. Provision of insect boxes (GE21, CS20)
14. Site waste management (WM8)
15. Details of piling and foundation designs (PR14 and CS23)
16. No drainage systems for the infiltration of surface water (PR14 and CS23)

9. BACKGROUND PAPERS

- 9.1 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

10. SUSTAINABILITY STATEMENT

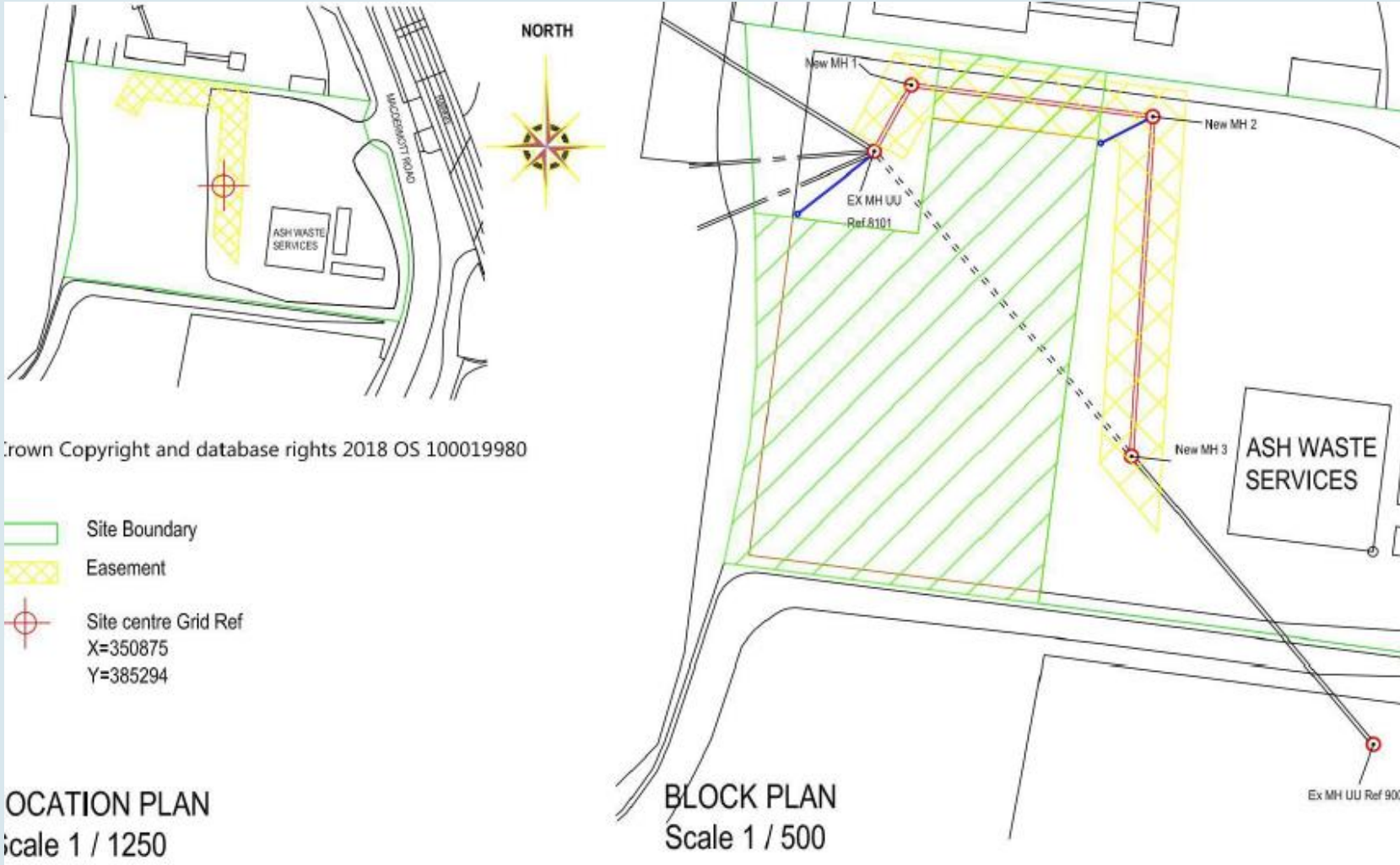
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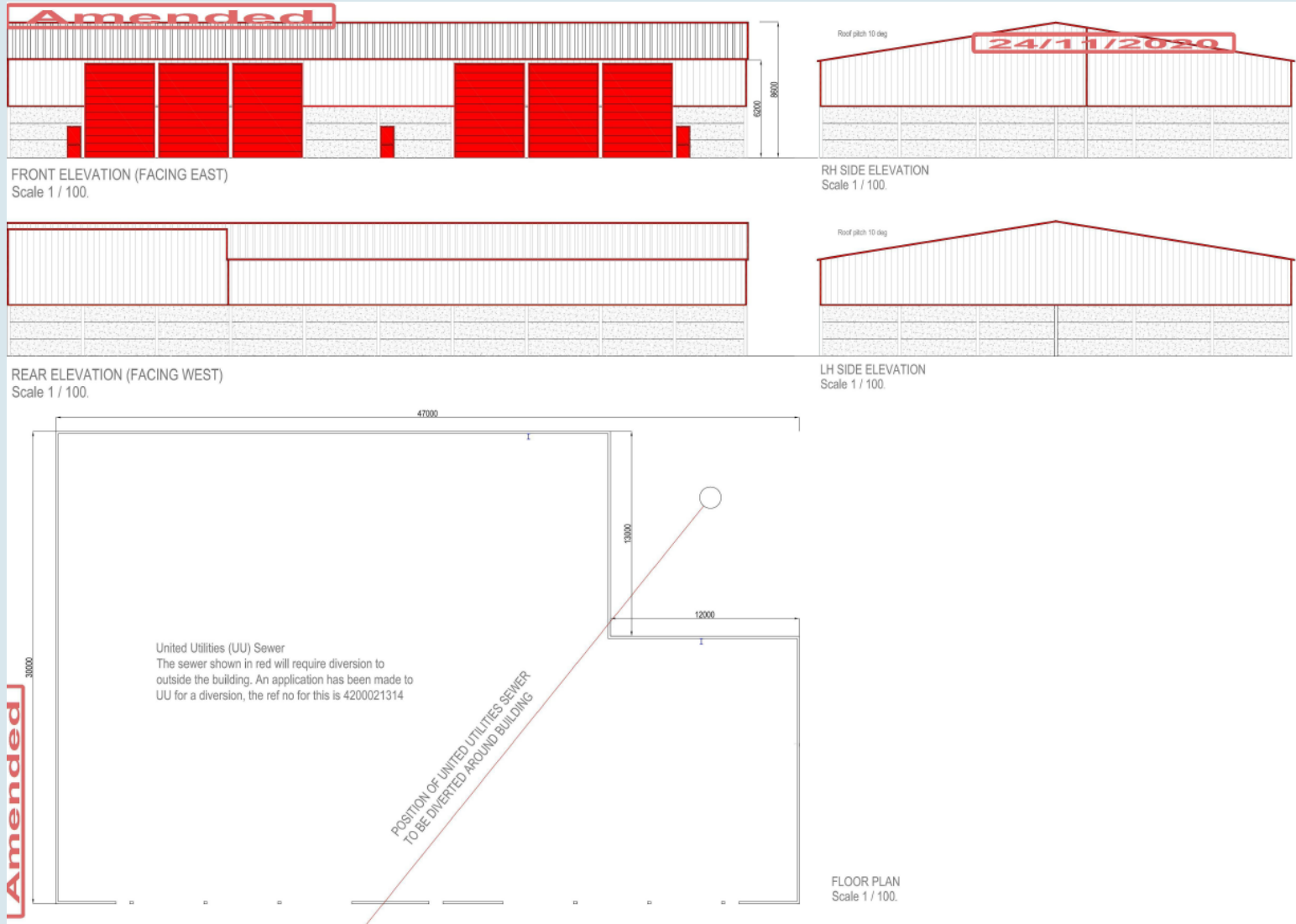
- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

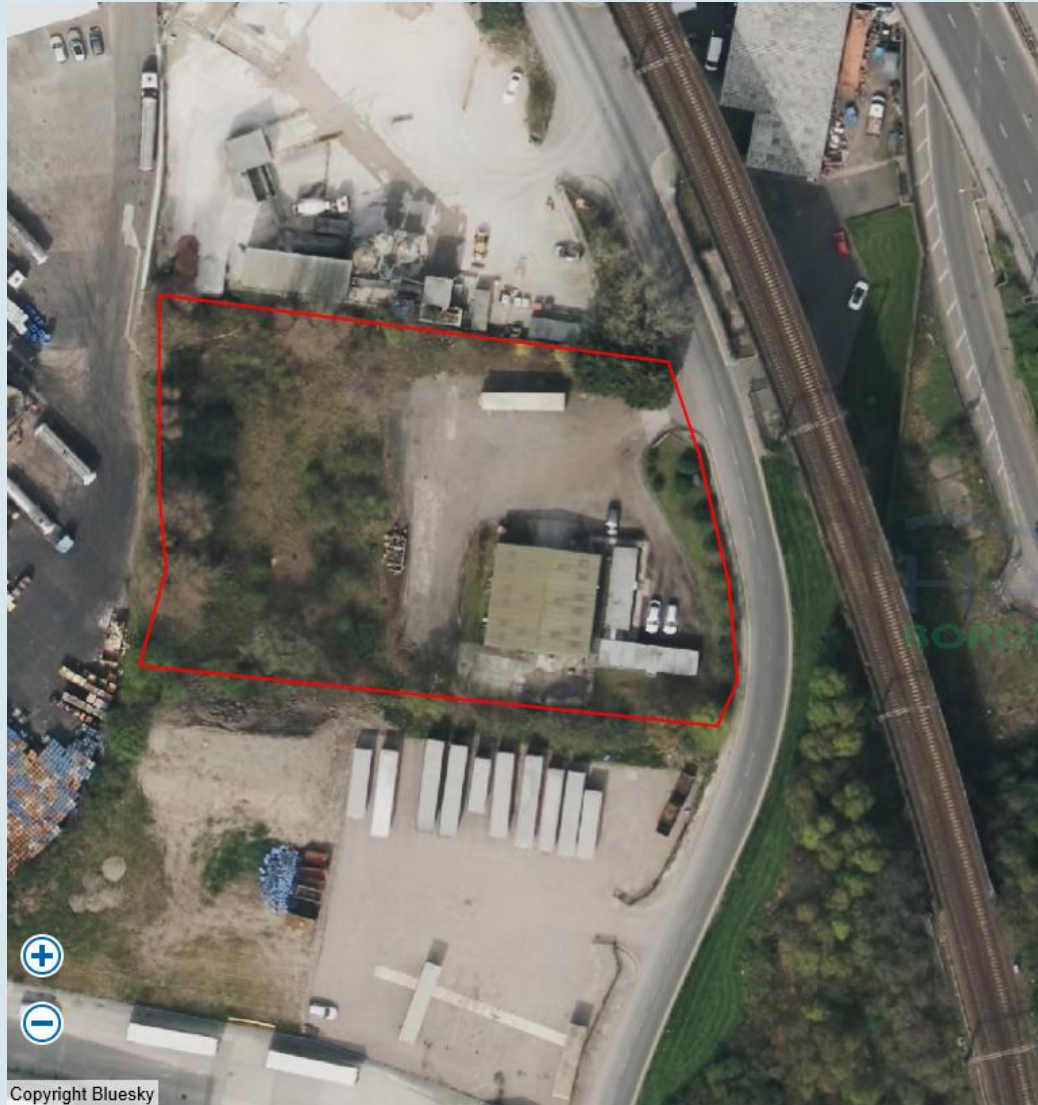
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

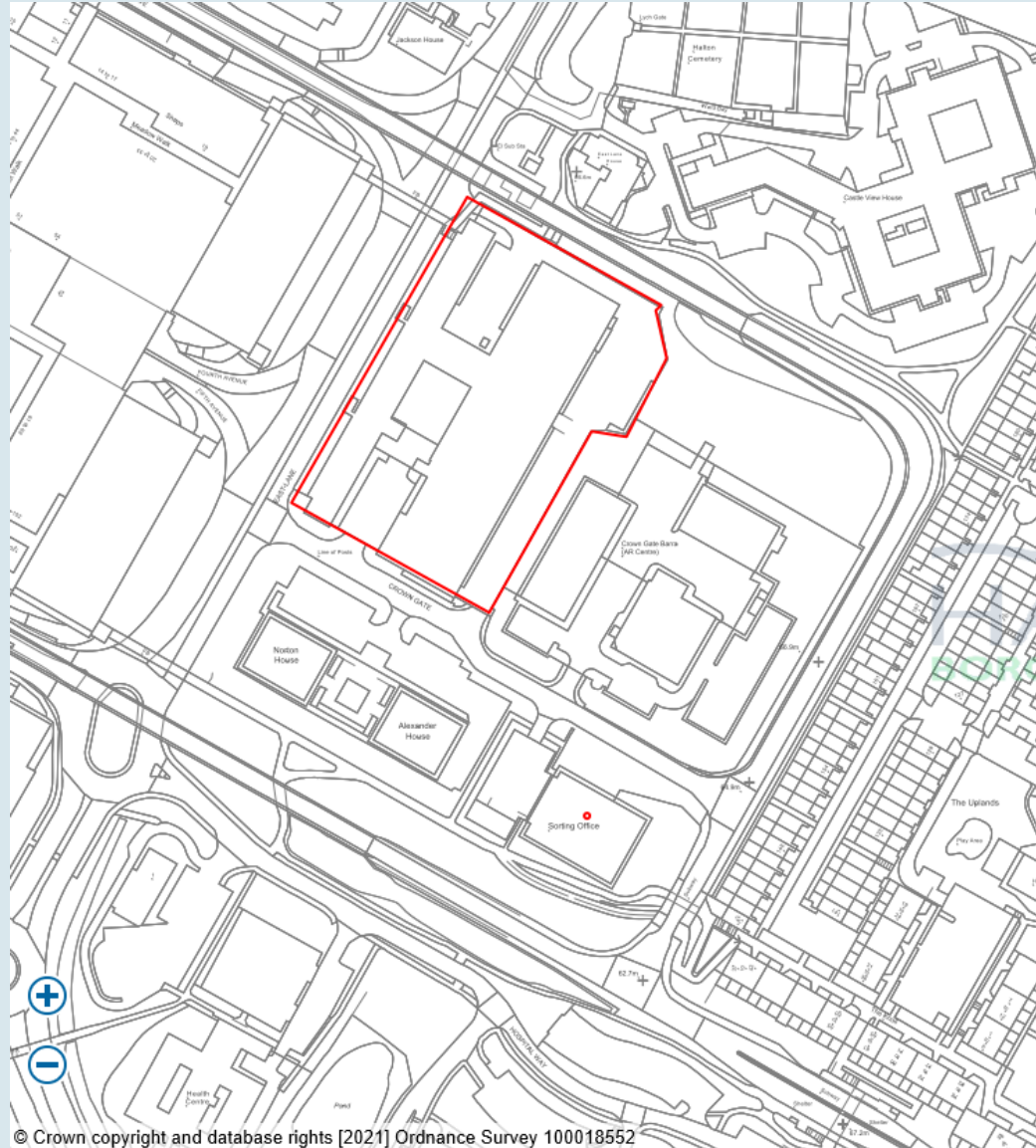


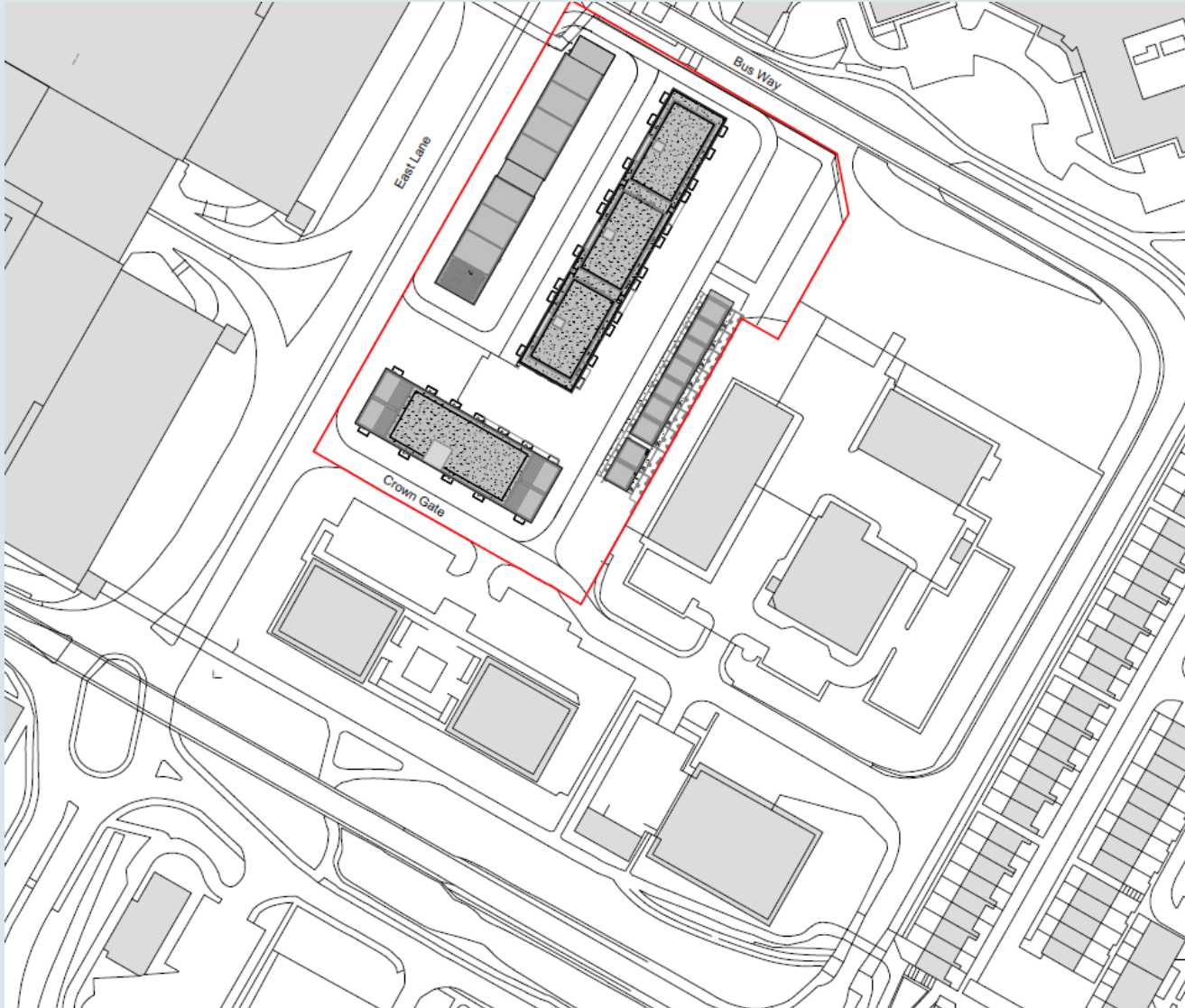


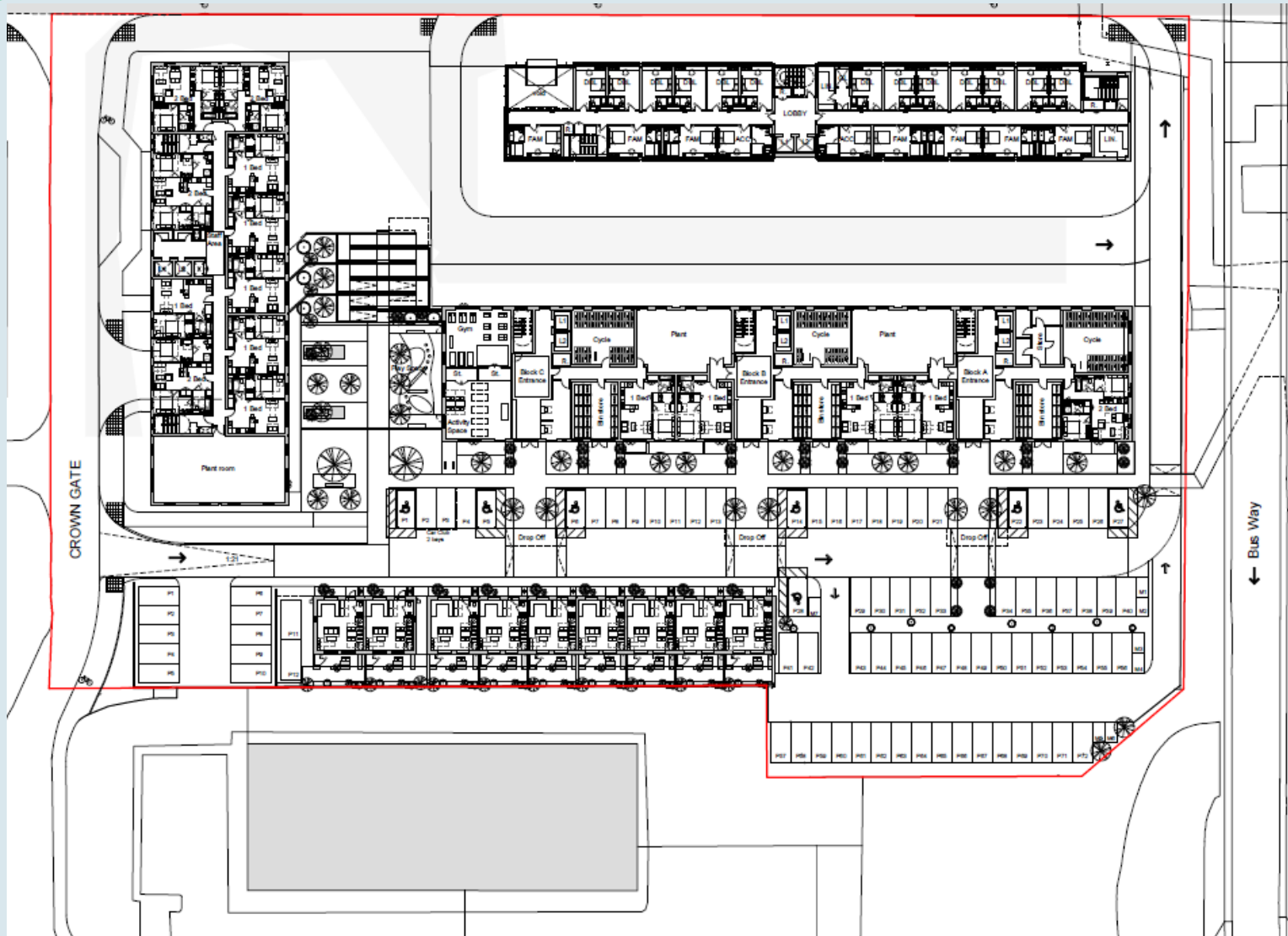












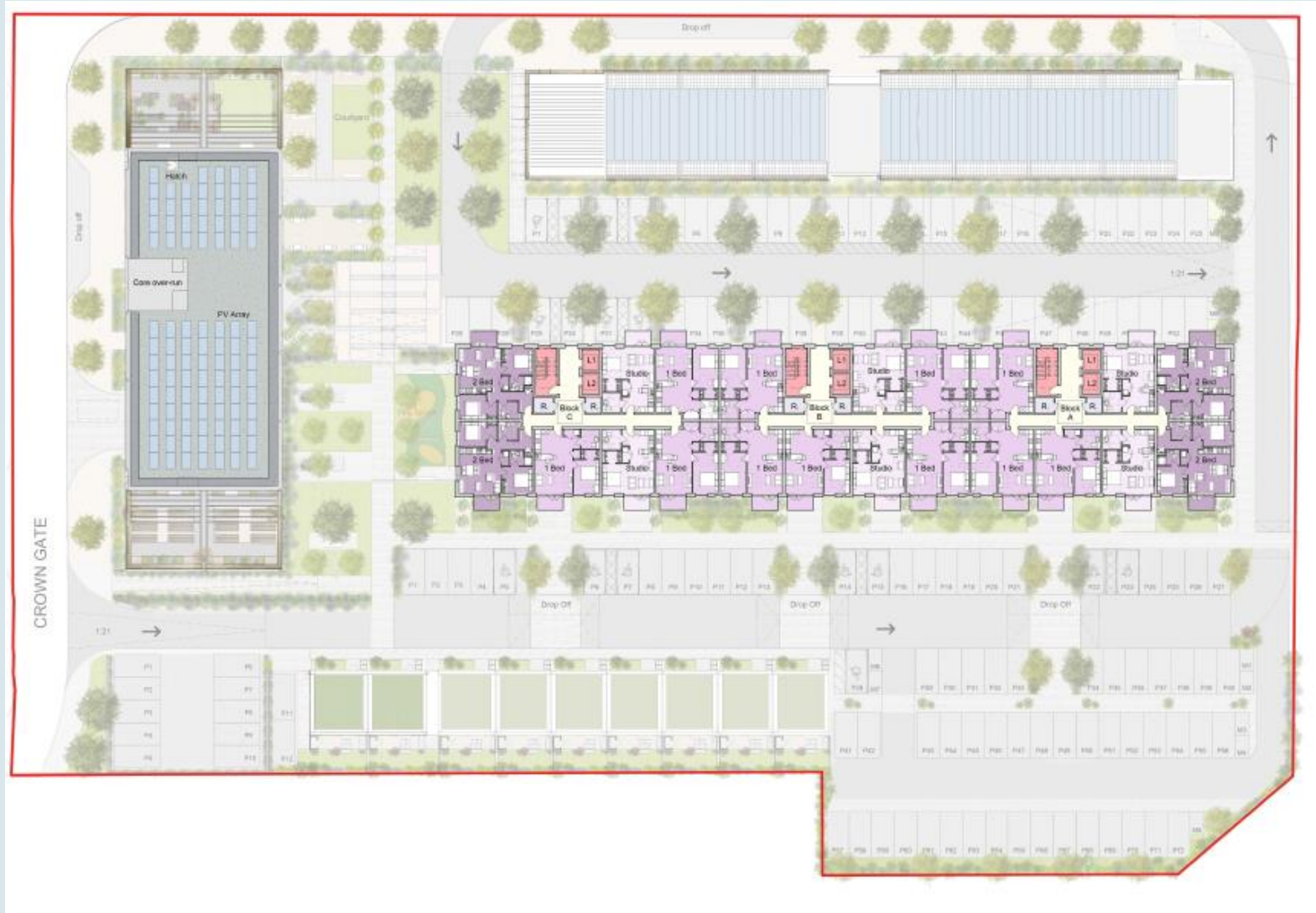




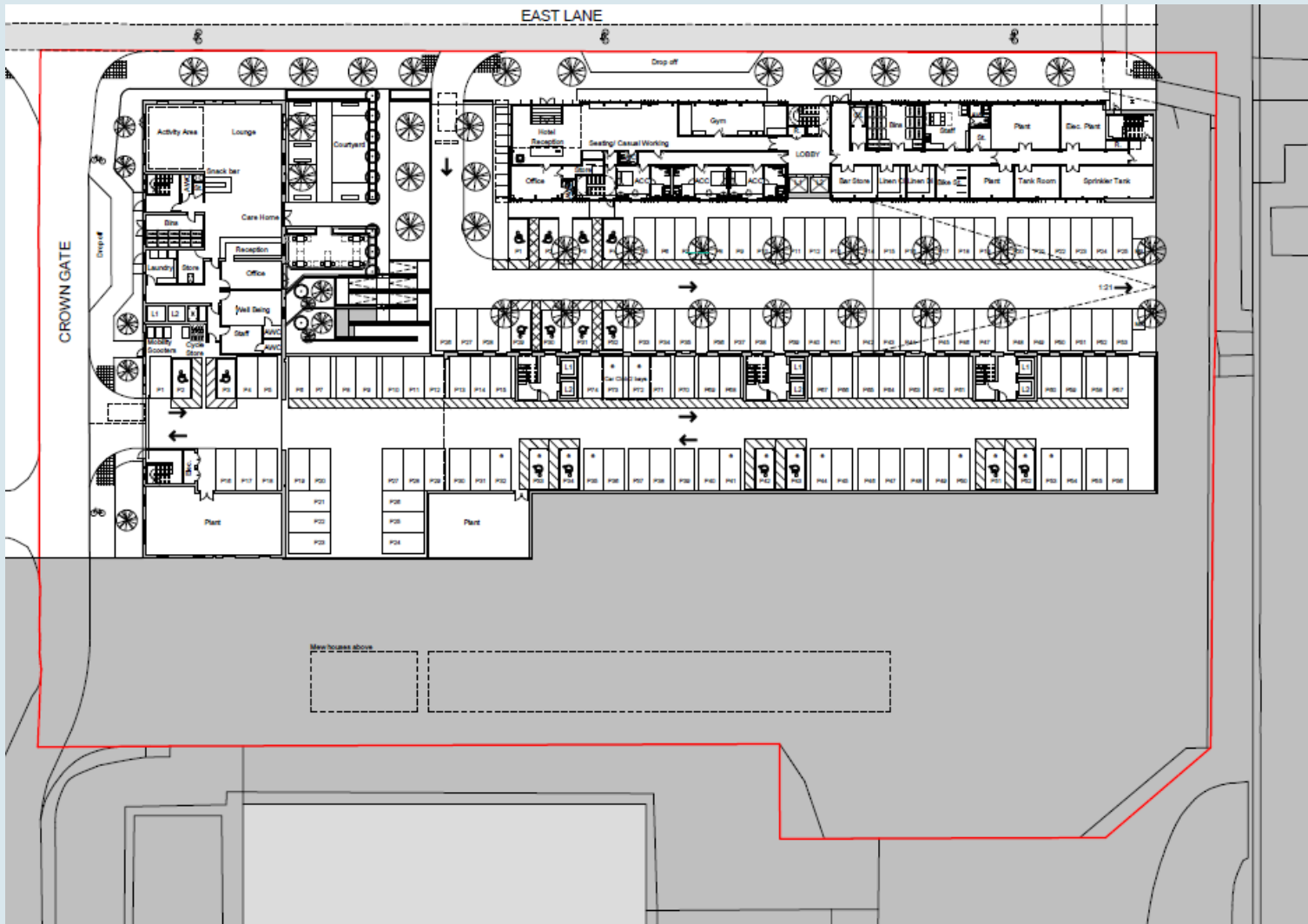
























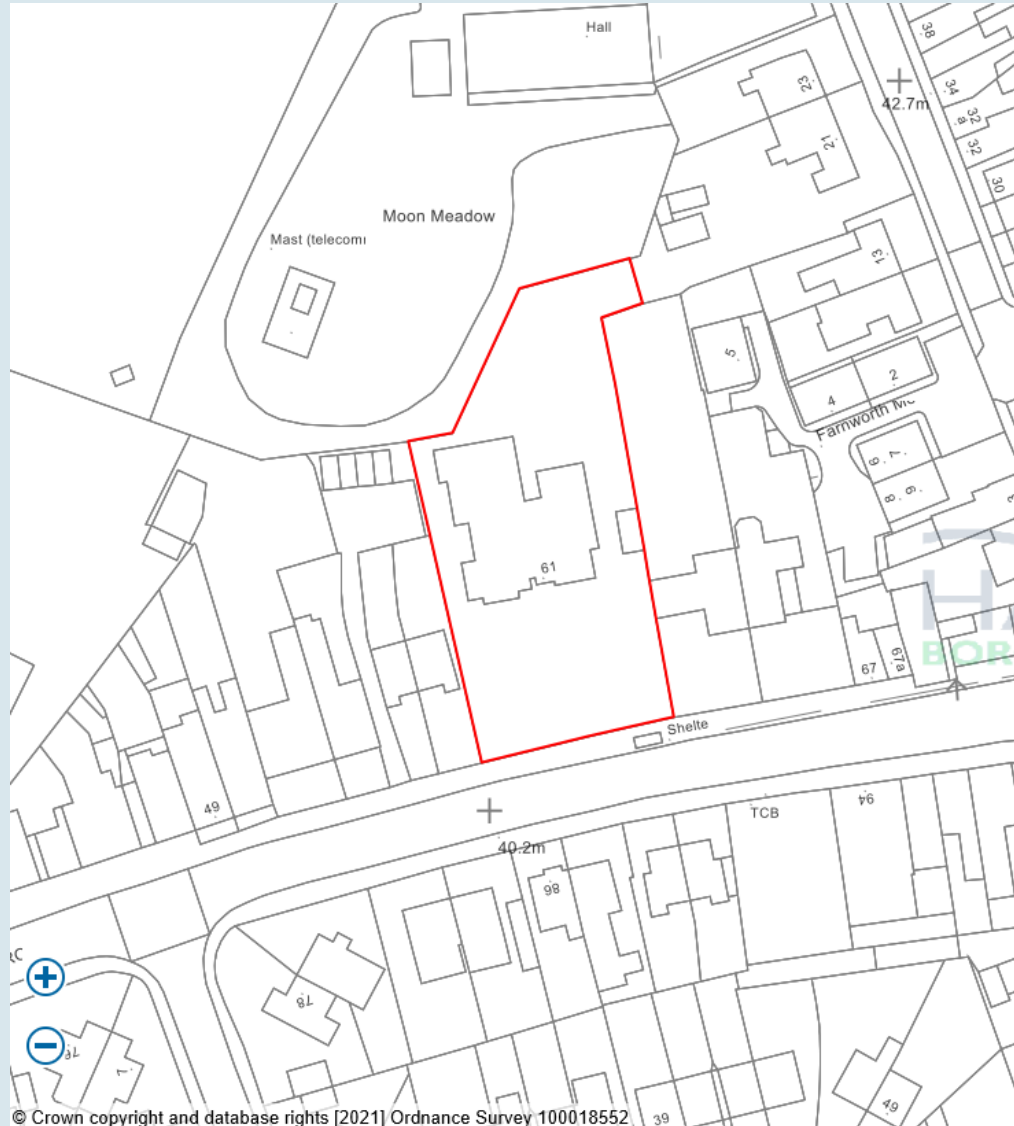


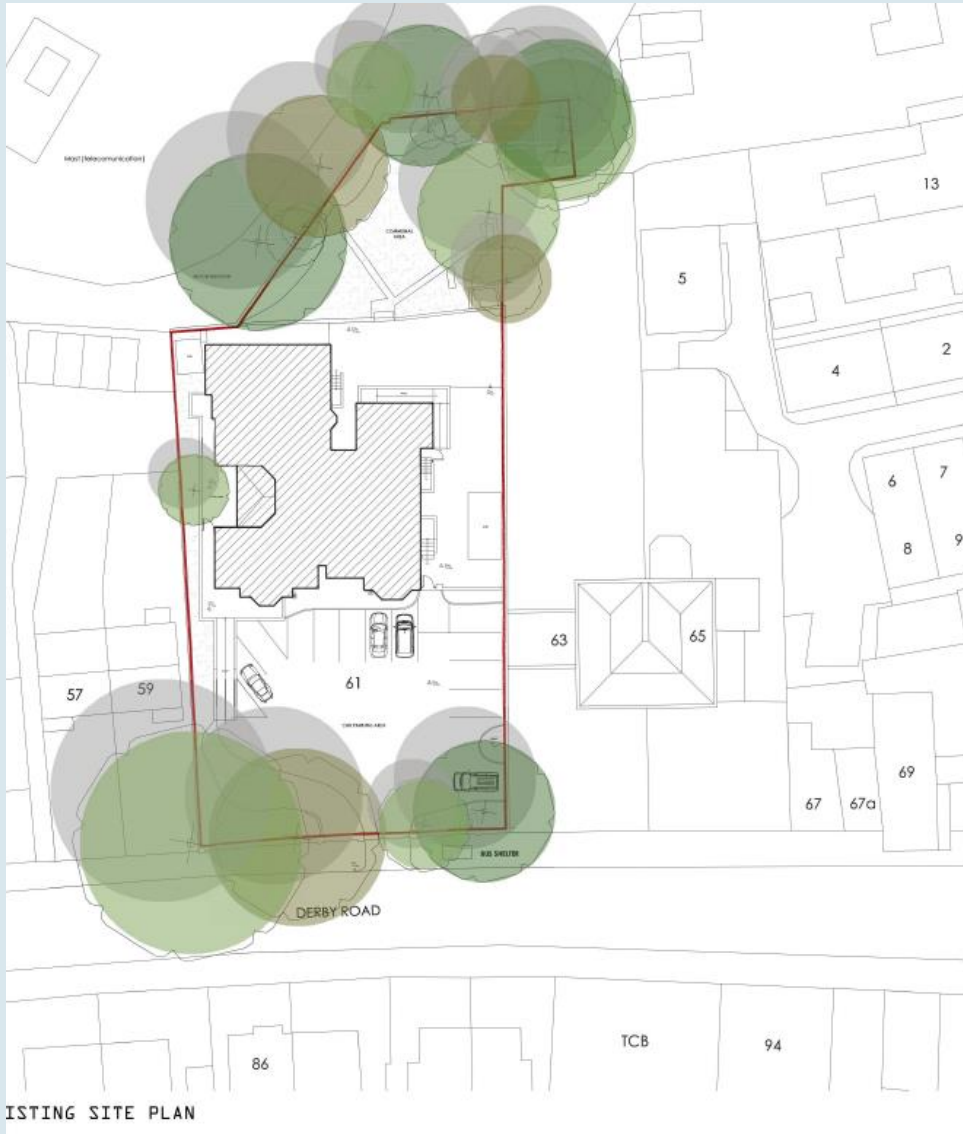












EXISTING SITE LOCATION PLAN
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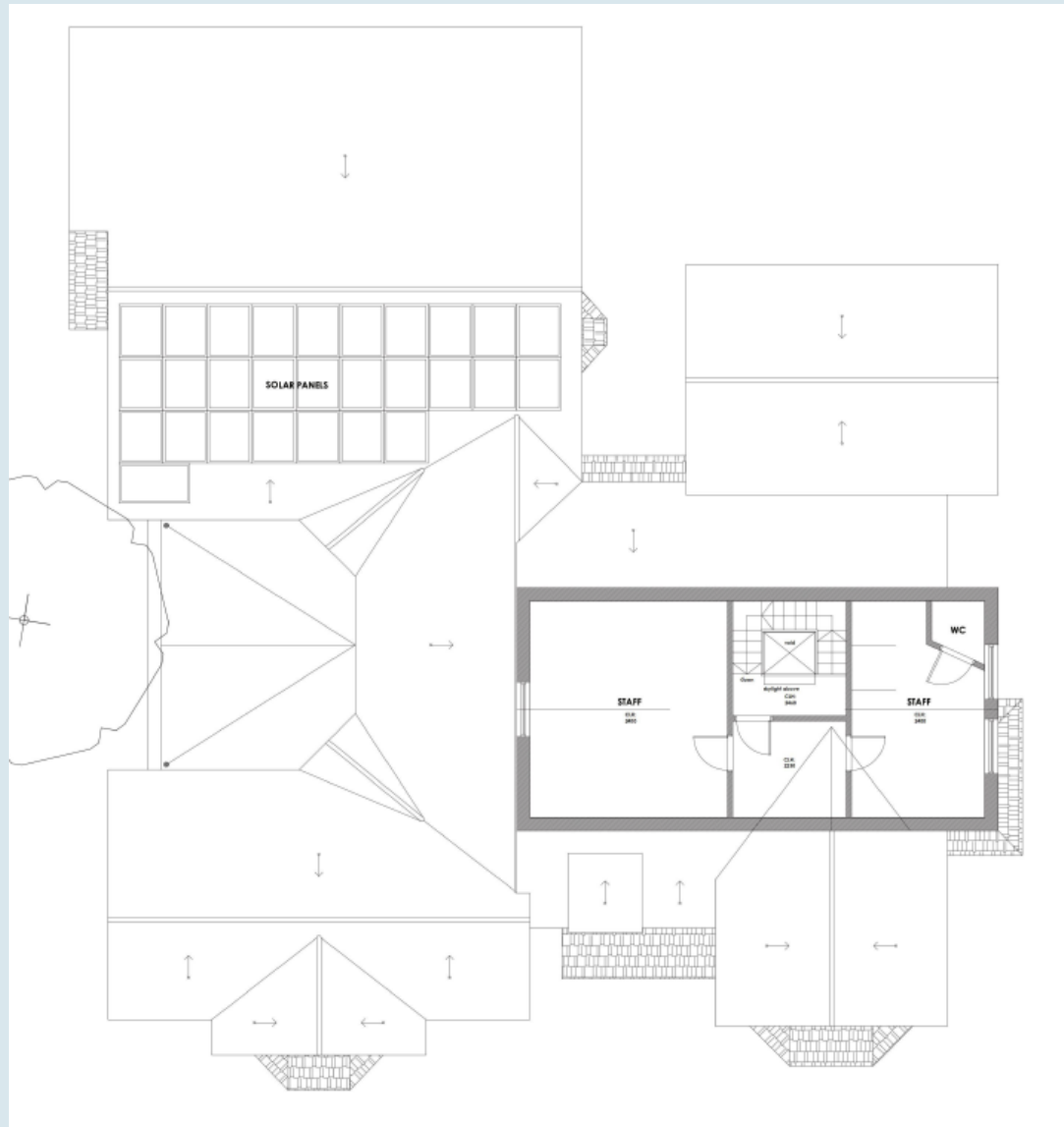
















EXISTING LHS ELEVATION
3/1/08



EXISTING FRONT ELEVATION
3/1/08



EXISTING REAR ELEVATION
3/1/08



EXISTING RHS ELEVATION







