

# Public Document Pack



## Development Management Committee

Monday, 15 January 2024 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, 5 February 2024*

**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 - 10</b>
<b>2. DECLARATIONS OF INTEREST</b>	
<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>	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>22/00423/OUTEIA</b> - Proposed hybrid planning application comprising: full planning permission for the construction of the primary access points, primary internal link road and site enabling works, including site levelling and outline planning permission, with all matters reserved except for access, for the construction of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space on land off Hale Gate Road, Widnes	<b>11 - 67</b>
(B) <b>23/00349/COU</b> - Proposed change of use of dwelling and hotel into 6 apartments at 15(a) - 19 Main Top Hotel, Mersey Road, Widnes, WA8 0DG	<b>68 - 94</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 Tuesday, 5 December 2023 at the Civic Suite, Town Hall, Runcorn*

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Carlin, C. Loftus, Philbin, Polhill, Thompson and Woolfall

Apologies for Absence: Councillors Bevan, Davidson and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, A. Plant, A. Evans, G. Henry, L. Wilson-Lagan, A. Blackburn and L. Crampton

Also in attendance: Councillor Ryan, 16 members of the public and one member of the press

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

	<i>Action</i>
DEV27 MINUTES	
<p>The Minutes of the meeting held on 2 October 2023, having been circulated, were taken as read and signed as a correct record.</p>	
DEV28 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>	
DEV29 20/00476/FUL - PROPOSED REFURBISHMENT OF EXISTING CARNEGIE LIBRARY BUILDING TO PROVIDE A NEW COMMUNITY HUB, DEMOLITION OF WATERLOO CENTRE, ERECTION OF NEW BUILD DEVELOPMENT OF 29 ONE BEDROOM SUPPORTED LIVING/EXTRA CARE APARTMENTS WITH ANCILLARY FACILITIES, PROVISION OF ACCESS, PARKING AND LANDSCAPING AND 20/00477/LBC - APPLICATION FOR LISTED BUILDING CONSENT FOR PROPOSED REFURBISHMENT OF EXISTING CARNEGIE LIBRARY BUILDING TO PROVIDE A NEW COMMUNITY HUB, DEMOLITION OF WATERLOO CENTRE AND REMEDIAL	

WORKS TO ADJACENT LISTED BUILDING. BOTH AT WATERLOO CENTRE & CARNEGIE LIBRARY, EDGERTON STREET, WATERLOO ROAD, RUNCORN, WA7 1JL

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

Since the publication of the agenda a further 24 objections had been received for application 20/00476/FUL, citing issues that were addressed through the report.

Members were informed of a correction to the report which referred to the 2015 Direction on arrangements for dealing with heritage applications which should refer to the 2021 Direction, but was not considered to affect the assessment contained within the report. Members were also reminded of the provisions of paragraph 196 of the Framework which provides that:

*“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”.*

Members were advised that the loss of the non-designated heritage asset building results in a negative factor which must be considered in the overall balance of the decision, however, as stated within the report, that would be outweighed by the outlined benefits.

The Committee was addressed by Mr Goodwin, the Applicant, who introduced Signature Housing Group as a not-for-profit organisation, operating a number of sites in the Country. In respect of application 20/00476/FUL, he commented that:

- The proposal made use of a derelict brownfield site;
- It would provide much needed supported living accommodation, in particular for dementia patients, and includes a community garden;
- The proposal complied with the policies relating to the development;
- The site was sustainable, with good public transport links and near the town centre;
- In its present condition, the Waterloo Centre was not viable and considered to be beyond repair, so should be demolished for safety reasons;
- In its present state the Waterloo Centre was a risk to

- the adjoining building, Carnegie Library; and
- The Council had also determined that due to the dangerous condition of the building, demolition was the only viable option to remove the danger.

In respect of application 20/00477/LBC, he stated that:

- The refurbishment of the existing Carnegie Library would bring an unused listed building back into use;
- It would provide a new community hub, housing 3 meeting rooms;
- The Council's Conservation Officer has considered the proposal and agreed that was acceptable and *'would bring the long term vacancy of the building to an end and create a vibrant community hub'*; and
- The scheme will generate a range of benefits for the local community, community groups and individuals.

Members considered the Applications and shared the opinion that it was sad to see the dereliction of the site, considering its history. They agreed that it would be good for the community to have the Carnegie Library restored so that it could be brought back into public use.

Questions relating to unmet demand for this type of accommodation and lift provision were responded to. Members were referred to the plans where the location of the lift was clarified. It was noted that although there was no evidence of unmet demand, Policy CS(R)12 (2) of the DALP, states that *proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities.*

Officers confirmed that the application was for supported living / extra care accommodation and this being changed in future to HMO accommodation would not be allowed under current permitted development rights. Questions relating to the conservation adviser responses and parking concerns were also addressed by Officers.

Both Applications were moved and seconded and the Committee agreed to approve them, subject to the conditions listed.

RESOLVED: That the applications be approved subject to the following conditions:

20/00476/FUL

1. Time limit;
2. Approved plans;
3. Use restriction – Community Hub – Use Class F2(b) – Hall of meeting places for the principal use of the local community;
4. Existing and proposed elevation drawings to show areas of repair and change. Including elevation drawing of the infill section where link removed between the Carnegie Library and Waterloo House;
5. Elevation and section of no more than 1:20 of proposed new window to infilled section of the Carnegie Library;
6. Building recording – Waterloo House;
7. Archaeological watching brief;
8. External facing materials;
9. Implementation of tree protection measures;
10. Boundary treatments scheme;
11. Soft landscaping scheme;
12. Off site highway works;
13. Parking and servicing provision;
14. Electric vehicle charging point scheme;
15. Cycle parking scheme;
16. Construction management plan;
17. Construction hours;
18. Site waste management plan/audit;
19. Demolition between November – February or licensed bat ecologist present;
20. Bat box scheme;
21. Lighting scheme to protect ecology;
22. Breeding bird protection;
23. Bird nesting box scheme;
24. Biodiversity net gain plan;
25. Additional site investigation / Remediation Strategy / Verification reporting;
26. Drainage strategy;
27. Separate system for foul and surface water drainage;
28. Acoustic risk assessment; and
29. Sustainable development and climate change scheme.

20/00477/LBC

1. Time limit;
2. Approved plans;
3. Existing and proposed elevation drawings to show areas of repair and change. Including elevation drawing of the infill section where link removed between the Carnegie Library and Waterloo House;

4. Updated and detailed schedule of works for each area of work in the Carnegie Library including photographs and methodology;
5. Elevation and section of no more than 1:20 of proposed new window to infilled section of the Carnegie Library;
6. Details and drawing of new gate to top of spiral stair and fencing to Egerton Street elevation;
7. Details of secondary glazing to all windows;
8. Details of any new doors to be added (internal or external); and
9. Methodology for vegetation removal.

DEV30 22/00493/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR RESIDENTIAL DEVELOPMENT (USE CLASS C3) OF 17 DWELLINGS ON LAND AT SUMNERS FARM, EAST OF BARKERS HOLLOW ROAD, PRESTON ON THE HILL, WA4 4AZ

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

Officers advised that neighbouring and Parish Council objections related to a misunderstanding about the allocation of the land and highway safety. It was confirmed that the site is located within the Primarily Residential Area and was not Green Belt or Safeguarded Land. With regards to access, the Applicant had worked with the Highway's Officer and the means of access was now deemed acceptable, with suggested conditions being in the interests of highway safety.

The Committee was addressed by Mr Harris, the Agent acting on behalf of the Applicant. He stated that:

- The site was now designated within the Local Plan for development;
- The proposal is for 17 homes, which include 4 affordable;
- All outline matters had been agreed;
- Ecology and trees issues were to be secured by conditions; and
- The proposal was in accordance with the Council's policies and National Planning and Policy Framework (NPPF).

The proposal was moved and seconded and the Committee agreed that it be approved.

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

a) entering a Legal Agreement, under Section 106 of the Town and Country Planning Act 1990, with the Council land relating to:

- i. Affordable housing;
- ii. Off-site public open space contribution; and
- iii. TRO contribution to extend the 30mph zone.

b) conditions listed below:

1. Time limit – outline permission;
2. Submission of reserved matters;
3. Development parameters;
4. Breeding birds protection (HE1);
5. Bird boxes (HE1);
6. Hours of construction (GR2);
7. Implementation of site access (C11);
8. Parking and servicing (C1 and C2);
9. Visibility splays on Barkers Hollow Lane (C1);
10. Construction Environmental Management Plan (CEMP) including reasonable avoidance measures – common amphibians;
11. Ecologically sensitive lighting scheme (GE21);
12. Drainage strategy/verification (HE9);
13. Ground contamination (site investigation, risk assessment, remediation strategy, validation report) (HE8);
14. Submission of a Biodiversity Net Gain Assessment (including updated metric);
15. Securing off-site highway works;
16. Arboricultural survey and methodology report (HE5);
17. Waste management plan (WM8 and WM9); and
18. Submission and implementation of an operational energy scheme to demonstrate energy consumption/carbon reduction.

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

DEV31 22/00638/FUL - PROPOSED DEVELOPMENT OF 13 DWELLINGS (USE CLASS C3) WITH ASSOCIATED LANDSCAPING, ACCESS/EGRESS, PARKING AND

ASSOCIATED WORKS ON LAND BOUNDED BY CHURCH  
END AND TOWN LANE, HALE, L24 4AX

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

The published AB list referred to two corrections in the report; these were noted by Members. Also, the following additional conditions were to be added to the recommended schedule of conditions as follows:

- Hedgehog highway details;
- Carbon reduction scheme;
- Construction dust mitigation scheme;
- Unsuspected contamination condition; and
- Contaminated land remediation verification condition.

Officers clarified two points, one relating to the matter of two trees, which are proposed to be removed. The other relating to the values of Section 106 Agreements, which were omitted from the report. The values were confirmed as being £3,617.38 towards recreational pressure and £17,587.14 towards off site open space.

It was also reported that one further objection had been received since the publication of the agenda; the points raised in the objection are summarised as:

- Proposal is for 13 dwellings, guideline states 12 dwellings;
- How can Halton need more 4 bedroomed dwellings;
- There is a need for affordable homes;
- There is a need for properties to cater for older residents;
- Danger of a road next to a school; and
- The ancient duck pond is not preserved.

Responses were provided to each by the Case Officer in the following terms:

- The DALP allocation carried a notional indicative capacity of 12 units;
- The strategic housing needs of the local housing market were set out in the report. Page 159-162 of the agenda;
- The scheme is contributing three affordable housing units as part of the proposal;
- There is no requirement of the site allocation to cater

- for a specific demographic of the population;
- A grant of planning permission would see the development proposal implemented in accordance with building regulations that require non discriminatory provisions such as level access, downstairs toilets etc;
- A pond feature is present on site, a recent visit found it to contain water. There are no records of Great Crested Newts within 1km of the site boundary. The pond was recorded as dried up during a contaminated land survey. Recent observations recorded that a large portion of the pond had paddock grass growing at its centre, supporting earlier recordings of it being dried up. Given the lack of maintenance of the pond and its present condition, it is considered to be of low quality and low grade. Removal of the pond would not cause harm to biodiversity that would justify refusal pursuant to paragraph 180a of the NPPF or Policy HE1 of the Halton Delivery and Allocations Plan. The pond is located in the area where three affordable properties are proposed to be built. Page 163 of the agenda notes the precarious viability of the scheme. Further erosion of the viability with regard to the loss of developable land is a material consideration. The delivery of three affordable residential units is of materially greater worth than the retention of the pond; and
- Concerns of highways safety were addressed by the Council's Highways Officer, who commented that full consideration had been given to the impact of the development upon the adjacent school access point.

The Application was moved and seconded and the Committee approved it, subject to the conditions listed below with the addition of the 5 additional conditions mentioned above.

**RESOLVED:** That authority be delegated to the Operational Director – Planning, Policy 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 HRA (Habitats Regulations Assessment) compliance. Upon satisfactory resolution that the Application be approved subject to the following:

- a) Section 106 Agreement that secures the terms set out in the Legal Agreement section of the report;

b) schedule of conditions set out below and recommended conditions that follow with any additional conditions recommended through the resolution of the HRA compliance issue to be added:

1. Time limit;
2. Plans;
3. Materials to be agreed (RD3 and GR1);
4. Submission of existing and proposed site levels (GR1);
5. Tree protection measures (HE5);
6. Submission of bird box scheme (CS(R)20 and HE1);
7. Protection of mammals during construction (CS(R)20 and HE1);
8. Electric vehicle charging points scheme (C2);
9. Ground contamination (CS23 and HE8);
10. Visibility splays (C1 and C2);
11. Submission of a cycle parking scheme (C2);
12. Verification of the Sustainable Urban Drainage Scheme – CS23 and HE9);
13. Waste management plan (WM8);
14. Sewage disposal (HE9);
15. Construction management plan (C1);
16. Limited construction hours (GR2);
17. Detail hard standing agreed (C2 and HE9);
18. Access constructed prior to occupation (C1);
19. Landscaping (GR1, GR3 and HE5);
20. Hedgerows retained or mitigation (CS(R)20 and HE1);
21. Acoustic mitigation (GR2);
22. Hedgehog highway details;
23. Carbon reduction scheme;
24. Construction dust mitigation scheme;
25. Unsuspected contamination condition; and
26. Contaminated land remediation verification condition.

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

#### DEV32 MISCELLANEOUS ITEMS

The following appeals had been received / were in progress:

**22/000304/FUL**

Proposed demolition of existing garage and erection of two storey side extension and single storey front and rear extensions at 9 Windermere Avenue, Widnes.

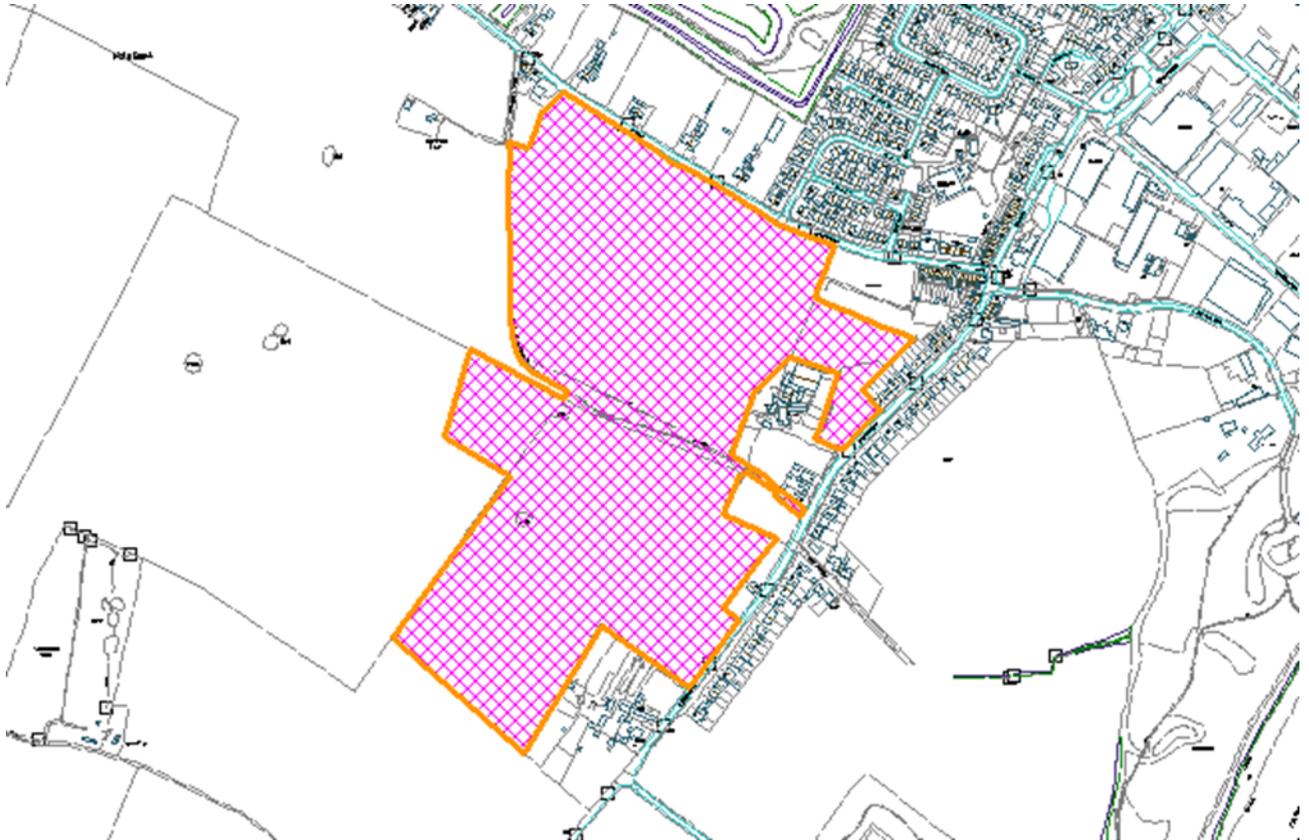
The following appeals had been determined:

**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, Hare Road and Baileys Lane to the east of Liverpool John Lennon Airport, Speke, Liverpool, L24 1YD – Allowed

*Meeting ended at 7.30 p.m.*

<b>APPLICATION NO:</b>	22/00423/OUTEIA
<b>LOCATION:</b>	Land Off Hale Gate Road, Widnes, Cheshire
<b>PROPOSAL:</b>	Proposed hybrid planning application comprising; Full planning permission for the construction of the primary access points, primary internal link road and site enabling works including site levelling and Outline planning permission, with all matters reserved except for access, for the construction of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space.
<b>WARD:</b>	Ditton, Hale Village & Halebank
<b>PARISH:</b>	Halebank Parish Council
<b>APPLICANT:</b>	Harworth Group
<b>AGENT:</b>	Avison Young
<b>DEVELOPMENT PLAN:</b>  Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Strategic Residential Allocation – W24 Educational Allocation - EDU3 Greenbelt Allocation - GB1
<b>DEPARTURE</b>	YES
<b>REPRESENTATIONS:</b>	YES
<b>KEY ISSUES:</b>	Principle of development, allocated education land, Highways/access, green belt compensation, and ecology
<b>RECOMMENDATION:</b>	Approval subject to conditions and legal agreement.
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The application site, located at Hale Gate Road, covers approximately 22.8ha of undeveloped/greenfield land that is allocated as a strategic Housing Location and Residential allocation (W24) in the adopted Halton Delivery and Allocations Local Plan. A parcel of the application site has also been identified as an education allocation (EDU3).

The application site is bound by Halebank Road to the north, in close proximity to the edge of Halebank Conservation Area, a parcel of Safe Guarded Land and Green Belt land to the west and further Green belt land to the south. Existing residential dwellings, Halebank Allotments and Hale Gate Road are located to the east of the application site.

The site is situated within Flood Zone 1 and is at the lowest risk of flooding, with no open watercourses in or near the development site.

In the wider context, the application site is located in 'Ditton, Hale Village & Halebank' Ward towards the west of Halebank Village

## 1.2 Planning History

The site is an undeveloped greenfield site allocation and has not been subject to any planning applications previously. The site therefore has no relevant planning history. The below pre-application enquiries have been undertaken:

21/07136/PREAPP- (REC) -Proposal for up to 500 dwellings

22/08002/PREAPP- (CLO) -EIA Scoping request

## 2. THE APPLICATION

### 2.1 The Proposal

The application consists of a hybrid planning application comprising; full planning permission for the construction of the primary access points, primary internal link road and site enabling works including site levelling and outline planning permission, with all matters reserved except for access, for the construction of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space.

### 2.2 Documentation

The planning application is supported by the following documents:

Item	Prepared by	Document Reference	Comments
Site Location Plan	Randall Thorp	905 - 01D	
Illustrative Masterplan	Randall Thorp	905 - 13F	
Parameter Plan	Randall Thorp	905 - 014E	As updated through the ES Addendum May 2023
Illustrative Below Ground Drainage Strategy Layout	Integra Consulting	3311 - 001P3	As updated through the ES Addendum August 2023
Illustrative External Finish Levels Strategy Layout	Integra Consulting	3311 - 002P3	As updated through the ES Addendum August 2023
Hale Gate Road Secondary Access	SLR Consulting (Formerly Vectos)	VN91381-D104 Revision A	As updated through the ES Addendum May 2023
Hale Gate Internal Link Road Connection	SLR Consulting (Formerly Vectos)	VN91381-D108 Rev A	As updated through the ES Addendum August 2023
Proposed Halebank Road Signalised	SLR Consulting	VN91381-D103	As updated through the

Junction Arrangements	(Formerly Vectos)	Revision B	ES Addendum August 2023
Proposed Halebank Road Signalised Junction Arrangement (Cycle Connections)	SLR Consulting (Formerly Vectos)	VN91381-D103.1 Revision B	As updated through the ES Addendum August 2023
Proposed Halebank Park Access Improvements	SLR Consulting (Formerly Vectos)	VN91381-D103.2 Revision B	As updated through the ES Addendum August 2023
Proposed Halebank Road / Hale Gate Road Junction Improvements	SLR Consulting (Formerly Vectos)	VN91381-D103.3 No Revision	As updated through the ES Addendum August 2023
Proposed Hale Gate Road Ghost Island Priority-Controlled Junction	SLR Consulting (Formerly Vectos)	VN91381-D106 Revision C	As updated through the ES Addendum August 2023
Trans Pennine Trail Improvements from Hale Gate Road Access	SLR Consulting (Formerly Vectos)	VN91381-D106.1 Revision B	As updated through the ES Addendum August 2023
Proposed Mersey View Road Improvements	SLR Consulting (Formerly Vectos)	VN91381-D110 No Revision	As updated through the ES Addendum August 2023

### Standalone Reports

Item	Prepared by	Document Reference
Design and Access Statement	Randall Thorp	June 2022
Supporting Planning Statement	Avison Young	August 2022

### Environmental Statement Chapters and the associated Appendices

Item	Prepared by	Document Reference / Version No.	Latest Version Submitted With:
<b>ES Chapters</b>			
Chapter 1 – Introduction	Avison Young	Version 1	July 2022 ES
Chapter 2 – Approach		Version 1	July 2022 ES
Chapter 3 – Site Description		Version 1	July 2022 ES
Chapter 4 – Alternatives		Version 1	July 2022 ES
Chapter 5 – The Proposed Development		Version 1	July 2022 ES
Chapter 6 - Landscape & Visual	Randall Thorp	Version 1	July 2022 ES
Chapter 7 - Ecology & Nature Conservation	Tyler Grange	Version 1	July 2022 ES

Chapter 8 - Archaeology & Heritage	Orion Heritage	Version 1	July 2022 ES
Chapter 9 - Ground Conditions	Integra	Version 1	July 2022 ES
Chapter 10 - Water Resources & Flood Risk	Integra	Version 2	August 2023 ESA
Chapter 11- Transport & Access	SLR Consulting (Formerly Vectos)	Version 1	July 2022 ES
Chapter 12 - Air Quality & Dust	BWB Consulting	Version 1	July 2022 ES
Chapter 13 - Noise & Vibration	BWB Consulting	Version 1	July 2022 ES
Chapter 14 - Climate Change	BWB Consulting	Version 1	July 2022 ES
<b>ES Appendices</b>			
Appendix 1.1 Competent EIA Experts	Avison Young	Version 1	July 2022 ES
Appendix 2.1 EIA Scoping Report	Avison Young	Version 1	July 2022 ES
Appendix 2.2 EIA Scoping Response	Halton Borough Council	Version 1	July 2022 ES
Appendix 6.1 LVIA Figures	Randall Thorp	Version 1	July 2022 ES
Appendix 7.1 Badger Survey (Confidential)	Tyler Grange	Version 1	July 2022 ES
Appendix 7.2 Bat Survey	Tyler Grange	Version 1	July 2022 ES
Appendix 7.3 Breeding Bird Survey	Tyler Grange	Version 1	July 2022 ES
Appendix 7.4 Wintering Bird Survey	Tyler Grange	Version 1	July 2022 ES
Appendix 7.5 Extended Phase I Habitat Survey	Tyler Grange	Version 1	July 2022 ES
Appendix 7.6 Great Crested Newt Survey	Tyler Grange	Version 1	July 2022 ES
Appendix 7.7 Shadow Appropriate Assessment	Tyler Grange	Version 2 12302_R08a_AS_CW	May 2023 ESA
Appendix 7.8 Arboricultural Impact Assessment	Tyler Grange	Version 1 12302_R05_JJ_NC	July 2022 ES
Appendix 8.1 Historic Environment Desk-Based Assessment	Orion Heritage	Version 1 PN3106/HEDBA/1	July 2022 ES
Appendix 9.1 Integra Consulting Phase 1 Geo-Environmental Desk Study (November 2021)	Integra	Version 1 3311/NS Nov 2021	July 2022 ES
Appendix 9.2 Preliminary Trial Pit Investigation	CC Geotechnical	Version 1	July 2022 ES
Appendix 10.1 Flood Risk Assessment and Drainage Strategy	Integra	Version 2 3311-FRA Jul 2023	August 2023 ESA
Appendix 11.1 Transport Assessment	Vectos	Version 1 VN91381	July 2022 ES

Appendix 12.1 Air Quality Assessment, Glossary of Technical Terms	BWB Consulting	Version 1	July 2022 ES
Appendix 12.2 Air Quality Assessment, Construction Phase Dust Assessment	BWB Consulting	Version 1	July 2022 ES
Appendix 12.3 Air Quality Assessment, Traffic Data Used in the Assessment	BWB Consulting	Version 1	July 2022 ES
Appendix 12.4 Air Quality Assessment, Wind Rose	BWB Consulting	Version 1	July 2022 ES
Appendix 12.5 Air Quality Assessment, Model Verification	BWB Consulting	Version 1	July 2022 ES
Appendix 13.1 Noise and Vibration Glossary of Terms	BWB Consulting	Version 1	July 2022 ES
Appendix 13.2 Policy, Legislation and Guidance	BWB Consulting	Version 1	July 2022 ES
Appendix 13.3 Full Baseline Noise Survey Results	BWB Consulting	Version 1	July 2022 ES
Appendix 14.1 Steps Involved in Assessing Climate Change Resilience and Adaptation in EIA and Determining the Significance of Impacts	BWB Consulting	Version 1	July 2022 ES
Appendix 14.2 Climate Variables and Climate Related Hazards	BWB Consulting	Version 1	July 2022 ES
Appendix 14.3 Steps Involved in Assessing GHG Emissions for EIA	BWB Consulting	Version 1	July 2022 ES
Appendix 14.4 Baseline Traffic Model GHG Emissions	BWB Consulting	Version 1	July 2022 ES
Appendix 14.5 District, Regional and National GHG Emissions (2019)	BWB Consulting	Version 1	July 2022 ES
Appendix 14.6 Embedded Mitigation Measures	BWB Consulting	Version 1	July 2022 ES
Appendix 14.7 Significance Assessment for the Resilience of the Proposed Development to Climate Change	BWB Consulting	Version 1	July 2022 ES
Appendix 14.8 Results of Carbon Modelling	BWB Consulting	Version 1	July 2022 ES
<b>ES Non-Technical Summary</b>	Avison Young	Version 1	July 2022 ES

**The ES Addendum comprises the following information:**

Item	Prepared by	Document Ref
<b>May 2023 ES Addendum</b>		
ES Addendum Letter 1	Avison Young	-
Appendix I: Parameter Plan	Randall Thorp	905-14E

Appendix II: Updated Shadow Appropriate Assessment	Tyler Grange	12302_R08a
Appendix III: Transport and Access Addendum Technical Note	Vectos	VN91381 May 2023
<b>August 2023 ES Addendum</b>		
ES Addendum Letter 2	Avison Young	-
Appendix I: Replacement Appendix 10.1 - FRA and Drainage Strategy	Integra	Version 2
Appendix II: Replacement Chapter 10 - Water Resources and Flood Risk	Integra	Version 2
Appendix III: Transport and Access Addendum Technical Note	Vectos	VN91381 August 2023
Greenbelt Compensation Note	Avison Young	-

### 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)6 Green Belt
- CS(R)7 infrastructure Provision;
- 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;
- CS(R)21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- CS24 Waste
- RD1 Residential Development Allocations;
- RD4 Greenspace Provision for Residential Development;
- C1 Transport Network and Accessibility;
- HC5 Community Facilities and Services;

- HC10 Education;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and Historic Environment
- HE4 Greenspace and Green Infrastructure
- HE5 Trees and Landscaping;
- HE6 Outdoor and Indoor Sports Provision;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- GR5 Renewable and Low Carbon Energy
- GB1 Control of Development in the Green Belt

### **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 Supplementary Planning Documents**

The following Supplementary Planning Documents are also of relevance:

- Design of Residential Development (2012)
- Planning for Risk (2009)
- Designing for Community Safety (2005)
- Draft Open Space SPD (2007)

#### **MATERIAL CONSIDERATIONS**

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

### 3.4 National Planning Policy Framework

The National Planning Policy Framework (NPPF) (as amended) was published in 2023 to set out the Government's planning policies for England and how these should be applied.

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

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

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

Paragraph 10 states so that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

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

Paragraph 60 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.”

Paragraph 65 states that planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable needs of specific groups.

Paragraphs 81-83 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.

Paragraph 105 states that the planning system should actively manage patterns of growth in support of the sustainable transport objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 174 states that planning policies and decisions should contribute to an enhance the natural and local environment, through protecting and enhancing valued landscapes, recognising the value of the countryside, minimising impacts on and providing net gains for biodiversity, and through preventing new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by soil, air, water and noise pollution or land instability.

### **3.5 National Planning Policy Guidance (NPPG)**

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

### **3.6 Relevant Planning Legislation**

The primary legislation for decision making is s70(2) of the Town and Country Planning Act 1990 and s38(6) of the Planning and Compulsory Purchase Act 2004.

### **3.7 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.

### **3.8 Other Considerations**

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

Other relevant material considerations are considered in the assessment section below.

## **4. CONSULTATIONS AND PUBLICITY SUMMARY.**

Pre-application consultation was undertaken by the applicant in May 2022. The results of this exercise and the applicant's responses to issues raised are reported in the Statement of Community Involvement submitted with the application.

A pre-application enquiry was also made to the Council in February 2022. A summary of the main issues raised in this process and the applicant's response has been provided in the applicant's Planning Statement.

On formal submission and validation of the planning application in August 2022, the Council commenced consultation on the application via the following methods: A press advert in the Widnes and Runcorn News, site notices posted near to the site and on the Council's website. Surrounding residents were also notified of the planning application by letter on 17.08.22.

Following the receipt of additional or amended information, re-consultation letters were sent to surrounding residents, contributors and statutory consultees on 13.09.22, 12.05.23 and 16.08.23.

The applicant throughout the planning application process has engaged and met with the Local Ward Councillors and Parish Councillor to assist with questions.

### **4.1 Consultee Responses Summary**

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

Consultee	Original Consultation Response	ES Addendum Consultation Response 1 May 2023	ES Addendum Consultation Response 2 (insert date)
Local Highways Authority (Statutory Consultee)	The lack of detail at this stage prejudices fulfilment of ambitions (for both parties) and may ultimately lead to a development that is not sustainable nor offer the required quality and provision, in term of policy (local, regional and national) that the current opportunity presents and until such time these obstacles are overcome a Holding Objection remains.	No response	
National Highways (Statutory Consultee)	No Objection	No Objection	No Objection
Network Rail (Statutory Consultee)	No Objection	No Objection	
Trans Pennine Trail/ Sustrans	No objection, recommendation to include benches / picnic tables of various designs to provide regular resting places for those with mobility issues or unable to travel for long distances.	No objection, recommendation to include benches / picnic tables of various designs to provide regular resting places for those with mobility issues or unable to travel for long distances.	Welcome updates, no objection in principle. The Travel Plan should be shared as soon as available. Any access control barriers being proposed as part of the development should accord to the Equality Act 2010 and LTN 1/20 to ensure that such barriers are not discriminatory against users and permit all legal users access to the development and wider network
Environmental Health	No response	No response	
Environment Agency	No response	No response	No Objection

(Statutory Consultee)			
Lead Local Flood Authority (Statutory Consultee)	No response	Objection, further work required on FRA, and ES to satisfy LLFA	No Objection, subject to standard drainage conditions.
UU	No response	No objections subject to conditions on: appropriate protective measures for the wastewater asset details of a sustainable surface water drainage scheme and a foul water drainage scheme	
SP Energy	No objection to the proposed development shown on the proposed layout plan subject to required measures to protect SP Manweb network assets and ensure safe working around the affected network as shown on the attached plan.		No objection to the proposed development shown on the proposed layout plan subject to required measures to protect SP Manweb network assets and ensure safe working around the affected network.
MEAS	Objection, the total loss is only 0.08 hectares, but as this is Priority Habitat we would advise that a location for replacement woodland planting should be agreed and included on the Masterplan prior to determination. Conditions required include: <ul style="list-style-type: none"> <li>• CEMP</li> <li>• LEMP</li> <li>• Homeowner leaflet</li> <li>• Recreational S106 contribution</li> </ul>	Objection, the total loss is only 0.08 hectares, but as this is Priority Habitat we would advise that a location for replacement woodland planting should be agreed and included on the Masterplan prior to determination. Conditions required include: <ul style="list-style-type: none"> <li>• CEMP</li> <li>• LEMP</li> <li>• Homeowner leaflet</li> <li>• Commuted sum of £278.26 per dwelling (total £139,130)</li> </ul>	The Applicant confirmed to MEAS that the Green Infrastructure Plan for the site will include woodland planting to compensate for the loss of 0.08ha of woodland habitat on the site.  Previous recommended conditions remain.
Cheshire Wildlife Trust	No response	Objection in relation to lack of information on BNG	
Natural England	No objection subject to appropriate	<ul style="list-style-type: none"> <li>• No response</li> </ul>	

(Statutory Consultee)	mitigation being secured through: <ul style="list-style-type: none"> <li>• The implementation of a Construction Environment Management Plan (CEMP).</li> <li>• Payment of a commuted sum to mitigate against increased recreational pressures.</li> <li>• Provision of advisory leaflets explaining the sensitives of the nearby designated sites.</li> </ul>		
Historic England	No Objection	No response	No Objection
Cheshire West and Chester Archaeology	No Objection, subject to condition on: <ul style="list-style-type: none"> <li>• programme of mitigation be outlined on the submission of a full application and secured by condition</li> </ul>	No Objection	No objection, subject to condition: No development shall take place 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.
Cheshire West and Chester Conservation and Design	No Objection	No Objection	No Objection
Environmental Services	No Objection, subject to conditions on: <ul style="list-style-type: none"> <li>• The reserved matters reaching the intended standard of design and landscape finish and any subsequent applications including full detailed design landscape plans, including</li> </ul>	No response	

	<p>POS/play areas/SUDs schemes. Details should include proposal plans, cross sections, planting plans and schedules.</p> <ul style="list-style-type: none"> <li>Establishment/Management plan setting out how the soft landscape works will be maintained.</li> </ul>		
Open Spaces	No Objection	No response	
Education	No Objection	<p>No Objection, On the basis that Halebank Primary and appropriate playing Field space can all fit within a footprint that is less than 1.4 ha, then there is no reason why that couldn't be replicate, if it were needed which is probably unlikely. Looking at the Published Admission Number for the current Halebank School it is 15 places per year group, offering a total of 105 places. So it is suggested that is the model that is followed should any new school be required in that area, is probably unlikely anyway.</p>	
HSE	Advise Against – due to size of proposed school (above 1.4ha)	Do not advise against – size of proposed school reduced to 1.4ha	
Contaminated Land	<p>No Objection, subject to condition on:</p> <ul style="list-style-type: none"> <li>Investigation and assessment of all potential pollutant linkages</li> <li>Remediation Strategy</li> </ul>	No response	
Coal Authority	No Objection	No Objection	No Objection
Liverpool Airport	No Objection	No Objection	
Liverpool City Council	No response	No Objection	
Knowsley Council	No response	No Objection	
NHS (IBB)	No response	<p>Objection, request for:</p> <ul style="list-style-type: none"> <li>Mitigation for the site-specific impacts of the proposed</li> </ul>	

		development, in the form of a capital costs contribution would likely be necessary to the sum of £360,876.	
Cheshire Police (Design)	No Objection	No Objection	
Cheshire Police (Infrastructure)	Objection, request for: <ul style="list-style-type: none"> <li>£156,524.14 is sought from this development to mitigate impacts on Cheshire Constabulary infrastructure.</li> </ul>	No response	
Secretary of State	No Objection	No response	
Halebank Parish Council (Statutory Consultee)/ Friends of Halebank	Objection	Objection	Objection
Mersey Forest	No response	No response	To comply with Biodiversity Net Gain regulations, this development must create habitat either on-site or off-site. The Mersey Forest Team can assist with advising on tree planting scheme designs and delivery. The Mersey Forest has a number of delivery programmes to facilitate tree planting and habitat establishment, such as Trees for Climate and Northern Forest. The Forest can also support delivery through Section 106 agreements or

			<p>Community Infrastructure Levies where it can be shown that our funds provide additionality in terms of the delivery of The Mersey Forest Plan.</p>
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**5. REPRESENTATIONS**

**5.1 Parish Council**

Halebank Parish Council submitted representations to each of the consultations, summarised below are the points they raised.

The proposals do not constitute a comprehensive, coordinated, well-planned development of Allocated Sites W24 and EDU3 as set out in the DALP Policy RD1.

Highways, Transportation and Traffic Issue Contrary to DALP Policy C1.

The Road alignment severs the PROW to the detriment of amenity and priority habitat (DALP Policies C1, HE1 and HE5).

The siting of School contrary to DALP Policy HC10.

The encroachment of Proposed School Site into Greenbelt land is contrary to DALP policy GB1.

Insufficient Open Space Provision and no landscaping proposals contrary to DALP Policies RD4 and HE5.

Removal of Trees and Hedgerows without replacement planting and ecological mitigation (Policies HE1 & HE5).

No Compensatory Improvements to offset the harmful impact of removing Sites W24 and EDU3 from the Greenbelt as required by NPPF 142.

The negative and unquantified impacts arising from the construction period in relation to noise, dust etc. and construction traffic.

**5.2 Neighbour Representations**

The application has been advertised via the following methods: site notices posted near to the site, press notice and Council website. 1159 Surrounding neighbouring properties have been notified by letter.

Following the receipt of the addendum to the Environmental Statement (May 2023), further publicity was undertaken, this was again repeated in August 2023 with a consultation on a second addendum to the Environmental Statement. A total of 106 representations have been received. The comments received are summarised below:

- Lack of school provision
- Lack of shops
- Lack of GP/Dentist Provision
- Impact on mental health
- Impact on the highway network and highway safety issues
- Impact on Trans Pennine Trail
- Loss of Public rights of way
- Brownfield first approach
- Pollution and dust
- Lack of public transport/bus routes
- Lack of tree planting/ loss of trees
- Displacement of rats/vermin
- Impact on climate change
- Loss of historical features
- Lack of local employment opportunities
- Destruction of Greenbelt
- Impact on wildlife and hedgerows and priority/protected species
- COMAH area
- Lack of sewerage/civils
- Impact on biodiversity and lack of BNG information
- Lack of design in accordance with the National Design Guide
- Lack of green infrastructure
- Lack of detail on the parameters plan
- Lack of landscaping strategy
- Drainage issues
- Increased flooding
- Site doesn't match the allocations in the DALP
- Length of construction period
- Doubling population of Halebank
- Loss for farmland
- Lack of proposed affordable housing
- Loss of agricultural fields

## 6. ASSESSMENT

S38 (6) of the Planning and Compulsory Purchase Act states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development Plan comprises the Halton Delivery and Allocations Local Plan (DALP) which was adopted on 2nd March 2022 and the Joint Merseyside and Halton Waste Local Plan which was adopted on 18th July 2013. The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report.

### 6.1 Principle of Development

The application site includes the following land allocations as identified on the Delivery and Allocations Local Plan Policies Map:

- Strategic Housing Location (W24)
- Residential Allocation
- Education Allocation (EDU 3)
- Designated Greenbelt land.

Policy CS(R)3 of the Delivery and Allocations Local Plan states that that during the plan period (up to the year 2037) provision will be made for the development of **at least** 8,050 (net) additional dwellings at an average of 350 dwellings (net) each year. The total of 8,050 new homes will be delivered from a variety of sources, one being via strategic residential locations as identified on the Policies Map. The application site forms part of the Strategic Residential Location 'SRL9: Halebank'. The principle of residential development in this location is therefore policy compliant and acceptable in accordance with Policy CS(R)3 of the Delivery and Allocations Local Plan.

Policy RD1 of the Delivery and Allocations Local Plan lists the Residential Allocations and the Strategic Housing Locations, and states that these allocations will assist in the delivery of the above requirements set out in Policy CS(R)3. The application site sits within the area referenced as W24 in the list of allocations.

Where a site does not have a current planning permission, an *indicative* notional capacity has been provided within Policy RD1 based on assessment of a suitable density that takes into consideration the location and context of the site and any other uses that are proposed on the site.

Policy CS(R)3 states that to ensure the efficient use of land, a minimum density on individual sites of 30 dwellings per hectare will be sought. In more accessible locations such as those close to town, district or local centres or

transport interchanges the presumption will be for developments achieving densities of 40 dwellings per hectare or greater.

Based on the above density calculation, the W24 strategic allocation should have a notional capacity of 692 (23.06 Ha x 30 units) however the suggested notional capacity for the site is 484 units. The application site covers approximately 22.8Ha and the proposed development consists of up to 500 units/dwellings which is outside of the parameters set out for the allocation.

The application has been submitted in outline, and seeks to establish the principle of a mixed use development comprising the construction of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space.

The layout, scale and appearance are reserved for future consideration, which will include the appropriate density of the scheme, however the applicant has provided a number of plans including a parameters plan and illustrative masterplan. These plans illustrate how the applicant proposes to separate the site into three distinctive areas, including residential, education and local centre use.

The submitted masterplan plan also illustrates how the internal roads, footpaths and general circulation routes could be laid out, as well as how areas of public open space could be integrated into the layout of the different areas. These plans are only intended to demonstrate the suitability of the amount of development being sought. The layout would not be restricted to that shown on the indicative layout.

A suitable detailed layout for the site is something which would need to be demonstrated through a reserved matters application. The scale and appearance of the proposed buildings is also something that would also be considered as part of a reserved matters application.

The submitted illustrative plans provide enough information to demonstrate that the development is acceptable in principle and at this outline stage, the development parameters of up to 500 residential units is considered to be appropriate. The final design, to be submitted via reserved matters, will need to demonstrate that the layout, scale and appearance of the development meet the relevant design standards contained within the Design of New Residential Development SPD and Policies CS(R)18, GR1 and GR2 of the Halton Delivery and Allocations Local Plan.

As stated above, the assessment of suitable density takes into consideration other uses that are proposed on the site. The other

consideration in this instance is the Education Allocation contained within the site, marked as EDU3 on the Delivery and Allocations Local Plan Policies Map.

The submitted 'Land Use and Building Heights Parameter Plan' (Drawing Number: 905-14E) shows the proposed education use in a different location, albeit within the application site, to the education allocation EDU3 identified on the Delivery and Allocations Local Plan Policies Map. A new primary school is included within the description of the proposed development and the proposed location has been included on the submitted plans. However, the proposed location is not inline with the development plan allocation. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that in the case of an application for planning permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the applications relates is situated, the application must be publicised in the manner specified in paragraph 3 [of part 15]. For this reason, the application has been advertised as a departure from the development plan.

It is noted within the submitted application documents that the applicant is not committing to delivering and building the school as part of this planning application but is instead gifting the land to the local education authority for this proposed use in the future. The school site can be secured as part of the Section 106 legal agreement in such that the land is designated by the parties on the parameters plan, as the site of a potential new school. The detailed layout of the planning application will be dealt with at the reserved matters stage, however the submitted parameters plan and subsequent securement of the school site is considered to be acceptable on balance, although not wholly in line with the development plan land allocation, and as such, a refusal of the proposed development could not be justified given the above assessment.

Part of the application site extends into designated green belt land. As per the submitted parameters plan, this element of the proposed development would site playing fields associated with the education use, together with landscaped external areas, excluding buildings.

Paragraph 149 of the National Planning Policy Framework lists a number of exceptions to inappropriate development in the Green Belt including 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'. On this basis, it is considered that the proposal to have playing fields and landscaped external areas associated with the

education allocation would not constitute inappropriate development within the Green Belt and this element of the proposal is considered consistent with the NPPF in this regard as well as policy GB1 of the Halton Delivery and Allocations Local Plan.

A Local Centre (use class E) has been included within the description of the proposed development. This is not highlighted as an area included within the parameters plan but is indicated on the illustrative masterplan. As stated above, the application is a strategic residential land allocation and not a mixed use allocation. The proposal for a local centre is a departure from the development plan policies map, however based on planning judgement of the application, a new retail facility to support future growth in the number of residents within Halebank is considered to be a positive addition to the area that would provide additional amenities to support the growing neighbourhood. For this reason, the principle of a local centre is considered to be acceptable in accordance With Policy HC5 of the adopted Delivery and Allocations Local Plan. A suitable detailed layout for the local centre site is something which would need to be demonstrated through a reserved matters application. The scale and appearance of the proposed buildings is also something that would also be considered as part of a reserved matters application.

Based on the above assessment, it is considered that the principle of the proposed development is acceptable, having regard to policies CS(R)1, CS(R)3, RD1, HC5 and GB1 of the adopted Halton Delivery and Allocations Local Plan together with the NPPF. The non-compliance in relation to the School site would not be considered to justify refusal of the application.

## 6.2 Released Green Belt Land

Halton's Spatial Strategy, set out in Policy CS(R)1 of the Delivery and Allocations Local Plan, is focused around delivering development through a balanced mix of prioritised urban regeneration, supported by appropriate levels of greenfield expansion. For Halebank and Ditton Corridor (Widnes), this spatial strategy will be delivered by supporting and expanding the employment opportunities around the multi-modal freight facility and balancing this with growth to the local community. The policy justification explains that despite the priority to renew and improve the Borough's urban landscape through new development, it is apparent that not all future development can be delivered on brownfield land. Much of the remaining previously developed land is highly constrained through contamination or other factors which affect development viability, reducing the amount of brownfield land which can realistically be brought back into beneficial use.

Policy justification for CS(R)6 of the Delivery and Allocations Local Plan states that:

*The Green Belt in Halton has been very successful in containing the expansion of the urban areas and encouraging the re-use of brownfield land. However, the remaining supply of brownfield land is no longer sufficient to meet the development needs for Halton over the Plan period. This led the Examination into the Core Strategy Local Plan (in 2011) to conclude that there was insufficient identified developable land within Widnes to meet future development requirements and as such identified the need to undertake a review of Halton's Green Belt.*

Greenbelt Exceptional Circumstances Paper EL001 Dec 2017 summarises the steps that the Council had undertaken to review all available land options before deciding that there are exceptional circumstances to release green belt land to meet housing needs. It concludes that the land available through all these options is not sufficient to meet the Borough's housing requirements and so there are exceptional circumstances to release land from the green belt to meet housing needs.

The allocation of site W24 (the application site) is the result of extensive assessment and the consideration of alternative options by the Council in accordance with the NPPF (paragraph 140), to reach the conclusion that there is a demonstrable need to release Green Belt land and that the land at Hale Gate Road is a suitable location to release land for residential development.

Policy CS(R)6 of the Halton Delivery and Allocations Local Plan states that development proposals for the sites removed from the Green Belt and allocated or safeguarded in this plan should include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt.

Under point 7.71 of this policy, it is set out that compensatory improvements could include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, new or enhanced walking or cycling routes and improved access to new, enhanced or existing recreational and playing field provision.

The compensatory improvements as detailed above have been incorporated into the proposed scheme as follows:

- Enhancements to sustainable transport linkages. The applicant has engaged with Sustrans, Trans Pennine Trail and the Council's Highways Authority regarding the proposed sustainable travel benefits offered as part of any consent. There will be enhancements to a footpath towards the River Mersey bank from Pickering's Pasture to the south of the site. Further details of the design of linkages and any necessary infrastructure would be

confirmed post-approval and secured by a suitably worded condition

- Biodiversity net gain compensation
- Off site woodland planting. Detailed landscaping will be sought for consent at the reserved matters stage. At this outline, stage it is not possible to identify the exact area for the replacement of woodland, however the applicant has provided a signed letter from the landowner for the adjacent site to provide the Council with comfort that this will be delivered.

In light of the above, it is considered that the proposed development demonstrates compliance with Policy CS(R)6 of the Halton Delivery and Allocations Local Plan. The proposed development will encourage accessibility where possible and promote a high environmental quality and thus provides sufficient compensatory improvements throughout the scheme to offset/mitigate the impact of the removal of the land from the Green Belt.

### 6.3 Housing Mix

Policy CS(R)3 of the Halton Delivery and Allocations Local Plan states that on sites of 10 or more dwellings, the mix of new property types delivered should contribute to addressing identified needs as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. Policy CS(R)12 echoes this housing mix requirement.

The Mid-Mersey Strategic Housing Market Assessment (SHMA) 2016 set out the demographic need for different sizes of homes, identifying that the majority of market homes need to provide two or three bedrooms, with more than 50% of homes being three bed roomed. However, it is recognised that a range of factors including affordability pressures and market signals will continue to play an important role in the market demand for different sizes of homes.

Alongside delivering the right quantity of new homes, it is equally important that the right type of housing is provided to meet the needs of Halton's existing population, address imbalances in the existing housing stock and ensure the homes provided can adapt to changing demographics. Given that the application is outline and the details are yet to be confirmed, it is considered that the housing mix of the properties could also be deferred to reserved matters stage when the scheme is finalised. The final design, to be submitted via reserved matters, will need to demonstrate that the development meets the relevant requirements

contained within policy CS(R)12 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### 6.4 Affordable Housing

Policy CS(R)13 of the Halton Delivery and Allocations Local Plan states that all residential schemes including 10 or more dwellings (net gain), or 0.5ha or more in size, with the exception of brownfield sites are to provide affordable housing at the following rates:

- a. Strategic Housing Sites: Those identified on the Policies Map as Strategic Housing Locations, are required to deliver a 20% affordable housing requirement.

The application site is designated as a Strategic Housing Location on the Halton Delivery and Allocations Local Plan Policies Map, and as such 20% of the proposed units should be delivered as affordable housing.

Paragraph 2 of CS(R)13 sets out the Council's ambition for affordable housing delivery, at 74% affordable or social rent and 26% intermediary where practicable and where evidence justifies a departure from this provision. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the Delivery and Allocations Local Plan examination in public.

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

First homes are required to fulfil the following set criteria:

- Must be discounted by a minimum of 30% against the market value
- Sold to persons meeting the first homes eligibility criteria
- On their first sale will have a restriction registered on the Land Registry title to ensure that other restrictions are passed on at each subsequent title transfer
- A market price cap of £250,000 is applied
- Purchasers of a First Home should have a combined household income not exceeding £80,000 in the tax year immediately preceding the year of purchase
- A purchaser of a First Home should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price

It has been noted that the proposed development would deliver the 20% affordable housing requirement which meets the broad requirements of planning policy CS(R)13 of Halton Delivery and Allocations Local Plan and the NPPF, details of the tenure split will be determined as part of a reserved matters application.

#### 6.5 Environmental Statement Chapters

As stated in section 2.2 of this report, the applicant has submitted an Environmental Statement and an Environmental Statement Addendum (May 2023 and August 2023). The EIA (Environmental Impact Assessment) undertaken assesses Hale Gate Road in site in isolation.

The Environmental Impact Assessment Regulations 2017 set out in Schedule 4 the general requirements for the content of Environmental Statements. These comprise information on: the nature of the development; consideration of alternatives; relevant aspects of the environment; likely environmental impacts arising; proposed mitigation measures; and an indication of any difficulties in compiling the information needed. A non-technical summary of the contents of the Environmental Statement is also required.

Having reviewed the submitted Environmental Statement, the Council's Ecological Advisor MEAS (Merseyside Environmental Advisory Service) have advised that it satisfies these requirements and can be used as a basis for the determination of the application.

#### 6.6 Landscape and Visual Impact Assessment

Policy CS(R)20 of the Halton Delivery and Allocations Local Plan states that the landscape character and condition as informed through the Halton Landscape Character Assessment will be promoted and sustained given that Halton's natural and heritage assets, and landscape character will contribute to the Borough's sense of place and local distinctiveness.

The submitted Environmental Statement assesses the effects of the proposed development on landscape character and visual amenity. In particular it identifies and assesses the anticipated effects of change resulting from the proposed development on the character and features of the landscape; and on people's views and visual amenity within the Landscape and Visual Impact Assessment (LVIA) Study Area.

The Environmental Statement sets out the methods used to assess the likely significant effects, the baseline conditions currently existing at the site and surroundings, the potential direct and indirect effects of the development arising from changes to landscape character and visual

amenity, and the mitigation measures required to prevent, reduce, or offset the identified significant effects and the residual effects.

Chapter 6 of the Environmental Statement identifies that during the construction phase of the proposed development there would be some major adverse effects on the views from the public right of way (PRoW) W/73 which runs through the site and PRoW to the east of Burnt Mill Farm to the west of the site. These effects are significant within the local area, medium term and temporary. All other effects would not be significant during the construction phase.

Upon completion of the proposed development there are no significant effects on the landscape identified, only minor adverse effects, these would be within the local area, medium term and temporary until the proposed landscape has matured.

With regards to completed and operational development residual effects, there would be no significant residual effects on the maturity of the landscape proposals. Upon maturity of the proposed landscaping there would be no significant visual effects.

In conclusion the Hale Gate Road Landscape and Visual Impact Assessment is deemed acceptable by the Council's landscape services department and is compliant with policy CS(R)20 of the Delivery and Allocations Local Plan.

### 6.7 Ecology and Nature Conservation

The applicant has submitted an Environmental Statement (ES) report in accordance with policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

The following designated sites are located within 1km of the application site:

- Mersey Estuary SPA (550m south)
- Mersey Estuary Ramsar Site (550m south)
- Mersey Estuary SSSI (550m south)
- Pickerings Pasture LNR (360m east)
- Clincton Wood LNR (930m north)
- Pickerings Pasture LWS (370m east)
- Little Boar's Wood LWS (310m west)
- Big Boar's Wood LWS (500m south-west)
- Ramsbrook Plantation LWS (860m south-west)
- Hale Road Woodland LWS (980m north)

The application is located just under 600m from the Mersey Estuary SPA/Ramsar site. These sites are protected under the Conservation of

Habitats & Species Regulations 2017 (as amended). The applicant has submitted a shadow HRA (Habitat Regulations Assessment) which includes an Appropriate Assessment for the proposals. The shadow HRA concludes that there will be no direct noise or visual disturbance of the international sites. This is accepted by MEAS.

The additional mitigation required to ensure no adverse effect on site integrity, as set out within the Shadow AA report, is as follows:

- a commuted sum contribution of £278.26 for each new net home (which equates to a total of £139,130.00) is secured by a section 106 agreement.
- an information leaflet be provided by the applicant to all first-time occupiers of new homes. The leaflet has been produced by MEAS and has been approved by Natural England.
- production and implementation of a Construction Environmental Management Plan (CEMP) which will be secured by a suitably worded condition.

The Applicant has agreed to subscribe to the Halton Recreational Management Interim approach (HRMIA). On this basis, it is considered that the potential impacts as a result of recreational pressure have been addressed.

The illustrative site masterplan indicates that the existing ponds and the majority of the hedgerows will be retained.

The application has also been submitted with a number of ecological surveys and reports including birds, bats, amphibians, badgers and great crested newts. These are considered to be acceptable and conditions are recommended to secure protection of nesting birds, bats, badgers, amphibians and hedgehogs. As well as the provision of birds nesting boxes, landscaping details, biodiversity management plan, and the submission of a Construction Environmental Management Plan (CEMP).

Natural England and MEAS have no objection to the proposed development subject to a number of suitably worded conditions. It is considered that the proposed development can therefore demonstrate compliance with policies CS(R)20, CS(R)21, HE1, HE4 and HE5 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### 6.8 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment. There are no Tree Preservation Orders in force at the site and the application area does not fall within a designated Conservation Area,

therefore the existing trees on the application site do not benefit from statutory protection.

A section of woodland will be lost to accommodate the new spine road (30-35 metres), and sections of hedgerows will be lost to form the new site access points. The proposed tree removals are largely limited to sectional losses of Category C hedgerows and the 'puncturing' of an internal Category B tree group in order to accommodate new vehicular and pedestrian connections.

The masterplan indicates that new tree and hedgerow planting will take place as part of the proposals. Further detail of landscaping will be sought for consent at the reserved matters stage. The Council's Landscape Architect has provided guidance and will assess the landscaping design at reserved matters stage. At this outline, stage it is not possible to identify the exact area for the replacement of woodland, however the applicant has provided a signed letter from the landowner for the adjacent site to provide the Council with comfort that this will be delivered.

A planning condition would ensure that the proposed landscaping scheme would adequately compensate for the loss. In respect of the trees to be retained, a tree protection method statement can be secured at reserved matters stage.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with policy CS(R)21 and HC5 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### 6.9 Biodiversity Net Gain Assessment

Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will be required to deliver at least 10% biodiversity net gain from January 2024. Until this legislation comes in to effect, current national policy sets out that planning should provide biodiversity net gains where possible and no net loss as a minimum.

The application is supported by a Biodiversity Net Gain (BNG) Technical Note (21 July 2022) which states that the proposals based upon the illustrative masterplan will result in a net biodiversity loss of 12.64 biodiversity units.

An updated BNG note (14 December 2022) and a completed DEFRA Biodiversity Metric 3.1 Assessment has been submitted which includes off-site compensation that will provide a net biodiversity gain of 10.8%.

MEAS are satisfied with the approach from the applicant/landowners via a written statement detailing that the mitigation provided will be within the ownership of the landowner. This exact location however has not yet been established due to the application requiring detailed design through a subsequent reserved matters application.

The provision of BNG in the form of woodland to the extent of 0.8ha would also address the comments raised by the Mersey Forest in creating either habitat on or off site.

The submitted Biodiversity Net Gain note demonstrates that the proposed development can deliver in excess of the 10% Biodiversity Net Gain. Whilst this is not a requirement, the provision of net gain is considered to be acceptable and in accordance with Policy CS(R)20, HE1 and HE4 of the Halton Delivery and Allocations Local Plan together with the NPPF.

### 6.10 Greenspace and Green Infrastructure

The requirements for greenspace provision for residential development are set out in Policy RD4 of the Halton Delivery and Allocations Local Plan.

The indicative plans submitted with the application show that there is potential within the site for onsite public open space provision. However, given that the proposal is in outline and the layout and landscaping are to be reserved, the amount or type of any onsite provision is yet to be finalised.

Planning conditions will ensure that any onsite provision is adequately landscaped and maintained, whilst any outstanding deficiencies would be met through a financial contribution in lieu of on-site provision. It is recommended that the financial contribution be secured by Section 106 agreement.

Based on the above, it is considered that the proposal would be capable of meeting the local needs of the people living there, with regards to open space provision. It would also be in compliance with Policy RD4 and HE4 of the Halton Delivery and Allocations Local Plan together with the NPPF.

### 6.11 Outdoor and Indoor Sports Provision

Policy HE6 justification states that when considering proposals for the provision, enhancement and/or expansion of indoor sports facilities or an outdoor sports facility the following considerations will be taken into account:

- a. The benefit of the proposal to sport and how it meets the sporting needs of the area;
- b. Good design, which ensures that any facility is fit for purpose; and
- c. The benefit to sport of maximising the use of existing provision by enhancing ancillary facilities.

The submitted parameters plan and illustrative masterplan indicates that outdoor sports facilities will be provided via the proposed school playing fields and form part of the Green Belt compensation measures as discussed in the sections above.

No representations have been received from Sport England in relation to the outline planning application.

The indicative plans submitted with the application show that there is capacity within the site for outdoor sports provision. However, given that the proposal is in outline form and the layout and appearance are to be reserved, the details of any onsite provision is yet to be finalised.

The principle of outdoor sports facilities in the proposed location is supported and based on the above, it is considered that the proposal would benefit the residents within the locality and be in compliance with policy HE6 of the Delivery and Allocations Local Plan together with the NPPF.

#### 6.12 Transport and Access

Policy CS(R)15 of the DALP sets out the transport and traffic considerations that development proposals should address. The policy seeks to ensure that new development is accessible by sustainable transport methods such as walking, cycling and public transport. Policy C1: Transport Network and Accessibility encourages a shift to more sustainable modes of travel in order to ensure that a successful transport network is in place.

Chapter 11 of the Environmental Statement, the Environmental Statement Addendum and Transport Assessment set out the impact of the development on the site and wider area.

#### **Access**

The main vehicular access points for the site are applied for in detail and will connect to the existing highway network, located at Hale Gate Road and Halebank Road. A secondary access point for a limited number of dwellings will also be located on Hale Gate Road near to Hope Farm. The proposal also makes provisions for access by other means including cyclists and pedestrians.

Based on the information that has been provided and following positive collaboration and information exchange including an Addendum Technical Note, the Highways Officer is satisfied that the site is accessible, and that the proposed access arrangements will cater for the number of anticipated movements generated by the development. There is sufficient space within the site for it to be suitably serviced, whilst providing the required number of car parking spaces for each of the proposed uses.

The Highways Officer does note that improvements would need to be made to the illustrative layout to promote better connectivity/movement within the site, however, at this stage the routes are only indicative on the masterplan, the final design and layout of the highway and circulation routes would be considered as part of a reserved matters application.

A number of planning conditions have been suggested to secure off-site sustainable transport improvements to promote more sustainable modes of travel other than the private motor vehicle. This includes the following:

- East-west cycle connections and associated infrastructure along the site frontage with Halebank Road, extending from the junction of Halebank and Hale Gate Road in the east, to the Borough boundary about Higher Lane to the west.
- A “gateway” feature in proximity to Potters Lane which connects to the Public Right of Way access into the site on Potter’s Way. The “gateway” feature is to provide a physical and visual indication, giving a clear message to motorists, that vehicles are entering a specific environment/place and must reduce speeds and observe changes in the road layout.
- Pedestrian and Cycle connections between the site’s Hale Gate Road access, the Trans Pennine Trail and onwards to Pickering’s Pasture via the access of the United Utilities Waste Water Treatment Works, including the wooded section.
- Improvements along Mersey View Road, from the junction of Halebank and Hale Gate Roads to the Trans Pennine Trail at Pickering’s Pasture, to facilitate pedestrian and cycle movements and Bus movements.
- Improvements to pedestrian and cycle connections between the site up to and including the base of Ditton Bridge to facilitate pedestrian and cycle movements.

These off-site highway improvements have been agreed by the applicant and therefore any previous concerns are satisfactorily addressed and the Highway Authority have no objection to the proposed development and offer full highway support to the application.

In order to address sustainable transport and meet the requirements of policy C1, it is required that dwellings be no more than 400m from a bus stop (for reserved matters stage) and that there should be space along the route to install bus stops infrastructure in each direction. The proposed development may require improvements to bus services in the area, which is considered necessary to ensure new residents and occupiers of the site have a access to public transport, and to promote more sustainable modes of travel. A scheme of bus infrastructure to include bus stops can be conditioned in order to ensure that the requirements of Policy C1 are addressed at reserved matters stage.

Wider conversations are taking place between the Council and the Bus Service Provider to establish whether a Section 106 financial contribution will be required in order to extend the bus service in terms of routing and infrastructure needs, into the development site to facilitate sustainable transport and meet the requirements of Policy C1 of the Delivery and Allocations Local Plan, or whether the additional capacity can be integrated into the existing bus service provision. The outcome of these discussions will be relayed to Members at or before Committee Meeting by way of update.

Based on the above assessment, it is considered that the proposed development demonstrates compliance with Policies CS(R)7, CS(R)15 and C1 of the Delivery and Allocations Local Plan together with the NPPF.

### 6.13 Archaeology and Heritage

The Environmental Statement Chapter 8, is accompanied by a Heritage desk based assessment which identified and assesses the three sensitive archaeology and heritage receptors in relation to the proposed development. These include non-designated archaeological deposits, Hale Bank Conservation Area and Mill Farm.

The Council's advisors APAS (Cheshire Archaeology Planning Advisory Service) have reviewed the supporting documentation along with the information held on the Cheshire Historic Environment Records and have advised that a programme of archaeological mitigation may be required in order to identify concentrations of artefacts, which may highlight the presence of below ground archaeological remains.

The proposed development is supported by a Desk Based Assessment provided by Orion Archaeology, who note in section 4.12 that metal detector surveys in the locality of the proposed development area have recovered several medieval and post medieval items, including a crucifix, spindleworks and figurines. This suggests that there is a strong likelihood for items to be recovered within the proposed development area.

Furthermore, a study of the aerial photographs of the area shows former field boundaries present as crop marks within the proposed development area. APAS advise that it is reasonable to assume that the plough soils within the proposed development area may hold artefacts relating to the former land use of the area and therefore have recommended that a programme of archaeological mitigation is undertaken.

It is advised that the archaeological potential and interest of the site is not sufficient to justify an archaeological objection to the development or to generate a requirement for further predetermination evaluation. It is recommended, however, that if planning permission is granted the site should be subject to programme of further archaeological mitigation, with the work secured by condition. This will ensure the proposed development demonstrates compliance with Policy HE2 of the Halton Delivery and Allocations Local Plan.

APAS have advised that it is unlikely that an EIA requirement will be triggered by these archaeological considerations.

Historic England have confirmed that they have no comment on the application.

The Council's conservation advisor from CWAC (Cheshire West and Chester council) is in support of the application and have provided the following comments:

*The proposal is an outline application for up to 500 dwellings within an area of existing open land adjacent to the Halebank Conservation area. An Environmental Impact Assessment has been submitted with the application. Chapter 8 within the document deals with Archaeology and Heritage and sets out the heritage assets whose settings have the potential to be impacted by the proposals. This concludes that the identified assets make a positive contribution to the character of the area and that the proposal would have an indirect minor adverse impact on their setting. I am in agreement with this conclusion.*

*It is proposed to incorporate the use of character areas, this is welcomed and shows appropriate consideration of the varying context of the site—development needs to be cohesive, not piecemeal, and so the junctions of*

*the character areas should be carefully considered [at reserved matters stage].*

*Materiality will also be a key consideration in terms of built form, boundary treatment, surfacing, and street furniture etc. to ensure the development successfully harmonises with its environment and creates a high quality healthy place [this level of detail will be assessed at reserved matters stage].*

In light of the above, subject to suitably worded planning conditions, the proposed development meets the requirements of Policy HE2 of the Halton Delivery and Allocations Local Plan .

#### 6.14 Ground Conditions

The application is supported by a phase 1 geo-environmental desk study report and the Environmental Statement Chapter 9. This information has been reviewed by the Council's Contaminated Land Officer who notes that the land is largely undeveloped as having been predominantly agricultural land with some peripheral developments, infilled ponds and adjacent land uses (fuel sales) that give rise to a low to moderate risk of potential contamination.

The submitted report makes recommendation for an initial site investigation comprising trial pits with relevant soil sampling. Additional investigation dependent on the findings of the trial pitting may be required. There is site investigation information available for the adjacent former garage/fuel sales site that would assist in the assessment of the potential hazards, that was not captured by the desk study.

Given that the application is outline, no objection has been raised subject to a condition being attached which will secure further detailed site investigation, assessment, and if necessary, a remediation strategy, securing of its implementation, and provision of a verification report to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy CS23, HE7 and HE8 of the Delivery and Allocations Local Plan.

#### 6.15 Flood Risk and Drainage

An Environmental Statement Chapter for Water Resource and Flood Risk, a Flood Risk Assessment and Drainage Strategy have been prepared in support of the application. These documents have been reviewed by the Council's Lead Local Flood Authority who have advised the following:

The site is located within Flood Zone 1, with no open watercourses in or near the development site. The proposed development includes residential property which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.

This assessment indicates the majority of the site is at very low risk from flooding due to surface water, with two linear extents that have a low to high risk through the northern and central areas of the site extending broadly from west to east. It also notes there are localised discrete areas of the site with varying levels of surface water flood risk.

With regards to the surface water flood risk, the assessment notes future development of the site will naturally address these areas through the detailed design process.

The Lead Local Flood Authority notes there has been historic surface water flooding from this land that has affected residents off site and therefore it has been agreed for post development site levels to positively fall away from Hale Bank Road at the northern boundary of the site to prevent the flooding mechanism noted during Storm Christoph.

The Flood Risk Assessment notes building levels will be raised above the main site access road and driveways will gently slope towards the highway to ensure rainwater is directed away from buildings on site.

The assessment identifies flooding due to groundwater to be a low risk to the site and the LLFA is satisfied that flooding from artificial sources such as sewers, canals and reservoirs would be low.

The submitted drainage strategy notes that the site is comprised of a greenfield land classification. The nearest watercourse to the site is the River Mersey approx. 650m to the east of the site, therefore discharge to the watercourse is not a suitable option. It is accepted that discharge of managed flows into 450mm surface water sewers is the most sustainable viable option.

The LLFA are supportive of the proposed strategy to use attenuation flows on an open pond system in the northern section of the site adjacent to the 450mm diameter adopted surface water sewer. The pond is currently sized to store 9995m<sup>3</sup>, to contain flows on site up to and including the 1 in 100 year + 45% Climate Change event.

The LLFA is satisfied the applicant has considered flood risk and drainage from the site appropriately for an outline application. As the drainage strategy has not been finalised, the LLFA recommended conditions for the

submission of a final detailed strategy based on the SUDS hierarchy, including its implementation, maintenance and management, and verification of the scheme.

United Utilities have highlighted that there is a United Utilities asset that crosses the site which may prohibit the submitted illustrative site layout plan. A critical surface water sewer crosses the site which will require access, and as such may restrict the build area of the development. Given this is an outline application with details of layout reserved, the comments provided by United Utilities will be attached as an informative for the applicant to look into during the next phase of the design of the scheme.

Based on the above, and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### 6.16 Noise, Vibration and Air Quality

Chapter 12 of the Environmental Statement addresses air quality. The chapter is accompanied by an Air Quality Assessment. A qualitative construction dust assessment concludes that a construction environmental management plan (CEMP) is required as mitigation in order to minimise the impact of dust emissions during the construction phase. This would score the dust element of the construction phase as 'not significant' in accordance with IAQM guidance.

A Road Traffic Emissions Assessment has been undertaken to assess the impact of the proposed development with regards to traffic emission. Changes in pollutant concentrations between 'without development' and 'with development' scenarios determined that the impact of the development on local air quality was predicted to be negligible and not significant in the main Environmental Statement assessment.

Concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> were predicted to be below the relevant air quality objectives and therefore the site was considered to be suitable for the proposed residential use with regard to the current air quality objectives.

Chapter 13 of the Environmental Statement address noise and vibration

The Environmental Statement concludes that based upon a preliminary qualitative assessment of potential noise during the construction phase, it is considered that, at worst, temporary major adverse effects could arise without mitigation at the nearest noise sensitivity receptors. Impacts can be mitigated through a CEMP. With appropriate mitigation in place, residual

effects would be reduced to temporary, moderate, adverse at worst, for the noise sensitivity receptors.

The Environment Health Officer agrees with the conclusions of the Environmental Statement and accompanying supporting information, and requested that a Construction and Environmental Management Plan be submitted along with a Noise mitigation scheme. This information can be secured by a suitably worded condition.

Based on the above, subject to approval of the final design at reserved matters stage and conditions, the proposal is considered acceptable from a noise, vibration and air quality perspective in compliance with Policies CS23 and HE7 of the Delivery and Allocations Local Plan together with the NPPF.

#### Climate Change

Policy CSR19 of the DALP requires all new development to be sustainable and be designed to have regard to the predicted effects of climate change. The policy recommends that developers consider national guidance to ensure development is sustainable and appropriate to the location.

Chapter 14 of the Environmental Statement refers to Climate Change and considers the following:

- The resilience of the proposed development to climate change
- The influence of the proposed development on climate change
- Cumulative effects of the proposed development

The Environmental Statement states that the development has been designed, as far as possible, to avoid and minimise impacts and effects of climate change through the process of design-development and by embedding mitigation measures into the design. A number of standard mitigation measures have been embedded that are considered standard practice, these include commitments to meet Future Homes building standards.

Although the application is at outline stage, the Energy and Sustainability Statement (ESS) states that the proposed development will utilise appropriate overheating measures, provide sufficient opening area in order to adequately provide the necessary ventilation required and provide a dedicated electric vehicle (EV) charging point to each dwelling.

The impacts of climate change on the proposed development during the construction phase would be managed through the CEMP/code of construction practice (CoCP), which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events.

These measures would include a Dust Management Plan (DMP) and appropriate storage of materials.

These measures are welcomed and demonstrate consideration of policies CS(R)19 and GR5 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### GPs

A number of neighbour representations commented on the lack of GP Provision within the area and the difficulty in obtaining appointments.

The Council received a representation from the NHS Integrated Care Board (ICB) in relation to the shortfall of GP provision for new residents of the development.

The ICB representation can be summarised as follows:

The proposed development is for up to 500 residential units. The 2011 ONH Household data outlines that Halton has an average population per household figure of 2.3, which generates an estimated population figure of 1,150 from the 500 residential units.

This means that a population impact of 1,150 people will be created as a result of this development proposal and mitigation measures will need to be provided to ensure that the development can be made acceptable in planning terms.

The Department of Health publication “Health Building Note 11-01: facilities for Primary and Community Care Services” indicates a floorspace requirement of approximately 150m<sup>2</sup> (GIA)/ 120 m<sup>2</sup> (NIA) per 1,750 patients. Given there is no existing spare primary care capacity in the local area according to the ICB, it is stated that circa 98.6m<sup>2</sup> of healthcare floorspace would need to be provided to accommodate the associated population.

The NHS require mitigation for the site-specific impacts of the proposed development, in the form of a capital costs contribution to the sum of £360,876. The ICB would look to secure the capital cost contribution outlined above through a Section 106 planning obligation linked to any grant of planning permission

Officers initially challenged this request for financial contributions for the reason that the contribution is not justified by the Delivery and Allocations Local Plan or its evidence base. Furthermore, the request and the information contained within the representation as justification for this additional provision is not considered by officers to be sufficient nor detailed enough to satisfy the relevant legal tests for securing planning obligations.

Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires as follows:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Officers requested further information and justification for the requested financial contributions from the NHS. Additional information has been provided by the NHS Property Services and the IBC.

For the reason set out below, the requested financial contribution was not considered to meet the necessary CIL Reg 122 tests.

1. The ICB request makes a number of assertions on the pressures of population growth on NHS Services and infrastructure and the resulting impact of development. However, it fails to explain what specific harm the Hale Gate Road development will have on those services within the locality and therefore it is not evident that the development would create or exacerbate deficiencies in such services or infrastructure. This is in terms of the use of criteria used in terms of the floorspace to patient ratios.

### Dentists

A number of representations have been received regarding dentist provision in the area, including difficulties obtaining dentist appointments and the prospect of additional development in the area exacerbating that issue. However, no specific requests for any mitigation or contributions have been made and officers do not consider that it would be appropriate or justified to seek any such contributions from the applicant in relation to the proposed development.

### Police

Representations have been received from Cheshire Constabulary stating that given the scale, nature and significance of the development proposals and associated demands it will place on Cheshire Constabulary, the force considers it appropriate for the applicant to contribute towards the provision of police infrastructure by way of a S106 contribution to mitigate the impacts of the development. They state that:

The proposed development of 500 dwellings has the potential to increase the population of the site by 1,150 persons. Consequently, the development will place a significant additional demand on police services and infrastructure capacity that does not currently exist.

The Constabulary's Designing Out Crime Officers encourage the incorporation of physical designing out crime measures within schemes to promote safety and security and reduce the propensity for crime and disorder. However, in isolation, they do not remove the need for operational police service deployment for new developments.

A sum of £156,524.14 is sought from this development to mitigate its impacts on Cheshire Constabulary infrastructure (being contributions to "staff set up costs", vehicles and accommodation).

However, officers do not consider the request to be justified by the DALP or its evidence base and do not agree that the evidence provided by the Cheshire Constabulary in support of their request meets the CIL Regulation 122 tests for the following reasons:

1. It is not evident that a funding gap exists such that a contribution towards the specified infrastructure would be justified. Even if such a funding gap exists, it is not clear that the alleged shortfall in police infrastructure is caused by the development and no evidence has been provided in this regard.
2. The assumption that 100% of the population for the housing development will be 'new' to the area thereby resulting in population growth of 1,150 people is incorrect. There will be an element of migration within the borough and the wider Cheshire area.
3. In respect of the request for funding for additional accommodation, it is not clear how this will be used given that accommodation is only said to be required for an additional 3.5 staff. No detail is provided as to where they will be accommodated or whether there are plans to extend current premises, and no evidence has been provided that any such additional accommodation wouldn't benefit from funding from elsewhere.

For these reasons this request for a financial contribution is not considered by officers to be sufficient to meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and it is therefore not proposed to be secured in the s106 legal agreement.

Officers have requested further information and justification for the requested financial contributions from the Cheshire Constabulary. To date,

no response has been received. A final update on this matter will be provided at Development Management Committee meeting.

### Education

The Education Department at Halton Council, for school place planning purposes, divide the borough of Halton into two areas for secondary provision: Widnes, and Runcorn, and for primary school place planning purposes it divides Halton into four areas: Widnes East, Widnes West, and Runcorn East and Runcorn West. This does not restrict parents to these areas they are free to express preferences for schools anywhere within (or outside) Halton, it is for sufficiency purposes that these areas have been determined.

The Hale Gate Road site is located in the School Place Planning Area of Widnes West. Within Widnes West there are 22 primary schools. For secondary provision in Widnes there are 4 secondary schools.

The applicant (Howarth Group) owns parts of land in the adjacent Green Belt, the parcel of safeguarded land to the east of the application site and the application site itself, which includes the land allocated for education (identified as EDU3 on the DALP policies map). Allocation EDU3 is identified as land for a primary school, should a need be identified over the plan period.

Whilst the submitted parameters plan relocates the position of the school allocation to elsewhere within the application site, the new location of the land allocated for education can be safeguarded as land for educational purposes (should it be required in order to address any primary school shortages in the future). This area of the site will remain allocated for education and such information will be contained in a legal agreement covering the site. The proposed development demonstrates consideration of Policy HC10 of the Delivery and Allocations Local Plan and is considered to be acceptable in this regard.

### Risk

The proposed development site lies within the consultation distance of at least one major hazard site and/or major accident hazard pipeline and as such the HSE (Health and Safety Executive) need to be consulted on any development on this site.

The EDU3 site allocated for educational purposes in the DALP and the proposed location of the future primary school by the applicant is covered by the HSE Consultation Distance of Major Hazard Sites/ pipelines. Should the proposed school site be greater than 1.4ha the HSE are minded to

advise against an educational setting in this location. However, in discussions with the Education Department at Halton Council the applicant is able to provide a satisfactory size educational establishment to meet any future needs that maybe required under the 1.4ha. Therefore, the HSE does not advise against the proposal as set out in the Illustrative Masterplan.

With regards to the proposed development of up to 500 residential dwellings, the HSE does not advise, on safety grounds, against the granting of planning permission. Due consideration has therefore been given to policy CS23 of the Delivery and Allocations Local Plan.

### Waste

Waste Local Plan Policy WM8 relates to achieving an efficient use of resources in construction to minimise waste, while Policy WM9 seeks to ensure that the design of new build development can achieve the collection and recycling of waste materials.

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan will deal with issues of this nature and based on the development size, the developer would be required to produce a Site Waste Management Plan which can be secured by condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection, Policy CS(R)24 of the DALP can therefore be satisfied. This can be confirmed at reserved matters stage, which can also be secured by condition.

## **6 CONCLUSIONS**

The proposal is a hybrid planning application comprising full planning permission for the construction of primary access points and outline permission with layout, scale, appearance and landscaping matters reserved for future determination. The applicant has provided enough information to demonstrate that a scheme of up to 500 residential dwellings (use class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space can be designed and accommodated within the site. There is sufficient space within the site to accommodate the Council's standards for new residential development in the final design.

The details of the primary access point to site from Hale Gate Road and Halebank Road are considered to be acceptable. The final layout at reserved matters stage will ensure suitable circulation and connectivity for motor vehicles, pedestrians and cyclists, and that there is sufficient levels of car parking to serve the development.

Although the proposal is a departure from Policy HC10 of the Delivery and Allocations Local Plan in terms of the location of the allocated education site, it is considered on balance that the proposed development is acceptable given the education allocation is still included within the scheme, just in a different location. This area of the site will remain allocated for education and such information will be contained in a legal agreement covering the site. Consequently, the application should not be refused on the grounds of non-compliance with the development plan, given the planning judgements contained in the above assessment the development is not considered to be contrary to the development plan as a whole.

The application has been assessed with regard to the appropriate policy criteria and the impact of the development has been assessed through the Environmental Impact Assessment. The Environmental Statement concludes that the proposal will not have a significant detrimental impact on the environment, the character of the area, highway safety, amenity of surrounding residents or on any other grounds that constitute material consideration.

When assessed against the policies in the NPPF taken as a whole, the proposal is considered to be sustainable development for which the NPPF carries a presumption in favour. Furthermore, since it is also considered to be in accordance with the development plan, taken as a whole, paragraph 11c of the NPPF indicates that it should be approved without delay.

## **7 RECOMMENDATION**

That the application be APPROVED subject to the following:

- a) S106 agreement
- b) Schedule of conditions set out below
- c) That if the S106 agreement is not signed within a reasonable period of time, authority given to refuse this planning application.

## **8 CONDITIONS**

1. Standard Outline conditions for the submission of reserved matters application
2. Condition setting out parameters of the permission
3. Condition for phasing plan
4. Plans condition listing relevant drawings
5. Implementation of access arrangements
6. Site levels
7. Public open space management plan
8. Lighting scheme to protect ecology

9. Hours of construction
10. CEMP
11. Homeowners information pack
12. BNG updated metric
13. BNG Assessment
14. Landscape and Habitat management plan
15. Breeding birds protection
16. Arboricultural Impact Assessment and Arboricultural Method Statement
17. Scheme for cycle routes and footpath provision for Active Design
18. Bus infrastructure provision
19. Travel Plan
20. Site investigation, remediation and verification
21. Noise mitigation scheme
22. Site Waste Management Plan
23. Archaeological Works
24. LEMP
25. SUDs
26. SUDs Validation
27. Waste Water
28. Hard and Soft Landscaping
29. Off-site highways works

## **9 BACKGROUND PAPERS**

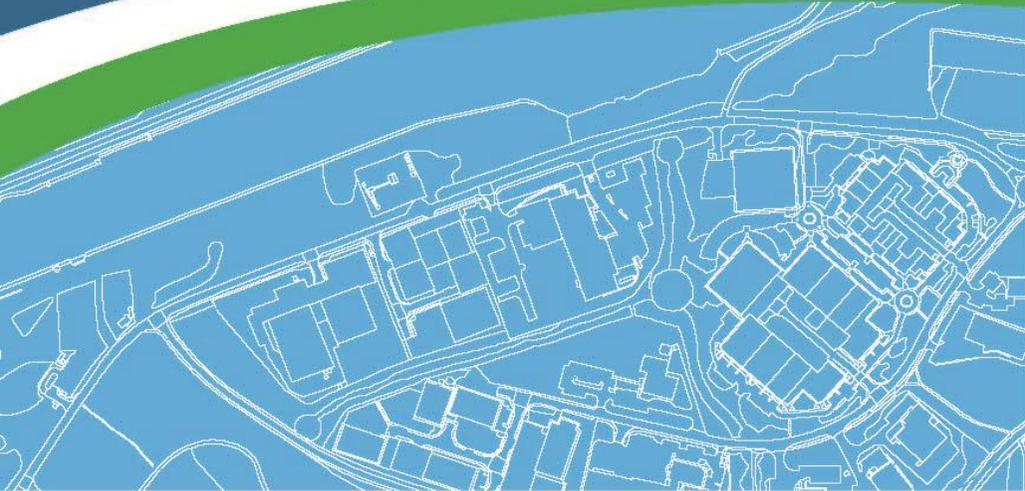
The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government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

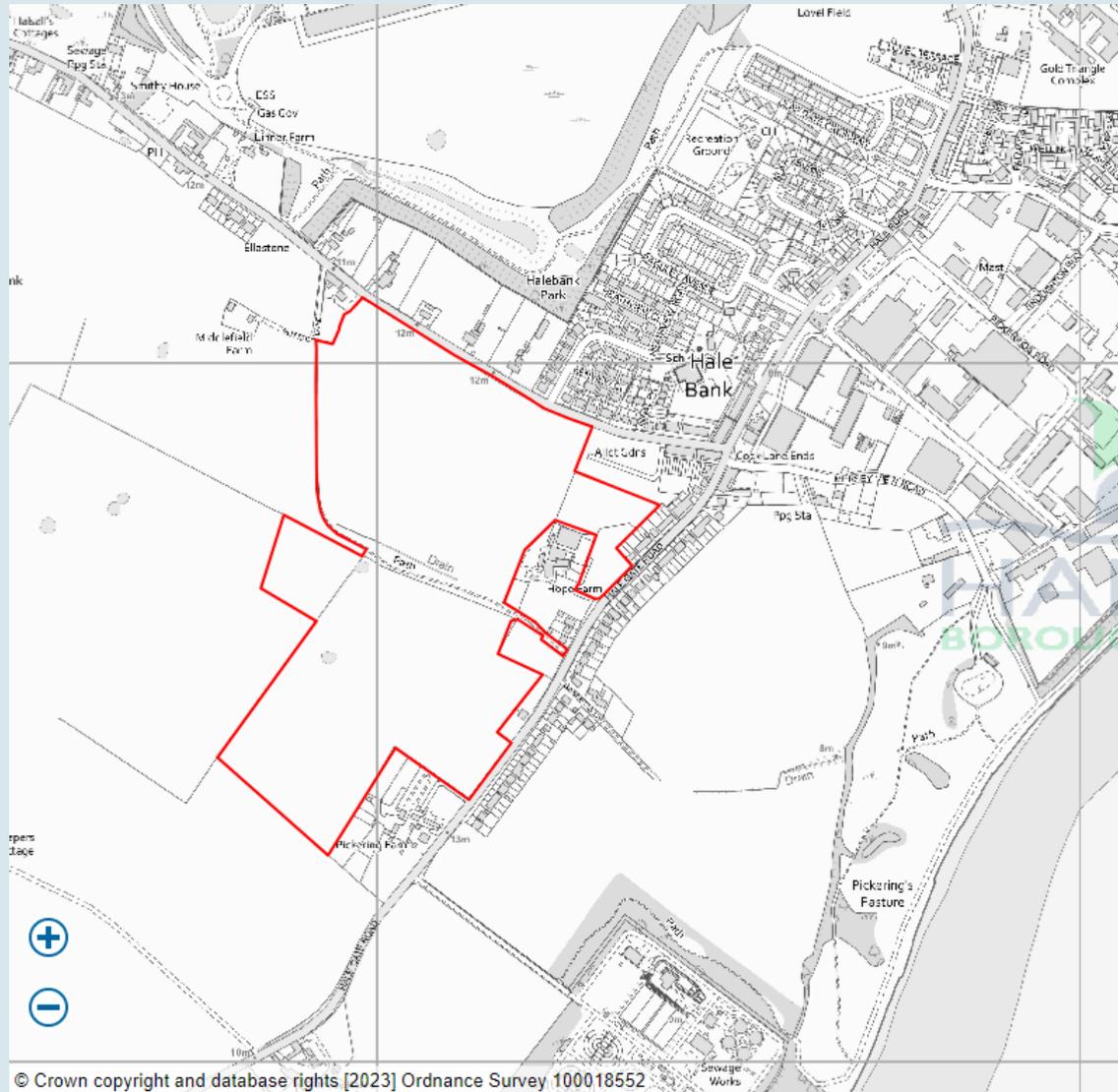
## **10 SUSTAINABILITY STATEMENT**

As required by:

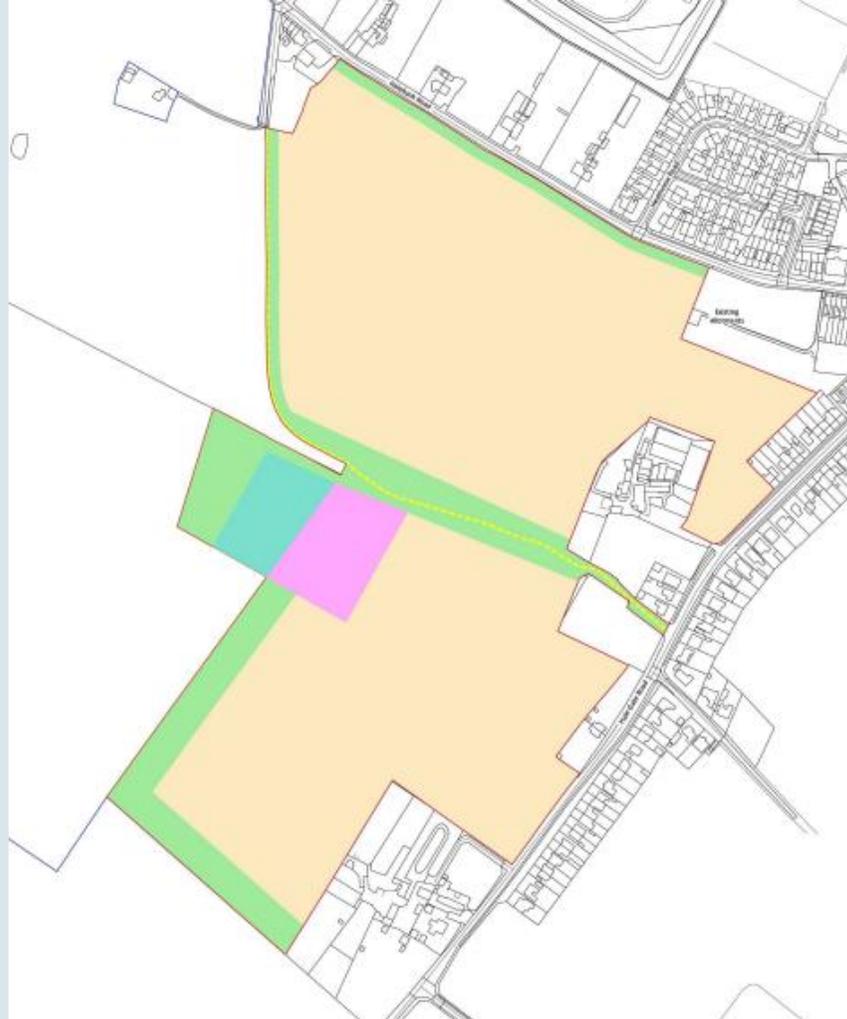
- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

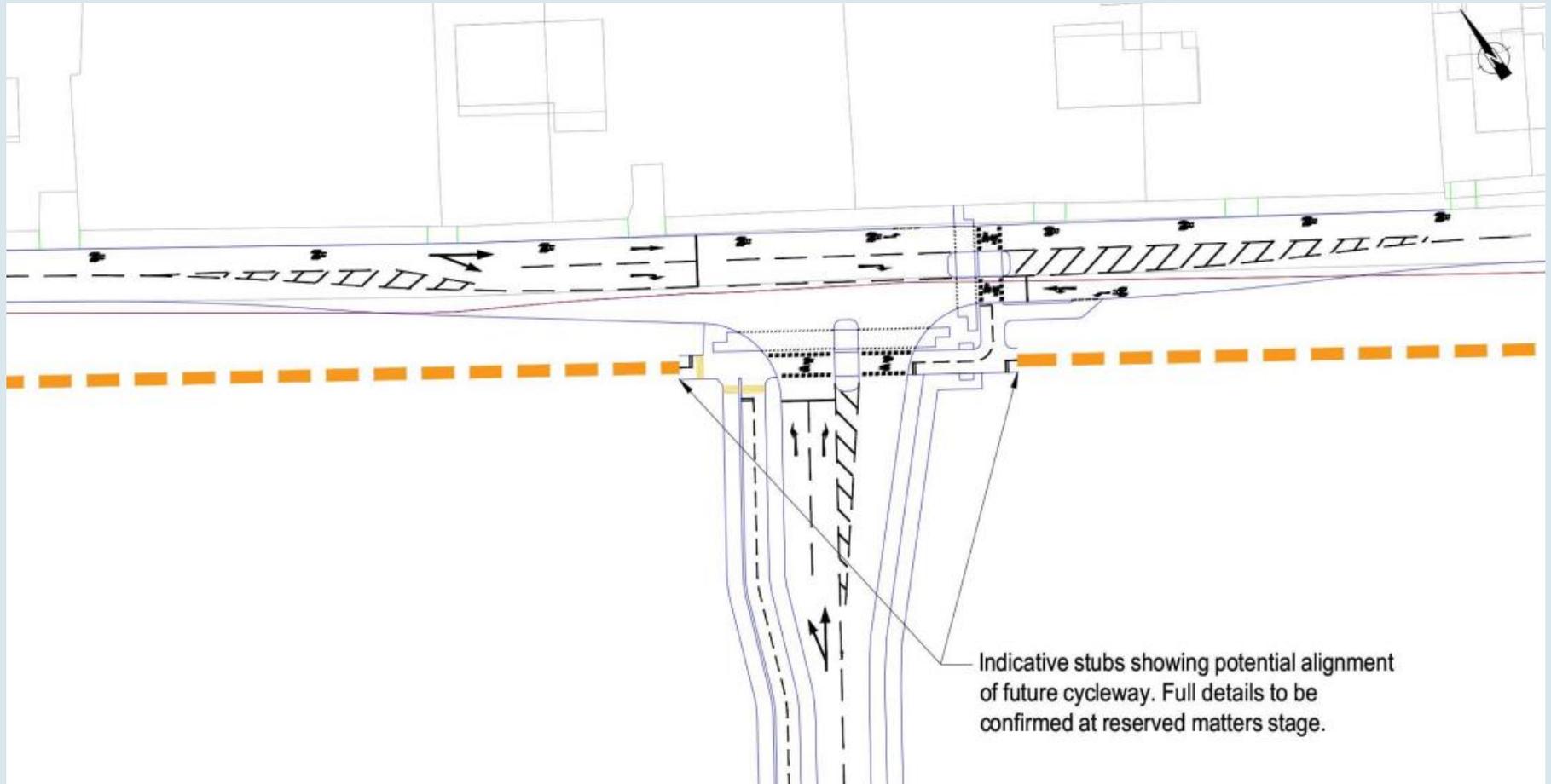
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

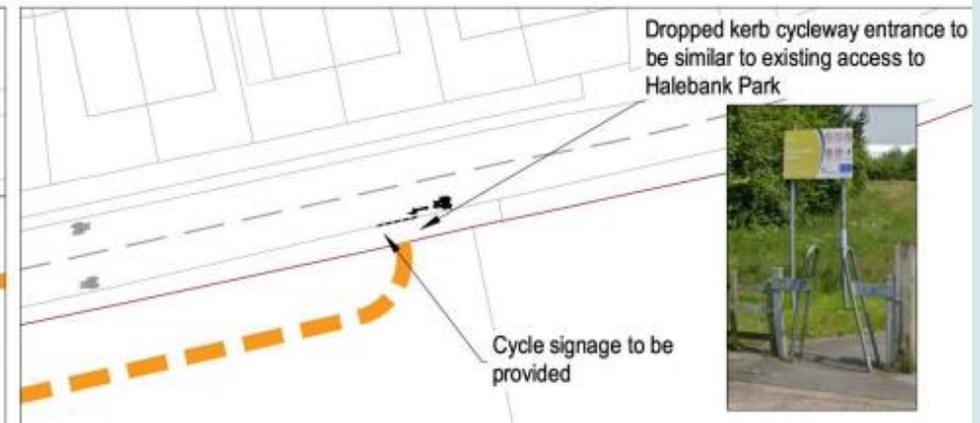
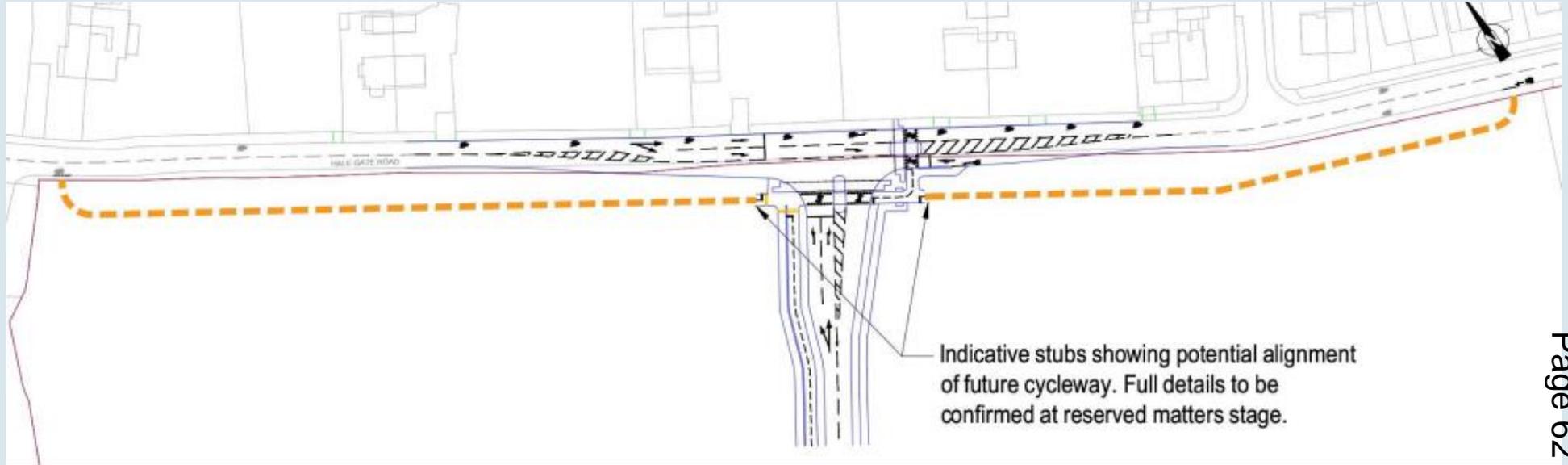


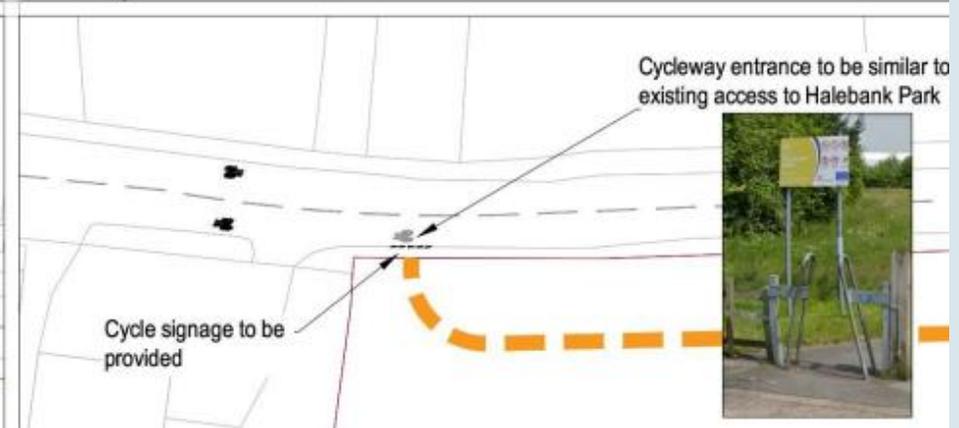
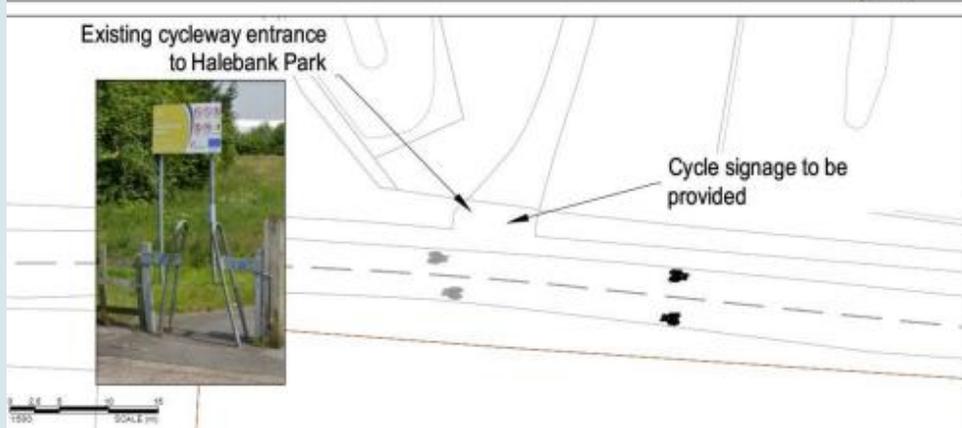
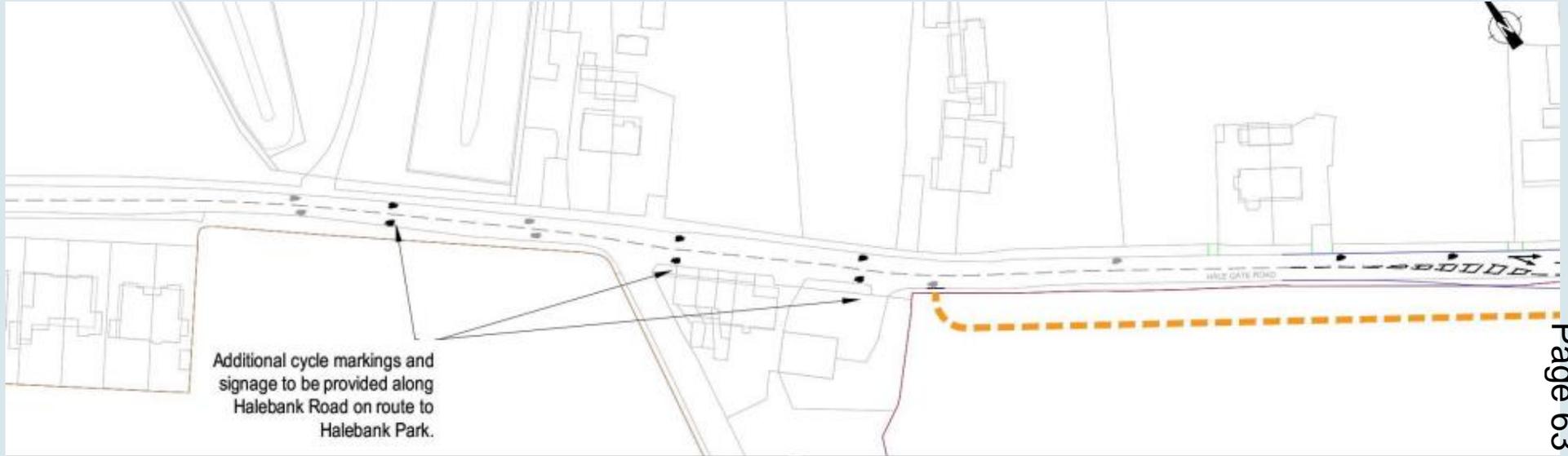




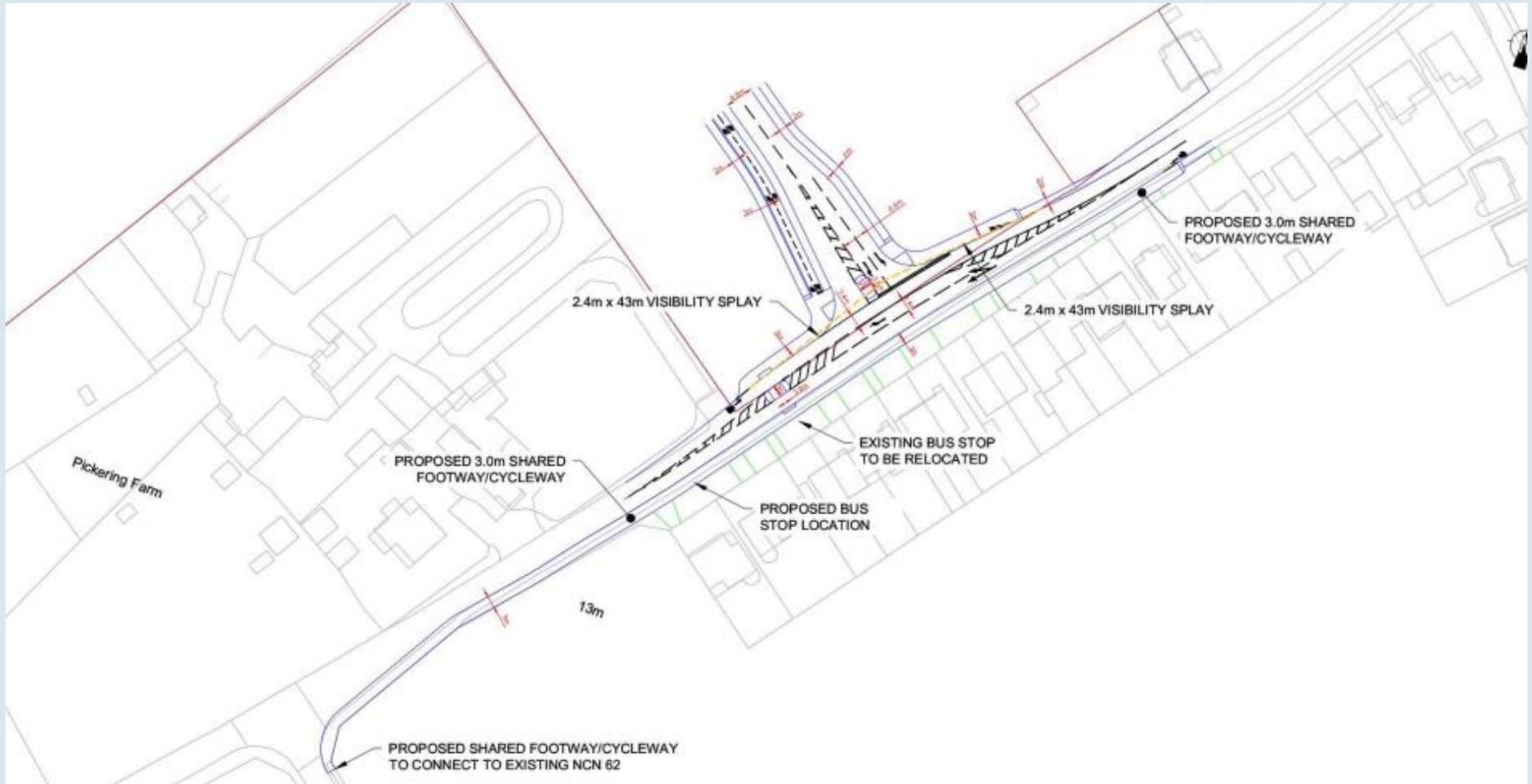


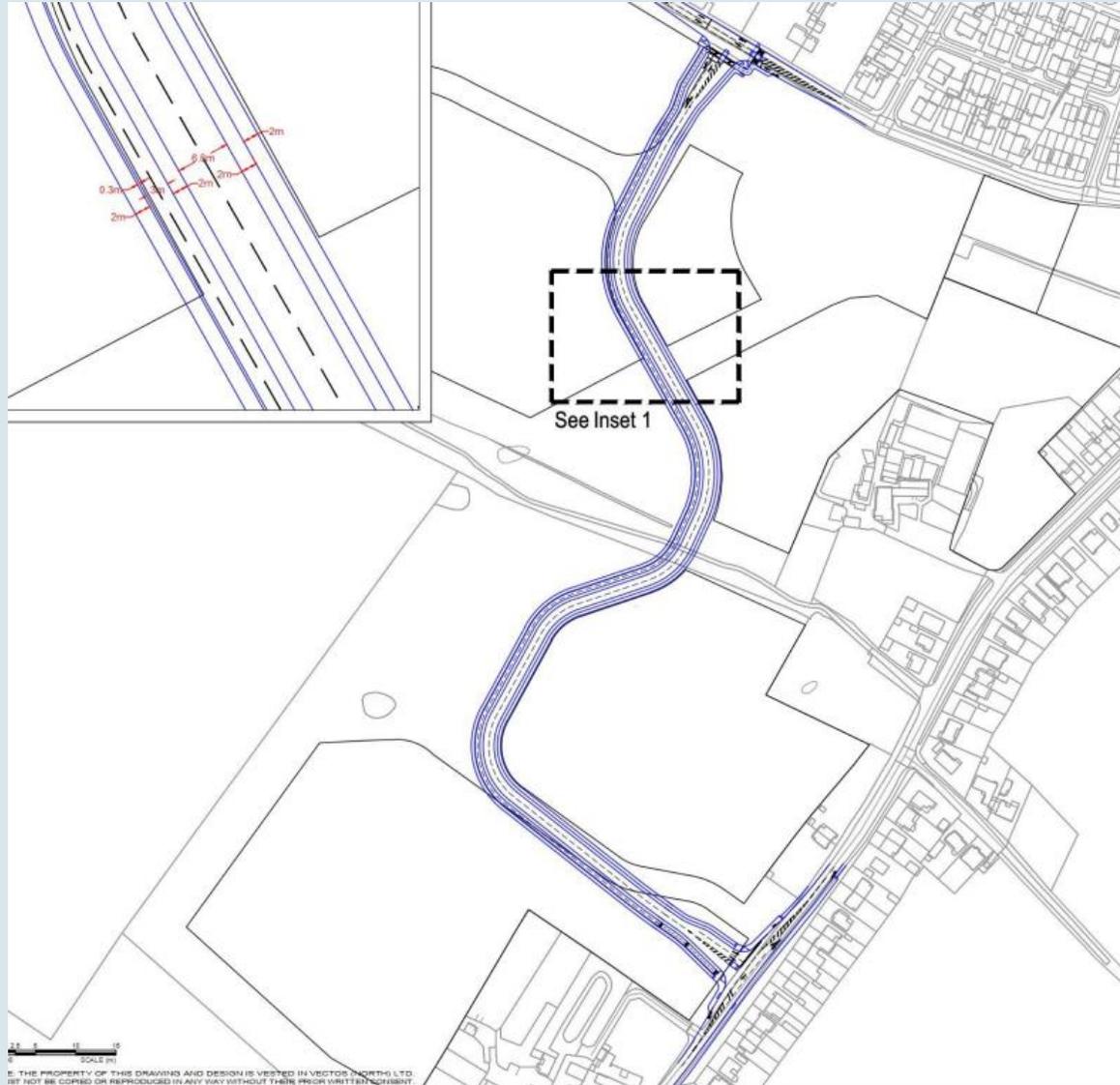














<b>APPLICATION NO:</b>	23/00349/COU
<b>LOCATION:</b>	15(a)-19 Main Top Hotel, Mersey Road, Widnes, WA8 0DG
<b>PROPOSAL:</b>	Proposed change of use of dwelling and hotel into 6 apartments
<b>WARD:</b>	West Bank
<b>APPLICANT:</b>	MM Properties NW Ltd.
<b>AGENT:</b>	Robert Parle
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Delivery and Allocations Local Plan (2022)	Primarily Residential – RD5
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	Yes
<b>KEY ISSUES:</b>	Principle of development, parking, living conditions
<b>RECOMMENDATION:</b>	Grant full planning permission subject to conditions.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site subject of the application on land at 15(a)-19 Main Top Hotel, Mersey Road, West Bank, Widnes.

15a is registered for Council Tax and is considered to be a dwelling house. The rest of the site is the former Main Top Hotel (and pub).

The site is surrounded by residential streets of terraced houses with the Catalyst Museum beyond to the north and Spike Island beyond to the north and east.

The site sits within the Primarily Residential area in the Halton Delivery and Allocations Local Plan.

## 1.2 Planning History

The site has a limited planning history. There was an application for a single storey extension at 15a in 2006 and in 2007 there was an application for a side and rear extension with internal alterations at the Main Top Hotel. There are no further relevant planning applications.

## 2. The Application

### 2.1 The Proposal

The application is for the change of use of a dwelling (No. 15a Mersey Road) and hotel into 6 apartments. The application originally proposed 7 apartments but following negotiations with the planning officer, this was reduced to 6.

The application is for individual apartments. This is not a 'House of Multiple Occupation' (HMO) application.

### 2.2 Documentation

The application is accompanied by the associated plans in addition to:

Design and Access Statement  
TRICS Analysis Report

## 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 (DALP)

The site is designated as a Primarily Residential in the Halton Delivery and Allocations Proposals Map. The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking

### 3.2 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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

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

#### **MATERIAL CONSIDERATIONS**

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

### 3.3 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in September 2023 and sets out the Government's planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

#### Achieving Sustainable Development

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

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

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

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed

and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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

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

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

### The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### Decision-making

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

### Determining Applications

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

#### Other Considerations

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

Equality Duty Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **4. CONSULTATIONS**

### **4.1 Highways**

The applicant has worked with the Planning Officer and the Highways Officer to improve upon the proposals originally submitted. As such Highways have been consulted twice. The final consultation response is below. The previous response is appended to this report.

#### **Highway Holding Objection removed, following submission of additional information, with suggested conditions and informatives.**

Analysis was requested as part of the initial holding objection. This was undertaken and presented as part of a suite of additional information.

It was demonstrated that traffic attraction, and associated parking, of the consented use would not be significantly different to the proposed use.

It is it be noted that there is no on-site parking offered currently, nor proposed and whilst the site has not been in use for a while, meaning that it has been not attracting traffic/parking to the area, given the abovementioned it would be

unlikely that a refusal would be upheld, should approval not be forthcoming, and a subsequent appeal lodged.

To note, in an appeal regarding 61 Derby Lane, pertaining to an application for the change of use of a building from Class C2 to an HMO, parking shortfall was not considered substantiated, with the Planning Inspector stating that a compelling case would be required to indicate any insufficiency would lead to antisocial parking, or highway safety concerns.

Whilst a parking survey to demonstrate the actual amount of on-street parking capacity about the site was not undertaken, on balance, given the standards for parking of apartments (DALP Policy C2, Appendix D) and the likely number of vehicles associated, given the demographics of such units, any traffic/parking attributable to the proposed use would not likely lead to severe highway safety issues, nor significant additional inconvenience for local residents or highway users, nor would be it significantly different for the extant use should it be revitalised as hotel/bar which not differ in terms parking pressures in the vicinity of the site, with some on-street parking capacity observed.

Further, the streets about the site have parking restrictions, double yellow lines, and unlawful, indiscriminate parking, and/or obstruction, would be a police matter.

Therefore, the Highway holding Objection is removed, with the following conditions and informatives suggested.

- Suggested Conditions, in addition to any standard conditions e.g., CEMP:
- Cycle Parking Provision:

Suitable and adequate cycle parking provision is required to meet Policy C2. Long-term/resident parking should be covered, secure, accessible and for a minimum of two bikes per dwelling. Short-term/visitor parking is not required to be covered but active surveillance is fundamental (a min. of 2 spaces should be offered).

- Infilling of Redundant Dray Delivery Hatch and Chute/Void

The basement has a redundant dray delivery hatch, to the former beer cellar, on the footway adjacent to the frontage of White Street. The hatch and chute/area beneath need in-filling and the footway resurfaced, so that the cellar does not extend beyond the red line boundary at street level, for consistency, i.e., there are no structures/voids under the adopted Highway (footway). A s278/s50 or similar legal agreement will be required to be entered into prior to any development taking place.

It should be noted the two rooms of the cellar are not annotated for use e.g., bedroom, or otherwise.

- Informatives:

- Reinstatement full kerb and footway where there are redundant dropped kerbs about the frontage of Mersey Road would be required if permission is granted (this can be part of the s278/s50 agreement – see condition above).
- Naming and numbering of units will be required to avoid confusion should permission be granted.

## 4.2 Ward Councillors

### **Cllr Wallace**

*“As one of the ward Cllrs for the Central & West Bank Ward, I ask for permission from the Chair of the planning Committee, to attend and speak on this application.*

*I strongly oppose this application and others similar!*

*West Bank is a small geographically isolated area, its history stems from a close knit residential community.*

*Over the years many properties have been purchased by estate agents or businesses fronting the absent purchaser or landlord, who often live hundreds of miles away. When problems arise, it is taskous tracing who to contact, and getting any cooperation. To them its a pension pot builder, and they have no investment in communities.*

*These properties have escalated and turned what was once family homes into Private Rents and HMO's. Residents adjacent to these properties, have either sold up and moved at a financial loss to themselves, or had and having to endure a life style unacceptable to them and their families.*

*Planning regulations are spartan and need changing, as some have extended their properties up to accommodate more occupants, with no consideration for the surround properties and the residents who are over looked and affected.*

*The noise from these properties can at times be excruciating. There have been physical and verbal confrontations, the flytipping problems escalated becoming a drain on our struggling public amenities and finances.*

*This application says it will have no impact on highways, well I say it will.*

*I was born and bred and still chose to live in West Bank, a few hundred yards away from this property, and I have never seen the area so affected by such blights on this community. The parking is horrendous where this building is, due to parking from occupiers living in Mersey Road in Private rents/HMO's. There are times our bin vehicles can not manoeuvre because of parked vehicles, thus affecting our bin collections. Often officers have to revisit the area later in the day so the collection can take place, again a huge inconvenience and generates anger in residents.*

*How much household rubbish will 7 flats produce, and I don't expect they will pay extra, another resource abuse.*

*Mersey Road is the main route for our local bus service, a vital service for those vulnerable, elderly or disabled residents, the road is covered by a parking restriction and vehicles can only park on one side. More vehicles on these roads could jeopardise this service, this is something I have personally fought to keep and will rigorously defend.*

*With the greatest respect, there is a quick and quite often turn over in tenants in private renters and HMO's, they can do this because they haven't invested, often leaving ill feelings and a pile of rubbish for others to clean up and fund. Yet another abuse towards HBC.*

*People who purchase their own properties tend to look after them better and invest not only in their property but the wider community they live in.*

*Due to the impact such properties in this area, ward Cllrs and backing from the public, they approached the Environmental & Urban Renewal Policy & Performance Board to address and look into this. A sub group was formed and a ORS survey commissioned. The ward Cllrs want a blanket ban in our ward especially the West Bank area, which could be rolled out throughout Halton. I am aware of the housing shortages, but enough is enough at the cost of the quality of life for our residents.*

*West Bank, has one pub, a chippy, a corner shop, a chemist, Drs surgery and the Catalyst Centre.*

*If this company wants to invest, let them provide a public amenity. The Main Top Hotel building, was once a thriving pub, if this company want to invest, reopen the building as a top floor restaurant and below a specialist ale and wine bar, or a really good convenience store, selling much need fresh produce.*

*I urge the planning committee to refuse this application, taking into account the wider public feelings, the demise of this community and the impact these properties are having on everyday living. Please also seriously consider all the objections you have received."*

The above was later supported by Councillor Noel Hutchinson.

## **5. REPRESENTATIONS**

5.1 The application was advertised by site notices posted close to the site and neighbour notification letters sent on 31/08/23.

32 representation have been received from the publicity given to the application. A summary of the issues raised is tabled below:

	Don't want HMO	Parking	Antisocial behaviour	Waste disposal/ fly tipping	Ghettoisation	Inside/outside space too small
1		x	x			
2		x				
3		x				
4		X question				
5		X question				
6	x	x				
7	x	x	x	x		
8		x				
9	x	x				
10	x	x		x	x	
11	x	x		x		x
12	x	x		x		
13	x	x				
14		x				
15	x	x	x	x		
16		x		x		
17	x		x			
18		x		x		
19	x	x				
20	x	x				
21	x	x				
22		x				
23	x	x	x	x		
24	x	x				
25	x	x		x		
26	x	x		x		x
27	x	x	x			
28	x	x		x		
29	x	x				
30	x	x				
31	x					
32	x	x	x	x	x	

## 6 ASSESSMENT

### 6.1 Principle of Development

The site lies within the Primarily Residential area.

The principle of residential development on the site is therefore considered to be acceptable in accordance with Policy RD5.

### 6.2 Parking

The site currently provides no parking. No further parking is proposed in this application.

The Highway Officer initially responded with a holding objection requiring further information. A TRICS analysis (Trip Rate Information Computer System is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments) was submitted which demonstrated that traffic attraction and associated parking of the consented use would not be significantly different to the proposed use.

This information satisfied the Highway Officer and whilst it is noted that many representations were received concerning parking, it was considered by the Officer that *it would be unlikely that a refusal would be upheld, should approval not be forthcoming, and a subsequent appeal lodged.* He further referenced a recent appeal at 61 Derby Lane where the planning inspector stated that *a compelling case would be required to indicate any insufficiency would lead to antisocial parking, or highway safety concerns.*

According to the parking standards at Appendix D in the DALP, the proposal should in theory have 9 parking spaces (three 2 bed and 3 one bed apartments). The Highway Officer considers that *the likely number of vehicles associated, given the demographics of such units, any traffic/parking attributable to the proposed use would not likely lead to severe highway safety issues, nor significant additional inconvenience for local residents or highway users, nor would be it significantly different for the extant use should it be revitalised as hotel/bar which not differ in terms parking pressures in the vicinity of the site, with some on-street parking capacity observed. Further, the streets about the site have parking restrictions, double yellow lines, and unlawful, indiscriminate parking, and/or obstruction, would be a police matter.*

It should also be noted that West Bank is served by the 27 and 27A buses starting at 07:20 and finishing at 18:20 which provides a sustainable travel option for future residents.

With regard to cycle parking, the Highway Officer requested 2 per apartment. The applicant is exceeding this by providing 14. The cycle area will be covered and lit. This will also be secured by a condition prior to occupation.

With regard to parking, the proposals are considered to comply with Policy C1 and Policy C2 of the DALP.

### 6.3 **Waste Prevention/Management**

Construction waste:

In terms of waste during the conversion phase, as the site is tight, The Highway Officer has suggested a standard condition requiring a Construction Management Plan.

Domestic waste:

Following Highway comments the applicant has now shown access for all units to the bins. The bins are two shared Euro bins (1100L) and waste removal vehicle access arrangements are shown on the proposed site and location plan. They will have a newly formed ramped access with secure gates and will provide an unobstructed route out onto White Street. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

Fly tipping:

It is noted that some representations regarding fly tipping have been received. There is no evidence that the future occupants of the 6 apartments would cause illegal fly tipping. Other legal powers exist should such issues arise. There is no evidence that the works to convert the building would cause fly tipping. As mentioned above, a Construction Management Plan will be a condition of any forthcoming planning application.

#### 6.4 **Amenity for surrounding neighbours**

For parking see paragraph 6.2 above.

In terms of appearance, the elevational changes will be minimal. There is the removal of a door at 15a and the creation of two roof lights (at the Planning Officer's request). In terms of the aesthetics to the streetscene it is considered that the proposal would have no adverse effect.

The area is characterised by terraced streets. The only additional windows are rooflights and it is considered that there would be no overlooking to neighbouring properties beyond what would exist if the site was brought back into its permitted use as a hotel.

It is considered that the application complies with Policies CS(R)18, GR1 and GR2 of the DALP.

#### 6.5 **Amenity for future occupants**

For parking see paragraph 6.2 above.

The applicant has worked with the Planning Officer and has amended plans to accord with the Officer's concerns/advice. This includes the removal of habitable rooms which were afforded a poor outlook, the creation of roof lights to allow for more natural light into habitable rooms which were served by smaller windows and most importantly, the removal of a central flat due to it not allowing for adequate living conditions. This means that the remaining 6 apartments could be larger and lighter and all meet or exceed the minimum living space standards of 37sqm.

In terms of outdoor space, considering the close proximity of Spike Island, future occupants will have easy walkable access to an abundant area of outside public natural and semi natural greenspace.

It is noted that there have been a few representations made regarding insufficient indoor and outdoor space. It is considered that the above assessment satisfies those concerns.

Given the above, it is considered that the proposals accord with Policies CS(R)18, GR1 and GR2 of the DALP.

#### 6.6 **Flood Risk and Drainage**

The site is within Flood Zone 1 and does not propose any additional building or hardstanding which would increase surface water drainage.

## 6.7 Other Matters

Other matters raised that haven't already been considered above will be dealt with in this section.

### Dray Delivery Hatch

The basement has a redundant dray delivery hatch, to the former beer cellar, on the footway adjacent to the frontage of White Street. The hatch and chute/area beneath need in-filling and the footway resurfaced, so that the cellar does not extend beyond the red line boundary at street level, for consistency, i.e., there are no structures/voids under the adopted Highway (footway). It is considered these works can be secured by planning condition.

### Houses of Multiple Occupation (HMO)

Most of the objections received refer to the proposal as being a HMO. It is understood that many local residents and Councillors are concerned about the number of HMO's in the town and particularly West Bank. It should be noted that this application is not an application for a HMO. This application is for 6 self-contained apartments and must be determined on that basis.

### Antisocial Behaviour

There have been a number of representations concerned that the proposal will increase antisocial behaviour. It is considered that this fear stems from the belief that the proposal is a HMO.

The proposal is not a HMO and there is no evidence to suggest that the occupants of 6 apartments will cause antisocial behaviour any more than any other resident in the area.

### Ghettoisation

A small number of representations expressed fear about 'ghettoisation'. Again, this stems from the belief that this proposal is a HMO. The proposal is not a HMO and it is not appropriate to dictate the background of the people who potentially buy/rent the apartments.

It is noted that Councillor Wallace has expressed her preference for people to own their accommodation rather than rent due to home owners caring for the wider community more. However, it is not within planning powers nor is it appropriate to control the socio-economic background of potential occupiers.

### Fire Safety

Following a telephone call with the Planning Officer, Councillor Wallace raised concerns about fire safety.

The Fire Service are not a statutory consultee. Whilst they have requested to be notified on all application concerning battery storage facilities, they have not requested to be notified of applications for residential development. There is a new provision relating to fire safety at planning stage but this only relates to high rise buildings.

Fire safety and means of escape are covered by Building Control and Building Regulations.

The applicant has considered fire safety at design stage and states at page 2 of the accompanying Design and Access Statement:

*“Within the proposed layout, appropriate fire separation throughout the building has been carefully considered, with low travel distances along escape routes, and compartmentation together with fire doors along circulation routes.”*

#### Lack of facilities in the locality

Councillor Wallace has drawn attention to the lack of community facilities in West Bank and has suggested that a better use of the building would be to *“reopen the building as a top floor restaurant and below a specialist ale and wine bar, or a really good convenience store, selling much need fresh produce.”*

The site is within the Primarily Residential area and as such the principle of residential use is appropriate in this location. Whilst another use may be preferable to some members of the community, the application as submitted must be determined on its merits. We therefore have to consider the application submitted in accordance with the adopted DALP.

### 6.8 **Sustainable development and climate change**

Policy CSR19 of the DALP requires all new development to be sustainable and be designed to have regard to the predicted effects of climate change. The policy recommends that developers consider national guidance to ensure development is sustainable and appropriate to the location.

DALP policies CSR24 and GR5 encourage suitable construction practices including the incorporation of low carbon energy into new developments to address carbon emissions arising from housing. It is therefore considered reasonable to attach a condition requiring the submission, agreement and implementation of measures for reducing carbon emissions and adapting to climatic conditions.

## 7. CONCLUSIONS

In conclusion, the proposal would bring forward residential development in a Primarily Residential area and the proposal demonstrates that a residential land use would be sympathetic to surrounding land uses and bring a vacant building back into use.

The Highway Officer is satisfied with the issues surrounding parking and waste removal.

In terms of amenity, the applicant has complied with all officer requests. The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton. The application is recommended for approval subject to conditions.

## 8. **RECOMMENDATION**

That the application be **APPROVED** subject to the following:

- a) entering a legal agreement under Section 278 or Section 50 of the Highways Act 1980 with the Council relating to:
  - in-filling and footway resurfacing of the dray delivery hatch.
- b) the conditions for which headings are listed below.
- (c) that if the legal agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

## 9. **CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans
3. Hours of Construction – (Policy GR2)
4. Cycle Parking and Servicing – (Policy C1 and C2)
5. in-filling and footway resurfacing of the dray delivery hatch
6. Submission and Implementation of an operational energy scheme to demonstrate energy consumption/ carbon reduction.
7. Submission and agreement of a Construction Management Plan

Informatives:

1. Considerate Construction
2. Highway Advice

## 10. **BACKGROUND PAPERS**

The submitted planning applications are background papers to the report.

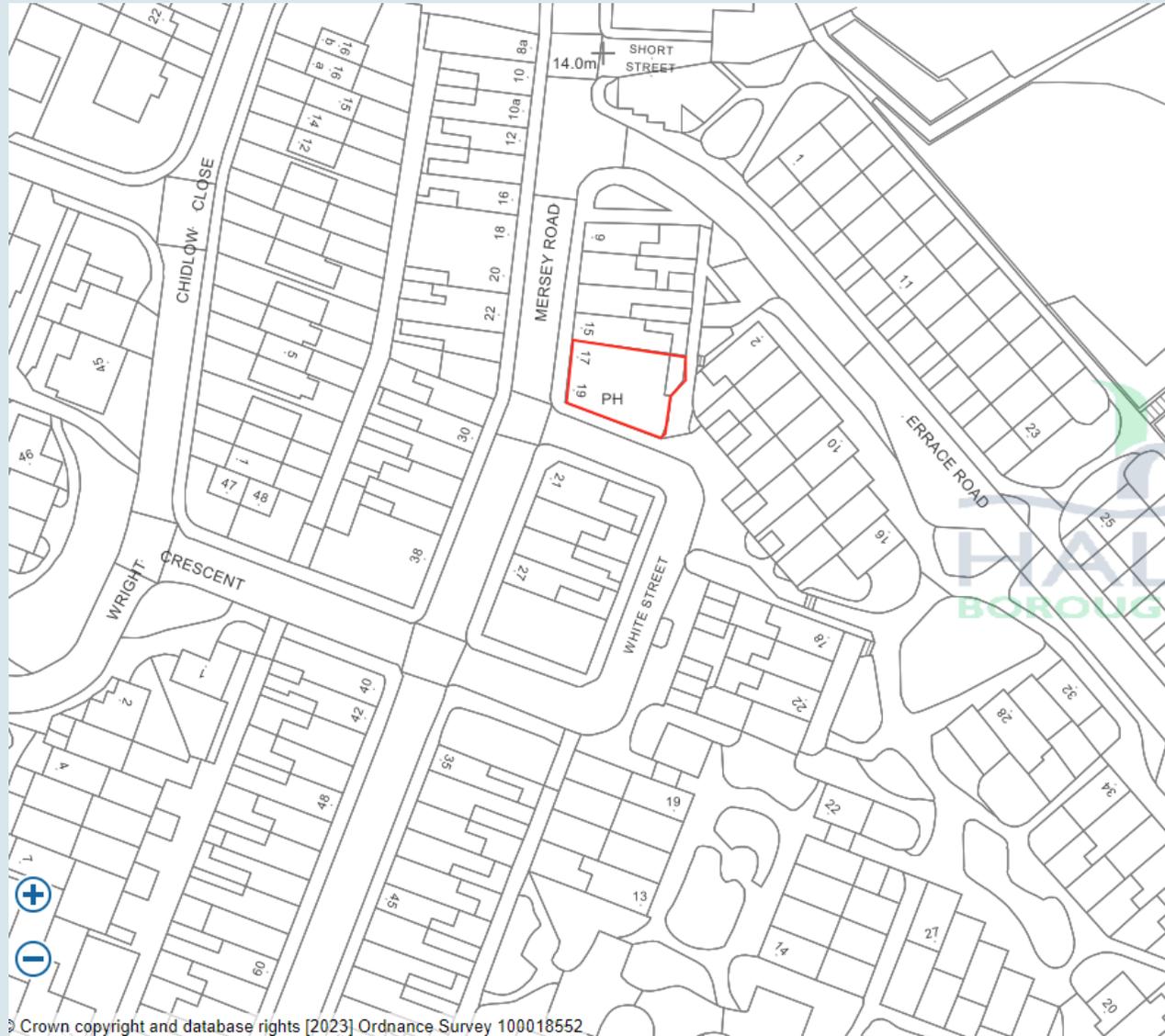
Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972.

## **11. SUSTAINABILITY STATEMENT**

As required by:

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

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



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PLANNING			
Project Name	Ref.	Submitted	Status
23/00349/COU	23/00349/COU	15/03/2023	Under Consideration



EXISTING FRONT ELEVATION | SCALE 1:50



EXISTING SIDE ELEVATION | SCALE 1:50



EXISTING REAR ELEVATION | SCALE 1:50



EXISTING SIDE ELEVATION | SCALE 1:50





EXISTING REAR ELEVATION | SCALE 1:50

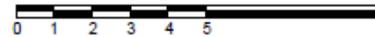


PROPOSED REAR ELEVATION | SCALE 1:50

New secure double gates added to existing opening within existing rear boundary wall, providing direct access into the rear yard for waste removal and cycle rack

Proposed bin storage area - x2 1100L capacity. Bins contained with enclosed unit

External bicycle storage rack for x144 bicycles.



SCALE BAR 1:50













