

# Public Document Pack



## Development Management Committee

Monday, 3 October 2022 6.30 p.m.  
Civic Suite - Town Hall, Runcorn

S. Young

**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 Dave Thompson
Councillor Bill Woolfall

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
ann.jones@halton.gov.uk for further information.  
The next meeting of the Committee is on Monday, 7 November 2022*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 6</b>
<b>2. DECLARATIONS OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>22/00101/FUL</b> - The re-fenestration of existing facade to main building to create engineering workshops and classrooms, plus sub-station to the west of the site at Riverside College, Kingsway, Widnes.	<b>7 - 20</b>
(B) <b>22/00130/FUL</b> - The demolition of an existing building and the erection of up to 66 independent living apartments with ancillary support services and communal facilities, together with associated landscaping amenity spaces and car parking on land at 81 High Street, Runcorn, Cheshire.	<b>21 - 38</b>
(C) <b>22/00284/FUL</b> - Retrospective application for planning consent for the installation of a car park management system on existing car park comprising 4 no. pole mounted ANPR cameras and 6 no. park and display machines AND <b>22/00285/ADV</b> - Application for advertising consent for the installation of 74 no. pole mounted non illuminated signs for car park management system on existing car park.	<b>39 - 53</b>
(D) <b>22/00407/FUL</b> - Proposed single storey side extension at 7 Cheltenham Crescent, Runcorn, WA7 4YT.	<b>54 - 59</b>
(E) <b>PLANS</b>	<b>60 - 99</b>

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

**DEVELOPMENT MANAGEMENT COMMITTEE**

*At a meeting of the Development Management Committee on Monday, 8 August 2022  
at the Civic Suite - Town Hall, Runcorn*

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

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, A. Evans, M. Webster, L. Wilson-Lagan, J. Farmer and A. Blackburn

Also in attendance: Two members of the public and one member of the press

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

DEV10 MINUTES

The Minutes of the meeting held on 12 July 2022, having been circulated, were taken as read and signed as a correct record.

DEV11 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.

DEV12 21/00319/FULEIA - DEVELOPMENT OF 151 RESIDENTIAL DWELLINGS (COMPRISING A MIX OF 3, 4, AND 5 BEDROOM HOUSES) AND ASSOCIATED WORKS AT LAND AT CROWS NEST FARM, DELPH LANE, DARESBUURY

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

Members were advised that a total of 6

*Action*

representations were received to the application, 5 of which were objections. Since the publication of the agenda, an additional objection was received that was a copy of an earlier objection already considered. An additional condition was recommended regarding *Sustainable Drainage and Climate Change*, as detailed in the AB update list. A letter of objection had also been received from Mr Mike Amesbury MP, which was also presented in the published AB list.

The Committee was addressed by Mr Smalley who represented the Applicant. He introduced the scheme as being part of the wider site of the Redrow Development, which included 151 new homes. He stated:

- The proposal consisted of Redrow's Heritage Collection and would make a significant contribution to the supply of housing stock in the area;
- It would provide benefits for local communities such as employment opportunities and economic benefits arising from the supply chain;
- The plans included green technology such as heat pumps and electric vehicle charging points;
- The plans included landscaping and public open space improvements which included a children's play area;
- Referring to the landscape corridor in the centre of the site; this would be planted with hedges and 450 trees;
- The developer had worked closely with the adjacent land owner; and
- The developer had worked closely with the Council's planning and highways officers to deliver this robust scheme.

The following matters were discussed by the Committee:

- Access to the site – this would be from a new access point to the A56 parallel to the existing A56;
- Public Right of Way (PROW) diversionary routes and access over the George Gleaves Bridge – this Bridge is owned by *Peel Holdings* and is a listed building. There was no public access to the bridge currently but this was an aspiration being discussed with the Applicant for the remaining strategic site applications that were still being considered;
- Concerns over the absence of affordable homes being included in the application – further to the Inspector's report and financial viability study submitted by the applicant, priority in this case was

given to the wider strategic off-site improvements to the locality that when combined with the costs of opening up of the site for development, such as the infrastructure works required to make the site accessible to the existing highway network, resulted in the site being unable to deliver affordable housing;

- Whether future applications in this area could have affordable homes included – both parts of the former hybrid planning application 17/00407/OUTEIA were subject to a financial viability appraisal. There is an additional planning application on the opposite embankment of the Bridgewater Canal, the delivery of affordable homes on that site was a matter of ongoing discussion with the Applicant;
- Concerns over accessibility in relation to bus stops and cycling lanes – although bus routes were not yet finalised, the roads within the site were planned with buses in mind and one of the conditions stipulates that bus stops must be included; and
- Whether or not to remove the recommendation for delegated authority and request the application returns to Committee following the resolution of the outstanding matters.

Clarity was provided to Members over the matters outstanding and the request for officer delegation once these had been resolved. Further to debate it was agreed that the delegation would include consultation with the Chair and Vice Chair of the Committee.

*Councillor Abbott did not take part in the vote on the decision of the application, as he was absent from the room for part of the debate and officer responses.*

RESOLVED: To approve the application subject to the resolution of the outstanding matters of drainage and works to the PROW and to delegate the determination of these outstanding matters to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair and Vice Chair of the Committee.

Any permission would be subject to the below conditions and the inclusion of the additional recommended condition mentioned above, relating to sustainable drainage and climate change and any others considered necessary relating to the drainage and PROW:

- a) Deed of variation to include the approval of this planning application in the definitions section of the existing S106 Agreement.

b) Conditions relating to the following:

1. Time limit – full permission;
2. Approved plans;
3. Contaminated land identification and remediation strategy;
4. Contaminated land validation report;
5. External facing materials;
6. Structural details of all retaining walls within 4m of a highway boundary;
7. Electric Vehicle charge parking spaces to be detailed;
8. Construction management plan including avoidance measures re habitat/mammal/bird nesting/amphibians;
9. Construction waste audit;
10. Hedgehog highway network measures;
11. Lighting scheme to limit impact on nocturnal species along Bridgewater Canal;
12. Ecological protection strategy;
13. Replacement of Existing hedgerow;
14. Ecological habitat management plan;
15. Soft landscaping plan;
16. Soft landscaping management plan;
17. Hard landscaping;
18. Invasive species method of eradication statement;
19. Invasive species validation report;
20. Bird and bat boxes;
21. Boundary treatment details;
22. Details concerning public right of way diversion including connection to George Gleaves Bridge;
23. Details of visibility splays;
24. Domestic refuse storage details;
25. Ground water flood risk assessment;
26. Suds verification report;
27. Barn owl mitigation strategy;
28. Delph Lane turning head and prohibition of vehicular through traffic details;
29. Bus stop details;
30. Final vehicle tracking;
31. Full engineering details for estate streets;
32. A56 access details; and
33. Removal of GRDO Schedule 2, Part 1, Class F – no fences forward of front elevation.

c) That if the Deed was not made 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.

DEV13 21/00628/FUL - PROPOSED DEVELOPMENT OF A LOCAL DISTRICT CENTRE TO INCLUDE: RETAIL UNITS 1 & 2: DISPLAY OR RETAIL SALE OF GOODS, OTHER THAN HOT FOOD, USE CLASS E(A) AND/OR RESTAURANTS AND CAFES, USE CLASS E(B); RETAIL UNITS 3 & 4: TAKEAWAYS, USE CLASS SUI GENERIS - HOT FOOD TAKEAWAYS; RETAIL UNIT 5: VETERINARY PRACTICE, USE CLASS E(E). ELDERLY LIVING FACILITIES FOR THE OVER 55'S IN THE FORM OF: AN APARTMENT BLOCK PROVIDING 20 NO. ONE BED FLATS AND 24 NO. TWO BED FLATS, AND 5 NO TWO BED BUNGALOWS - ALL USE CLASS C3(A) DWELLING HOUSES; TOGETHER WITH ANCILLARY DEVELOPMENT INCLUDING CYCLE STORES FOR 20 NO CYCLES, AND LANDSCAPING AT LAND BOUNDED BY PITTS HEATH LANE AND OTTERBURN STREET, SANDYMOOR, RUNCORN

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

Committee Members advised that Sandymoor Parish Council had sent a letter directly to them, regarding a query with the emptying of bins for the retail units at the local centre. Planning officers were unaware of this, as they had not been sent the letter. It was commented that a meeting had since been arranged between the Council's Waste Management Team and the Parish Council, regarding their query.

The Committee agreed that the application be approved.

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

1. Time;
2. Approved plans;
3. Site levels;
4. Material details;
5. Affordable housing;
6. Over 55 residency age restriction;
7. Retain bollards on Biggleswade Drive;
8. Road safety audit;
9. Signage and road marking strategy;
10. Travel plan;
11. Car park strategy/management plan;
12. Electric Vehicle Charging;
13. Cycle and motorbike storage;

14. Construction Management Plan – Phasing Plan;
15. Car parking details;
16. Delivery and service plan;
17. Site access gates;
18. CEMP (MEAS requested);
19. Ecology lighting scheme;
20. Bird, bat and invertebrate boxes;
21. Badger and hedgehog RAMs;
22. Site waste management plan;
23. Bin storage;
24. Drainage information;
25. Drainage verification;
26. Noise mitigation;
27. Opening hours of retail units; and
28. Hours of construction.

DEV14 22/00327/FUL - PROPOSED TWO STOREY AND SINGLE STOREY REAR EXTENSIONS AT 6 LOCKETT ROAD, WIDNES, CHESHIRE, WA8 6SL

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


This application was placed in column A of the published AB list and the Committee agreed no further explanation was required, so the application was approved.

RESOLVED: That the application be approved subject to the conditions listed below:

1. Standard 3 year expiry;
2. In accordance with approved plans; and
3. Materials to match existing.

*Meeting ended at 7.35 p.m.*



<b>APPLICATION NO:</b>	22/00101/FUL
<b>LOCATION:</b>	Riverside College, Kingsway, Widnes
<b>PROPOSAL:</b>	The proposal is for the re-fenestration of existing façade to main building, to create engineering workshops and classrooms, plus substation to the west of the site.
<b>WARD:</b>	Central and West Bank
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Riverside College
<b>AGENT:</b>	FCH Architects
<b>DEVELOPMENT PLAN:</b>  Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Mixed Use Area – MUA1 – HC9
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	No representations have been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Suitability of Use, Design and Parking.
<b>RECOMMENDATION:</b>	Approve subject to conditions
<b>SITE MAP</b>	

## 1. APPLICATION SITE

### 1.1 The Site

Riverside College, is located off Kingsway, Widnes, with two additional access points off Milton Road. The site in total is approximately 1.5ha in total, comprising of 5 buildings used for educational purposes offering a wide range of courses from entry level courses to degrees, for both school leavers and adult learners

The site is located within the allocated mixed use areas MUA1 as set out in policy HC9 of the Delivery And Allocations Local Plan.

### 1.2 Planning History

13/00283/DEMOL- (ACC) -Demolition of building  
16/07110/PREAPP- (CLO) -Proposed installation of new perimeter fencing  
21/07126/PREAPP- (CLO) -New build four storey plus roof top plant room engineering block and re cladding / fenestration works  
00/00438/FUL- (PER) -Proposed replacement of disabled access ramp to Library  
01/00692/FUL- (PER) -Proposed renewal of temporary permission for single storey portacabin classrooms  
2/27255/A- ( ) -Proposed non-illuminated identification sign  
94/00337/FUL- (PER) -Installation of satellite dish  
94/00460/FUL- (PER) -Erection of modular style building to create 6 additional classrooms for a temporary period of one year  
95/00091/FUL- (PER) -Proposed new entrance foyer  
95/00220/FUL- (PER) -Application for renewal of planning permission for the erection of portakabin classrooms  
96/00361/ADV- (PER) -Proposed retention of 3 no. illuminated wall signs and 2 No. pole mounted signs (one illuminated)  
98/00089/FUL- (PER) -Renewal of temporary permission (95/00220/FUL) for portacabin classrooms  
13/00217/FUL- (PER) -Proposed single storey link extension between two existing blocks to the west of the site  
13/00331/FUL- (PER) -Proposed re-cladding & upgrade of existing facade  
17/00010/FUL- (PER) -Proposed erection of 2.4 metre high black weldmesh fencing incorporating access gates to the rear of the premises adjacent to Milton Road and Caldwell Road  
22/00101/FUL- (PDE) -Proposed alterations to fenestration of existing façade to main building and four storey extension to main building to

create engineering workshops and classrooms, plus new substation to west of the site

## **2. THE APPLICATION**

### The Proposal

The proposal seeks permission for the re-fenestration of existing façade to main building and an extension, to create engineering workshops and classrooms, plus substation to the west of the site

### Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Re-cladding MEP Report, Phase 1 Desk Study and Preliminary Geoenvironmental Assessment, and Flood Risk Assessment.

## **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 Delivery and Allocations Local Plan (2022)**

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- C2 Parking Standards;
- HC5 Community Facilities and Services;
- HC9 Mixed Use Sites
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development.

### 3.2 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.

#### **MATERIAL CONSIDERATIONS**

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

### 3.3 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.

#### 1.1 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.

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.

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

Paragraph 59 states that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."

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

### 3.4 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.

### 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 persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## 4. CONSULTATIONS SUMMARY

### **Highways and Transportation Development Control**

Highways have noted that the college is located on the periphery of Widnes Town centre in a predominantly residential area. Public transport links are good and the campus is accessible via a number of transport modes.

The present site has parking availability of 97 car parking spaces according to the application. The main entrance to the college on Kingsway has six available parking spaces which are marked for disabled use only, this is an under provision for the college. The application does not propose any additional parking in excess of the existing 97 car parking spaces.

The existing college facility and the proposed extension would require a total accumulation of 205 parking spaces in accordance with policy C2 of the Delivery and Allocations Local Plan. The 97 proposed spaces are 53% shortfall of the total parking requirement which is considered significant. However there is a public car park on Caldwell Road which has provision for 158 spaces however this is not solely for use by the College and is noted to fill up quickly on working days.

Parking issues have persisted for a number of years with staff and pupils using the private Council office car park adjacent to the main building as a result of the short fall in available parking. There are plans to install a barrier on this car park which would likely lead to a displacement of vehicles to other areas. The Highway Authority would like to see a solution to the parking and transport issues in this area. As such it will be necessary to condition the creation of a Travel Plan to be operated by the college. At present few details are considered in regard to the travel choices undertaken by staff and pupils at the campus. There do not appear to be any incentives to making sustainable travel choices. Objectives for the Travel Plan should relate to reducing carbon emissions, reducing congestion and improving staff health and wellbeing through encouraging active travel such as walking and cycling. Targets should be related to the objectives of reducing localised congestion, and reducing the number of staff car commuters by a certain percentage. Targets should reflect the measures being introduced such as an increase cycling by a given percentage. All targets should be 'SMART', which means that they are Specific, Measurable, Achievable, Relevant and Time-bound. The Travel Plan would be monitored every six months for the first twelve months and then one follow up report after twenty four months from completion of the works.

Highways would like to see an arrangement within the Travel Plan where a pick up and drop off area can be created to accommodate this without

the necessity to block the main access, have vehicles backed up into the highway or take away from disabled parking provision.

With regards to cycling provision the college's commitment to providing quality cycle parking is noted and is to be commended upon.

### **Lead Local Flood Authority**

The LLFA agrees that the development is located within flood zone 1 and that flood risk from tidal and fluvial sources would be low.

The FRA states that the site has a low, or very low risk of flooding from surface water. This description does not correspond with the Environment Agency's risk of flooding from surface water mapping which shows that during the 3.33% AEP rainfall event, flooding is predicted to the north of the college site. No consideration is given to how the risk from this source would increase over the lifetime of the development.

The scheme has not yet developed a drainage strategy. However, the FRA states that infiltration would not be viable due to the low permeability of the underlying strata. The LLFA would normally require infiltration testing prior to accepting that soakaway drainage would not be feasible. However, due to the constrained nature of the site it is accepted that infiltration is unlikely to be feasible. As there are no onsite watercourses, the discharge of runoff to public sewers is considered to be acceptable.

The FRA states that sustainable drainage measures would be developed that would reduce the existing runoff rate by 50% through the use of below ground geo-cellular storage. The LLFA welcomes the commitment to reduce runoff rates but requires that evidence is presented to demonstrate that more sustainable drainage solutions such as rainwater harvesting and green roofs are not feasible.

In order to address Policy HE9 of the Delivery and Allocations Local Plan conditions be imposed stating that no development should commence until a surface water drainage strategy is submitted in order to demonstrate that the development would comply with local and national policy regarding flood risk along with a maintenance manage plan for the proposed drainage system.

### **United Utilities**

Confirm the proposals are acceptable in principle to United Utilities.

### **Halton Regeneration manager**

No objections.

### **Contaminated Land**

No response received - - The report suggests further work may be required, however we are awaiting further comments from the Contaminated Land Officer and an update will be provided accordingly.

## **5. REPRESENTATIONS**

The application has been advertised by a site notice and 39 neighbour notification letters sent on the 24th February 2022 . No letters of objection were received.

## **6. ASSESSMENT**

### Principle of Development

The proposal site is located within the MUA01 mixed use area as shown in the Delivery and Allocations Plan, policy HC9 supports development in the mixed use areas providing it enhances the vitality and viability of the area, enhances the character and appearance of the local environment and contributes to the provision of community facilities.

The proposal is for alterations to fenestration of existing façade to main building and four storey extension to main building to create engineering workshops and classrooms, plus new substation to west of the site. This will enhance the character and appearance of the local environment and contributes to enhancing community facilities.

The proposed development is considered to be acceptable in principle and in compliance with Policies GR1, C2, HC5, HC9 and HE9 of the Halton Delivery And Allocations Local Plan.

### Layout

The proposed site will retain the existing three access points, one off Kingsway, two off Milton Avenue and the existing Gate 5 on Caldwell Road will be used for servicing directly into the proposed engineering block.

The layout doesn't alter greatly from that of the existing site as the proposed extension is tucked in between existing buildings.

The development draws on the requirements of GR1 by creating a visually attractive place and layout that is well integrated with the surroundings.



Overall, the layout of the proposed development is considered to be acceptable and compliant with Policies CS(R)18, and GR1 of the Halton Delivery and Allocations Local Plan.

### Scale

The proposed extension would be four storey in height to match that of the existing college building which it will sit adjacent. It is considered acceptable in respect of scale and does not impact on the amenity or character of the surrounding area.

The proposal is considered to be acceptable in terms of scale and compliant with Policy GR1 of the Halton Delivery and Allocations Local Plan.

### Appearance

The applicant has submitted a number of elevation drawings detailing the proposed extension to the college which will be four storeys in height to match that of the existing college building, the extension will form the new engineering block. The proposals demonstrate a good level of high quality design throughout the scheme that is appropriate in appearance to the existing surrounding uses in line with policy GR1. The elevations of the proposed engineering block show that the external materials proposed in its construction will be that of a cladded nature consisting of a Bronze Anodised Cladding fitting this will be carried through into the wider refurbishment the external appearance of the college. This adds interest to the overall external appearance and will create a modern education facility which acts as a landmark on Kingsway, the proposal for the extension and external façade address the criteria of making the most effective use of a site and creating a visually attractive place that is well integrated with the surrounding buildings, streets and landscapes as set out in policy GR1 of the Delivery and Allocations Local Plan.

An element of the application in addition to the extension also seeks to re-clad the façade of the existing college, in a Bronze Anodised Cladding, the bronze cladding will be mainly visible to the fourth floors and the ground floor where there is a wider surface area to the elevations.

The re-cladding is part of the overall high quality design, harmonise with the proposed extension and provide an overall improvement to the appearance of the college, enhancing and reinforcing the landmark building on Kingsway contributing to the overall 'sense of place', the overall refurbishment demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area.

The proposal will deliver high quality design in a complimentary manner regenerating the appearance of the MUA1 mixed use area which lies on a key route within the Borough and complies with Policies CS(R)18 and GR1 of the Halton Delivery and Allocations Local Plan.

#### Highways, Transportation and Accessibility

The college has previous issues in relation to car parking provision on site, the creation of additional teaching space would increase the provision required in accordance with policy C2, it is noted that 205 parking spaces would be required to demonstrate an adequate parking number for the college however only 97 proposed. Therefore the application is not in accordance with policy C2 of the Delivery and Allocations Local Plan. However, in mitigating circumstances it has been put forward that the site is adjacent to a public carpark (Caldwell Road) and located in close proximity to the town centre and sustainable transport opportunities.

In order to satisfy the Highway Officers concerns, the Council would require that 10% of the parking provision is for disabled parking which requires a minimum of ten dedicated disabled spaces in accessible and convenient locations close to access points within the campus details of such are required along with EV charge parking spaces, a School Travel plan and dedicated travel plan officer to oversee the plan and whilst concerns have been raised regarding a dedicated pick up and drop off point on planning balance we are satisfied that the colleges existing arrangements and layout can provide an opportunity for drop off and deliveries can be undertaken separately through the proposal via Caldwell Road as identified in the Design and Access Statement. Given that the mitigating factors mentioned in relation to highways a refusal on this ground could not be sustained on highways terms.

These elements can be covered through the following conditions:

*1. Development shall be occupied until a detailed car parking layout has been approved by the Council, demonstrating the provision for Electric Charging spaces and a 10% requirement for disabled parking provision, which requires a minimum of ten dedicated disabled spaces in accessible and convenient locations close to access points within the campus*

*Reason: In accordance will policy C2 of the Delivery and Allocations Local Plan*

*2. No development shall take place before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented upon commencement of the development hereby approved and in line with provisions and timescales set out within the Travel Plan.*

*Reason: In accordance with policy CS(R)15 Sustainable Transport of the Delivery and Allocations Local Plan*

### Flood Risk and Drainage

The development proposal has been assessed by the Lead Local Flood Authority (LLFA). The LLFA have determined that the site as the development would be located within flood zone 1 the proposed development would be appropriate in terms of flood risk.

Planning policy requires that applications are supported by a drainage strategy that demonstrates how surface water and foul drainage would be managed in order to ensure that the proposed development is safe from flooding and would not increase the risk of flooding elsewhere. Further to this Sustainable drainage (SuDS) should be used unless it would not be feasible. To ensure the Applicant follows the drainage hierarchy the LLFA have recommended a set of drainage conditions to satisfy the requirements of planning policy.

Conditions:

*1. No development should commence until a surface water drainage strategy is submitted to demonstrate that the development would comply with local and national policy regarding flood risk. This should include:*

- Drainage strategy drawing identifying the location and dimensions of drainage any runs and the discharge location.*
- A Brief report or technical note to demonstrate compliance with local and national planning policy regarding surface water drainage including:  
Consideration of sustainable drainage (SuDS) solutions with clear evidence that the SuDS hierarchy for surface water disposal has been considered and an explanation for the approach proposed.*
- Evidence that the site would be safe from surface water flooding throughout its lifetime and has considered a 40% increase in rainfall intensity as a result of climate change.*
- Evidence should be presented to demonstrate that the development would not increase surface water runoff from the site, and would reduce runoff by 50% if feasible.*
- An assessment of the potential of the new development to adversely impact water quality and details of any mitigation if required.*
- A maintenance manage plan for the proposed drainage system.*

*Reason: In accordance with policy HE9 of the Delivery and Allocations Local Plan*

2. *No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice has been submitted to and approved by the local planning authority This should include:*

- *Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.*
- *An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*
- *Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.*

*Reason: In accordance with policy HE9 of the Delivery and Allocations Local Plan*

#### Ground Contamination

The application is supported by a detailed Phase 1 Desk Study and Preliminary Geo-environmental Assessment.

The report suggests further work may be required, however we are awaiting further comments from the Contaminated Land Officer and an update will be provided accordingly.

#### Sustainable Development and Climate Change

Policy CS(R)19 of the Halton Delivery and Allocations Local Plan requires development to be designed to have regard to the predicted effects of climate change.

The attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

#### Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. 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. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

### Planning Balance

Whilst there is an element of non-compliance detailed in the highways section in relation to car parking provision and compliance with policy C2 of the Delivery and Allocations Local Plan, the overall planning balance needs to be taken into consideration.

Based on the above assessment subject to conditions proposed to be issued with a planning approval, the proposed development would be a high quality development that enhances the character and appearance of the local environment, contributing to the provision of local facilities for the community and enhancing an existing educational facility to meet the needs of the Borough.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

## **7. CONCLUSIONS**

In conclusion the proposal would enhance an existing educational facility within the Borough, in accordance with the Delivery and Allocations Local Plan.

The development would have a positive impact on the Widnes Civic Quarter mixed use area through the promotion of a well-designed attractive building, improving the aesthetics through the recladding and retaining a community/educational facility on the site.

## **8. RECOMMENDATION**

It is recommended that the application be granted subject to planning conditions.

## **9. CONDITIONS**

1. Time limit – Full permission.
2. Approved plans.
3. Implementation of external facing materials (Policies CS(R)18 and GR1)
4. Electric Vehicle Charging Points Scheme (Policy C2)
5. Parking and Servicing Provision – (Policies C1 and C2)
6. Cycle parking details – (Policy C2)
7. Car Park Management Plan (Policy C2)
8. Implementation of Cycle Parking Scheme – (Policy C2)
9. Travel Plan – (Policy CS(R) 15 and C1)
10. Drainage Strategy – (Policies CS23 and HE9)
11. Site Waste management Plan/ Waste Audit (WM8)
12. Sustainable Development and Climate Change Scheme – (Policy CS(R) 19).

### Informatives

- a.1. Considerate Constructors 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.


## **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.

<b>APPLICATION NO:</b>	22/00130/FUL
<b>LOCATION:</b>	Land at 81 High Street Runcorn Cheshire. The site is located to the south of High street, Runcorn. It is approximately 0.25ha or previously developed land. The site comprises soft landscaping, some hard standing and a vacant former commercial building.
<b>PROPOSAL:</b>	<p>The proposal is for the demolition of an existing building and the erection of up to 66 independent living apartments with ancillary support services and communal facilities, together with associated landscaping amenity spaces and car parking.</p> <p>The units would be 100% affordable comprising 32 X 1 bed apartments and 34 X 2 bed apartments</p>
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Anwyl Partnership.
<b>AGENT:</b>	
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Delivery and Allocations Local Plan (2022)	Residential Allocation – R69.
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	Representations from 4 contributors have been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Suitability of Use, Design, Impact on Amenity, Parking and Ecology.
<b>RECOMMENDATION:</b>	That Delegated Authority is sought for the Operational Director – Planning, Policy and Transportation to determine the application in consultation with the Chair following the

	satisfactory consideration of ecology issues including the adding of any additional conditions required.
<b>SITE MAP</b>	

## 1. APPLICATION SITE

### 1.1 The Site

Land at 81 High Street Runcorn Cheshire is located to the south of High Street, Runcorn. It is approximately 0.25ha of previously developed land. The site comprises soft landscaping, some hard standing and a vacant commercial building. There is existing vehicular access off the High Street.

Located to the east of the site is the Chambers Public House with the Bridgewater Canal to the south and the A533 beyond.

The site is located just outside/abutting the Runcorn Old Town boundary which is a designated District Centre in the Halton Delivery and Allocations Local Plan.

### 1.2 Planning History

**98/00147/ALTDIS- (S32)** -Formation of steps and ramp.

**02/11195/A- (PER)** -Illuminated fascia box sign – Granted

**02/18073/A- (PER)** -Double sided illuminated sign – Granted

**02/26256/A- (PER)** -Illuminated projecting sign and fascia signs – Granted

**02/4572/A- (PER)** -Illuminated sign – Granted



**07/00072/FUL- (PER)** -Proposed demolition and redevelopment of existing buildings to form mixed use development comprising 359 sq.m. of commercial space (A1, A2 and B1 Use Classes) together with 77 No. one and two bed apartments with residential car parking and landscaping – Granted

**10/00316/S73- (WDN)** -S73 application to vary condition No.2 of planning permission 07/00072/FUL to extend the permission expiration for a further 3 years at – Withdrawn

**14/00252/ADV- (PER)** -Application for advertising consent for 1 no. illuminated fascia sign and 1 no. illuminated projecting sign – Granted

## **2. THE APPLICATION**

### The Proposal

The proposal seeks Full planning application for the demolition of an existing building and the erection of up to 66 independent living apartments with ancillary support services and communal facilities, together with associated landscaping, amenity space and car parking.

The scheme would comprise of 100% affordable apartments of which there would be 32 X 1 bed apartments and 34 X 2 bed apartments.

### Documentation

The application is accompanied by the associated plans in addition to a Waste Management Plan, Air Quality Screening Report, Arboriculture Assessment, .Design and Access Statement, Drainage Strategy, Ecological Impact Assessment, Flood Risk Assessment, Heritage and Archaeological Desk Based Assessment, Phase 1 & 2 Geo-Environmental Assessment, Older Person Housing Need Assessment, Planning Statement, Statement of Community Involvement, Transport Statement and Travel 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 Delivery and Allocations Local Plan (2022)**

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy
- CS(R)3 Housing Supply and Locational Priorities
- CS(R)12 Housing Mix and Specialist Housing;
- CS(R)13 Affordable Homes;
- 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;
- CS23 Managing Pollution and Risk;
- RD1 Residential Development Allocations
- RD4 Greenspace Provision for Residential Development
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC5 Community Facilities and Services;
- HE1 Natural Environment and Nature Conservation;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

### **3.2 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.

## **MATERIAL CONSIDERATIONS**

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

### 3.3 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.

#### 1.1 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.

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.

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

Paragraph 59 states that “to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

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

### 3.4 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.

### 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 persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS SUMMARY**

### **Highways and Transportation Development Control**

No objections subject to conditions relating to a Car Park Management Plan (CPMP) and a comprehensive site specific Demolition and Construction Phase Management Plan.

### **Lead Local Flood Authority**

Greenfield and brownfield runoff rates have been estimated for a range of storm events.

It is proposed that discharge rates would be restricted to 5l/s which represents a decrease in runoff of rates of more than 50% during the 1% AEP storm event. Assuming that infiltration drainage is ruled out following infiltration testing or the identification of high groundwater levels, the proposed discharge rate is considered to be acceptable.

Infiltration testing has not been undertaken as requested within the pre-application advice provided by the LLFA.

The strategy assesses a range of SuDS measures for use within the site. Green roofs are excluded on the basis that plant equipment is required within the apartment building. This reason does not appear to be valid. The extensive flat roof proposed could potentially be made into a green roof which would offer multiple benefits to the amenity value of the development and to the control of water quality and quantity of site runoff. Further explanation is required for excluding this flow control measure.

- Rainwater harvesting is also excluded on the basis of the limited water usage within the development. The LLFA does not accept that a development with 66 residential dwellings would not be able to utilise water harvested from the roof and requires that further justification is provided before this option is discounted.

- Calculations presented identify that whilst no flooding would occur at the surface during the 3.33% AEP rainfall event, flooding would occur during the 1% AEP + 40% rainfall event. As the 3.33% AEP event with an uplift for climate change has not been assessed, it is unclear whether the proposed system would have capacity to avoid flooding during a 3.3% AEP storm once the effects of climate change have been realised.

- A maintenance management plan has been presented identifying that a management company would be responsible for maintenance and identifies routine activities.

The LLFA notes that the development generally has a low risk of flooding and that a viable surface water management strategy has been identified. However, the assessment of canal flood risk is high level and consultation with the canal operator has not been undertaken as specifically requested within pre-application advice. It is also unclear whether the canal operator would have any objections to the construction of the development immediately adjacent to the canal.

In addition to the concerns regarding the risk of canal flooding, the LLFA notes that more sustainable surface water management options appear to have been dismissed without detailed consideration. This approach is not in accordance with Policy HE9 of the recently adopted Local Plan which requires developers to demonstrate that the most sustainable drainage option would be adopted.

on the lack of information regarding flood risk and the application of the SuDS Hierarchy, the LLFA would object the development as proposed. In order to rectify this the LLFA have recommended that the applicant undertake an addendum to the Flood Risk Assessment to address the residual flood risk from the canal, including access and egress for residents and management of the flood risk should something happen to

the canal. Member will be update on the submission of this additional information.

**United Utilities**

UU raised concerns over the lack of evidence surrounding the drainage hierarchy to accompany the submission, therefore the proposal not being in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Additional information has been supplied to UU and an update will be supplied to Members.

**Merseyside Environmental Advisory Service – Ecology and Waste Advisor**

MEAS have advised that there are no pathways that could result in likely significant effects on the national and international sites and that a HRA is not required.

MEAS requested that the details of the surveyors who undertook the Ecology Study be provided prior to determination of the planning application, these have now been provided and the Council are satisfied that this request has been addressed.

During the PEA, gaps were noted on the remaining building which were considered to provide moderate potential for roosting bats. As recommended by the applicant's ecological consultant, an emergence and re-entry bat survey was required prior to determination, this has now been provided and found to be acceptable by MEAS. Bats are protected species and Local Plan policy CS(R)20 applies. Protected Species are a material consideration. The survey and report are essential to determine if bats are present.

In order to address concerns over the loss of built features or vegetation on site that may provide nesting opportunities for breeding birds, MEAS have requested conditions to mitigate this issue.

The applicant has previously undertaken remediation works to deal with the presence of Japanese Knot Weed on the site; MEAS request that a prior to commencement condition is imposed to address this issues.

**Natural England**

No objections received.

**Cheshire Police**

No objection received and the recommendation is that design is in conformity with the principles of secured by design.

**Peel**

In respect to these submitted proposals, BCCL does not object to the principle of this development. However, having reviewed the accompanying plans and drawings our Canal Engineers have raised the following observations and significant concerns which should be considered as material when the LPA are reviewing these proposals.

1. The development, albeit not clear on the submitted plans, includes the construction of a substantial retaining feature directly adjacent to the towpath, within close proximity to our waterway. No details have been provided to indicate the formation of this feature and what protection measures will be incorporated during, and post the works, to ensure the Canal is not impacted as a result of these proposals. We would expect detailed evidence be provided in support of the new retaining feature, this information being submitted to the BCCL Canal Engineers to allow them to fully determine, in their own opinion, whether there is any impact on our waterway. It will be at the absolute discretion of the Canal Engineers as to whether there is or isn't an impact.

2. Any piling works within the proximity of the Canal will need to be reviewed and then monitored by the BCCL Canal Engineers to ensure the resulting vibrations do not damage our Canal Wall.

3. Due to the proximity of the development to the Canal and the likelihood large plant and machinery will be operating up to our ownership boundary, we request the applicant provides details of their safe working practices and techniques, which again confirm that the Canal will not be adversely impacted throughout these works. These should include limits on where large machinery will be located, including load calculations if applicable, as well as details of how our Canal will be protected from debris entering our waterway.

4. It is noted that the proposals include an amended pedestrian access on to the Canal towpath. As with matter 1.

BCCL Canal Engineers must be provided detailed designs to support these proposals – including calculations to confirm there will be no increased loading on the Canal Wall during and as a result of these works. The use of any new access will also require formal approval from the BCCL, its operation being formalised by way of a commercial licence agreement between the landowner and Canal Company.

5. The recently adopted Local Plan for Halton (2nd March 2022) confirms and reiterates the important role the Bridgewater Canal plays in the Borough; the Bridgewater Way being seen as key in relation to walking and

2 cycling opportunities. BCCL supports and welcomes the use of its towpaths by Pedestrians and Cyclists alike, but in doing so ask that developments which benefit from their proximity to this unique opportunity contribute financially, though S106 or other means, towards the improvement of this recreational asset.

In consideration of the above, BCCL issued a HOLDING OBJECTION to the proposal, until provided and afforded the opportunity to review the above-mentioned detailed information. BCCL reserves the right to make further submissions. It was confirmed additional information supplied to BCCL has now provided a response from the that in principle the proposal is acceptable on the proviso that Anwyl undertake all BCCL costs for consultant engineers to review the pile design and site supervision/monitoring during the installation of the piles. Anwyl agree to all BCCL standard costs for permitting the restriction of the towpath and it should be noted, that should this section be a PRoW, ANWYL will be responsible for any application for permissions from the council (any costs for this are additional to BCCL at costs).

### **Open Spaces**

No objections received

### **Archaeology**

The application sits within the area of archaeological potential as defined in the Cheshire Historic Towns Survey, which is based on research conducted during the 1990s and forms part of the Cheshire Historic Environment Record.

The application is supported by various documents, one of these is the Heritage and Archaeological Desk Based Assessment which outlines the historic and archaeological background of the site.

The submitted supporting documents along with the information held on the Cheshire Historic Environment Record, it is clear that while the DBA does not suggest the potential for archaeological remains, there does appear to be some structures seen on the mapping which would suggest some archaeological deposits are likely to be present on the site. On the first edition OS Map of the area, there are several structures located within the proposed development area, these structures are still visible on the RAF aerial images, and while the building seen on the later mapping and on the 1983 aerial images will have likely destroyed much of the remains of these structures, there are small pockets of undeveloped areas which are likely to have below ground remains relating to these structures.

During the proposed development, it is likely that the work will disturb the remains of the first edition OS map structures and therefore a programme of archaeological observation should be undertaken in order to identify and record any below ground remains of these structures. This programme of archaeological observation should take the form of a developer funded watching brief during key stages of the development.



These key stages include; the initial top soil clearance of the site, excavations for foundations, excavations for services. This work may be secured by condition.

### **Halton Regeneration manager**

No objections, it was noted that Regeneration support this application for what is a key site on the High Street. The majority of the site has been vacant for many years and this development would bring life back to this site. The proposals form part of one of the seven Runcorn Towns Fund projects and the use is important to the town centre as the additional residents will help support the current retail and services located within the town centre.

### **Contaminated Land**

The Contaminated Land Officer does not object to the proposal but has noted that as part of the risk assessment the reports assume that the site will not have any areas of soft landscaping/gardens, with hardcover breaking any potential pollutant linkage , i.e. there will not be a viable route to exposure to the contaminated soil. However, this is not the case, and therefore the risk assessment needs to be re-visited and either the contaminant concentrations need to be shown to not be significant through appropriate risk assessment or a remedial strategy needs to be developed.

The required amendments to the contaminated land risk assessment need to be submitted and agreed, however this can be conditioned through providing a revised risk assessment and supporting remedial strategy, along with verification reporting upon completion of such remedial activities.

### **HSE**

The HSE response was that they “Do Not Advise Against”, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **5. REPRESENTATIONS**

The application has been advertised via the following methods: site notices posted near to the site, press notice and Council website. 133 Surrounding neighbouring properties have been notified by letter. Four objections were received 3 from residents and one from the Runcorn Development Heritage Trust. The comments received are summarised below:

- Loss of characterful buildings
- Loss of street scene

- Layout – orientation of gardens on the site
- Over development of the site
- Retaining feature canal side, could impact the waterway
- Piling works proximity could damage the canal wall
- Plant and machinery workings close to Peel ownership boundary
- Increased loading on the canal wall
- Air quality and noise issues
- Increase impact on traffic
- Heritage Assessment methodology concerns
- The demolition of a non-designated heritage asset
- Parking courtyard having a negative impact on the character of the area
- The rear elevation not responding to the [pedestrian nature of the canal towpath.

## 6. ASSESSMENT

### Principle of Development

The site is allocated for residential use as R69 (policy RD1) in the Halton Delivery and Allocations Local Plan. The policy is intended to assist in the delivery of residential opportunities ranging in type, scale and distribution to cater for differing sections of the housing market.

The proposal would seek to deliver 66, 100% affordable apartments to cater for the 55+ housing market.

The proposed development is considered to be acceptable in principle in compliance with Policies CS(R)12, CS(R)13, GR1, C1 and C2 of the Halton Delivery and Allocations Local Plan.

### Highways, Transportation and Accessibility

The site is located in the town centre, with accessibility to the services and amenities of the centre of Runcorn, including the railway station and bus interchange as well as pedestrian facilities such as the Bridgewater Way and the local parking provision, will provide residency for those +55 years old (which will be a condition applied to the granting of permission) and offer sheltered accommodation services to provide for the needs of elderly residents with mobility and/or disability issues in an ageing population.

With regards to Policy C2: Parking Provision the scheme proposes 28 car parking spaces, given the aforementioned favourably accessible location, for all modes, and stipulated demographic of the residents, as well as the additional application of a Car Park Management Plan condition, to manage the demand and supply of the on-site parking provision, the

amount of parking offered, for all modes, is considered appropriate and in accordance with Policy C2 of the Delivery and Allocations Local Plan.

#### Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Drainage Strategy in accordance with policy HE9 of the Delivery and Allocations Local Plan. The LLFA, have worked with the applicant to address the flood risk issue from the Canal and additional work in the form of an addendum to the FRA is being produced by the applicant, which Members will be updated on. This details of residual flood risk from the canal, including access and egress for residents and management of the flood risk should something happen to the canal.

#### Ground Contamination

The application is supported by a detailed Phase 1 and Phase 2 Geo-Environmental Assessment Report. However, further amendments to the contaminated land risk assessment need to be submitted and agreed, by the applicant supplying a revised risk assessment and supporting remedial strategy, along with verification reporting upon completion of such remedial activities. This information which can be supplied as part of a condition in order to satisfy the requirements of policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

#### Ecology

The proposal is considered acceptable from an Ecology perspective compliant with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan as set out.

#### Historic Environment

The applicant has submitted a Heritage and Archaeological Desk Based Assessment in line with HE2 of the DALP. While the site is not a designated heritage asset or within a conservation area the site is in close proximity to two heritage assets including 58 High Street a Grade II located opposite the site and Bank House, High Street adjacent to the site.

The Heritage and Archaeological Desk Based Assessment concludes that the site does not contribute to the significance of the heritage assets and whilst the proposal will be visible to and from the assets the visibility does not amount to any harm to their significance nor does the site contribute to their significance. Overall the site will enhance the area by developing a vacant overgrown site on a key site within the area.

In relation to the potential archaeological issues on the site, CWAC have noted that the proposed development works are likely to disturb the remains of the first edition OS map structures. Therefore, a programme of archaeological observation should be undertaken in order to identify and record any below ground remains of these structures. This programme of archaeological observation should take the form of a developer funded watching brief during key stages of the development. These key stages include; the initial top soil clearance of the site, excavations for foundations, excavations for services this would be required in order to satisfy the requirements of policy HE2 of the DALP. However, this work may be secured by condition.

The following condition has been recommended:

*“No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.*

*Reason: In accordance with Policy HE2 of the Halton Delivery and Allocations Local Plan”*

### Layout

The proposed site will retain and improve access via High Street, as well as the permeability through the site lining Runcorn High Street and the existing tow path along the Bridgewater Canal.

The layout strengthens the street frontage along the High Street, creating a focal point with Devonshire Place.

The outward facing development draws on the requirements of policy HE3 and GR1 by creating a visually attractive place and layout that is well integrated with the surroundings, this is evident through the development having an outward facing element towards the Bridgewater Canal.

Overall, the layout of the proposed development is considered to be acceptable and compliant with Policies CS(R)18, HE3 and GR1 of the Halton Delivery and Allocations Local Plan.

### Scale

The proposed building would be five storey in height and larger than those adjacent, however it is considered acceptable in respect of scale and would provide residential opportunities to meet the residential needs of the

Borough. The proposal is considered to be acceptable in terms of scale and compliant with Policy GR1 of the Halton Delivery and Allocations Local Plan.

#### Appearance

The elevations show that buildings proposed would be of an appropriate appearance with variety in materials to add interest to the overall external appearance. Some detail on the external facing materials to be used is provided which is considered acceptable in principle. However, the submission of precise details should be secured by condition along with implementation in accordance with the approved details. This would ensure compliance with Policies CS(R)18 and GR1 of the Halton Delivery and Allocations Local Plan.

#### Trees and Landscaping

There is limited space on site, however it is considered that there is some potential and it is appropriate to attach a landscaping condition to ensure appropriate planting on the site.

This would ensure compliance with Policies GR1 and HE5 of the Halton Delivery and Allocations Local Plan.

#### Sustainable Development and Climate Change

Policy CS(R)19 of the Halton Delivery and Allocations Local Plan requires development to be designed to have regard to the predicted effects of climate change.

The attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

#### Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. 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 and in the Design and Access Statement. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

#### Public Safety

The site is located within the consultation distance of at least one major hazard site and/or major accident hazard pipeline. The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Therefore the development meets the criteria of policy CS23 in relation to risk.

#### Issues raised in the representations not addressed above

Concerns have been raised that the methodology in relation to the Heritage Assessment was outdated, this did not raise any concerns with the CWAC Heritage Consultants appointed on behalf of Halton Council and the Council are satisfied that the information supplied by the applicant has been undertaken accurately and professionally.

#### Planning Balance

Based on the above assessment subject to the satisfactory resolution of the drainage issues, the proposed development would bring a vacant site back into use in a sustainable location. It would also provide a greatly needed source of affordable housing for the area.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

## **7. CONCLUSIONS**

In conclusion, the proposal would result in the development of a vacant site for affordable residential purposes in accordance with the Delivery and Allocations Local Plan.

The development would have a positive impact on the area and the waterfront locations along the Bridgewater Canal.

The proposal is considered acceptable from a highway perspective making appropriate provision for parking whilst also showing commitment to sustainable travel.

The proposed site layout is considered to provide active frontages onto the High Street, Devonshire Place and the Bridgewater Canal towpath resulting in the delivery of a well-designed attractive building. The application is recommended for approval subject to conditions.

## **8. RECOMMENDATION**

It is recommended that the application be granted subject to planning conditions.

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Restriction on Use.
4. Implementation of External Facing Materials (Policies CS(R)18 and GR1)
5. Submission of Landscaping Scheme and subsequent maintenance (Policy GR1)
6. Japanese Knot Weed Method Statement
7. Revised risk assessment and supporting remedial strategy, along with verification reporting upon completion of such remedial activities (HE8)
8. Electric Vehicle Charging Points Scheme (Policy C2)
9. Parking and Servicing Provision – (Policies C1 and C2)
10. Car Park Management Plan (Policy C2)
11. Off Site Highway Works – (Policy C1)
12. Implementation of Cycle Parking Scheme – (Policy C2)
13. Implementation of Drainage Strategy – (Policies CS23 and HE9)
14. Programme of Archaeological work (Policy HE2)
15. Sustainable Development and Climate Change Scheme – (Policy CS(R)19)
16. On Site Waste Management Scheme – Policy WM9)

### Informatives

- a.1. Considerate Constructors Informative.
- a.2. Cheshire Police Informative.
- a.3. Landscaping 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

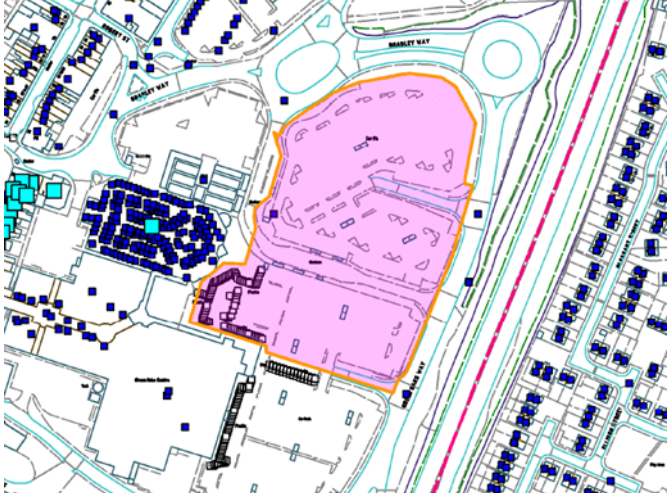
## **11. SUSTAINABILITY STATEMENT**

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.



<b>APPLICATION NO:</b>	22/00284/FUL and 22/00285/ADV
<b>LOCATION:</b>	Green Oaks Centre, Green Oaks Way, Widnes
<b>PROPOSAL:</b>	<p>22/00284/FUL - Retrospective application for planning consent for the installation of a car park management system on existing car park comprising 4 no. pole mounted automatic number plate recognition (ANPR) cameras and 6 no. park and display machines</p> <p>22/00285/ADV - Application for advertising consent for the installation of 74 no. pole mounted non illuminated signs for car park management system on existing car park.</p>
<b>WARD:</b>	Appleton
<b>PARISH:</b>	None
<b>AGENT(S)/APPLICANT(S):</b>	Savills (UK) Limited
<b>DEVELOPMENT PLAN:</b>	<p>National Planning Policy Framework (2021)</p> <p>Delivery and Allocations Local Plan ('DALP') (March 2022).</p> <p>Unallocated – Within Widnes Town Centre Inset</p>
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	35 letters of objection
<b>KEY ISSUES:</b>	Visual amenity, privacy, Highway safety, impact on local economy, equality
<b>RECOMMENDATION:</b>	Approve subject to conditions
<b>SITE MAP:</b>	 <p>The site map shows a large pink-shaded area representing the Green Oaks Centre, outlined in orange. It is situated on Green Oaks Way, adjacent to a railway line and other residential or commercial buildings. The map includes street names like 'HARLEY WAY' and 'GREEN OAKS WAY'.</p>

## 1. APPLICATION SITE

### 1.1 The Site

Part of car park attached to Green Oaks Shopping Centre, Green Oaks Way/ Bradley Way, Widnes.

### 1.2 Planning History and Background

- None Relevant.

## 2. THE APPLICATION

### 2.1 The Proposal

Both applications relate to the same site. Application 22/00284/FUL relates to the installation of a car park management system comprising 4 no. pole mounted automatic number plate recognition (ANPR) cameras and 6 no. park and display machines. Application 22/00285/ADV relates to the installation of 74 no. pole mounted non illuminated signs for the car park management system on an existing car park

The 'FUL' application is retrospective, meaning that development has already taken place. With respect to the application for advertisement consent these are also in place and the application as originally submitted was described as being "retrospective". However, an advertisement consent cannot retrospectively authorise an advertisement and therefore , 22/00285/ADV is being treated as a standard application and the reference to "retrospective" has been deleted from the description.

Members are reminded that national planning guidance advises that "*a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (section 73A of the Town and Country Planning Act 1990) without delay. It is important to note that:*

- *although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*"

### 2.2 Documentation

The applications are supported by the completed application forms, certificates, related plans and drawings and cover letter.

### **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.

#### **3.1 Halton Delivery and Allocations Local Plan (DALP) (2022)**

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)18 High Quality Design;
- CS23 Managing Pollution and Risk;
- CS(N)26 Unallocated Land in Urban Areas;
- HC4 Shop Fronts, Signage and Advertising;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

#### **3.2 Supplementary Planning Documents**

- Shop Fronts, Signage & Advertising (2005)

### **MATERIAL CONSIDERATIONS**

A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

There is no statutory definition of a 'material consideration' and whether a particular consideration is material is ultimately a decision of the courts. The courts have, however, adopted a broad interpretation and established the principle that "any consideration which relates to the use and development of land is capable of being a planning consideration. That said, the Supreme Court has ruled that the considerations must serve a planning purpose and not an ulterior motive, they must fairly and reasonably relate to the development permitted and they must not be so unreasonable that no reasonable planning authority could have imposed them. A planning purpose is one that relates to the character and use of land. In general, they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. The weight to be attributed to a consideration is a matter for the local planning authority / the committee.

### 3.3 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.

### 3.4 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.

### 3.5 Other Considerations – Human rights

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.

## 4. CONSULTATIONS

4.1 The application has been advertised by site notices posted near to the site and adjoining businesses have also been notified by letter.

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

- **Environment Agency**  
No Comments Received

Council Services:

- **HBC Highways and Transport**  
No objection
- **HBC Contaminated Land**  
No objection
- **HBC Major Projects**  
No comments to make on this application
- **HBC Property**  
No comments received at time of report

**5. REPRESENTATIONS**

At the time of writing the report, 27 letters of objection have been registered in relation to application 22/00284/FUL and 7 letters of objection registered in relation to application 22/00285/ADV raising the following concerns:

- Loss of free parking
- Potential increases to charges
- Discourage visitors/ customers and impact on businesses/ economy
- Boundaries incorrectly marked, include Morrison's land
- Carpark is not anti-social and cameras not required
- Restricted/ reduced access to disabled parking bays
- Pay stations incorrect height, key pads small and too far for disabled users
- Signs are confusing
- Private enterprise using personal data
- That the equipment was installed and fines taken prior to application
- Whether fines issued to date are lawful

A letter of objection has also been received from Cllr Eddie Jones and Cllr Angela Teeling stating that this would be of detriment to the wellbeing and health of the local business community and residents. A more detailed letter of objection has been submitted on behalf of both Cllr Eddie Jones and Cllr Angela Teeling raising the following issues:

- That free parking "is a big draw for shoppers"
- Indirect discrimination by charging people who qualify to park in disabled parking bays
- Detrimental impact on Widnes market and town centre
- This and subsequent time limits on other car parks results in decreased footfall and is causing shops to close in an already struggling town

centre. This is to the detriment of businesses, employees, customers, neighbours, local residents and the community generally and people who work in the area are now required to pay to park all day.

- Traffic generation and displacement to residential streets and impacts on pedestrian safety
- That a retail unit has also been set up posing risk to market and retail units
- That consent for advertisements cannot be applied retrospectively
- That profits are being made from unlawful conduct
- That the signs should be removed/ covered up and the parking system cease

A full copy of that letter is attached to this report.

## **6. ASSESSMENT**

### **6.1 Background**

The principle planning consideration for these proposals are the scale and design of the proposed infrastructure and signage. Whilst concerns have been raised regarding displacement of parking related to the introduction of a maximum stay period on the Car Park it is important to note that planning permission is not required for the owners of the land to introduce a maximum stay period or car parking charges. As the land is owned privately it is at their discretion as to how the parking is managed on their Car Park and the Council cannot intervene regarding this.

### **6.2 Principle of Development**

The site is identified as Unallocated Land in an Urban Area but within the boundaries of the Widnes Town Centre on the Delivery and Allocations Local Plan Policies Map

Policy CS(N)26 provides that:

“On land not coloured on the policies map which is currently in urban use, it is assumed that present uses will continue as this land is not subject to any site specific policies which propose a change of use. Any proposals for changes of use will be judged in accordance with the relevant policies of the Plan.”

The starting point in the consideration of Policy CS(N)26 is to establish the pre-existing use of the land. In this case, at the time Policy CS(N)26 was drafted, the land was in use as a car park linked to the adjoining retail centre. It is then necessary to establish whether or not the proposed development constitutes a change of this use. In this case the proposal

relates to development in direct association with the operation of the same use and does not constitute a change of use of the site. In which case the second part of the policy which relates to changes of use is not applicable.

As such the proposal complies with the overarching development plan designation and its related Policy CS(N)26 of the Halton DALP. Further assessment below is based on the related detailed policies of the development plan related to scale and design, advertising and other matters.

### 6.3 Scale and Design

The proposed 4 no. pole mounted automatic number plate recognition (ANPR) cameras are pole mounted at a height of circa 4.23m. The scheme also includes 6 no. park and display machines.

There have been no objections based on the appearance of the cameras and poles or park and display machines, which are not dissimilar to the existing lampposts and other street furniture within the town centre. It is considered that in terms of design and appearance the proposed ANPR cameras, associated structures and pay machines do not result in harmful impact on the visual amenity of the area. No conflict with current local or national policy has been identified and it is not considered that refusal of planning permission could be sustained on these grounds.

### 6.4 Advertising

The advertisements are all located within the boundary of the existing car park. The advertisements requiring deemed consent are assessed under the terms of Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended. The Local Planning Authority can only assess applications for advertisements on the basis of their impact on amenity and public safety. DALP Policy HC4 and Shop Fronts, Signage and Advertising SPD are also for consideration.

Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

When considering amenity, the local planning authority needs to consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority needs to consider whether it is in scale and in keeping with these features.

This might mean that a large poster-boarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

The Council's highway engineer has confirmed that they raise no objection and therefore that there is no threat to highway safety resulting from the location and form of the signs and given there are no other resulting transportation assessment requirements, it is considered that the advertisements are acceptable. Whilst there are numerous signs and other infrastructure it is not considered that any argument could be sustained that the proposals result in visual clutter to justify refusal.

In this situation it is considered that the advertisements are appropriate in scale and location to the area in which they are situated and are acceptable.

#### 6.5 Contaminated Land

The application site does have a historical connection to contaminative industries and was subject to remediation during the redevelopment and construction of the current retail site. The main thrust of the remediation was to encapsulate the most significantly contaminated material within the site and under cover of the development platform and hardcover of the car parking areas.

The current application does not make clear how deep any excavations are, for supporting the camera post for example, and there is no mention of the management of potentially contaminated arisings from such excavations.

Some information would normally be required regarding the interaction of the development and the remedial scheme as well as details of management of the potentially contaminated material. However, given that any excavations/breaking of the surface cover have been made good, the Council's Contaminated Land Officer has advised that it is unlikely that there is any ongoing risk to site users or the wider environment. Furthermore, there is other legislation that will have been in place to control risk during the works, e.g. that covering health and safety and waste management. On that basis no objection is raised.



## 6.6 Other Matters

One representation has been received referring to the use of the ANPR cameras in terms of their impact on privacy and how the information collected is used.

The Council understand that the purpose of the ANPR cameras is to capture vehicle registration numbers for the purpose of civil parking enforcement. Whilst such information may amount to personal data, its processing is permitted provided that the legal requirements set out in the UK General Data Protection Regulation and the Data Protection Act 2018 are complied with. These requirements include retaining the information only for as long as necessary. It is for the applicant to ensure compliance with this legislation and any breaches would be dealt with by the Information Commissioner or, in certain circumstances, the Crown Prosecution Service (“the CPS”).

Objections have been received regarding the charging for car parking and the impact on the town centre. Members are reminded that the amount of charge is not a material consideration nor is it within the control of the Planning Authority. The physical infrastructure is not and not likely to lead to an adverse impact on the town centre that would justify refusal of the applications.

Objections have been raised that the scheme is discriminatory in terms of the need for disabled users to pay and the design and location of the ticket machines. Government guidance in the form of Inclusive mobility: a guide to best practice on access to pedestrian and transport infrastructure provides guidance in this respect. This does not preclude blue badge holders from requirement to pay, the ticket machines are considered to be reasonably located adjoining disabled parking pays and the payment machines, based on officer assessment, appear to meet the relevant guidance.

## 6.7 SUMMARY AND CONCLUSIONS

In conclusion, the proposal for the ANPR cameras and poles are considered appropriate in terms of their design and appearance, which is appropriate to their surroundings. As such the application for retrospective permission for their retention is acceptable in accordance with the development plan. The proposal for advertisement has been appropriately assessed under Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended and no harmful public safety or amenity issues arise as a result. The advertisements are considered acceptable with respect to DALP Policy HC4 and adopted SPD for Shop Fronts, Signage and Advertising.

Issues that may subsequently arise due to the way in which data is gathered and/or used is not a matter for consideration under the Town and Country Planning Act as this is dealt with under separate legislation and under the jurisdiction of the Information Commissioner and/ or the CPS.

## **7. RECOMMENDATION**

Both applications are recommended for approval.

In relation to 22/00284/FUL, as the proposal is retrospective, a condition confirming the approved plans.

In relation to 22/00285/ADV, standard advertisements conditions are recommended as follows:-

- 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of the highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
- 4) Where an advertisement is allowed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 5) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

## **8. 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

## **9. 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.

## Document opposing planning permission requests 22/00284/FUL and 22/00285/ADV – submitted by Appleton Ward councillors Eddie Jones and Angela Teeling

HALTON BOROUGH COUNCIL		Halton Borough Council hdl@halton.gov.uk 0303 333 4300	
Comments		Search Again	
First	Previous	Page 1 of 1	Next Last
<b>Details</b>		<b>Documents</b>	
<b>Case No:</b>	22/00284/FUL	<b>Officer name:</b>	Glen Henry
<b>Applicants name:</b>	Savills (UK) Limited	<b>Applicants Address:</b>	C/o Agent
<b>Agents name:</b>	Mr Brad Wiseman	<b>Agents Address:</b>	Savills (UK) Limited Belvedere 12 Booth Street Manchester M2 4AW
<b>Details of proposal:</b>	Retrospective application for planning consent for the installation of a car park management system on existing car park comprising 4 no. pole mounted automatic number plate recognition (ANPR) cameras and 6 no. park and display machines at Green Oaks Centre Green Oaks Way Widnes Cheshire WA8 6UD		
<b>Ward:</b>	Appleton		
<b>Status:</b>	Pending Consideration	<b>Date Received</b>	27 May 2022
<b>Date Valid:</b>	27 May 2022	<b>Comment Between</b>	27 May 2022 and 30 June 2022 <a href="#">Comment Now</a>
<b>Target Date</b>	22 July 2022	<b>Decision Date</b>	Not Available
Record: 1 of 1			

If no noise had been raised regarding the installations would the above application had been submitted or would they have chanced it, until the time had lapsed whereby they could no longer be challenged: why is this a retrospective application?

### 22/00284/FUL reasons for objection:-

**Not in line with local policies:-** To uphold the application regarding the installation of APNR cameras, subsequently charging to park in the Green Oaks car park, does not fall in line with local and council policies. HBC promote free parking within the Borough.

<https://councillors.halton.gov.uk/documents/s65439/Widnes%20Market%20Update.pdf> The above link takes you to a document, point 3.35 supports the Council decision to keep parking free as it *“is a big draw for the shoppers, as no other local town centre offers this in the area.”*

Free parking has been the historic custom and practice for that site and was an expectation at its inception. As was its valuable role in essential community engagement use ,such as Health screening etc. one example is that he space was recently used as a COVID testing site.

**Indirect discrimination -** The installation of a car parking management system by the erection of the poles carrying the APNR cameras, subsequently to charge for parking has an impact on the people who qualify to park in the disabled parking bays and who wish to access the market and close shops. Although parking charges apply to all, it is indirect discrimination to force people who, not from choice, cannot park further away in the free parking areas due to mobility issues they or their passenger have. The parking bays closest to the market and Green Oaks will fall within this area for

charging. Thus, the passing of this planning application will be indirect discrimination toward people with disabilities.

To park close to the enabled toilets in the market, people who require the use of these will now have to pay to park. This means disabled people are at a disadvantage to park closer to the amenities they need where people without disabilities have the option to pay to park or not, as they can walk to the amenities they need to use.

**Detriment impact on neighbouring amenities - Amenities – “the quality or character of an area and elements that contribute to the overall enjoyment of an area”**

One such amenity is the HBC run market. Parking management systems are having a detriment effect on the wider aspect of Widnes’ town centre in particular the market, this can be supported by our market traders: less people are visiting the local market, the amenity, because of the parking management system – the APNR cameras and subsequent charges.

The charges are putting people off visiting the amenity. The knock-on effect is that the enjoyment of visiting Widnes Shopping centre has been affected due to the installation of the parking management system, charges to park exist on Green Oaks and there are now time limits on all other car parks within the area, the detriment affect here is that it negatively affects the enjoyment of the amenities in this areas as shoppers are always conscious of time constraints, the pleasure and enjoyment of browsing and having a drink in a local café has been negatively affected.

Another detriment to amenities is that the time constraints in surrounding car parks, as a knock – on effect of the parking management system in Green Oaks, is affecting the footfall of all shops thereby the worth of their business should they wish to sell it.

This decreased footfall is causing shops to close down in the already struggling town shopping centre.

The change to charging policy has obviously inflicted unexpected hardship on employees and immediate businesses. Deals allied to free parking that would encourage footfall have now become the opposite. So, this reversal of historic precedent is detrimental to businesses, employees, customers ,neighbours , local residents and the community generally. If that in itself is not a planning reason what is the point of the system?

**Highways -** There has been a generation of excess traffic because of the installation of the parking management system; the erection of APNR cameras a subsequent charges raised to park on the car park. Traffic and parking issues now exist in the residential streets closest to the shopping centre as shoppers and workers are parking here free of charge to avoid the car park. This has only happened since the installation of the car park management system. If the application to install a car parking management system, is agreed, this will exacerbate this issue as people who work in the area are now expected to pay to park all day and because of the knock-on effects

mentioned previously, they can no longer park in other car parks due to time constraints on those car parks which have been introduced since the installation of the car parking management system.

**Safety** - As referenced under highways, the neighbouring streets are overcrowded with vehicles, this impacts the safety of pedestrians. This is a direct impact of the installation of the parking management system at Green Oaks.

**Additional information** - A retail unit has been established separately on the car park (we buy any car) . This change recklessly destabilises and poses risk to an already fragile local retail economy: the market and individual retail units. This was space HBC frequently used for health screening. How can a Council knowingly condone such actions?

Details		Documents	
<b>Case No:</b>	22/00285/ADV	<b>Officer name:</b>	Glen Henry
<b>Applicants name:</b>	Savills (UK) Limited	<b>Applicants Address:</b>	C/o Agent
<b>Agents name:</b>	Mr Brad Wiseman	<b>Agents Address:</b>	Savills (UK) Limited Belvedere 12 Booth Street Manchester M2 4AW
<b>Details of proposal:</b>	Retrospective application for advertising consent for the installation of 41 no. pole mounted non illuminated signs for car park management system on existing car park at Green Oaks Centre Green Oaks Way Widnes Cheshire WA8 6UD		
<b>Ward:</b>	Appleton		
<b>Status:</b>	Pending Consideration	<b>Date Received</b>	27 May 2022
<b>Date Valid:</b>	27 May 2022	<b>Comment Between</b>	27 May 2022 and 30 June 2022 <a href="#">Comment Now</a>
<b>Target Date</b>	22 July 2022	<b>Decision Date</b>	Not Available
<b>Record: 1 of 1</b>			

### **22/00285/ADV reasons for objection:-**

Quite simply, this application cannot be agreed or passed by the HBC development committee: It is illegal - you cannot retrospectively apply for planning in relation to advertising boards/signs. HBC planners are aware of this, confirmed in an email to Cllr Teeling.

The Town and Country regulations 1995 make it clear that all applications for advertising boards and signs have to be submitted prior to their installation. This is a retrospective application, therefore it cannot be agreed or passed in any positive manner toward the applicant.


We should also consider the law, in so much that 'no-one should profit from unlawful conduct'. The signs are illegally there, as stated retrospective planning cannot be agreed or passed, they advertise charges for parking on these signs and how payment should be paid: people have followed these instructions and made the payments creating profit for the business. If this retrospective application is agreed/passed then HBC would be condoning the 'profits by unlawful conduct'.

**SUMMARY**

As the signs have been placed prior to the application to install them was submitted, which explained above cannot happen, the signs must now be removed or covered up.

The governance for parking management systems prohibits the running of such systems if parking signage does not exist, and is clearly visible to read, advertising the system is in place and to explain how they pay etc.

Therefore, as the signs must be removed or covered, the parking system cannot run and should be shut down.

<b>APPLICATION NO:</b>	22/00407/FUL
<b>LOCATION:</b>	7 Cheltenham Crescent, Runcorn, WA7 4YT
<b>PROPOSAL:</b>	Proposed single storey side extension
<b>WARD:</b>	Beechwood & Heath
<b>PARISH:</b>	None
<b>AGENT(S)/APPLICANT(S):</b>	Pro-TECH Architecture Ltd / Mr. Gareth Stockton
<b>DEVELOPMENT PLAN:</b>	National Planning Policy Framework (2021) Delivery and Allocations Local Plan ('DALP') (March 2022). House Extensions Supplementary Planning Document (2007)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Appearance, amenity impact on neighbours and parking
<b>RECOMMENDATION:</b>	Approve subject to conditions
<b>SITE MAP:</b>	

## 1. APPLICATION SITE

### 1.1 The Site

The application site relates to a two storey, semi-detached dwelling located on Cheltenham Crescent in the Beechwood & Heath Ward of Runcorn. The application proposes the erection of a single storey side extension.



## **2. THE APPLICATION**

### 2.1 The Proposal

The application seeks permission to erect a single storey side extension.

### 2.2 Documentation

The application has been submitted with the requisite planning application form and a complete set of plans.

### 2.3 History

No relevant planning history.

## **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.

### 3.1 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.

### 3.2 Halton Delivery and Allocations Local Plan

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- GR1 Design of Development;
- GR2 Amenity;
- C2 Parking Standards;
- RD3 Dwelling Alterations, Extensions, Conversions and Replacement Dwellings.

### 3.3 House Extensions Supplementary Planning Document

Policy RD3 is supported by the Halton Supplementary Planning Document 'House Extensions' (the SPD). This document sets out further guidance as to the design, scale and appearance of residential extensions. This is outlined below.

### 3.4 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.

### 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 persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS**

None

## **5. REPRESENTATIONS**

There have been no representations received for this application.

## **6. ASSESSMENT**

### 6.1 Policy – Single Storey Side Extension

The proposed single storey side extension would project 2.24m from the gable elevation of the original dwelling and would measure 4.07m in length. The extension would sit flush with the front elevation of the original dwelling and would be positioned in front of an existing single storey side extension which appears to have been constructed in 1983 according to

Building Control records. The proposed single storey side extension would host a pitched gable roof structure with a maximum height of 3.68m and would measure 2.74m to the eaves.

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

The application property benefits from full, unrestricted, permitted development rights.

Under the permitted development rights order, the applicant could construct the single storey side extension given the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling house and would not exceed 4 metres in height and would not have a width greater than half the width of the original dwellinghouse. However as the proposed extension would be built abutting the shared boundary with neighbouring property No.9 Cheltenham Crescent, there would be an encroachment of the foundations and guttering onto land that does not belong to the applicant. The correct Certificate of Ownership has been signed (Certificate B) and the appropriate consultation has been undertaken, however because of this, planning permission is therefore required.

### 6.2 Design in relation to existing dwellings

The proposed development would be prominently visible from the street scene and as such, the design and appearance of the proposed extension is given significant importance.

The proposed extension is considered to be of a size and scale which is acceptable to the application property. The materials to be used will need to match or closely harmonise with the existing dwelling in terms of colour. This can be secured by way of planning condition attached to any subsequent planning approval. The design of the extension is complementary to the existing property and is not deemed to detract from the original character of the house. The design of the proposed development is considered to complement the existing dwelling and is therefore deemed acceptable.

### 6.3 Amenity of neighbours

The proposed single storey side extension would include a single window on the front elevation of the extension, which would serve a study. The proposed extension would maintain the existing interfacing distances between the application dwelling and the adjacent facing neighbouring properties which is considered to be acceptable. There are no windows proposed to the gable elevation of the extension. In addition to this, there are no windows on the gable elevation of neighbouring property No.9 Cheltenham Crescent. It is considered that light would not be significantly restricted to the detriment of residential amenity and given the location of the proposed openings, the proposed extension would not compromise the levels of privacy enjoyed by surrounding neighbours. The proposed development would not result in a significant detrimental impact on the residential amenity enjoyed by any neighbouring properties and is considered to be acceptable.

### 6.4 Highway considerations

The proposed development would not result in an increase in the number of bedrooms within the application property and there is no change proposed to the existing parking provision for the application site. It is considered that there is sufficient off street parking within the application site curtilage in accordance with the Council's standards to support the proposed development.

### 6.5 Summary and Conclusion

In summary, the proposed extension would not have a detrimental effect on the character and appearance of the original house or the street scene given the design of the proposed development. It is deemed that the design is of good quality and the extension does not compromise residential amenity due to its siting in relation to neighbouring properties. There is sufficient off street parking within the site curtilage to support the proposed development. The proposal is therefore deemed acceptable in compliance with Policies GR1, GR2, C2 and RD3 of the Halton Delivery and Allocations Local Plan.

## 7. **RECOMMENDATIONS**

Grant planning permission subject to conditions.

## 8. **CONDITIONS**

1. Standard 3 year expiry
2. In accordance with approved plans
3. Materials to match existing

## **9. 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

## **10. 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.





