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Development Management Committee

Monday, 5 June 2023 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 Laura Bevan
Councillor Chris Carlin
Councillor Sian Davidson
Councillor Chris Loftus
Councillor Ged Philbin
Councillor Carol Plumpton Walsh
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, 3 July 2023*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 7
2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
(A) 22/00041/COU - Retrospective application for change of use of field to dog walking and day care facility and erection of field shelter at Whitehouse Farm, Barkers Hollow Road, Preston Brook, WA4 4LW	8 - 25
(B) PLANS	26 - 31
4. MISCELLANEOUS ITEMS	32 - 33

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, 15 May 2023 at the Civic Suite - Town Hall, Runcorn

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

Apologies for Absence: Councillors J. Bradshaw and Philbin

Absence declared on Council business: None

Officers present: T. Gibbs, A. Plant, A. Evans, G. Henry, L. Wilson-Lagan, I. Dignall and J. Farmer

Also in attendance: 27 members of the public and one member of the press

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

	<i>Action</i>
DEV34 MINUTES	
<p>The Minutes of the meeting held on 7 March 2023, having been circulated, were taken as read and signed as a correct record.</p>	
DEV35 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV36 22/00178/FUL & 22/00179/FUL - PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING SUPPORTING INFRASTRUCTURE, PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE URBAN DRAINAGE AND CAR PARKING ON LAND SOUTH OF MILL GREEN FARM, MILL GREEN LANE, WIDNES (22/00178/FUL) AND LAND TO THE SOUTH OF SOUTH LANE AND EAST OF BARROWS GREEN LANE, WIDNES (22/00179/FUL)	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	

The Chair reminded the Committee that although the applications tonight may be discussed together, they are separate applications and must be determined individually.

The case officer presented the applications and advised of the following clarifications to the report:

- Page 5 – The location of planning application 22/00179/FUL should read '*land to the south of South Lane and east of Barrows Green Lane*'; and
- Page 40 – The S106 Chapter concludes with a total value of Infrastructure spend; the bus subsidy of a 12 month travel plan is in addition to this total.

Since the publication of the report the following updates were provided:

- Two further objections had been received – one raising issues already covered in the report and the other concerning the siting of a substation. Redrow has responded to say that the location of the substation was requested by the service provider, as it needs to be located as near to the grid connection as possible;
- Natural England has stated it has no objection to application 22/00178/FUL; however a response relating to application 22/00179/FUL remained outstanding; and
- An additional condition is recommended for each application concerning the numbers of residential units approved.

The Highways Officer outlined the highways impacts of the development on local junctions. This included further work carried out by the Applicant since the submission of the original Transport Assessment; details of a sensitivity test; details of a scheme of interventions including new cycle and pedestrian routes; and off site interventions.

The Committee was addressed by Chief Inspector Pyke, objecting to the applications on behalf of Cheshire Constabulary. He argued that both applications failed to provide mitigation for the impacts on policing in the area. He stated, *inter alia* that:

- The concerns of the Constabulary had been disregarded by the Local Planning Authority (LPA) and the reason given for the dismissal of the objections made by the Police was weak;
- The resulting increase in population of circa 1,200

residents from both developments would cause additional demands on the Police service;

- The Local Plan did not account for any additional policing that would be required;
- The Police precept applied did not cover the additional resources (infrastructure and staff costs) that would be needed, so there is no funding;
- Policy CS(R)7 requires where deficiencies in infrastructure occur, they are adequately mitigated;
- The infrastructure requirements of the sites must be identified before approval can be given;
- The requests made by Cheshire Police met the legal tests;
- No evidence or information was requested from the Force by the LPA;
- The ongoing demands being made on the Force is unacceptable; and
- The Committee was requested to show its support for the Police for the reasons stated by either deferring the decisions or refusing the applications.

Mr Harper then addressed the Committee objecting to the proposals. He spoke about the following issues, *inter alia*:

- Green Belt compensatory measures – the NPPF requires quality improvements and these applications do not meet the NPPF;
- The profits being made by Redrow from the developments;
- Concern that the Council is exceeding its rate of housing trajectory delivery that would put pressure on green field sites;
- The numbers of dwellings per annum being built in Halton – 7 year plan not being followed;
- The lack of consideration to the capacity of the area in relation to schools, GP's etc; and
- The travel needs of pupils going to schools was not being addressed.

A second objector, Mr Farrell, then addressed the Committee citing the following *inter alia*:

- The community has not been engaged at any time during the whole planning process; efforts have been mere gestures of public consultation;
- Infrastructure does not exist to support the proposals (GP's, Schools etc) information on school provision is not accurate;

- The reports were out of touch and biased and the use of phrases such as 'acceptable' and 'tolerant' were questionable;
- The proposals would exacerbate traffic issues such as emissions, parking and electrification;
- The Section 106 monies; the viability of property prices and Redrow profits were queried;
- A viability report of the sites was not requested by the Council;
- Farnworth will have no identity other than to be a showroom for Redrow – should be renamed 'Little Redrow';
- Vehicle movements will increase;
- Noise and disturbance would impact on residents for 4 to 5 years during development – no consideration has been given to them; and
- There is no green belt land remaining.

The Committee was then addressed by Mr Gilbert, the Agent for the applicant. He thanked the planning officers for their support over what has been an 18-month process to bring the applications forward. He stated the following, *inter alia*:

- Redrow has an excellent track record of building high quality housing in Halton and these applications were no exception. The agenda report concerned two high quality schemes that were both allocated sites, Part of SRL7 in North Widnes, and that the development was proportionately in line with this allocation;
- The proposed development will include 20% affordable homes, including the first homes being available to first time buyers at 30% below market value;
- The sites would benefit from high quality landscaping, bespoke play areas and have other local enhancements such as semi natural green spaces and a linear park that will link to new and existing cycle routes;
- The Applicant has agreed to a S106 package that would result in local enhancements, off site green space, highway improvements, active travel and free bus passes for new site residents; and
- The Applicant acknowledged the remarks made by Cheshire Police at the meeting. However they supported the Council's view with regard to their request for S106 contributions as set out in the Officer's report.

One Member's concern regarding the request from

Cheshire Constabulary for Section 106 money was noted. In response to Members' queries, the following information was provided:

- Compensation for loss of Green Belt (page 16) – the inspectors note on this was read out to Members;
- Cheshire Police – pages 40-44 sets out why the request for Section 106 money was declined;
- Education Authority – no additional monies were requested; they had stated that there was sufficient capacity within Halton for primary and secondary school provision;
- Three exits from application proposal 22/00179/FUL that lead out to the A57 – the Council has applied to Cheshire Police to drop the speed limit to 30mph on this road; and
- Legal advice was given with regards to the principle of the development and the requirement on the Committee to establish whether the proposals accord with the development plan as a whole.

After listening to the speakers, responses to concerns and queries, and consideration of the information before them, both applications were moved and seconded and the Committee voted to approve both applications.

RESOLVED: That authority be delegated to the Operational Director – Policy, Planning and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to Habitat Regulation Assessment (HRA) compliance for both applications and subject to the following:

- a) S106 Agreement that secures the terms set out in the Legal Agreement section of the report;
- b) the schedule of conditions set out below; and
- c) that if the S106 Agreement is not signed within a reasonable period of time, authority is given to refuse the application.

Recommended conditions as follows with any additional conditions recommended through the resolution of the HRA compliance issue to be added to the list below:

22/00178/FUL

1. Standard 3 year permission;
2. Condition specifying plans;

3. Bird nesting boxes scheme;
4. Construction Environmental Management Plan (CEMP) and additional reasonable avoidance measures;
5. Lighting scheme;
6. Vehicle access and parking to be constructed prior to commencement of use;
7. External materials;
8. Drainage condition(s) to include culvert survey, ownership details, drainage calculations, verification of SuDS implementation, maintenance and management;
9. Levels;
10. Hard and soft landscaping;
11. Public Open Space (POS) implementation and management;
12. Grampian style condition securing off site highways works;
13. Submission and agreement of traffic calming works;
14. Waste audit;
15. Site investigation, remediation and mitigation;
16. Relating to unidentified contamination;
17. Protection of water infrastructure;
18. Landscape and ecological / habitat management plan;
19. Removal of permitted development rights HS/fencing;
20. Hard and soft landscaping;
21. Submission and agreement of ecological enhancement features;
22. Submission and agreement of boundary treatments;
23. Securing ecological and habitat protection through a CEMP;
24. Restriction construction and delivery hours;
25. Requiring implementation of scheme of noise mitigation;
26. Submission and agreement of play facilities; and
27. Submission, agreement and implementation of measures for reducing carbon emissions and adapting to climatic conditions.

22/00179/FUL

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2. Condition specifying plans;
3. Bird nesting boxes scheme;
4. Construction Environmental Management Plan (CEMP) and additional reasonable avoidance

- measures;
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 9. Levels;
 10. Hard and soft landscaping;
 11. POS implementation and management;
 12. Grampian style condition securing off site highways works;
 13. Submission and agreement of traffic calming works;
 14. Waste audit (WM8);
 15. Site investigation, remediation and mitigation;
 16. Relating to unidentified contamination;
 17. Protection of water infrastructure;
 18. Landscape and ecological / habitat management plan;
 19. Removal of permitted development fights HS/fencing;
 20. Hard and soft landscaping;
 21. Submission and agreement of ecological enhancement features;
 22. Submission and agreement of boundary treatments;
 23. Securing ecological and habitat protection through a CEMP;
 24. Restriction construction and delivery hours;
 25. Requiring implementation of scheme of noise mitigation;
 26. Submission and agreement of play facilities;
 27. Securing a scheme of archaeological works; and
 28. Submission, agreement and implementation of measures for reducing carbon emissions and adapting to climatic conditions.

Meeting ended at 7.25 p.m.

APPLICATION NO:	22/00041/COU
LOCATION:	Whitehouse Farm, Barkers Hollow Road, Preston Brook, Warrington, Cheshire, WA4 4LW.
PROPOSAL:	Retrospective application for change of use of field to dog walking and day care facility and erection of field shelter.
WARD:	Norton South & Preston Brook
PARISH:	Preston Brook Parish Council.
APPLICANT:	A Shadwell
AGENT:	S R Miles Ltd
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) (DALP) Joint Merseyside and Halton Waste Local Plan (2013) (WLP)	ALLOCATIONS: Safeguarded Land; Nature Improvement Area.
DEPARTURE	No.
REPRESENTATIONS:	Representations from one contributor plus representations from a Ward Councillor.
RECOMMENDATION:	Grant planning permission subject to conditions.
SITE MAP	



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1. APPLICATION SITE

1.1 The Site

The Site subject of the application is Whitehouse Farm located on Barkers Hollow Road in Preston Brook.

The site comprises of a field to the north of the complex of buildings at Whitehouse Farm and has a field access point from Barkers Hollow Road

To the north of the site is Keepers Cottage. There is a woodland area to the east of the site. There are open fields to the west of the site on the opposite side of Barkers Hollow Road.

The site is designated as both Safeguarded Land and Nature Improvement Area on the Policies Map accompanying the Halton Delivery and Allocations Local Plan (DALP).

1.2 Planning History

Recent planning history relating to Whitehouse Farm is as follows:

09/00551/FUL - Proposed conversion of former agricultural buildings into 3 No. residential units – Allowed on Appeal – 13.02.2013.

16/00316/FUL - Proposed conversion of former agricultural buildings into 3 no. residential units – Granted 14.09.2016.

21/00187/FUL - Proposed strip off of existing flat roof and formation of new pitched roof to side and rear elevations, infill existing external terrace and modify window openings – Granted 12.05.2021.

2. THE APPLICATION

2.1 The Proposal

This is a retrospective application for change of use of field to dog walking and day care facility and erection of field shelter.

2.2 Documentation

In addition to the application form and associated plans, the application is accompanied by a design and access statement, drainage statement and an access technical note.

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)18 High Quality Design;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- C1 Transport Network and Accessibility;

- C2 Parking Standards;
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure;
- HE7 Pollution and Nuisance;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GB2 Safeguarded Land.

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.

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 RESPONSES

4.1 Highways and Transportation

No Highway Objection.

Following collaboration between Halton Highways and the applicant's representatives, with additional information including the submission of the Designer's Response and Technical Addendum presented following a Road Safety Audit, the proposal is deemed acceptable.

Changes to the access and the boundary should be in line with per Dwg No. SCP/220363/D01 title Proposed Improvements to the East of Barkers Hollow Road to Provide Visitor Parking Spaces.

A s50, s278 or similar agreement will need to be entered into, at the applicant's expense, to undertake the works on the adopted Highway, see Informative below.

A satisfactory example of the "management agreement/contract" between the site operator and clients, setting out parking, drop-off and pick up protocols, will also be required.

Regular maintained and vegetation cutback will be required to ensure that the visibility splays are maintained, clear of obstruction.

Suggested conditions:

1. Off Site Highway Improvements

A detailed scheme for the design and layout of highway improvement works in line with Dwg No. SCP/220363/D01, title Proposed Improvements to the East of Barkers Hollow Road to Provide Visitor Parking Spaces, is required to be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:

- The formation of a gated pedestrian access about the highway boundary, with association boundary treatments changes.
- Clearing and widening of the proposed layby area with any required surfacing and lining and signing.

The approved scheme shall be implemented within 3 months of any permission being granted.

Reason: to provide satisfactory access and parking as per DALP Policies C1 and C2.

2. Travel Plan

Acceptable Travel Plan (TP) type information is required to be submitted to and approved in writing by the Council as Local Planning Authority. The TP shall include how and when the information to customers is to be provided, with an example of the information itself submitted. This “management agreement/contract” (as named by the applicant’s representative) should clearly detail parking and drop-off/pick-up protocols; promoting safe parking and manoeuvring i.e. access and egress to the parking lay-by and the site, especially with the dogs.

Reason: To ensure and preserve the Highway Safety of all users.

3. Visibility Splays

Visibility splays with minimum y distances of 56 metres to the south and 59 metres to the north are to be provided for the proposed parking bay on Barkers Hollow Road. The splays shall be provided clear of obstructions to visibility above the height of 0.6 metres measured from the road/verge level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times, with periodic vegetation cut back as required.

Reason: To ensure and preserve the Highway Safety of all users.

Informatives

Any works on, or to, the highway would have to be carried out by Halton Borough Council or under appropriate agreement agreed prior to works commencing on site.

4.2 Lead Local Flood Authority

- The site is 0.5 ha, which is greenfield in nature
- The application includes a car parking area constructed from crushed stone and a “field shelter” building with a footprint of approximately 25 m². These proposals do not change the site’s current vulnerability which is considered a ‘Water-compatible development’ development according to NPPF guidance.

The increase in impermeable area would increase, albeit by a small percentage.

- The site is shown to have a very low fluvial, surface water and tidal flood risk on the Environment Agency Long Term Flood Risk Maps and to be outside of Halton Borough Council's Critical Drainage Areas as shown in the Strategic Flood Risk Assessment.

- Surface water will be disposed of to the ground via permeable paving in the car parking area and via an informal soakaway at the field shelter. These arrangements are in accordance with the drainage hierarchy. Whilst design calculations have not been submitted to confirm the performance of the drainage the LLFA considers the potential for the development to increase flood risk elsewhere to be negligible.

On this basis, the LLFA has no objection to the change in use. However, it recommends that the applicant ensures that the drainage from the roof of the shelter is constructed and maintained by a suitably qualified engineer to ensure that the concentration of drainage into a small area does not result in localised waterlogging of the ground.

4.3 Environmental Health Officer

The application is for a dog daycare facility including an exercise field and wooden shelter. There is a residential property on the northern boundary of the site. The training area and shelter is to the south of the site. In considering the application Environmental Health is assessing the adequacy of the site for the proposed use in principle in relation to the potential for noise disturbance and loss of amenity to residents.

Environmental Health has regulated the site under the Animal Welfare Act 2006 for the boarding of dogs for approximately a year. In this time a single complaint has been received regarding noise which was raised with the site operator at the time. Environmental Health has not received any further complaints since this time.

The regulation of boarding establishments requires that Councils condition the site in respect of the welfare of dogs, but it clearly controls the number of dogs on site and this site is currently restricted in the number of dogs due to the size of the shelter (currently to 15). The operative also employs staff to assist with care of and control of the dogs. The size of the site allows adequate separation of the dogs should it be required on noise grounds.

Conclusion

On the basis of the above Environmental Health would not be able to sustain an objection to the application.

4.4 BPA

The proposed works are in close proximity to a high-pressure petroleum pipeline system and BPA wish to ensure that any works in the vicinity of the

pipeline are carried out in accordance with our safety requirements (www.linewatch.co.uk). Please find attached a GIS map of our pipeline(s) in relation to the above application.

Please Note:

BPA Have no additional comments to make beyond what's already covered below in our normal affected planning response. (e.g. any works in easement must be supervised, such as fences etc)

The most important points are:

- These Pipelines carry refined petroleum at extremely high pressure.
- Any construction must be kept a minimum of 6m from the pipelines.
- All excavations (including hand trial holes) within 6m of the pipeline **must** be approved and supervised by BPA.
- The exact location of the pipeline to be marked by BPA in consultation with the developer prior to detailed design.
- Nominal cover is only 0.9m (3').
- Normal vertical clearance for new services is 600mm.
- These pipelines are protected by cathodic protection and you should consult with BPA if you are laying any services (with or without cathodic protection).
- Heavy vehicular crossing points to be approved before use across the easement.
- Tree planting is prohibited within the easement.
- No buildings can be located within the pipeline easement.
- No lowering or significantly raising of ground level throughout the easement.
- A continuous BPA site presence will be required for works within the easement.
- Utility crossings may require a formal crossing consent
- BPA do not charge for the first three days of supervision (this includes site meetings). After that, BPA will charge for any future supervision.

When planning works which involve crossing or working within the easement of the pipeline, the following will be requested before works can start:

- **A confirmed or proposed programmed start date for the works**
- **A detailed description of the proposed works**
- **A plan of the work area,**
- **Drawings and a method statement for the written approval of BPA.**

4.5 Shell/Essar

No effect to the Shell/essar pipelines.

4.6 Health and Safety Executive

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

5. REPRESENTATIONS

5.1 The application was originally publicised by two neighbour notification letters sent on 27th January 2022 and a site notice posted in the vicinity of the site on 27th January 2022.

5.2 Due a change in the description of development, two neighbour notification letters were sent on 28th January 2022 and a site notice posted in the vicinity of the site on 3rd February 2022.

5.3 Following the receipt of a highway related submission, two neighbour notification letters were sent on 10th June 2022 and a site notice posted in the vicinity of the site on 10th June 2022.

5.4 Following the receipt of further highway related submissions and amended plans, two neighbour notification letters were sent on 2nd March 2023.

5.5 Representations from one contributor have been received from the publicity given to the application. A summary of the issues raised are below:

- Noise including music, barking and shouting to reprimand dogs;
- Lack of privacy;
- Extremely bright floodlighting;
- Safety concerns due to dog crime;
- Questions over the applicant's control of dogs;
- Vehicle movements to and from the site;
- Resultant highway safety issues on Barkers Hollow Road;
- Loss of woodlands;
- Loss of amenity in garden area;
- The farmer with the working barn should be consulted;
- There is an oil pipe running through the field;
- The field to the south of Whitehouse Farm would be best suited to the use;
- The business will expand in the future;
- There is a new fence which is precluding access to the septic tank at the neighbouring property;
- Is public liability insurance in place?
- The proposed access has previously been refused;
- A tree in the Keepers Hedge has been cut down without permission;
- A similar local application in Lower Whitley has been refused;
- Recent news reports indicate that there has been a 37% increase in dog attacks.

5.6 Cllr Martha Lloyd-Jones has made the following observations:

In the first place, I strongly request that this planning application be dealt with by the whole of the Council's Development Committee and not under Delegated Powers in view of the stated substantial issues involved.

Firstly may I know if "Wellies Dogs Walking/Daycare" the applicant for this planning request already has received consent for the existing use of part of the land for use as dog kennels at present?

I have read the objections to planning application 22/00041 and as Ward Councillor I fully support the objections on the planning application on the grounds of the following objections.

The application raises substantial environmental issues including the excessive and intolerable noise of dogs barking and the loud playing of music to try to calm the dogs down.

The excessive use of floodlighting which also lights up the neighbouring property which causes substantial disturbance.

There is also the significant and substantial environmental issue of the loss and destruction of valuable woodland.

I urge that this application be rejected on the grounds of the substantial environmental issues it raises and the excessive disturbance to neighbours and any other occupants of any future housing developments.

THE APPLICANT'S RESPONSE TO THIS OBJECTION IS IN *ITALICS* BELOW:

Firstly I am not running a kennels the dogs are not bored or distressed and do not bark continuously throughout the day as that is not what a daycare is about.

The purpose and aim is to have a quiet, calm environment where dogs free play under supervision.

I have a strict anti-bark policy in place which is upheld. Loud music is never played at daycare and I have no source to play loud music.

This would only have a negative impact on the dogs and is not allowed in the work place.

We have a TV in field shelter which is well away from the neighbour and is on in the background.

I have no flood lighting at the daycare so I'm unsure how I can be using it excessively.

I have no woodland to destroy to cause any environmental issues. There is small woodland area behind my field which is owned by the farmer. We have cut some rotten branches back as discussed and agreed with the farmer.

I hope that this objection does not have a negative impact on my application.

The objection is not true and is actually quite upsetting that a ward councillor has supported this objection without checking if it is factual first.

6. ASSESSMENT

6.1 Principle of Development

The site is designated as both Safeguarded Land and Nature Improvement Area on the Policies Map accompanying the Halton Delivery and Allocations Local Plan (DALP).

6.2 Firstly considering the site's designation as Safeguarded Land (part of area SG7 – Land at Preston on the Hill – 21.2ha), Policy GB2 of the DALP is of particular relevance. It states that Safeguarded Land is not allocated for development at the present time. Development will only be permitted where:

- a. it is essential for agriculture, forestry, outdoor recreation or for other purposes appropriate to a rural area; or
- b. necessary for the operation of an existing use(s);
- c. where the proposal is for an extension to an existing development and is consistent with other policies in the Plan; or
- d. it is a temporary use that would retain the open nature of the land.
- e. it would not prejudice the future comprehensive development of safeguarded land.

6.3 The retrospective proposal for a change of use of field to dog walking and day care facility and erection of field shelter is not essential for agriculture, forestry or outdoor recreation however is considered to be a purpose which is appropriate to a rural area. Fields used for dog exercise and day care are often established from farmland as part of farm business diversification.

6.4 It is not considered that the proposal would prejudice the future comprehensive development of the wider safeguarded land allocation. The application site forms part of a wider land holding at Whitehouse Farm, which would ultimately need to be acquired should the site / wider area come forward for development in the future.

6.5 Based on the above, the proposal is considered compliant with Policy GB2 of the DALP.

6.6 Secondly considering the site's designation as a Nature Improvement Area (NIA), Policies CS(R)20 and HE1 of the DALP are of particular relevance. It states that development proposals within the Nature Improvement Area will be permitted where they complement the identified opportunities for habitat creation and / or habitat management, and are consistent with other policies in the Plan.

6.7 The application site is located in a NIA Focus Area 08: Bridgewater Canal, Keckwick Brook and Runcorn Ancient Woodland Corridor as set out in the Liverpool City Region Ecological Network Final Report. It sets out a number of ecological opportunities for habitat creation in the wider area including Woodland, Hedgerows, River and Bridgewater Canal, Wetland and Ponds. Given the nature of the application site, it is considered that tree / hedgerow planting within the application site would be the best way to achieve the ecological opportunities in this instance. A suitable landscaping scheme and its implementation and subsequent maintenance can be secured by condition. This would ensure compliance with Policies CS(R)20 and HE1 of the DALP.

6.8 In conclusion noting the site designations, the principle of development is considered acceptable.

6.9 Highway Implications

The Highway Officer originally raised concerns regarding the proposed development due to an unacceptable impact on highway safety for road users; namely the lack of safe and suitable access, primarily due to insufficient visibility and the resultant potential for vehicle conflicts.

6.10 The applicant has since made changes to the proposed site layout plan to make parking adjacent to the existing access difficult and force visitors to the site to park further south. This shows the relocation of the fence line closer to Barkers Hollow Road and the insertion of a southern facing pedestrian gate. The plan also shows amendments to the highway area including vegetation removal up to the adjacent barn, to increase the hardstanding and give greater width for enhanced safety of pulling-in off the carriageway and then walking their animals to the field access. This would be the access arrangement for visitors to the site and the adoption of a site access protocol which is shared with clients could be done by email on booking or by providing a leaflet. Vehicular access to Whitehouse Farm to remain unaltered. A number of conditions are suggested to secure the implementation / maintenance of the detailing proposed by the applicant.

6.11 The applicant has undertaken an independent Road Safety Audit (RSA) - stage 1/2, based on the amended scheme set out. A Designer's Response and Technical Addendum has been undertaken following the RSA. The Highway

Officer has commented that the proposal is acceptable subject to the attachment of conditions securing the off-site highway improvements, travel plan and visibility splays.

6.12 It has been raised in the representations received that the proposed access has previously been refused. No detail was provided as to which application this observation related to. Each application has to be considered on its merits and the suitability of the access arrangements for the use subject of the application have been carefully considered.

6.13 Based on the above, from a highway perspective subject to the suggested conditions, the proposal is considered to accord with policies C1 and C2 of the DALP.

6.14 Site Layout and Appearance

The site comprises of a field, which is used for the exercising of dogs, which is enclosed by 1.5m high post and wire mesh fencing to the perimeter. There is also an enclosed training area in the south eastern corner of the application site within the field which is the location of a field shelter which is approximately 7.5m in length, 4m in width and 3m in height. This training area is enclosed by 1.5m high post and wire mesh fencing. The training area does have some paraphernalia relating to the training of dogs, which is generally small in scale, whilst the exercise field is predominantly open.

6.15 Based on the site being designated Safeguarded Land, it was considered above to be a purpose which is appropriate to a rural area and that fields used for dog exercise and day care are often established from farmland as part of farm business diversification. The site layout and the resultant appearance of the site is considered to be reflective of its location and appropriate to a rural area. Post and wire mesh fencing is commonly used in rural locations and helps to maintain openness. The field shelter that has been erected as part of the dog walking and day care facility is again a typical feature in a rural location and is similar in appearance to a small stable block.

6.16 Noting the site's designation as a NIA, as stated above, tree / hedgerow planting within the application site would be the best way to achieve the ecological opportunities in this instance and can be secured by condition. This has the potential to strengthen the woodland adjacent to the site as well as explore opportunities to enhance the field boundaries.

6.17 Based on the above, the layout and appearance of the proposed development is considered to be acceptable in compliance with Policies CS(R)18, CS(R)20, CS(R)21, HE1, HE4, GR1 and GB2 of the DALP.

6.18 Flood Risk and Drainage

The site is 0.5 ha, which is greenfield in nature. The site is shown to have a very low fluvial, surface water and tidal flood risk on the Environment Agency

Long Term Flood Risk Maps and is not within a Critical Drainage Area. The proposal is a 'Water-compatible development' and whilst it has increased the impermeable area, this would only be by a small percentage.

6.19 The LLFA considers the potential for the development to increase flood risk elsewhere to be negligible and has no objection to the change in use. It is considered reasonable to attach an informative to deal with the issues that result from runoff from the roof of the shelter.

6.20 Based on the above, the proposed development is considered acceptable in respect of flood risk and drainage in compliance with Policies CS23 and HE9 of the DALP.

6.21 Noise

It is noted that there is a residential property (Keepers Cottage) to the north of the site. Environmental Health regulates the site under the Animal Welfare Act 2006 for the boarding of dogs. They note a single complaint has been received regarding noise, which was raised with the site operator at the time. Environmental Health have advised that they have not received any further complaints.

6.22 The regulation of boarding establishments requires that Councils condition the site in respect of the welfare of dogs, but it clearly controls the number of dogs on site and this site is currently restricted in the number of dogs due to the size of the shelter (currently to 15). The operative also employs staff to assist with care of and control of the dogs. The size of the site allows adequate separation of the dogs should it be required on noise grounds.

6.23 An objection to the proposed development on noise grounds has been received. It is accepted that some noise would result from the proposed development. Policy HE7 of the DALP is clear that planning permission will be granted where noise nuisance is not likely to cause a significant increase in ambient noise levels for either day or night time conditions. Environmental Health raise no objection to the proposed development on noise grounds and consider that a refusal on this basis cannot be sustained. In respect of noise, the proposal is considered to accord with Policies CS23 and HE7 of the DALP.

6.24 Lighting

An objection has been raised on the basis that there is extremely bright floodlighting at the site. No permission is being sought for lighting columns and associated lighting in this application. The applicant has also commented that they have no flood lighting at the daycare facility. It is not considered that a refusal of this application on the basis of light pollution can be sustained.

6.25 Waste Management

In respect of waste prevention and resource management, based on the nature of the application, limited implications have resulted in this regard to warrant any further submission requirements to demonstrate compliance with Waste

Local Plan Policy WM8. In terms of operational waste management, there is considered to be sufficient space for the storage of waste including separated recyclable materials as well as access to enable collection in order to demonstrate compliance with Waste Local Plan Policy WM9.

6.26 Risk

The proposed works are in close proximity to a high-pressure petroleum pipeline system. The pipeline operator has advised that works in the vicinity of the pipeline are carried out in accordance with their safety requirements (www.linewatch.co.uk). These requirements can be set out as an informative.

Policy CS23 of the DALP states that 'to prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following principles will apply:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased.
- Ensuring that any proposals for new or expanded hazardous installations are carefully considered in terms of environmental, social and economic factors'.

Whilst the application site is within the consultation zone due to the pipeline running through the site, the individual accidental risk level does not exceed 10 chances per million in a year. The proposal is therefore considered to accord with Policy CS23 of the Halton Delivery and Allocations Local Plan.

It should also be noted that the HSE does not advise against the granting of planning permission on safety grounds in this case.

6.27 Issues raised in representations

In relation to the proposed development resulting in a lack of privacy and loss of amenity in a neighbouring garden, the site subject of the application is large dimension and the field shelter is located a significant distance from the neighbouring property and the boundary between the properties comprises of a hedgerow. It is not considered that a refusal on the basis of privacy or loss of amenity in a neighbouring garden can be sustained.

It is not considered that the refusal of the application on the grounds of dog crime can be sustained.

The questions over the applicant's control of dogs. This is ultimately a management issue for the applicant rather than a reason on which a refusal can be sustained.

The proposed development relates to the existing field and would not result in the loss of woodlands.

Publicity in addition to the statutory requirements has been undertaken on this planning application.

A representation received states that the field to the south of Whitehouse Farm would be best suited to the use. This proposal has to be considered on its merits.

In respect of concerns that the business will expand in the future, the site is currently restricted to 15 dogs, which due to the size of the shelter as set out by the Environmental Health Officer.

Access rights to a septic tank at the neighbouring property is a private matter and not grounds on which a refusal could be sustained.

Whether the business has public liability insurance in place is not material to the determination of this planning application.

The removal of a tree (not subject to any protection) in the hedge of the adjacent property is a private matter.

It has been raised that a similar proposal in Lower Whitley has been refused planning permission. The referenced site is within Cheshire West and Chester and is subject to different designations and policy considerations. Each application should be considered on its merits.

A news report indicate that there has been a 37% increase in dog attacks is not a reason on which a refusal can be sustained. This a management issue for any person who owns / looks after a dog.

7. CONCLUSION

7.1 The use of field to dog walking and day care facility and retention of a field shelter is considered to be a purpose which is appropriate to a rural area. Fields used for dog exercise and day care are often established from farmland as part of farm business diversification.

- 7.2 It is not considered that the proposal would prejudice the future comprehensive development of the wider safeguarded land allocation. The application site forms part of a wider land holding at Whitehouse Farm, which would ultimately need to be acquired should the site / wider area come forward for development in the future.
- 7.3 Given the site's designation as a Nature Improvement Area, it is considered that tree / hedgerow planting within the application site would be the best way to achieve the ecological opportunities in this instance to ensure policy compliance.
- 7.4 In order to address concerns over access arrangements, the applicant has made changes to the proposed site layout plan. This includes making parking adjacent to the existing access difficult and force visitors to the site to park further south, the relocation of the fence line closer to Barkers Hollow Road and the insertion of a southern facing pedestrian gate, vegetation removal in the highway area up to the adjacent barn, to increase the hardstanding and give greater width for enhanced safety of pulling-in off the carriageway and then walking their animals to the field access.
- 7.5 The applicant has undertaken an independent Road Safety Audit (RSA) - stage 1/2, based on the amended scheme set out. A Designer's Response and Technical Addendum has been undertaken following the RSA. The Highway Officer now considers that the proposal is acceptable subject to the attachment of conditions securing the off-site highway improvements, travel plan and visibility splays.
- 7.6 Whilst the proposal would result in some noise, Environmental Health raise no objection to the proposal as noise nuisance is not likely to cause a significant increase in ambient noise levels for either day or night time conditions.
- 7.7 The proposed development is considered compliant with the development plan as a whole and no material considerations provide clear and convincing reasons to depart from the development plan.

8. RECOMMENDATION

That the application be approved subject to the following conditions:

1. Soft Landscaping Scheme;
2. Implementation of off-site highway improvements;
3. Travel Plan;
4. Visibility Splays;
5. Implementation of boundary treatments;

Informatives:

Any works on, or to, the highway would have to be carried out by Halton Borough Council or under appropriate agreement agreed prior to works commencing on site.

Runoff from the roof of the shelter.

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

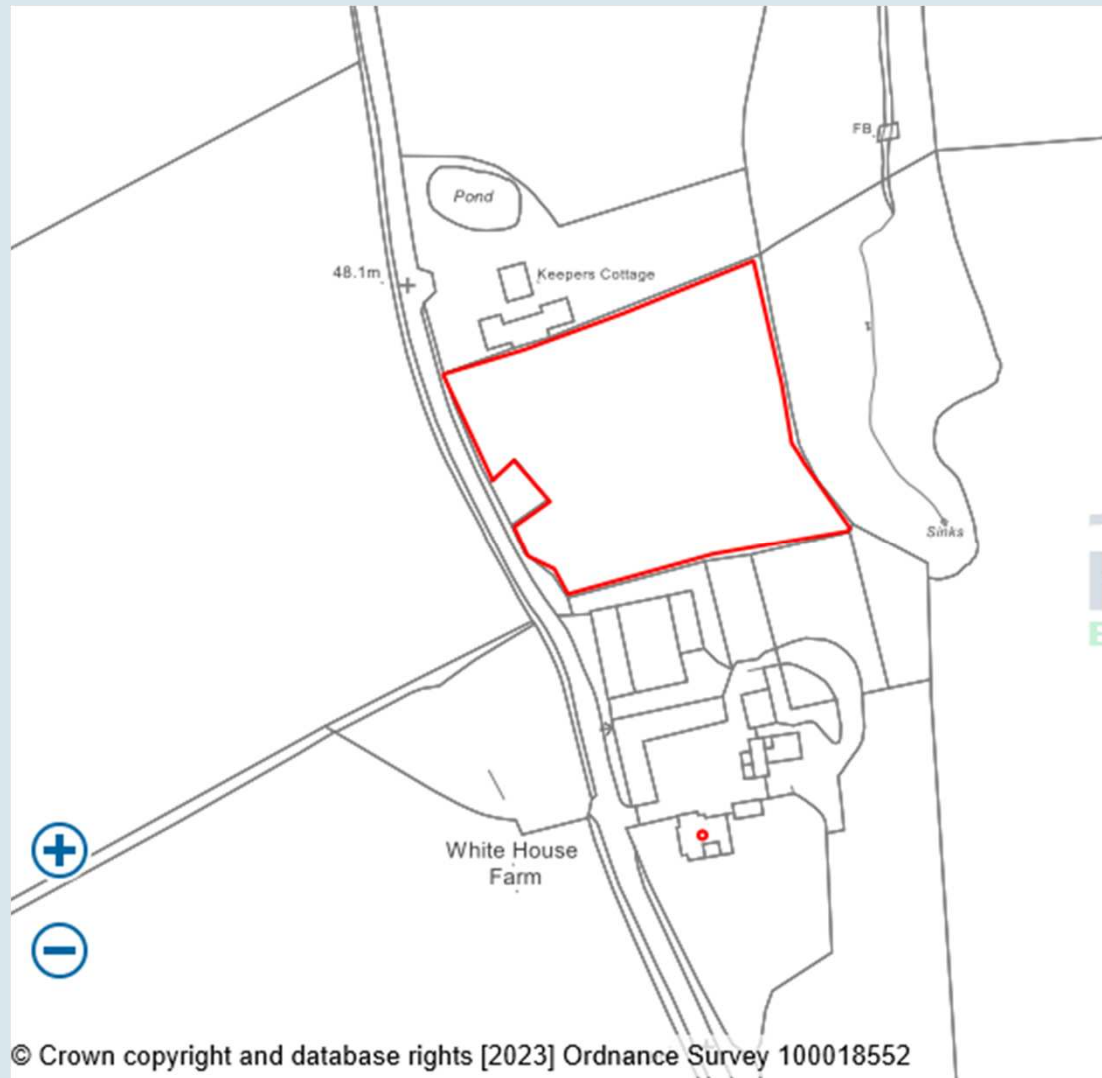
10. SUSTAINABILITY STATEMENT

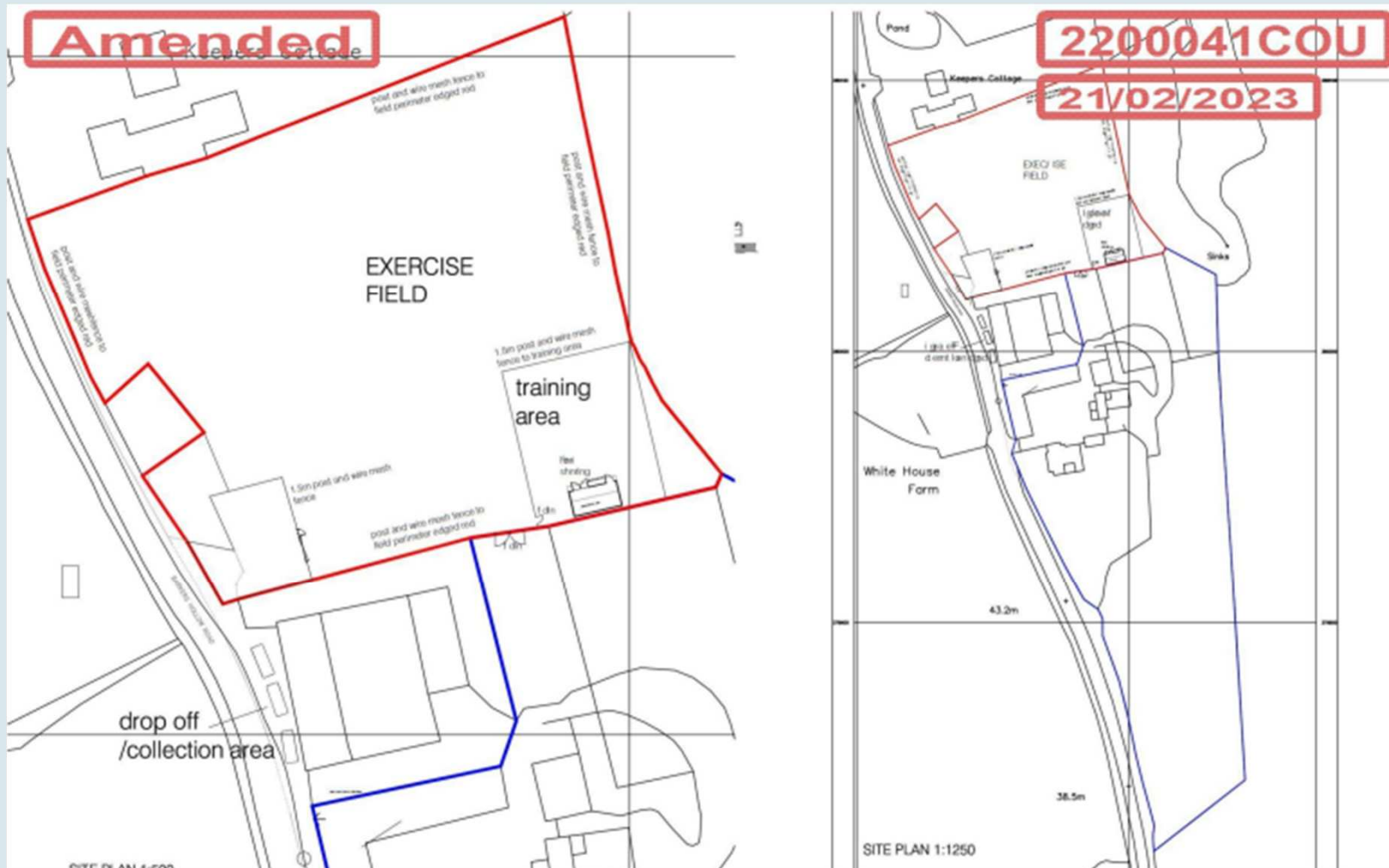
As required by:

- 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.

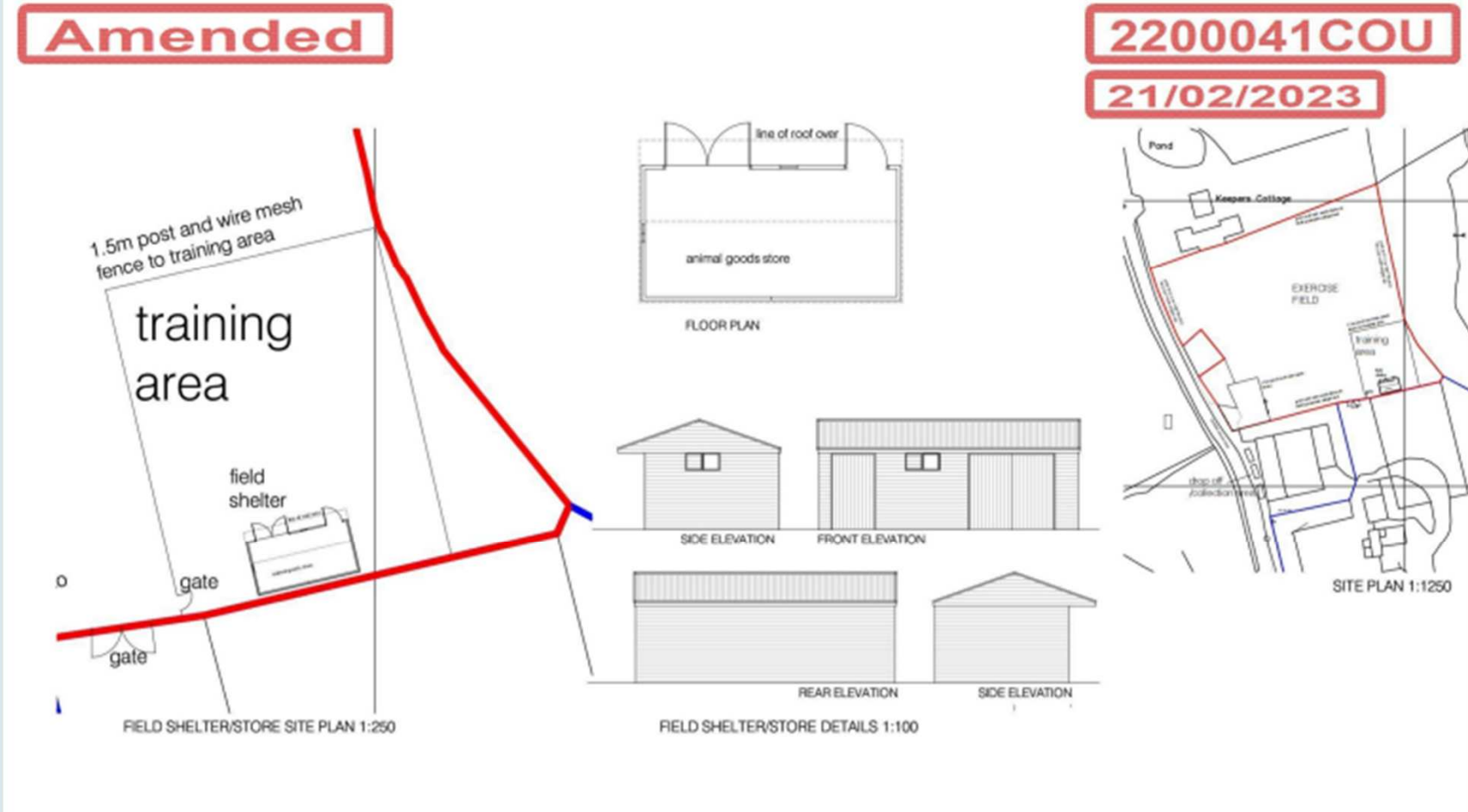






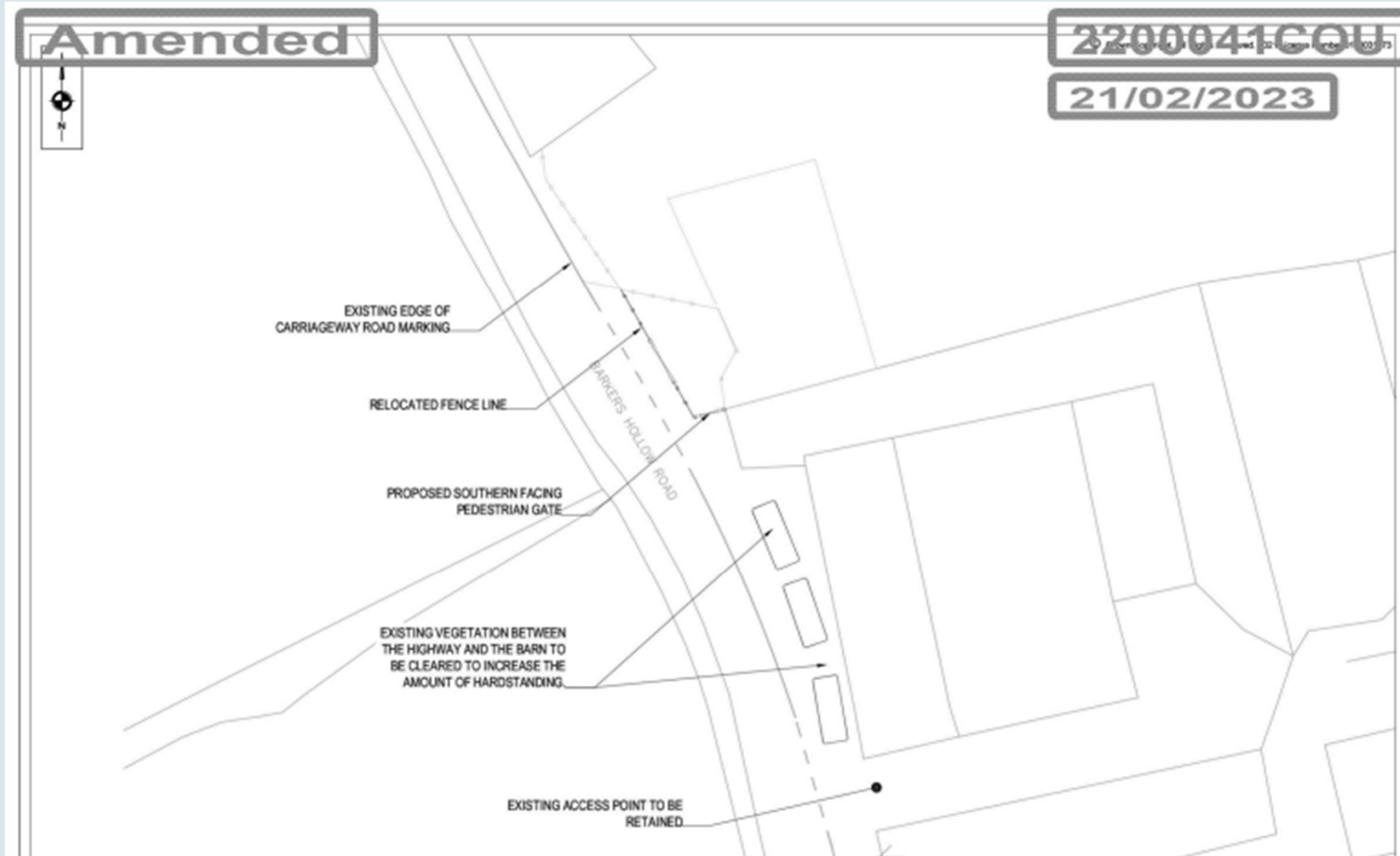
Application Number: 22/00041/COU

Plan 1B : Site Plan



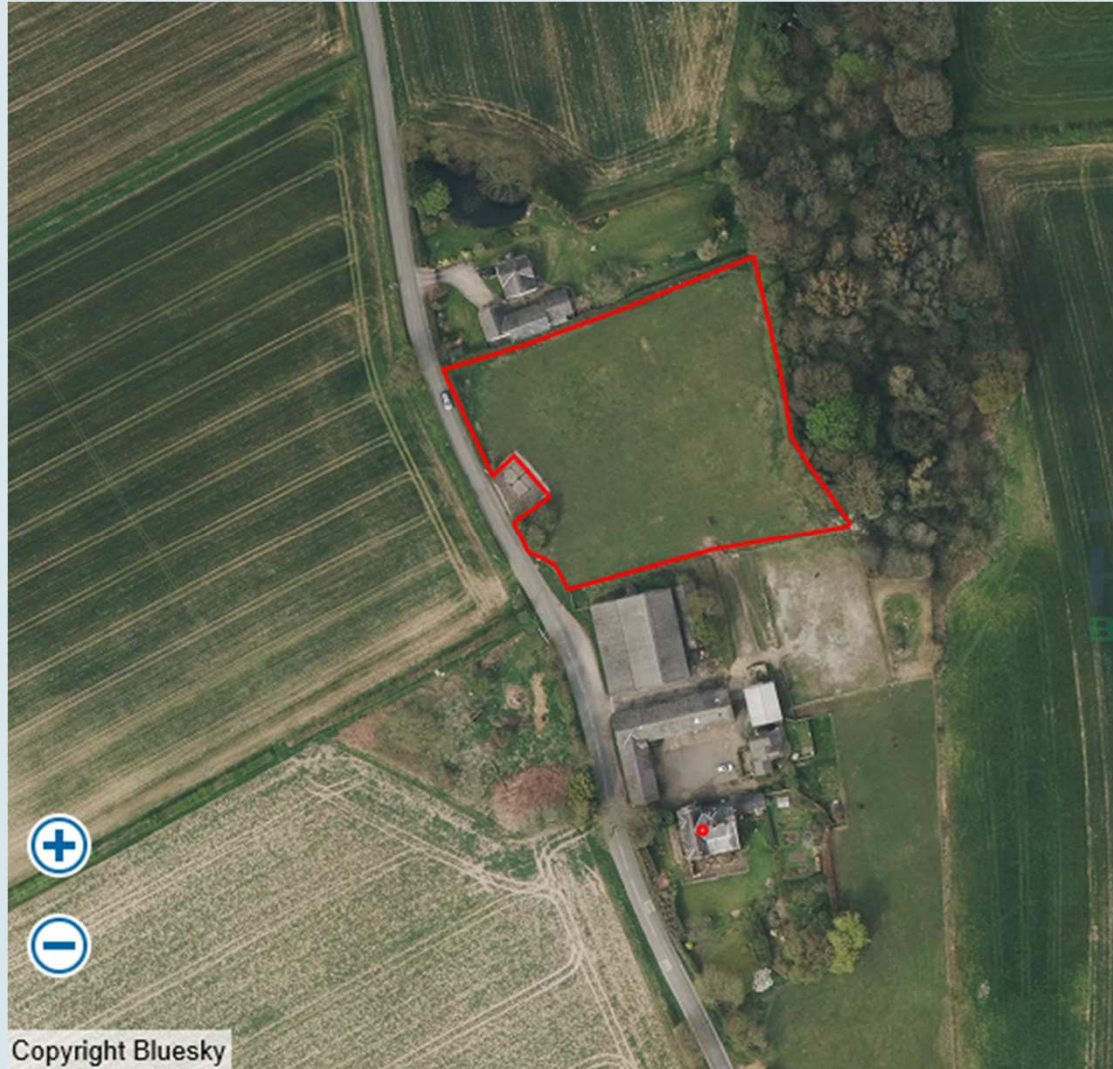
Application Number: 22/00041/COU

Plan IC : Proposed Elevations



Application Number: 22/00041/COU

Plan ID : Highway & Parking Plan



Application Number: 22/00041/COU

Plan 1E :Aerial Photograph

REPORT TO: Development Management Committee

DATE: 5 June 2023

REPORTING OFFICER: Operational Director – Policy, Planning & Transportation

SUBJECT: Miscellaneous Information

WARD(S): Boroughwide

The following Appeals have been received / are in progress:

- 22/00019/PLD** Application for a Lawful Development Certificate for a proposed use of development for the installation of a solar farm (ground mounted solar photovoltaic panels) at Liverpool John Lennon Airport, Land Bounded By Dungeon Lane, Hale Road And Baileys Lane To The East Of Liverpool John Lennon Airport Speke Liverpool L24 1YD
- 22/00103/FUL** Proposed construction of front dormer and rear dormer to newly formed first floor at 265 Hale Road Hale Liverpool L24 5RF
- 22/00285/ADV & 22/00284/FUL** The 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 Car Park at Green Oaks Shopping Centre, Widnes, WA8 6UA
- 21/00016/OUT** Outline application, with all matters other than access reserved for the erection of two semi-detached dwellings and four detached dwellings on the existing church field and the retention of the existing scout hut at Hough Green Scout And Guide Group Hall And Church Field Hall Avenue Widnes

The following Appeals have been determined:

- 21/00629/COU** Proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles at 34 Cronton Lane Widnes Cheshire WA8 5AJ - **Allowed**

22/00292/FUL

Proposed erection of a secure replacement 2.4m high brick perimeter wall to vehicle impound yard at DVLA Pound Waterloo Road / Barn Street Widnes Cheshire WA8 0QF - **Allowed**