

Public Document Pack



Development Management Committee

Monday, 5 February 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 Tuesday, 5 March 2024*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 7
2. DECLARATIONS OF INTEREST	
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.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
(A) 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	8 - 67
(B) 23/00018/FUL - Proposed filling station with ancillary convenience store (325 sqm GIA), forecourt with 4, two sided pump islands, canopy, electric vehicle charging points and associated car parking, a drive through fast food restaurant (349 sqm GIA) (Use Class E (b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard, Weaver View, Clifton, Runcorn, WA7 4XU	68 - 180
4. MISCELLANEOUS ITEMS	181

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

DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 15 January 2024 at the Civic Suite, Town Hall, Runcorn

Present: Councillors Leck (Vice-Chair), Bevan, Carlin, Davidson, C. Loftus, Polhill, Thompson and Woolfall

Apologies for Absence: Councillors S. Hill, Philbin and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, M. Webster, G. Henry, L. Wilson-Lagan, A. Blackburn and L. Crampton, C. Sturdy and C. Nixon

Also in attendance: Councillors Wallace, Wall, Wharton and Hutchinson, one member of the press and 33 members of the public

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

	<i>Action</i>
DEV33 MINUTES	
<p>The Minutes of the meeting held on 5 December 2023, having been circulated, were taken as read and signed as a correct record.</p>	
DEV34 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>	
DEV35 22/00423/OUTEIA - 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	

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

The following updates were provided by the Case Officer:

- Heritage update – as presented in detail in the published AB Update List;
- Cheshire Police had not responded in relation to the request for further information and justification for their request for financial contributions;
- NHS Property Services letter sent to Members of the Committee on Friday – Officers were of the same position as set out in the Committee report, in that the request for financial contributions did not meet the relevant tests of the Community Infrastructure Levy Regulations and was not therefore proposed to be secured in a S106 Legal Agreement;
- There were minor changes to the list of conditions set out in the report – conditions 4 and 5 had been combined, conditions 12 and 13 had been combined and a condition had been added in relation to energy and sustainability;
- The Council's Highway Authority had formally removed their objection; and
- The Council's Highway's Officer advised the Committee that following discussions with *Arriva* regarding bus provision into the site, a service diversion was currently cost prohibitive/operationally ineffective and an unreasonable ask of the developer given the amounts required. It was noted that the site accesses were designed to accommodate potential future bus services into the site, should a bus service become available in the future.

Mr Anderton, a resident of Halebank since birth and Parish Councillor for 6 years, addressed the Committee on behalf of local residents objecting to the proposals. He stated, *inter alia*, that:

- The Halebank community felt that the addition of 500 houses would impact greatly on the existing population;
- The infrastructure of the area was insufficient to cope with this number of additional houses;
- He referred to an Executive Board report from 2016 which raised concerns back then over the 'pinch point' on Ditton railway bridge;
- HBC should contact Network Rail to conduct a

structural survey of the bridge;

- The application was non compliant;
- All local Ward Councillors were opposed to the application;
- Halebank Parish Council had been successful with 3 judicial reviews on planning approvals previously; and
- The application was not in accordance with the Delivery and Allocations Local Plan (DALP).

He concluded by urging the Committee to refuse the application or at least defer its decision to a later date.

The Committee was then addressed by Ms Landor, a Planning Consultant representing Halebank Parish Council. She commented, *inter alia*, that:

- 50% of the site was in the Green Belt so this was a departure;
- The owner of the site did not own all of it;
- There was policy conflict regarding the school (this was described) which was underplayed;
- Roads were not tree lined as required;
- The proposed open space provision was disjointed;
- The Highways Authority were unhappy with the proposal; and
- The scheme was not in accordance with policy and we disagree with the officer recommendations to approve.

Ms Smith, the Planning Agent for the applicant, then addressed the Committee and stated the following:

- The strategic site would ensure comprehensive development of an allocated site;
- It was noted that the primary school was shown in a different location but the quantum of the school site was the same;
- A safe off road path leading to the school was included;
- Key design principles had been included despite being an outline application;
- A comprehensive suite of technical assessments had been carried out;
- There had been no objections from statutory consultees;
- Off-site improvements would be secured by conditions;
- Financial contributions requests from the Police and NHS had not met the relevant tests;

- 106 Agreements were in place for school land and open space improvements;
- The application would bring affordable open market housing; and
- The application was wholly in compliance with planning policies.

Members discussed the application, highlighting concerns over the safety of Ditton railway bridge; the increase in population that would occur and the pressures that would be put on health services because of this; and the provision of outdoor sports facilities.

The Highways Officer responded that the Public Right of Way has a condition which ensures its consideration is integral in the design process and which could provide enhancements to it. Also, that other, off-site conditions would similarly ensure improvements for sustainable travel routes and connections to the site, including up to the Ditton railway bridge.

It was confirmed that the bridge was adopted, so HBC was the Highways Authority for the bridge. Officers clarified the ownership of the bridge and it was reported that Network Rail did not have any concerns about the safety of the bridge and had no objection to the proposed development.

It was commented that this application was an outline application, so matters relating to some issues listed by Hale Parish Council, health services provision and outdoor sports provision would be dealt with in detail in the full application, when this came forward.

One Member moved an amendment to the recommendation and requested a deferral, but this was not supported.

The original recommendations were then moved and seconded and the Committee voted, which resulted in 4 voting For and 4 voting Against; the Chair voted For, so the vote to approve the application was carried.

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

- a) a Section 106 Agreement;
- b) schedule of conditions set out below:

1. Standard outline conditions for the submission of reserved matters application;
2. Condition setting our parameters of the permission;
3. Condition for phasing plan;
4. Plans condition listing relevant drawings;
5. Implementation of access arrangement;
6. Site levels;
7. Public open space management plan;
8. Lighting scheme to protect ecology;
9. Hours of construction;
10. Construction Environmental Management Plan (CEMP);
11. Homeowners information pack;
12. Biodiversity Net Gain (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. Landscape Ecological Management Plan (LEMP);
25. Sustainable Drainage Systems (SuDS);
26. SuDS validation;
27. Waste water;
28. Hard and soft landscaping; and
29. Off-site highway works.

And

- c) if the S106 Agreement is not signed within a reasonable period of time, authority is given to refuse this planning application.

DEV36 23/00349/COU - PROPOSED CHANGE OF USE OF DWELLING AND HOTEL INTO 6 APARTMENTS AT 15(A) - 19 MAIN TOP HOTEL, MERSEY ROAD, WIDNES, WA8 0DG

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

The Case Officer advised that the requirement for a legal agreement, referred to in the report and recommendations (a) and (c), had been removed and the issue would now be secured by conditions.

She also advised that 22 neighbour objections had been received believing that the application was for homes of multiple occupation (HMO's); she confirmed that the application was for 6 self-contained apartments and should be determined as such. She also provided updates in relation to car parking and it was noted that the Highways Officer raised no objection. He did suggest additional condition/s to make good the redundant dray delivery hatch to the former beer cellar; these would be added.

The Committee was addressed by West Bank Ward Councillor Wallace, who, supported by her Ward colleague Councillor Hutchinson, spoke in objection to the application on behalf of residents.

Councillor Wallace began by distributing a page of photographs taken of parking in the area, which it was noted were taken on a Saturday at 1pm. She gave the Committee some historical and background information on West Bank. As a born and bred resident of West Bank herself, she had witnessed the area thrive under the chemical industry in the 1960's and had seen its decline over the years. She mentioned anti-social behaviour, gangs, drugs and drug use, the increase of HMO's, fly tipping and parking issues. She also commented on the influx of landlords buying properties who were not from the area and had no interest in the community of West Bank. She had also spoken to all residents regarding this and advised it was having a negative impact of the community, as it was felt local people were being pushed out of the area.

She also highlighted problems already being experienced with highways and cleansing. Emergency vehicles and bin trucks were being blocked by cars parking on streets so were prevented from reaching properties. She cited that a development such as this would exacerbate the situation.

She concluded by advising that Derek Twigg MP had previously raised concerns about the numbers of HMO's in West Bank. She urged the Committee to help the community of West Bank to stop the saturation of the area with properties of this nature, and the one being applied for today.

Councillor Wallace's objections could also be found in detail on pages 75 and 76 of the agenda.

Members discussed the application, raising concerns over the lack of parking spaces for 6 flats (they stated potentially 12 cars) and the problems that emergency vehicles, cleansing trucks and buses already had with access to the area. It was commented that to make an analysis and comparisons with hotel parking requirements and residential parking requirements was not a fair one, especially as the building was used as a hotel many years ago. The consensus was that it was wrong to assume that residents of apartments did not own vehicles because some did. It was agreed that in this case the development would have a cumulative impact on parking in the area, as no parking spaces were provided for the residents.

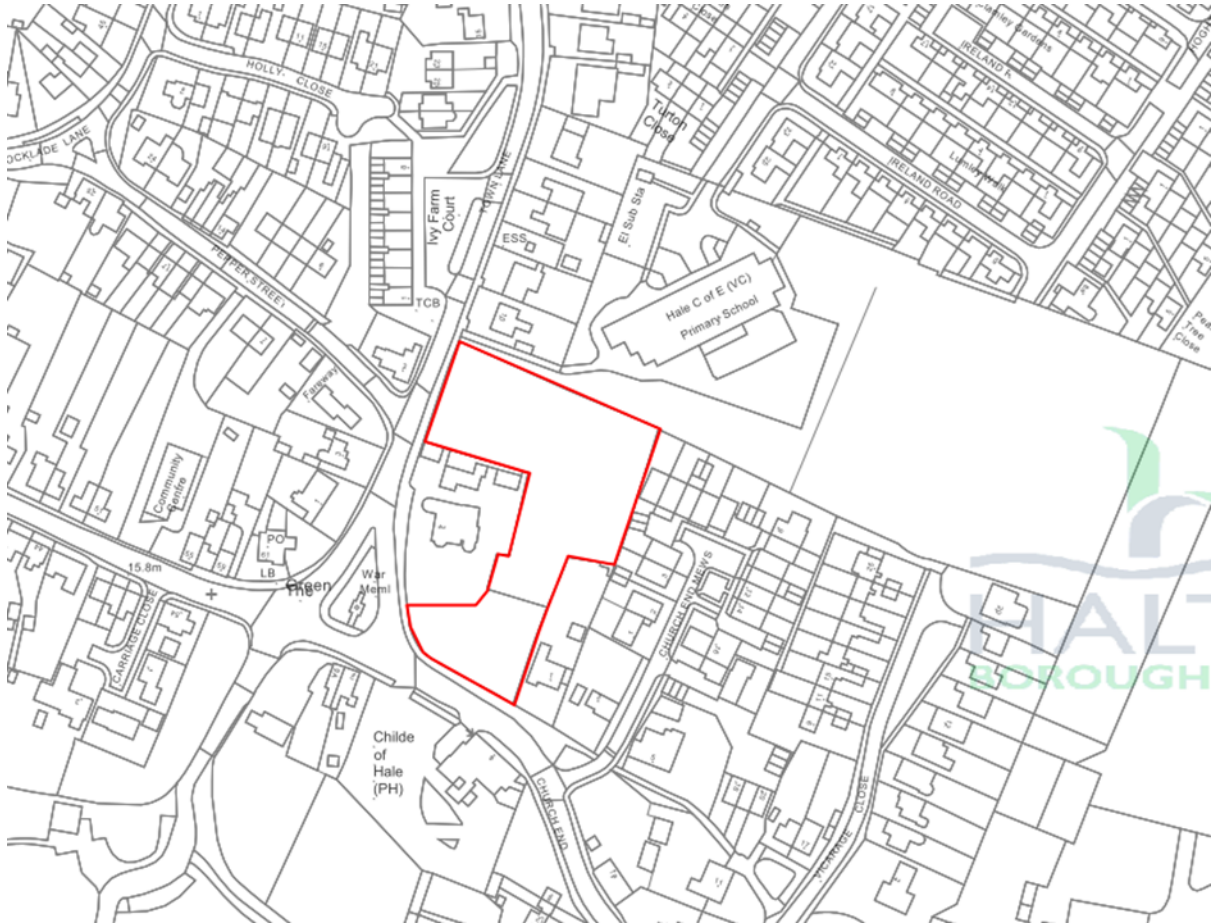
The Committee proceeded to a vote on the application and it was unanimously refused.

RESOLVED: That the application be refused for the following reasons:

- 1) the application is contrary to Policies C1 and C2 of the DALP, as it does not include on-site parking provision; and
- 2) this lack of provision would exacerbate current problems with congestion and the availability of on-street parking. The cumulative impact of this would be harmful to the street scene, parking standards and highway safety in the surrounding area.

Meeting ended at 8.20 p.m.

APPLICATION NO:	22/00638/FUL
LOCATION:	Land Bounded by Church End & Town Lane Hale L24 4AX
PROPOSAL:	Proposed development of 13 dwellings (Use Class C3) with associated landscaping, access/egress, parking, and associated works
WARD:	Ditton, Hale Village and Halebank
PARISH:	Hale
APPLICANT:	Mr David Platt, Knight Hill Homes Ltd
AGENT:	Mr Richard Dimisianos, 3 Kenyons Steps, Liverpool , L1 3BH
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Residential Allocation Site 'H1'
DEPARTURE	No.
REPRESENTATIONS:	30 representations have been received in response to the public consultation exercise. A summary of the responses is set out in the report.
KEY ISSUES:	Highways, Principle of Development, Ecology, Developer Contributions, Residential amenity, design, impact upon Hale Village Conservation Area, affordable housing, contaminated land, drainage and flood risk, recreational pressure.
RECOMMENDATION:	Grant outline planning permission subject to conditions and S106 Legal Agreement relating to Open Space and Affordable Housing.
SITE MAP	



1. UPDATE

Planning Application 23/00638/FUL was reported to the Development Management Committee in December 2023. Prior to the start of the December Committee, the Committee Chair received an email from Hale Parish Councillor Luke Trevaskis on behalf of Hale Parish Council confirming a position of objection. The email of objection contained further details than those previously submitted by Hale Parish Council as set out in the December committee report. Due to the time of the emails arrival just prior to the start of Committee, its content was not noted until after the Committee had resolved to approve the determination of planning application 23/00638/FUL.

In view of this, planning application 23/00638/FUL is to be reported to the February Development Management Committee to consider the details of Hale Parish Council's objection.

HALE PARISH COUNCIL OBJECTION

As noted in the update, an email was received from the Hale Parish Councillor Luke Trevaskis writing on behalf of Hale Parish Council. This email is produced in full below:

OBJECTION - FOR URGENT CONSIDERATION

Dear members of the Development Committee,

Hale Parish Council would like to bring to your attention a breach of the NPPF and HBC's Local Plan in relation to Planning Application 11/00638/FUL for 13 dwellings on land at Town Lane, within Hale Village's Conservation Area.

Figure 3 (Page 11) of the Heritage Statement (link below and attached) highlights a historic pond in the top quadrant of the red circle that has not been adequately referenced in the content of the report, or subsequent designs (which appear to build directly on top of this natural water course). The pond is approximately 20 feet in diameter and serves as both a natural drainage point, and a focal point of significant value, fronting the Conservation Area of Town Lane. The pond can also be identified in Figures 4 and 5 (Page 12) of the report. You may also note various errors which appear as though the report has simply been copied and pasted from prior work (an example of which can be found on page five when reference is made to the development enhancing the 'Lydiate Hall and Chapel Conservation Area' (a location in Sefton, close to 20 miles away from the proposed site).

https://webapp.halton.gov.uk/planningapps/2200638FUL/OTH_HS%20-%20Hale%20Village%20Final%20Version.pdf

The pond has historic significance to the local community, is of cultural value, and provides significant local biodiversity. As a key feature of Hale's heritage, the pond has existed since the 1800s and it is disappointing that the developer has proposed to build over this natural drainage point, without providing any mitigation for an alternative site for the pond. The pond plays a vital role in enhancing the local environment and is important to residents and visitors alike.

This lack of consideration for the amenity of Hale's Conservation Area, and a key community asset, does not work to enhance or preserve Hale's Conservation Area, and the Parish Council, as a statutory consultee, strongly objects to current proposals which in effect remove a focal point of the centre of the village currently contributing significantly to the local landscape character of the Conservation Area.

Misleadingly, the ecology report (link below and attached) does not mention the pond, or highlight its ecological importance to supporting the diverse wildlife of Hale's Conservation Area. Page 19 of the report indicates there are no watercourses on the site, and completely omits any inclusion of the pond. The site map on the last page also fails to accurately record any presence of the pond.

https://webapp.halton.gov.uk/planningapps/2200638FUL/ECO_2200638FUL.pdf

It is the view of Hale Parish Council that this glaring inaccuracy could have significant consequences if a decision were to proceed regarding the application at the meeting this evening. Members of Halton Borough Council are required to have due consideration to the facts, alongside national and local planning policy.

The Parish Council believes the applicant has not provided all information to enable the Committee to consider all the material planning points required of it. Similarly, the planning officer has been unable to include all material planning considerations in their report.

It is understood the location of the pond may be behind scrub, and visibility may be restructured. However, the Parish Council believes the lack of transparent information disables the Committee (and any officers of Halton BC) from drawing a conclusion as to whether or not the applicant has properly provided due consideration to the effects the proposed development would have on the pond, its heritage value, and the wildlife it supports. Therefore, the Parish Council is of the understanding the Committee would not currently be able to objectively assess whether the application currently satisfies the requirements of the NPPF, HBC's Local Plan and the Wildlife and Countryside Act 1981.

Specifically, the Parish Council does not believe the Committee would be able to assess how the development accords with the below.

1) The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions with respect to any buildings or land in a Conservation Area that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (s.72).

2) The NPPF (Paragraph 194) states "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

3) The NPPF (Paragraph 195) states local planning authorities should identify and assess the particular significance of a heritage asset, including its setting, and take this into account when considering the impact of a proposal in order to avoid or minimise conflict between the asset's conservation and any aspect of the proposal. Significance is defined in the NPPF Glossary (2021) as: the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

4) In determining applications, the NPPF advises that the local planning authority should take account of positives associated with the heritage asset and that the more important a heritage asset, the greater weight that should be given to the protection of its significances.

5) The NPPF (Paragraph 197) states that in determining application the local planning authority should take account of the desirability of sustaining and

enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

6) The NPPF (Paragraph 197) states that in determining application the local planning authority should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

7) The NPPF (Paragraph 204) states that local authorities should not permit loss of the whole or part of a heritage asset.

8) Halton BC's LP (Policy CS(R)20) states "the Borough's historic environment, heritage assets and their setting, will be conserved and enhanced and opportunities to enhance them or increase understanding through interpretation and investigation will be encouraged, especially those assets at risk".

9) Halton BC's LP (HE2) states "the Council will support proposals that conserve and, where appropriate, enhance the Borough's historic environment" and "proposals that conserve or enhance the character or appearance of a Conservation Area will be supported".

10) Halton BC's LP (GR1) states "development proposals should make a positive contribution to their surroundings and ensure they contribute to the creation of a high quality public realm that enhances conditions for pedestrians and cyclists".

The Parish Council believes a decision regarding this development should be deferred until the above matters are addressed, and respectfully requests a Councillor to table a motion to that effect. Sadly I cannot make the meeting this evening and would appreciate a response from members/officers to confirm receipt of this representation on behalf of the Hale Village community.

For reference, I have also attached a video of the pond sent to me by a resident today.

Thank you in advance.

APPLICANTS RESPONSE

Following receipt of the email from Hale Parish Council, the Local Planning Authority made the Applicant aware of the concerns raised. The Applicant's heritage advisor responded with the following points of opinion.

- There was no recording of a pond on site when visited in early September and prior to that, in August.
- This is confirmed in the findings of the SI and also by the omission of its identification as a pond from more recent OS maps over the last 50-70 years. This often happens when ground level builds up over time and the 'dip' in land levels is no longer considered to be a functioning pond.
- The pond is not identified in the Heritage Assessments 2022 for the proposed site allocation of H1 for housing. This assessment was carried out by the Council as part of 'due diligence' exercise for the recently adopted Local Plan and has been through a thorough local examination process. That assessment

talks only of the boundary hedgerow and sandstone wall as making positive contributions to the conservation area.

- We do not dispute the fact that this section of the site does appear to retain water at certain times of the year but from what I can see, it certainly not something that makes a 'positive' contribution to the conservation area. In fact, I would argue that it's stagnant and boggy appearance is one that detracts from its character and appearance of the conservation area as it suggests poor land drainage. It is also worthy of note that there are also no features such as laid out paths that suggestion that this was ever meant to be publicly accessible or enjoy by the village occupants.
- There are tangible positives for the conservation area associated with bringing this site forward. One such positive is the creation of public access to a historically privately owned part of the conservation area and it is our considered view that this would far outweigh the loss of this area of boggy land that some call a pond. This positive was identified in the Council's HA for the Local Plan.

CONSIDERATION

Planning application 23/00638/FUL was reported to this Committee in December 2023. Considerations in this report are set out in addition to those in the December 2023 Committee Report, which is set out in full below. Considerations of this update are limited to address the matters raised by Hale Parish Council in the email dated 5th December 2023 set out above.

HPC - Points of objection	HBC Response/Considerations
<p>A pond is located in the top quadrant of the site. The pond is approximately 20 feet in diameter and serves as both a natural drainage point.</p>	<p>A pond basin is located in the North West corner of the application site. It is difficult to confirm its diameter due to the centre being dry and overgrown from vegetation.</p> <p>The Lead Local Flood Authority (LLFA) has reviewed the development proposal and provided confirmation that there is no existing formal drainage arrangement for the application site. Furthermore the opinion states that it did not appear that the pond provided a drainage function for the site. The LLFA have returned a position of no objection to the proposed development.</p> <p>For the avoidance of doubt the Pond is not classed as nor part of a watercourse.</p>
<p>The Pond acts as a focal point of significant value front the Conservation Area of Town Lane.</p> <p>The pond has historic significance to the local community and is of cultural value.</p>	<p>The pond is situated in a dense area of scrub within the application site. Despite its proximity to the adjacent highway of Town Lane, the pond cannot be viewed from the public realm.</p> <p>The pond is located entirely on private land. There are no public footpaths to or</p>

The pond has a vital role in enhancing the local environment and is important to residents and visitors alike.

This approach fails to enhance or preserve the Hale conservation area (HCA).

from the site that would afford a view of it.

As part of the Council's preparation of the Delivery and Allocations Plan, a Borough wide assessment was carried out to ascertain the suitability of sites put forward for in response to the Strategic Housing Land Availability Assessment call for sites. As part of this assessment, consideration was given to any heritage impacts borne as a result of the application sites allocation for residential development. The following comments from that assessment are of note:

Designated 22nd April 1983 The core of the village is High Street, lined with pairs of 18th century whitewashed estate cottages and leading east, past what remains of the village green and the entrance gates to Hale Park, into Church End and the older part of the village where lime washed thatched cottages cluster around the triangular, leafy Parsonage Green.

The site contributes in part to the Conservation by displaying a large area of green space albeit within private ownership. The boundary of the site to the south along Church Road is constructed of sandstone, whilst the boundary along Town Lane is of a hedgerow.

The above assessment notes the sandstone wall as a feature of interest. There is no mention of a pond as part of this assessment. The sandstone wall has been incorporated into the fabric of the scheme design with all stone material to remain on site and reused to form an access point to plot 13.

The Council's retained heritage advisor has considered the development proposal and returned an opinion of no objection. The response noted "Overall, the proposed development will make use of a plot of land that is currently redundant therefore having the potential to detract from the significance of the conservation area and surrounding heritage assets, and is considered to

	<p><i>have a neutral impact on the conservation area”.</i></p> <p>In view of the comments above, it is the Council’s view that the Pond is not easily viewed and cannot be seen from the public environment such is the level of overgrowth on site. Therefore the Pond is not regarded as a focal point for the Town Lane area of the Hale Conservation Area.</p>
<p>The pond provides significant biodiversity value</p>	<p>Ponds can contribute to providing significant bio diversity. However, they do require periodic maintenance. The pond at the application site has had no apparent maintenance. It has become overgrown and silted up. There is for example paddock grass growing in the centre of the pond, this is not an aquatic species of vegetation. The wet areas are limited to the edges. The pond has been described as dried up on the contaminated land survey which corroborates the lack of maintenance and suggests that the pond is only periodically wet.</p> <p>As set out in the update to Committee on the 5th December 2023, the Council has considered the loss of the pond against planning policy HE1 of the Halton specifically paragraph 10c and paragraph 180a of the NPPF. The Council determined that the loss of the pond would not result in the loss of a significant asset. Therefore it is considered that the Applicant does not need to install compensatory measures elsewhere within the scheme.</p>
<p>No mitigation has been provided for an alternative site for the pond</p>	<p>As set out in the viability considerations of the report below, the overall viability of the scheme is precariously balanced. Further erosion into the schemes overall viability concerning the loss of developable plots is a material consideration. It is considered that the delivery of the scheme as proposed inclusive of 3 No. affordable housing units is of materially greater worth than the retention of the on site pond.</p>
<p>The Planning (Listed Buildings and Conservation Areas) Act 1990 states</p>	<p>The Council consulted its retained heritage advisor as part of the</p>

<p>that in the exercise of planning functions with respect to any buildings or land in a Conservation Area that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (s.72).</p>	<p>consideration of the development proposal. A response of no objection was received in response. The advice provided is set out in full within the DMC report.</p>
<p>Hale Parish Council draw attention to the requirements of NPPF in decision making, specifically paragraphs 194,195,197 and 204. Since the date of the HPC email the NPPF has been updated, the paragraphs referenced are now 200,201,203 and 210 in the latest draft.</p> <p>P200 <i>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</i></p> <p>P201 <i>Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.</i></p>	<p>The Applicant did submit a heritage statement as part of the planning application suite of documents. The heritage statement made no reference to the pond. Notwithstanding, the Pond feature is noted on historic maps that date to 1896. However, this feature does not appear on current OS plans.</p> <p>The Council's retained heritage advisor has assessed the development proposal and has put forward a position of no objection. In the response they note that the development will have a neutral impact upon the Hale Conservation Area.</p> <p>The Historic England (HE) document 'Water Features in Historic Settings' makes reference to moats, decoy ponds, fish ponds or ancient fisheries as examples of water features that carry notable heritage value. These examples are all of a scale vastly larger than the pond under consideration both in terms of physical scale and order of importance. The pond on site is not of comparable scale. The HE document attributes the term heritage value to a retention of enjoyment for future generations. Examples include, the retention of fish lakes to demonstrate how fish lakes were used to sustain populations as a source of food, how moats were used to defend strategic positions or as a status symbol to a particular era of history. Often moats are the only remaining feature of such periods of history where the buildings have long decayed to ruin. The Borough boasts two nearby examples of such historic water features of notable heritage worth. The Hale Decoy Duck Pond and the Moat at Lovel's Hall. Both these examples carry a heritage value that is of national worth as demonstrated</p>

in their designation as national ancient monuments.

With regard to local scale heritage matters, there are a number of local heritage features of interest within Hale Village. The most notable are that of the Childe Of Hale bronze statue, the Manor House, St Mary's Church, Hale Light House, the white wash cottages and houses. These are well known in the locality and feature prominently amongst local tourism links. In comparison, the pond on the application site is obscured from view due to the overgrown nature of the site. As a result the pond does not benefit from the same level of positive contribution to the conservation area as the listed examples on account of a reduced physical presence. This is best illustrated on account that the pond cannot be viewed from a public vantage point.

It is on this basis that the Council considers the significance of the ponds heritage worth to be low. It is considered that the Council has the necessary details before it to proceed to determine the application pursuant to paragraphs 200 and 201 of the NPPF. Notwithstanding, the Council has requested that its retained heritage advisor review the content of Hale Parish Council's objection. If an updated opinion is received an update will be presented orally to the Development Management Committee.

The location of the pond on site is proposed to be occupied by three residential units. These units will be delivered as affordable housing. The delivery of affordable housing is a first for the village of Hale. Were the pond to be retained, it would result in the loss of three residential units reducing the number of units to ten. As noted above, the overall viability of the scheme is precariously balanced. Further erosion into the schemes overall viability concerning the loss of developable plots

203 *In determining applications, local planning authorities should take account of:*

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

<p><i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and</i> <i>c) the desirability of new development making a positive contribution to local character and distinctiveness.</i></p> <p>210 <i>Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.</i></p>	<p>is a material consideration. It is considered that the delivery of the scheme as proposed inclusive of 3 No. affordable housing units is of materially greater worth than the retention of the on site pond. The Council has had full regard to paragraph 203 of the NPPF.</p> <p>The application site is an allocated site in the recently adopted Halton Delivery and Allocations Plan (DALP). There is an identified need for housing in the locality as evidenced in the background documents to the DALP. Furthermore, the Applicant has stated their commitment to deliver the development with contractors in place for ground work to commence in March.</p>
<p>Hale Parish Council make reference to the Halton Delivery and Allocations Plan, specifically Policies CS(R)20, HE2, GR1 CS(R)20 Para 3.</p> <p><i>3. The Borough's historic environment, heritage assets and their setting will be conserved and enhanced and opportunities to enhance them or increase understanding through interpretation and investigation will be encouraged, especially those assets at risk.</i></p> <p>HE2 Para 4 <i>In accordance with policy CS(R)20 the Council will support proposals that conserve and, where appropriate, enhance the Borough's historic environment, heritage assets and their settings, especially those identified as being at risk.</i></p>	<p>As set out in the report below, the identified relevant policies should be considered together.</p> <p>The application site is an allocated site. The pond is an existing feature of this site. The Application site is significantly overgrown to the extent that the remnants of the pond cannot be seen. The application site offers no notable worth to the setting of the pond. The application site is modest in scale and could be regarded as a village infill.</p> <p>As previously noted, the Council's retained heritage advisor has reviewed the scheme and put forward a position of no objection.</p> <p>The viability of the proposed scheme has been discussed above and is discussed in further detail in the body of the report below. The retention of the pond would result in the loss of three residential units and result in a lower rate of return. It is of note that with 13No. residential units on site the development will still result in an overall profitability below the reasonable rate of return as set out in the Planning Practice Guidance. The consequence of this is that the scheme would become</p>

	<p>unviable and undermine the schemes ability to deliver affordable housing. It is considered that the delivery of the scheme offers a neutral impact to the Hale Conservation Area and that the delivery of three affordable houses outweighs any harm borne from the removal of the pond.</p>
<p>10. Halton BC's LP (GR1) states "development proposals should make a positive contribution to their surroundings and ensure they contribute to the creation of a high quality public realm that enhances conditions for pedestrians and cyclists".</p>	<p>Pedestrian and cycling impacts and opportunities have been considered by the Council's Highways Officer. Comments from whom are set out in full in the officer report below.</p>

CONCLUSION TO THE UPDATE

The matters raised by Hale Parish Council have each been assessed by the Council. The Council considers that the matters raised by Hale Parish Council do not result in a change to the Officer recommendation to Committee in December 2023 or the Committee resolution. As noted above and in the report below, matters regarding heritage, ecology and transport have been reviewed by the Council's respective advisors, each of whom have raised no objection to the development proposal. The recommendation remains to approve the application subject to conditions and a legal agreement per the terms set out in the recommendation section of the report below.

For all other issues please see the report below which is a duplicate of that presented to Committee in December.

2. APPLICATION SITE

2.1 The Site

The site subject of the application consists of a 1.13 Acre parcel of land located within Hale Village. The site is unorthodox in terms of its overall shape and boundary layout that fronts onto Town Lane and Church End. The Northern and Eastern boundaries of the site are contained by houses and other buildings including a School. It is of note that the pedestrian access to the Hale C of E primary school, located north east of the application site, is directly adjacent to the application sites northern boundary.

The site is Greenfield and contains both shrubs and trees in addition to a Protected Copper Beech Tree in the South West Corner of the site.

The application site sits within the Hale Village Conservation Area, an urban environment that consists primarily of surrounding dwellings that are of mixed character and age predominantly 2 storey in height.

The site is allocated as a Residential Development Site (H1) by the Halton Delivery and Allocations Local Plan Policies Map. The site has a notional capacity of 12 houses as defined by the Halton DALP.

2.2 Planning History

The application site is an undeveloped parcel of land. As a result there is no relevant planning history.

3. THE APPLICATION

3.1 The Proposal

Permission is sought for the erection of 13 dwelling houses. The proposed breakdown of dwellings is as follows: 3 mews houses (3 bedroom) 4 semi-detached houses (4 bedrooms) and 6 detached dwellings (2 of which are 3 bedroomed 4 of which are 4 bedroomed). The houses are a combination of 2 and 2.5 storey dwellings with accommodation in the roof space.

The 3 mews houses will be affordable dwellings which equates to 25 % of the development. The Applicant has proposed a tenure of first homes for the affordable housing provision.

The development details a new access point off Town Lane that will serve 10 of the proposed units. Two units will be serviced directly off Town Lane. An additional unit will be serviced directly from the Church End highway. Each dwelling will benefit from dedicated private off street car parking situated within each units private residential curtilage.

The Applicant proposes a traditional materials pallet consisting primarily of render and red brick with grey roof tiles and flush wooden casement windows.

A Copper Beach Tree that is protected by way of a tree preservation order (TPO) is located on the application site. An additional TPO tree located in a neighbouring property is of note due to its overhanging crown along the application site boundary. It is of further note that the application site is grassed and has a mixture of immature tree specimens. Whilst the Copper Beach is to be retained the remainder of the site would be cleared in preparation for the development of the site.

3.2 Documentation

The planning application is supported by the following documentation:

- Planning Statement
- Construction and waste method statement
- Preliminary Ecological Statement
- Arboricultural Impact and Method Statement

- Heritage Statement
- Noise Impact Statement
- Flood Risk Assessment
- Preliminary Risk Assessment
- Transport Statement
- Drainage Scheme
- Site Investigation
- Landscape Drawing
- Design and Access Statement

4. 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

4.1 Halton Delivery and Allocations Local Plan (2022)

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

- CS(R)3 Housing Supply and Locational Priorities;
- CS (R) 6 Green Belt
- CS (R) 7 Infrastructure Provision
- 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;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and the Historic Environment
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- RD1 Residential Development Allocations
- RD 5 Primary Residential Areas
- GR3 Boundary Fences and Walls

Supplementary Planning Documents (SPD)

Design of Residential Development SPD

4.2 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.

4.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

4.4 Equality Duty

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

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

4.5 Other Considerations

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

5. **CONSULTATIONS**

The application was advertised via the following methods: Site notice posted near to the site, press notice, and Council website. Surrounding properties were notified by letter. The following organisations have been consulted and any comments received have been summarised below and in the assessment section of the report where appropriate:

Sustrans

No objection – comments received are discussed in the highways comments section of the report

United Utilities

No objection

Liverpool John Lennon Airport

No objection

Natural England

Awaiting comments pending review of Council habitat regulation assessment

Hale Parish Council

Objection – Details of the objection are set out in the report below

Environment Agency

No Objection.

Council Services

Highways

No objection subject to conditions

Lead Local Flood Authority

No objection to the proposed development subject to a condition

HBC Contaminated Land

No objection to the proposed development subject to conditions

Archaeology

No objection. Site does not hold archaeological interest

Open Spaces

No objection subject to condition.

Landscape Architect

No objection

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection subject to condition and financial contribution secured by S106

Environmental Protection

No objection subject to condition

Conservation Officer

No objection

5 REPRESENTATIONS

5.1 The application has been publicised by neighbour notification letters on three occasions following the Applicant's modification to the development proposal, specifically those relating to house design, layout and highways considerations. Site notices were also posted in the vicinity of the site. The application was also advertised in the Local Press.

5.2 Thirty representations have been received. A summary of the objections received is set out below.

- Detrimental to Highways Safety
- Traffic Generation
- Increased demand for on street parking
- Houses will not be affordable
- Harmful to the Environment
- A pedestrian crossing should be installed
- Loss of light at neighbouring properties
- Over dominant form of development - will overshadow existing houses
- Negative impact upon Conservations Area
- Negative Impact upon Protected Trees
- Inadequate Landscaping proposed
- Negative impact upon Rights to Light (it should be noted that Rights to Light are not material planning considerations)
- Harmful to the residential amenity of neighbours
- Houses will overlook neighbours

- Public Consultation event failed to engage adequately and was not transparent
- Errors in application documents
- Smaller houses are required in Hale
- Overdevelopment
- Proximity of houses to Protected Tree will create future pressure to reduce canopy of the tree
- Design of houses is unsuitable for this location
- Houses should be rendered
- Houses will be too tall dwarfing neighbouring dwellings
- Inadequate infrastructure is in place to support additional residents
- “To build new housing right next to the school is so distasteful”
- Dwellings are out of character
- Loss of existing Trees
- Loss of Sandstone Wall
- Loss of Historic Farm Duck Pond, loss of both historical feature and detrimental to drainage

Cllr Wharton has raised the following concerns:

I have concerns relating to access and egress to the site. The Town Lane proposed road is close to the school entrance and is extremely busy particularly at school opening time. The other proposed road is extremely close to a bend and visibility as you come out of that road would be extremely limited. I would ask that the highways team give consideration as to how these issues can be mitigated if the proposal is agreed by the Development Management Committee.

6 ASSESSMENT

6.1 Principle of Development / DALP Allocation

The Residential Allocation of the site by the Halton DALP has established that developing the site for residential purposes is acceptable in principle. Policy RD1 of the Halton DALP contains a table that presents a notional capacity for all the of the allocated residential sites. Such figures are indicative only, developments can exceed or fall short of this capacity depending on site circumstances. The suggested capacity of the application site is 12 residential units.

The DALP residential allocation for the application site establishes the precedent that a form of residential development is acceptable in principle. The remaining planning policies identified above will consider whether the form and quantum of development is acceptable. The consideration of such policies is set out below.

Housing Mix

Dalp policies CS(R)3 and CS(R)12 require sites of 10 or more dwellings to deliver a mix of new property types that contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. The Mid-Mersey SHMA 2016 sets 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 bedroomed. The policy justification recognises 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. Evidence from the Mid-Mersey Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for a greater diversity of housing types and sizes across market housing as well as in affordable accommodation. The housing type profile in Halton currently differs from the national pattern with higher proportions of medium/large terraced houses and bungalows than the average for England and Wales. Consequently, there is under provision of other dwelling types, namely detached homes and also to a certain extent, flatted homes. The SHELMA (LCR) shows an above average representation of detached and semi-detached sales however does not breakdown for bedroom requirements. In Halton this is due to a particularly high proportion of new build sales that upwardly skew the figures for detached and semi-detached sales.

It is important to rebalance the type and size of housing across the Borough and to ensure that the most appropriate form of housing is provided by listening to the market to ensure the requirements are met for current and future residents. The following table illustrates the proposed residential mix.

	Market	Affordable
3 bed units	2 (15%)	3 (23%)
4 bed units	8 (62%)	0
Total	10 (80%)	3 (20%)

The table below provides the objectively assessed housing need breakdown as presented in the 2016 SHMAA that formed the original evidence base for the DALP.

	Market	Affordable
1 bed units	6.5%	44.8%
2 bed units	30.4%	28.4 %
3 bed units	52.7%	23.8%
4+ bed units	10.5%	3.0%

Since the adoption of the DALP, the Liverpool City Region Authority has undertaken a HEDNA study into housing needs of the Liverpool City Region (HEDNA 2023). The local need set out in this evidence base is set out in the table below.

	Market	Affordable
1 bed units	25%	25%
2 bed units	45%	45%

3 bed units	25%	25%
4+ bed units	6%	5%

From the tables set out above, noting the inconsistencies between the 2016 DALP evidence base and the evidence base of the emerging Liverpool City Region Spatial Development Strategy, the Applicant is not meeting the locally identified needs. Notwithstanding, consideration needs to be given to the overall size of the application site. This is a modest sized application that sits within an existing urban area. It is not of a strategic scale that would contribute a disproportionate impact with regard to the Council's identified need.

The Applicant is providing two three bedroomed market housing representing 15% of the proposed quantum of development. The assessed need for this type of housing is shown to be 52.7 % in the 2016 SHMAA and 25% in the 2023 HEDNA. A total of 8 dwellings representing 62% of the proposed quantum of development is proposed. The identified needs of the SHMAA and HEDNA are 10.5% and 6% respectively.

When compared against the evidence base, the Applicant is under providing in 3 bedroomed market dwellings and over providing in 4 bedroomed market dwellings. No provision is given to 1 and 2 bedroomed houses, the needs of which are set out in the tables above.

The application provides for 25% affordable housing in line with policy CS(R)13. The bedroom mix for the proposed affordable units differs from the need identified in the SHMAA as set out in the table above. The application is a modest development of 13 units details 8No. 2 bedroomed dwellings and 12No. 3 bedroomed properties. These house types are comparable to the remainder of the development site. The Applicant has commendably aspired to achieve a tenure blind development scheme. Whilst the affordable housing offering is presented in a terrace, the design, orientation and building materials are consistent with the remaining market housing.

It is of note that the Applicant has offered 3No. 3 bedroomed affordable houses. Whilst the evidence base calls for greater provision of 1 and 2 bedroomed affordable houses, there remains an identified need for 3 bedroomed properties. It is considered that the proposed development of 3No. 3 bedroomed properties is an improved offering compared to 3No. 1 or 2 bedroomed dwellings.

It is of note that the Council has received notifications from registered social housing providers as part of its consideration of the other Widnes based DALP housing allocations. Such notifications identify a need of properties in the range of 1No to 3No bedroomed dwellings. The proposed social housing mix offered as part of this development site is consistent with such opinion of social housing sector need.

With regard to market housing, the Applicant has set a focus on delivering 4 bedroomed detached properties accounting for 54% of the market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less (95% HEDNA). It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families,

where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality. The Applicant has bought the development site with a view to implementing a sensitive development in line with the proposed plans commensurate in scale to the land allocation table set out at Policy RD1 of the Halton DALP

Since the completion of the latest SHMA in 2016, Government has introduced “First Homes” a specific form of discounted market sale as a preferred form of affordable housing. This may have skewed the need and demand figures slightly with some previously identified demand for smaller market housing now being met by “First Homes” and “Shared Ownership” properties which respectively represent 50*% and 25% of the affordable units.

Whilst the mix of property types is not aligned to the breakdown of the evidence base, it is contributing toward property types which are identified as being in need. Notwithstanding, the policy requirement encourages proposals to contribute to addressing identified needs and is more advisory than a prescriptive requirement. Given the contrast of the housing mix proposed when compared to the 2016 SHMA, there is considered to be a non-compliance with Policies CS(R)3 and CS(R)12, however based on the assessment set out that there are not sufficient grounds to warrant the refusal of this planning application.

Affordable Housing

As per the terms of planning policy CSR13, residential development proposals on non strategic housing sites are required to deliver 25% affordable housing as part of the proposed housing mix. Paragraph 2 of CSR13 sets out the Councils ambition for affordable housing delivery, at 74% social rent and 26% intermediary. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the DALP examination in public. The Council accepts that First Homes are a form of intermediary housing. The Applicant is proposing that all 3No. affordable dwellings will be delivered as First Homes.

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. Eligibility criteria apply to their occupation. First homes are required to fulfil the following nationally 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

In addition to the above nationally set criteria, it is intended for the following locally set criteria to be applied. The Applicant has agreed to the following locally set criteria:

- Applicant must be a former British Armed Service Member or ex member of no longer than 5 years inc. civil partners, spouses, ex spouses/partners
- A Halton resident for a continuous period of not less than 24 consecutive months.
- A parent/child family with association to Halton resident
- A requirement to living in Halton due to employment as a key worker
- Past resident who has living the Borough for 5 years or more
- A key worker employed in Halton Public Sector for 12 months
- Key worker employed in health and education and childcare, public safety and national security

The provision of 3No. First Homes does not conform with paragraph 4b of policy CSR13. However, the policy sets out an exemption that an applicant can vary the tenure mix set by the policy provided credible evidence has been submitted that demonstrates that the target would make the scheme unviable. The Applicant has undertaken this exercise by submitting a viability study. The study shows that with the development of three first homes representing 100% of the affordable housing tenure the scheme is still markedly below the reasonable developer return of 15-20% set out by the PPG (Paragraph: 018 Reference ID: 10-018-20190509). The Applicant is prepared to maintain the delivery of 3No. affordable dwellings below the expected rate of return. Sufficient justification has been provided that demonstrates a need to depart from the specified tenure mix. Whilst the development proposal fails to comply with para 4b of Policy CSR13, it maintains compliance with para 1 of Policy CSR13. It is therefore considered that the development proposal complies with the requirements of Policy CS(R)13.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units to the front of the site as a dual aspect terrace. The design is commensurate to the remainder of the scheme and the wider surroundings. Significant effort has been undertaken to achieve a tenure blind development. The Applicant has taken steps to ensure suitable interfaces exist between affordable units and smaller market housing to offer a complementary streetview appearance.

Affordable housing would be secured by means of suitably worded clauses within an accompanying S106 agreement. First homes eligibility criteria would also form part of the S106 wording with a requirement for criteria to be entered into the title deeds to ensure market discount is retained in perpetuity. The development proposal will deliver the 20% affordable housing requirement which meets the broad requirements of planning policy CS(R)13. It is not considered that the percentage split in the type of affordable housing units would warrant the refusal of the application.

Design and Appearance

The development proposal is a well-designed housing scheme that comprises a visually attractive layout with good quality architectural design. The Applicant has chosen a collection of house types that are well suited to one another and the site layout. The design is also commensurate to the streetscene of the conservation area. The appearance is consistent with that seen in the more recent housing developments in Hale Village. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation. The final appearance will result in a well-designed infill to Hale Village. The surrounding housing stock is of mixed era outside of the conservation area. To the south of the application site, properties that lie within the conservation area are primarily historic of mixed era design with both brick and render wall finishes. It is considered that the proposed development compliments the local distinctiveness of Hale Village.

Impact on Conservation Area

The impacts of the proposed development upon the Hale Village Conservation Area have been assessed by the Council's retained heritage advisor. Comments from whom are set out in full below.

The proposed works will create 13 dwellings (use class C3) with associated landscaping, access/egress, parking, and associated works at Land Bounded by Church End and Town Lane, Hale. The proposed site is located in the centre of Hale Village and as such is located within the Hale Village Conservation Area, and is bordered by residential properties to the north, east and west. The application site was previously classified as an 'Area of Special Landscape Value' until the adoption of the Halton Delivery and Allocations Local Plan in 2022 which designated the site as suitable for housing.

While the application site has typically not included any development, the site is surrounded by residential developments and the impact of the site on the setting of the conservation area is neutral due to its unkept nature. The TPO's on the site however do have a positive impact on the wider setting of the conservation area. Hale Village Conservation Area is experienced through the open landscape to the east and south and the proposals will not impact on this openness with views of the development being limited through existing developments when viewed from outside the conservation area. Views of the application site are also limited in respect of the nearby listed buildings.

Plans submitted indicate two dwellings will be access from Church End with the remaining dwellings accessed from a new access point on Town Lane. The scale of the development on the site is appropriate and reflects the surrounding residential developments. Additional elevations have been provided showing missing street scene elevations and they are considered to be acceptable and in keeping with the setting. The general character of the conservation area is described as 'a number of historic whitewashed cottages centred on the linear plan of the High Street and Church End', being 'predominantly single storey, constructed from brick and thatch'. It is also noted that the area contains a mix of 20th century housing and mature planting.

The details submitted in elevation showing plot 6 to plot 10 shows a varied housing style with similar architectural details carried throughout the scheme, predominantly showing facing brick, slate roof coverings and stone detailing to windows and doors. While the development does not have a varied material palette as seen elsewhere in the conservation area, the impact of the proposed materials is considered to be neutral.

Overall, the proposed development will make use of a plot of land that is currently redundant therefore having the potential to detract from the significance of the conservation area and surrounding heritage assets, and is considered to have a neutral impact on the conservation area.

The proposed developments impacts on the Hale Village Conservation Area have been considered by the Council's heritage advisor. It is considered that whilst the development does not contribute an enhancement to the Conservation Area as required by paragraph 8 of Policy HE2 of the Halton DALP, it does not prejudice the quality of the area to the extent that the perseverance of its character is compromised. The development proposal represents a quality of development suited to the site and character of the area. Therefore on balance it is the Council's view the proposed development preserves the setting of the Conservation Area. On this basis it is considered that the development complies with Policy HE2 of the Halton DALP.

Residential Amenity

The proposed development layout has taken into account the guidance set out in the Design of Residential Development SPD (the SPD) and follows good urban design principles with complementary plot layouts that ensure good natural surveillance and convey a pedestrian and community safe sense of place.

Sufficient regard has been given to the interface distances between proposed plots meet the interface requirements of the SPD. There are two interfaces of note. The first interface concerns the rear elevations of Plots 7 and 8 with the blank gable wall of the existing property 5 Church End Mews. The guidance set out in the SPD seeks to achieve an interface of 13metres. The interface detailed on the proposed plan is 12.13m. It is considered that this modest shortfall of 87cm in standards is acceptable; the rear interface of the proposed plots 7 and 8 is a feature that it is assumed that any potential purchaser would be aware of prior to completing their acquisition.

The second interface of note concerns Plot 13 and the existing property 1 Church End. This interface details a proposed gable to an existing gable. The Occupiers of 1 Church End have emailed their objection to the Council. The full detail of which is set out below:

We write to register our objection to the above proposed development on the grounds that it will severely impact on our right of light. In particular, the proposed dwelling at Plot 13 is sited directly in front of our kitchen window, less than 2 metres away, and will impair the amenity and use of this frequently used habitable room.

Our property is a bungalow and the proposed dwelling is a two-storey house, which would overshadow our property. We would request that the applicant amends the layout of the development so as not to infringe on our legal right of light, which we have benefited from for in excess of 20 years. This objection has also been raised directly with the applicant.

The SPD fails to provide guidance for a gable side to gable side interface. It is a typical feature of the development of residential properties to have proximate interfaces in side to side arrangements. Such interfaces typically present themselves along a street frontage, such is the case in Hale Village and this proposed interface is consistent with that view. Typically in such instances gables are blank or may feature a stairwell window with no means of direct oversight. The proposed Plot 13 details a stairwell light. The occupier of 1 Church End confirms that the gable end of their property features a kitchen window. They also confirm that they regard this to be habitable room window. A review of the Council's Building Control record for the property 1 Church End confirms that the affected window belongs to a kitchen. The SPD at footnote 14 of page 25 provides the following definition of habitable rooms:

Habitable rooms are defined as living rooms, dining rooms, bedrooms or conservatories. Spaces such as bathrooms, kitchens, utility rooms, laundries, corridors, hallways/landings, or similar spaces are not deemed to be habitable rooms.

It is of note that since the date of the objection, the Applicant has amended the scheme. The proposed layout plan currently subject of determination features a setback in the overall from 1 Church End effectively granting an extension of garden space to 1 Church End. Notwithstanding this development the following assessment applies.

The interface distance shown on the proposed plan measures 9metres between the respective gable ends. It is of note that the existing property 1 Church End is a bungalow. The immediate outlook for the affected kitchen window is a boundary fence approximately 2 metres in height. The immediate proximity of the fence to the kitchen window compromises the outlook to the extent that it would not be a fair summation to state that the only impact on this aperture is the proposed development of plot 13. Notwithstanding, as stated in the above footnote taken from the SPD, it is the Council's view that the kitchen window is not a habitable room contrary to the assertions of the occupiers of 1 Church End.

On this basis it is considered that whilst the development of Plot 13 is a profound change for the occupiers of 1 Church End who presently benefit from an undeveloped adjacent plot, the proposed development is consistent with the gable to gable interface expected from a streetscene and maintains an existing shoulder to shoulder like development footprint evident within Hale Village. Furthermore such development is in line with the requirements of the guidance set out within the SPD.

Paragraph 6.14 of the SPD provides guidance in the calculation of required sizes for usable minimum private garden spaces for houses as follows:

- Houses having 3 bedrooms shall have a minimum private outdoor space of 70sqm per unit
- Houses having 4 or more bedrooms shall have a minimum private outdoor space of 90sqm per unit

Consideration has been given toward garden sizes within the proposed residential site. The suggested minimum garden size set by the SPD for residential properties is met on the majority of the plots. The scheme is however considered deficient with respect to a number of plots (approximately 31%). Just because the gardens on some plots could be classed as modest, it does not follow that unacceptable harm would necessarily be caused to future occupiers. The gardens would provide sufficient space for sitting out, hanging laundry and for children to play. The proposed ratio of garden to space per plot would appear proportionate.

Whilst the scheme does not make provision for areas of public open space within the proposed development, there is a nearby public park that offers formal areas of open space. With regard to the amenity of the Proposed Developments, it is considered that the proposals would provide for an appropriate form of development that do not impact unduly on existing residents and that sufficient regard has been had for the amenity of future occupiers. On this basis the proposals are considered acceptable having regard to Policies GR1 and GR2 of the Halton DALP.

Open space, Greenspace and Green Infrastructure

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision of open space and green infrastructure in new developments. Policy RD4 underlines the importance at para 9.18 of the DALP where it states:

The provision of greenspace underpins people's quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities.

Paragraph 9.23 of the DALP goes on to say:

The provision of attractive and functional open space has an important role to play in ensuring a satisfactory housing estate design. It is vital that it should be considered as an integral element of the overall residential layout. The type, location and amount of areas of open space must be one of the starting points in drawing up the design of a new development. However, it should be noted that not all residential development will create a need for all types of open space and the type and amount will be guided by site specific circumstances.

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in

table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

The application site lies within Area Forum 1, which is identified as having deficiencies in the provision of parks and garden, provision of children and equipped play and allotments. Due to there being no proposed on-site open space provision the identified deficiencies are being addressed through the payment of a commuted sum for off-site provision. The Applicant has agreed to pay a financial contribution to mitigate the identified shortfall in open space provision to improve open space provision within the locality of the scheme.

The Applicant has given consideration toward providing on site open space. The proposed development site is a modest sized development of 13 dwellings. Of which, the Applicant has proposed an appropriate mix of different sized dwellings. A reduction in the numbers of dwellings to accommodate an area of equipped play would result in a loss of three dwellings that would further harm the overall viability of the development and which may jeopardise the delivery of affordable homes. It is also noted that the application site is located in close proximity to the formal Hale Park which in addition to a typical parkland setting also benefits from an area of equipped play.

The agreed financial contribution is necessary to for the planning application proposal to comply with DALP policy RD4. Having assessed the merits of the proposal against the Local Plan requirements set out above, it is considered that offsite open space payments are acceptable in this regard and are therefore held to be in compliance with Policies RD4, HE4 and HE5 of the Halton DALP.

6.3 Ecology

The Applicant has undertaken a preliminary ecological statement in support of the application. This has been reviewed by the Council's retained ecology advisor. The comments provided by the Council's ecology advisor are summarised below.

Recreational Pressure

The proposed Development is located within 5km of the Mersey Estuary SPA and the Mersey Estuary Ramsar. Therefore DALP policy CS(R)20 applies.

It is considered that the resultant development will results in an uplift in population that will result in increased visits to the identified sensitive sites. In order. In order to mitigate the impact of the scheme against recreational pressure upon sensitive ecological sites, the Applicant has agreed to participate in the Halton Interim Approach on Recreational Management (HIARM) as part of the adoption of the DALP. The Applicant will include a colour copy of the leaflet produced by the Council's retained ecology advisor and pay a financial contribution toward off site mitigation. This will be secured by way of a S106 agreement.

In response to the Applicant's participation in the HIARM, the Council's retained ecology advisor has undertaken a habitat regulation assessment (HRA). A copy

of which has been sent on to Natural England. Natural England (NE) will not issue a response of no objection until such time that they have reviewed the HRA. The recommendation detailed below sets out a request for delegated authority to issue a determination of this planning application subject to confirmation of no objection from NE.

SSI Impact Risk zones

The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (November 2022). The development proposal subject of the planning application would form a new residential developments that would bear impact as a result of recreational disturbance impacts on the coastal designated sites.

As noted above such impacts are mitigated following implementation of the HIARM. The Council's retained ecology advisor has undertaken an HRA which has been set to NE to consider in light of the SSSI designation. Delegated authority details are set out in the recommendation below should NE not provide a response to the consultation process ahead of Committee.

Wildlife Impacts.

The application was supported by an preliminary ecology report. The documentation submitted with the application states that no evidence of bat use or presence was found on site. This has been accepted by the Council's retained ecology advisor. As a result the Council does not need to consider the proposal against the three tests of the Habitats Regulations.

Breeding Birds

Existing trees and other vegetative cover on site may offer opportunities for nesting birds which are protected. Policy HE1 applies. Implementation of the proposed development will result in the loss of bird breeding habitat. To mitigate for this loss, details of bird nesting boxes are required to be installed on site. This will be secured by a suitably worded planning condition.

Reasonable Avoidance Measures

As noted above, the existing condition of the application site offers opportunities for nesting birds. In order to avoid disturbing nesting birds, the following condition is recommended:

No tree felling, scrub clearance, hedgerow removal, or vegetation management, is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

In addition, the existing habitats on site are suitable for hedgehogs which are a Priority Species. Therefore, Policy HE1 applies. The following reasonable

avoidance measures are recommended to be used as part of a construction and management plan condition.

- A pre-commencement check for hedgehog.
- All trenches and excavations should have a means of escape (e.g., a ramp.)
- Any exposed open pipe systems should be capped to prevent mammals gaining access.
- Appropriate storage of materials to ensure that mammals do not use them.

The Council's retained ecology advisor has provided an opinion of no objection of the scheme subject to the use of planning conditions as outlined in the advice above.

In addition a separate condition is recommended to ensure a measure is introduced in the delivery of the proposed development that would deliver a hedgehog highway. This will be achieve a 13cmX13cm aperture in all residential plot boundary treatments. The Applicant is in agreement with the requirements of the recommended condition.

Having reviewed the details of the preliminary ecological statement and the responses received from the Council's retained ecology advisor, it is considered that, subject to confirmation regarding HRA compliance, the proposed development complies with planning policy HE1 of the Halton DALP.

Waste Planning Policy

The development proposal is a major development. Such developments typically involve excavation and activities which are likely to generate significant volumes of waste. As a result, Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted prior to development commencing. This can be secured by a suitably worded planning condition.

The Applicant has provided sufficient information in Proposed Site Layout – Refuse Management (July 2022, Drawing Ref: 22-22-P03) to comply with Policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). The Proposed Site Plan will be secured as an Approved Drawing by a suitably worded planning condition.

Sustainable Development and Climate Change

In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level. The proposed development should consider the use of low carbon and/or renewable energy in line with Core Strategy Local Plan policy CS19: (Sustainable Development and Climate Change) and Policy GR5 (Renewable and Low Carbon Energy).

The Applicant has not considered this policy requirement as part of their overall submission. Notwithstanding, it is considered that carbon saving measures are achievable in the delivery of the scheme. The Council has reviewed examples of climate change measures concerning recent housing development sites where a fabric approach consisting of a blend of modern technologies and improved insulation have been accepted as complying with policy CS19. Examples of such modern technologies include air source heat pumps, heat recovery systems, solar panels, electric vehicle charging facilities and battery storage. Such measures have the potential to reduce the carbon demand of future occupiers.

In order to ensure that the development incorporates such measures, it is considered appropriate to attach a suitably worded planning condition. The Applicant has agreed to the use of such a condition and confirmed their intention to install solar panels as part of the delivery of the development proposal.

It is acknowledged that the proposed development would impact existing habitat on the application site, however it is considered that there is sufficient potential to mitigate for this loss on the application site which should be demonstrated through a Biodiversity Net Gain Plan secured by condition.

Highways

The development proposal has been reviewed by the Council's Highways Officer on behalf of the Local Highway Authority in response to the consultation exercise. Comments provided indicate that the Development will have an impact on the local highway network pursuant to the quantum of development sought. The residential allocation of the application site by the DALP Allocations Plan does not call for specific infrastructure to be implemented ahead of the schemes delivery or occupation.

The Applicant has worked closely with the Council's Highways Officer in addressing the typical design requirements of a residential development. It is considered that the proposed development has adequate provision of off road parking spaces along with visitor parking. The development layout adequately serves the proposed dwellings and tracking of the layout has demonstrated that it is appropriate for large service vehicles. Site egress has been assessed and determined in line with good practice and having regard for standards set out in the manual for streets guidance document.

The application site is located in the existing centre of Hale Village, within walking distance of the local services of Hale Shops Parade, Hale Park and is within 129 metres of the nearest bus stop. Having had regard for these

observations and the DALP residential development allocation, it is considered that the application site is a sustainable location.

The Council has received a consultation response from Sustrans. This organization has requested the Applicant give consideration toward off-site improvements specifically that improvements. A copy of the Sustrans consultation response is set out at Appendix 1.

The Council's Senior Highway Engineer has reviewed the Sustrans consultation response and has responded with the following comments:

Halton Highways had similar considerations to the TPT/Sustrans comments, with regards to matters of accessibility, including crossings, other local highway improvements, with highway safety paramount; as noted within the initial Holding Objection, and again in V2. These matters were discussed with the developer's representatives to progress the scheme design collaboratively, and they duly incorporated elements considered reasonable and relevant to mitigate the impact of the development satisfactorily.

Regarding a Pelican crossing, or suchlike, as there is a School Crossing Patrol (SCP) directly about the school access, and the position for any potential additional crossing point is undetermined, given the local highway arrangement with householder driveways/vehicle crossovers and the parking/access for the parade of shop, junctions etc. in the vicinity. It was not considered reasonable, including given the costs involved against the scale of the development, to pursue this matter further. Similarly, a short section of widened 3m shared pedestrian/cycle route would be counterintuitive in terms of coherence and consistency of pedestrian and cycle links, fundamental tenets of LTN 1/20 so again discounted.

The final design was agreed satisfactory haven taken onboard the considerations and comments offered, with consideration and improvement to pedestrian crossings about the site, notably the new junction and also measures to prevent indiscriminate parking (heritage bollards) which can obstruct footways, detrimental to amenity and safety, notably about schools at drop off and pick up time.

Any requests for further off set Highways improvements would be unlikely to meet the 6 tests of application of conditions, primarily reasonableness but also relevance and unnecessariness (given SCP as above mentioned).

Whilst there is removal of some, but not all, of the guardrail about frontage, the parking restrictions will still apply i.e. the yellow 'school-keep-clear' zig-zag markings outside schools - mean no stopping- not even to let out a passenger will remain and there will be improvement to the kerbing and surfacing as part of the S38/278 Agreement.

The Highways Officer has reviewed the requests of Sustrans and determined that the requested additional improvements are not necessary for this development to be considered policy compliant.

The development proposal concerns a modest development of 13 dwellings has a limited impact upon an existing village setting the Sustrans request for improvements to the locality are not an appropriate requirement for the Applicant to meet the cost of implementing. Notwithstanding, the Council will consider the advice of Sustrans for localized improvements should grant or other funding become available.

It is considered that the application site is a sustainable location within walking distance of local amenities and a bus stop. The Highways Officer has confirmed that the proposed development site will provide sufficient access and off-site parking arrangements.

In view of the considerations set out above, it is considered that the Applicant has satisfied the requirements of planning policy C2 of the Halton DALP.

Drainage And Flood Risk

The application is supported by a Flood Risk Assessment. The details of this assessment has been considered by the Council's Drainage Engineer from whom the following comments have been provided:

- *The site is described as 0.45ha and is considered to be a brownfield site.*
- *The proposed development is would comprise 13 dwellings with associated works that would classify as more vulnerable to flood risk as defined within Planning Practice Guidance.*
- *A Flood Risk assessment and Drainage strategy has been prepared in support of the application.*

The LLFAs comments on the Flood Risk Assessment are:

- *Fluvial flood risk*
 - o The site is located within flood zone 1, with no open watercourses in or near the development site.*
 - o 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.*
- *Surface water flood risk*
 - o This assessment indicates the risk of surface water flooding is very low and there are no records of surface water flooding at or near to the site.*
 - o The LLFA agrees with this assessment.*
- *Groundwater*
 - o The assessment identifies that flooding due to groundwater to be a low risk to the site.*

- *Flooding from artificial sources.*
 - o *The LLFA is satisfied that the risk from sewers, canals and reservoirs would be low.*

Drainage strategy

- *The site currently comprises undeveloped land which is not formally drained and is therefore considered to be 100% permeable.*
- *The proposed development will introduce 2,660m² of hardstanding in the form of buildings and access roads.*
- *Runoff rates*
 - o *The existing 1 in 1 year event Greenfield runoff rate for the 0.475ha site is 0.98 l/s. A discharge rate of 2 l/s per connection point will be applied for the development to ensure the drainage system is self-cleansing.*
 - o *The LLFA agrees with this assessment.*
- *Discharge location*
 - o *The site is not currently formally drained. There is an existing pond in the north-western extent of the site however there is no evidence to suggest that the pond provides a drainage function. The pond will be removed as part of the development.*
 - o *It is noted a falling head permeability test has been undertaken by GroundSolve Ltd in September 2022. The results indicate the underlying geology has limited permeability and would not be sufficient to support traditional infiltration techniques such as soakaways.*
 - o *The nearest watercourse is an unnamed watercourse located approximately 430m south-west of the site. The site is separated from nearby watercourse by third party, urbanised land. Therefore, discharge to a watercourse is not feasible.*
 - o *Therefore, it is accepted that discharge of managed flows into the combined UU sewers in Town Lane and Church End is the most sustainable viable option.*

Attenuation provision

- o *The site will be split into two drainage areas.*
- o *Drainage Area 1 will require an estimated storage volume of 175m³ to accommodate the 1 in 100 year plus 40% Climate Change (CC) event (as agreed with LLFA in pre application consultation). The storage estimate is based on a discharge rate of 2 l/s, storage within a tank structure, an impermeable drainage area of 2,430m², a design head of 2m and hydro-brake flow control.*
- o *Drainage Area 2 will require an estimated storage volume of 8m³ will be required to accommodate the 1 in 100 year plus 40% CC event. The storage estimate is based on a discharge rate of 2 l/s, storage within a tank structure, an impermeable drainage area of 230m², a design head of 2m and hydro-brake flow control.*

Assessment of SuDS

- o *The strategy proposes to attenuate flows using a combination of large diameter pipes, underground attenuation and permeable paving.*

o The assessment of SuDS indicates it is not possible to utilise above ground SuDS such as ponds and basins for attenuation purposes due to the required housing density. The land take required to provide over ground storage would result in the loss of 3 plots, impacting the financial viability of the scheme.

o Therefore the applicant proposes permeable paving be incorporated for private driveways and under-drained to a downstream attenuation storage feature. Attenuation storage for Area 1 to be provided within oversized pipes and for Area 2 to be provided within an attenuation tank beneath the driveway of plot 13.

o The LLFA finds this acceptable.

- Drainage performance

o Storage will be provided for the 1 in 100 year plus 40% CC event. Storm events in excess of the 1 in 100 year plus 40% CC event would cause a temporary shallow depth flooding within the access road and landscaped areas. Finished floor levels will be set at a minimum of 150mm above surrounding ground levels ensuring exceedance flooding will not affect the buildings.

o The LLFA agrees with the above.

- Water quality

o A clear assessment has been provided relating to water quality which indicates the proposed system would adequately treat runoff to prevent impacts.

- Maintenance and management

o The proposed surface water drainage system serving plots 1 – 12 is to be offered for adoption to United Utilities who will then be responsible for maintenance. If this were to not occur the drainage features such oversized pipes can would be privately maintained through appointment of a site management company. Permeable paving on private driveways will be maintained by the individual property owner.

Maintenance of the drainage system for Plot 13 (which will have its own attenuation storage) will be the responsibility of the property owner.

In summary, the LLFA is satisfied that flood risk on site has been assessed adequately and there is a clear surface water drainage strategy.

The LLFA would request that a pre occupation condition be applied should the LPA be minded to approve this application:

No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice has been submitted

to and approved by the local planning authority. This shall include:

i. Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.

- ii. An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*
- iii. Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.*

A review of the proposed development flood risk documentation has been undertaken by the Council's Drainage Engineer in addition. The Council's Drainage Engineer raises no objections subject to the use of an appropriately worded condition set out above that will ensure a verification study has been submitted to the Council demonstrating that the agreed SuDS drainage scheme has been implemented. The Applicant has agreed to the use of this condition. The Applicant has had sufficient regard to the flood risks associated with the development both in terms of future occupiers and any impact that the proposed development may have upon its surroundings. It is therefore considered that the development complies with planning policy HE9 of the Halton DALP.

Contaminated Land

As part of a package of supporting documentation, the Applicant has submitted a ground investigation report. This has been reviewed by the Council's contaminated land officer, the following observations from whom are of note.

The application is supported by the following documents;

- o Hale Village, Halton PRA, ref 2795/R01, version 01, GroundSolve Ltd, 01 December 2022*
- o Phase 2 ground investigation: Hale Village, Halton, ref GL2795, version 01, GroundSolve Ltd, 01 December 2022*

Both reports present the findings of a preliminary risk assessment based upon a desk study and site recon, and a follow on site investigation with detailed risk assessment to determine the suitability of the site for the proposed end use.

The historical review identified only limited potential sources of land contamination, the site has had several small buildings that are no longer present, it has been used as an orchard and the historical maps show a pond on site that may have been infilled.

The site investigation identified a thin layer of made ground and topsoil across the site overlying natural sands and clays. The pond feature was still present but appeared to have been drained or dried up. Analytical chemical testing detected concentrations of arsenic and lead in the top soil and made ground, possibly a result of the use of the site as an orchard (historical pesticides often were based upon those elements). No significant, viable sources of hazardous ground gases were identified, although the possible pond deposits were not assessed, which could be a gas risk if buried by the development.

The report concludes that the current topsoil/made ground is not suitable for

landscaping/private gardens, and recommends that a simple 600mm cover system be implemented as remediation.

I believe that the submitted documents present a sound investigation and assessment of the site and an understanding of the hazardous posed by soil contamination. The suggested remedial option of a cover system, suitably checked and verified, should be appropriate mitigation. The pond feature needs to be cleared of any pond deposits (possible organic rich material and gas risk if left in situ).

Therefore I have no objection to the proposals if any approval is conditioned to require the submission of a remedial strategy (setting out how the cover system will be incorporated into the development, removal of any pond deposits along with a verification plan).

The pollution risks associated with the development have been reviewed by the Council's Contaminated Land Officer. The findings from whom have confirmed a position of no objection subject to suitably worded planning condition that will ensure that a suitable covering system is implemented on site that will address the legacy contaminants on site that are a legacy of the pesticides and other chemicals used as part of the sites former orchard use.

In addition, two further conditions are to be attached, a condition regarding unsuspected contamination and an associated validation condition.

The Applicant has reviewed the details of the contamination officer and confirmed that they accept the recommended conditions. Subject to the Contaminated Land Officers recommendations being implemented, the application site is found to be a suitable use of land for residential purposes with no risk to human health. It is considered that the proposed development complies with planning policy HE8 of the Halton DALP.

Noise Pollution

The planning application was accompanied by an acoustic report, this has been reviewed by the Council Environmental Health Officer. Comments from whom are set out below.

The applicant has submitted an acoustic report reference 50-700-R1-1, dated September 2022 in support of the application. The impact of existing sources of noise that may affect the development site are assessed in order to ensure that the sound levels specified in BS 8233:2014 Guidance on Sound Reduction for Buildings can be achieved at all properties within the development site. This is an agreed assessment methodology.

The development site is bounded by existing residential property and local roads, as well as Hale C of E Primary School to the north east of the site.

The acoustic report recommends an acoustic barrier at plot 1 to the north of the site in to ensure that the rear garden of this plot is not unduly affected by road traffic noise from Town Lane. This report and this recommendation are accepted.

The report also recommends acoustic barriers be built at plots 5 – 7 and

upgraded glazing at plot 6 to mitigate against noise from Hale C of E Primary School. The applicant can follow these recommendations should they wish, however this is not something we would seek to condition as we would not expect noise from educational establishments to be mitigated against.

We would also wish to ensure that appropriate hours of work are adhered to during the construction phase

The risks of sound pollution have been assessed by the Council's EHO who has responded with an opinion of no objection. The EHO accepts that a measure is needed in the form of an acoustic barrier to the road noise along Town Lane. However, the recommendation set out in the acoustic report of plots 5,6,7 requiring mitigation from the Hale C of E school are not regarded to be necessary. Therefore the following planning condition will be attached to a grant of planning permission.

The scheme of acoustic mitigation specified for plot 1 in acoustic report reference 50-700-R1-1, dated September 2022 shall be implemented in full.

It is considered that subject to the above acoustic standard being achieved on site, the development site is a suitable location for human habitation and therefore the development complies with policy HE7 of the Halton DALP insofar as it is relevant to sound pollution.

Air Quality

The applicant has submitted an Air Quality Assessment, this has been assessed by the Council's EHO who have provided the following comments.

The applicant has not submitted an air quality assessment with their application. Whilst we would not require one for a development of this size in respect of the operational phase, we would wish to ensure that dust emissions are appropriately assessed and controlled during the construction phase given the proximity of Hale C of E Primary School and existing housing. The applicant should therefore be required to submit a report assessing the risk of dust emissions affecting nearby receptors and from this devise a dust management plan. This should be based on the 'Guidance on the Assessment of Dust From Demolition and Construction' produced by the Institute of Air Quality Management.

As set out in the advice from the EHO, no air quality assessment is required for a development of this scale. However, the EHO correctly identifies a receptor to the future risk of construction dust emissions given the development sites overall proximity to the Hale C of E school. In order to mitigate this risk, the following condition is recommended.

Prior to the commencement of the construction phase, the risk of dust emissions affecting nearby receptors shall be assessed and appropriate control measures implemented, based on the 'Guidance on the Assessment of Dust From Demolition and Construction'

produced by the Institute of Air Quality Management.

The risks borne from air pollution for the future occupiers of the site and those who occupy and use the land around the application site have been assessed by the Council's EHO who has provided a provided an opinion of no objection. It is considered that the Application site is fit for human habitation and that subject to the above recommended planning condition the development proposal complies with policy HE7 of the Halton DALP insofar as it is relevant to the consideration of air pollution.

Impact On Residential Amenity

The Council's EHO has raised no objections to the developments long term impact on the surrounding existing properties. However, with regard to the potential for nuisance during the construction phase, the EHO has recommended that the following planning condition is attached to any grant of planning permission.

All construction activity should be restricted to the following hours;

- Monday – Friday 07:30 to 19:00 hrs*
- Saturday 07:30 to 13:00 hrs*
- Sundays and Public Holidays Nil*

Whilst a degree of disruption is to be expected from a development site, standard working hours conditions help limit the impact upon local residents during what would be regarded as typical working hours. Such a condition can be justified by policy HE7 of the Halton DALP.

Hale Parish Council Objection

The Council received an email from Have Village Parish Council (HVPC) setting out a position of objection. The full detail of the correspondence is set out below.

Good afternoon,

I am writing, on behalf of Hale Parish Council, as a statutory consultee, to request an extension of two weeks to submit a response to Planning Application 22/00638/FUL. The Council would like to undertake further consultation with the community.

This land parcel is one of the last remaining developable plots of land within the parish and residents are concerned about the impact this development will have on the Conservation Area, our need for retirement homes, and its discord with Halton's Local Plan and the NPPF. Historical features of the plot have not been retained within the plan and documenting local knowledge will be an essential undertaking to prepare a considered response for Halton BC.

An extension until 10 February 2023 would be most appreciated.

No further email has been received from the Parish Council. Notwithstanding, it is clear where the concerns of the Parish Council in January lay. Taking each of the expressed concerns in turn, it is considered that the impact on the Hale Village Conservation Area has been assessed by the Council's retained Conservation Advisor. No local historical features of interest were referenced in the Conservation Officers advice. The outcome of this assessment stated that the overall impact was neutral. The policy assessment set out in the report finds that the proposed development complies with Policy HE2 of the Halton DALP.

With regard to the need for retirement homes, there is no requirement as a result of the land allocation for the site to come forward as a particular form of residential accommodation. It is a matter for the free market to determine a viable development product suitable to the locality in line with the Local Plan policies. The expectation of which is for the proposed development to contribute to the identified housing needs. This assessment has been considered earlier in the report where it was held that the proposed development is contributing toward local housing need.

The chairman of the Parish Council raises a comment citing a discord between the Council's DALP policy document and the NPPF. The Council does not recognise any such discord; following an examination in public, the DALP was considered sound by the Planning Inspectors assigned by the Secretary of State and considered to be consistent with the NPPF.

S106

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having had full regard to the individual matters and the strategic importance of underlying policy justification.

Distribution of spend

This report has set out a number of planning considerations that following an examination of planning policy have resulted in the Applicant agreeing to a package of off-site commuted sum payments in order to comply with the DALP. The following table sets out the value of contributions sought from the development in order to mitigate harm.

The Applicant asserts that a greater allowance would make the scheme unviable. The Applicant is still providing 20% affordable housing in line with DALP policy CSR13.

As set out in the report, the Applicant has agreed off site cumulative contributions towards the following:

- . Mitigating against the recreational pressures placed upon sensitive habitats in line with the Halton Interim Strategy,

- Off site open space improvements

This will ensure that the scheme complies with national and local planning policies with regard to ecology and nature conservation as set out in the ecology section of the report.

The agreed contribution is considered sufficient to comply with the requirements of planning policy RD4. The S106 funds have been allocated having full regard to planning policy. They will ensure that the scheme is delivered in a sustainable manner and that any harms are sufficiently mitigated.

Planning Balance and Conclusion

Whilst there is an element of non-compliance detailed in relation to housing and affordable housing tenure mix, this is not considered to be contrary to the development plan as a whole. Based on the above assessment and subject to the proposed to be issued with a planning approval conditions and legal agreement provisions, the proposal is deemed acceptable. The proposed development would provide residential development on an allocated housing site in a sustainable location, contributing to housing need in the Borough and delivery of high-quality development.

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

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

1. RECOMMENDATION

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 compliance.

Upon satisfactory resolution that the application be approved subject to the following:

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below.
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

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

CONDITIONS

1. Time Limit
2. Plans
3. Materials to be agreed (Policy RD3 and GR1)
4. Submission of Existing and Proposed Site Levels (Policy GR1)
5. Tree Protection Measures – (Policy HE5)
6. Submission of Bird Box Scheme – (Policies CS(R)20 and HE1)
7. Protection of mammals during construction (Policies CS(R)20 and HE1)
8. Electric Vehicle Charging Points Scheme (Policy C2)
9. Ground Contamination - (Policies CS23 and HE8)
10. Visibility Splays – (Policies C1 and C2)
11. Submission of a Cycle Parking Scheme – (Policy C2)
12. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
13. Waste Management Plan (Policy WM8)
14. Sewage disposal (Policy HE9)
15. Construction Management Plan (Policy C1)
16. Limited Construction Hours (Policy GR2)
17. Detail Hard Standing agreed (Policy C2 and HE9)
18. Access constructed prior to occupation (Policy C1)
19. Landscaping (Policy GR1, GR3 and HE5)
20. Hedgerows retained or mitigation (Policy CS(R)20 and HE1)
21. Acoustic Mitigation (Policy GR2)

The conditions above have been agreed with the applicant.

6 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.

7 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.

APPENDIX 1 – SUSTRANS CONSULTATION RESPONSE



JOINT Planning Application Response

Local Authority:	Halton
Detail:	Land bounded by Church End & Town Lane, Hale – 13 dwellings
Link:	https://webapp.halton.gov.uk/PlanningApps/index.asp
Planning Ref:	22/00638/FUL
Deadline:	26 th January 2023
Submitted by	Trans Pennine Trail National Office & Sustrans North West
Response to:	dev.control@halton.gov.uk
Submitted:	16 th January 2023
Summary	<p>The Trans Pennine Trail national office (TPT) and Sustrans welcomes the opportunity to respond to this consultation.</p> <p>The application does not reference the national Trans Pennine Trail or National Cycle Network that runs directly adjacent to the site.</p> <p>With the proposal for a new T-junction as part of the development it is important that LTN1/20 guidance is followed and safe crossing points for sustainable transport users provided.</p> <p>Further detail is provided below.</p>
Detailed Information:	<p>The development area in relation to the TPT/NCN is shown below:</p> <p>Yellow = TPT / NCN – walkers and cyclists along this section Blue = Site boundary</p>



©Google Maps

The development site is adjacent to the Trans Pennine Trail / National Cycle Network that is used by walkers and cyclists in this location.

The north of the site lies adjacent to access to the local primary school. Care should be taken to ensure that works vehicles or materials are not blocking the school access or Town Lane. Whilst Town Lane is part of the TPT / NCN network there is no dedicated / segregated cycling facility so it should be noted that cyclists will be using the road and this could include children cycling to school.

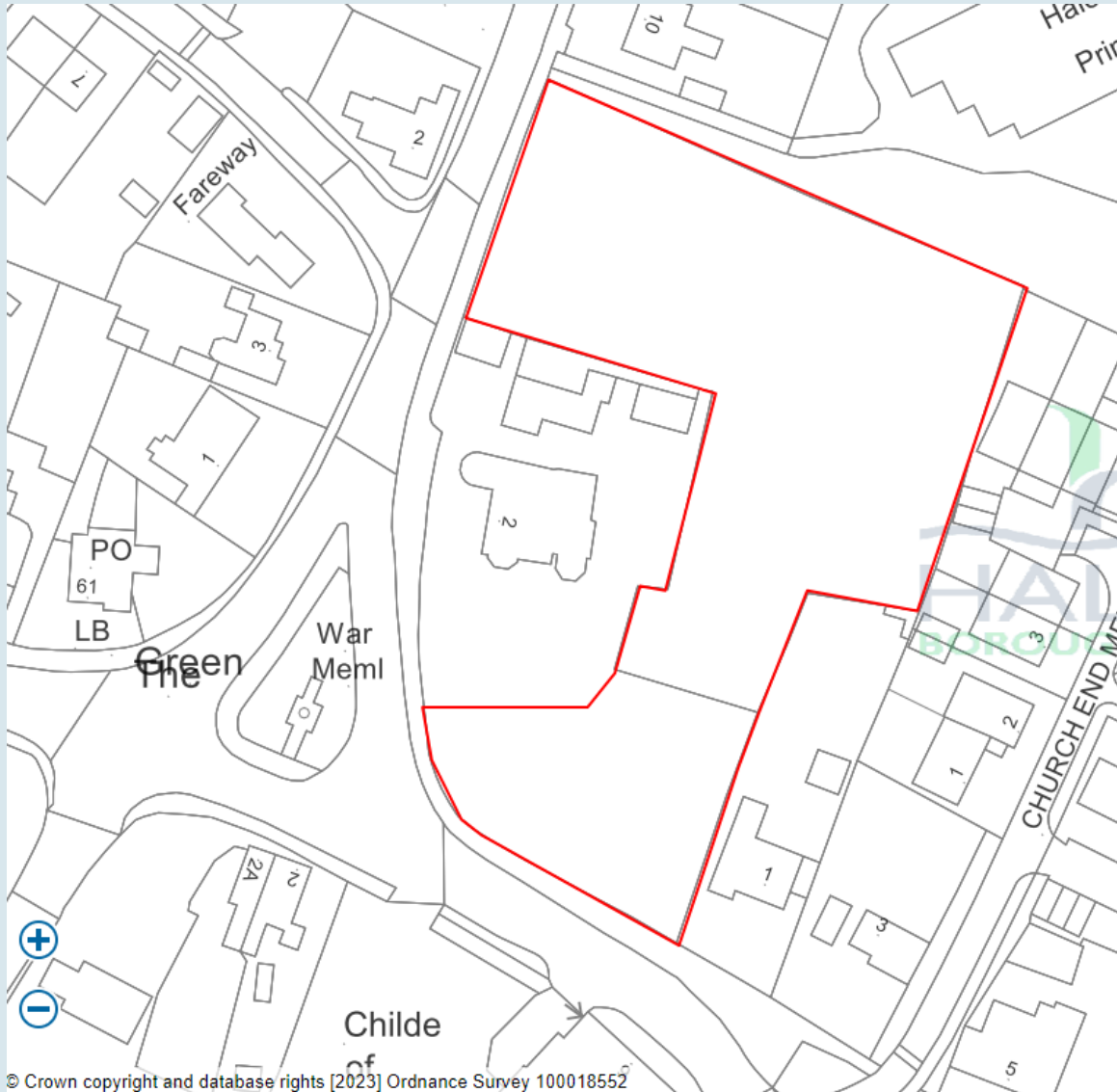
If there is no dedicated crossing at this location, could the developers contribute to a Toucan crossing / raised table / parallel crossing at this location to provide a dedicate safe crossing point for the school, particularly as one of the development site entrances will be on Town Lane?

Design & Access Statement

Pg 4	The Site – should also state that there is a school access point to the north of the site and that the development is adjacent to a section of the TPT/NCN.
Pg 8	Sustainable location – should mention the TPT / NCN along Town lane. Access arrangements – the T-junction should include a raised table giving priority crossing to

	walkers and cyclists, not vehicles. Does the new layout provide adequate vision for walkers and cyclists using the footway? The 2m footway connection to Town Lane – a 3m width is preferred.
Transport Assessment	
2.4	Pedestrian and Cycle Network – should also include reference that Town Lane is also part of the TPT / NCN.
2.4.2	No mention of the TPT / NCN – the TPT is a 370-mile route from Southport to Hornsea and runs directly adjacent to the site. At this point the national cycle network is NCN62.
3.3.2	The T-junction should be designed to give priority to walkers and cyclists via a raised table. The footways should be 3m wide. Specification to LTN1/20 should be followed.
3.4.1	If cyclists are expected to use the footway, this should be noted. If not, what provision is going to be provided for cyclists?
3.5.3	Internal footways should be 3m.
3.6.1	The Construction Access Strategy should note the direct access to the school which is adjacent to the site.
3.6.2	Access to the site via the Town Lane entrance will have an impact on those using the TPT and local users.
4.2.4	No mention of the TPT or NCN directly adjacent to the site.
4.3.4	No mention of the TPT or NCN directly adjacent to the site.
6.1.4	Footway should be 3m and not 2m as noted.























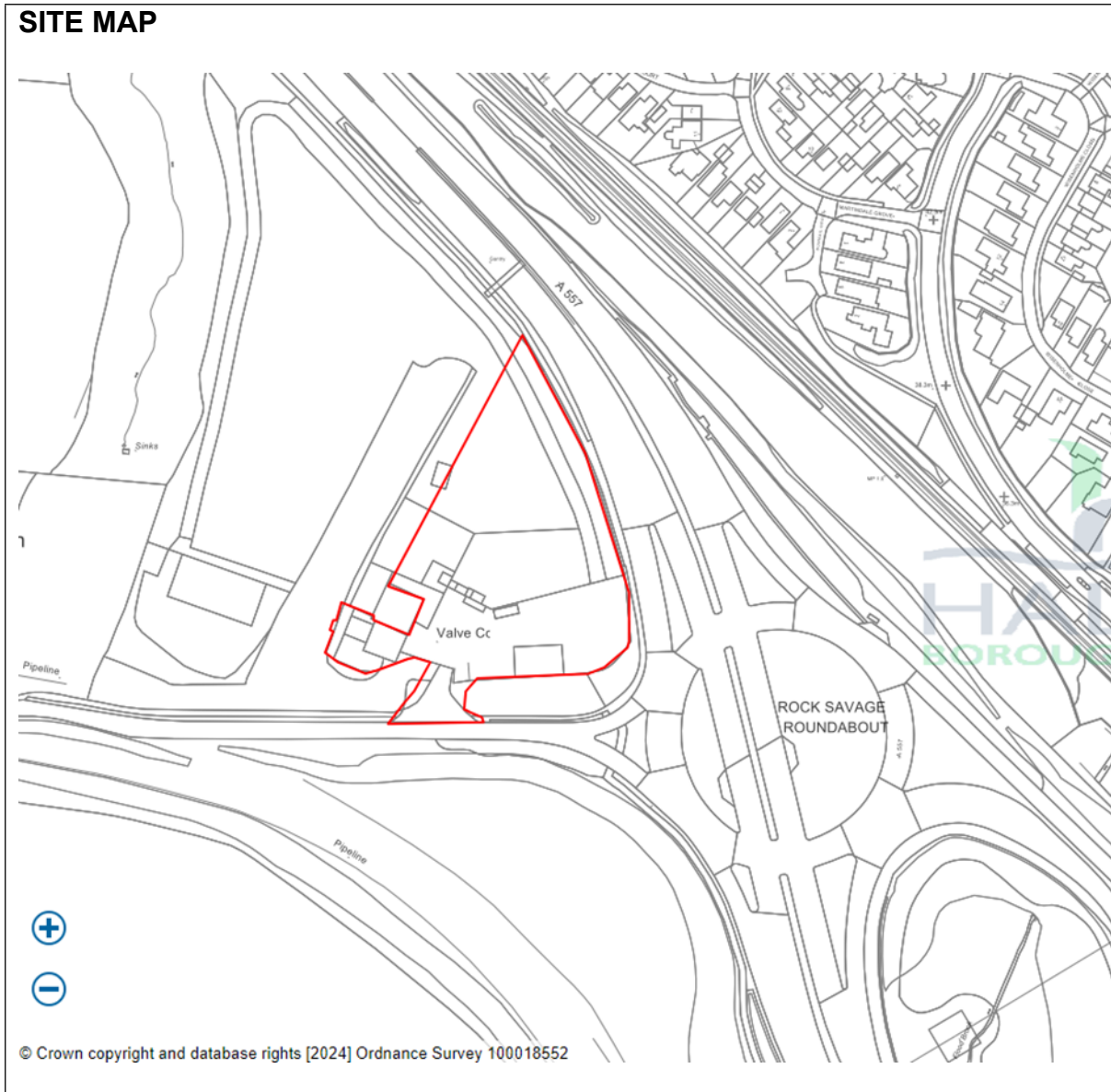








APPLICATION NO:	23/00018/FUL
LOCATION:	The Woodyard, Weaver View, Clifton, Runcorn, WA7 4XU
PROPOSAL:	Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works
WARD:	Beechwood and Heath
PARISH:	None
APPLICANT:	David Williams - Impero (Development Management) Ltd
AGENT:	None.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Employment Allocation (E30) – ED1 Materials Safeguarding Area – HE10 Core Biodiversity Area – HE1 Greenway – C1, HE4
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	A total of 33 representations have been received (10 in support of the proposals and 23 in objection).
KEY ISSUES:	Development on an Employment Allocation, Amenity, Accessibility, Appearance and Risk.
RECOMMENDATION:	Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.



THE APPLICATION IS BEING CONSIDERED BY THE DEVELOPMENT MANAGEMENT COMMITTEE FOLLOWING AGREEMENT BY THE CHAIR FOLLOWING A REQUEST RECEIVED FROM WARD COUNCILLOR MARGARET RATCLIFFE.

1. APPLICATION SITE

1.1 The Site

The site subject of the application is south of Runcorn in the north west corner of the Rocksavage Roundabout junction of Western Point Expressway and Weaver View, adjacent to Junction 12 of the M56.

The site is 0.94ha and was partly developed as a woodyard (now vacant) and outside storage facility, grazing land. There is an area of hardstanding and a track running across the site.

Within the site there is a valve compound managed by SABIC. SABIC and United Utilities also have pipeline easements which will be further discussed later in the report.

The site rises from Weaver View to its northern tip by 10m, the adjacent Expressway is partly at a lower level with a retaining structure. This slope together with the restrictions on materially altering the levels on the easement areas have been a major consideration in the design of the proposal which will be discussed later in the report.

The site is a designated Employment Allocation (E30) and lies within a Materials Safeguarding Area on the Halton Delivery and Allocations Local Plan Proposals Map. Parts of the site are identified as being Core Biodiversity Areas. These areas correspond with the location of trees on the site. There is also a Greenway running along the southern and eastern boundaries of the site.

1.2 Planning History

The site has a limited planning history, relating only to its use as a horse riding centre in 1976 (7603936f) and a retrospective application for a portal framed barn in 2021 (21/00403/FUL).

There are no previous applications relevant to this proposal.

2. The Application

2.1 The Proposal

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works.

The filling station, ATM and EV charging points will operate 24 hours a day. The drive thru is proposed to be a McDonalds and will have a double order point and two window pay and pick up system. There will also be a patio area for external seating and ancillary parking. The McDonalds is also proposed to operate 24 hours a day.

Overall the scheme proposes 54 car parking spaces including 6 accessible spaces and 4 rapid EV charging spaces, 7 spaces for motorcycles and 12 for bicycles.

2.2 Documentation

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

Design and Access Statement
Flood Risk and Drainage Strategy
Transport Assessment
Site Investigation Reports Phase 1 &2
Ecology Appraisal & Ecology/Tree Survey Addendum
Ethylene Pipeline & Valve Compound Risk Assessment
Refuse Storage and Recycling Plan
Litter Patrol Plan
EV Charging Equipment Specification
Fuel Strategy and Engineering Proposal
Minerals Safeguarding Assessment

3. POLICY CONTEXT

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)1 – Halton’s Spatial Strategy
- CS(R)4 – Employment Land Supply
- 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
- ED1 – Employment Allocations
- ED2 – Employment Development
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking
- HC1 – Vital and Viable Centres
- HC8 – Food and Drink
- HE1 – Natural Environment and Nature Conservation
- HE4 – Greenspace and Green Infrastructure
- HE5 – Trees and Landscaping
- HE7 – Pollution and Nuisance
- HE8 – Land Contamination

- HE9 – Water Management and Flood Risk
- HE10 – Minerals Safeguarding Area

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.

3.34 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in December 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 85 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.

3.5 Other Considerations

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

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

Full consultation responses are included in the appendices:

Appendix 1	Archaeology – Cheshire West and Chester Council
Appendix 2 Appendix 2a	Highways
Appendix 3	LLFA
Appendix 4	Environmental Protection
Appendix 5 Appendix 5a	Open Spaces
Appendix 6 Appendix 6a Appendix 6b Appendix 6c	National Highways
Appendix 7 Appendix 7a	Merseyside Environmental Advisory Service (MEAS)
Appendix 8 Appendix 8a	HSE

Appendix 9	Network Rail
Appendix 10	SABIC UK Petrochemicals
Appendix 11	Scottish Power
Appendix 12 Appendix 12a	United Utilities

The consultation responses are summarised below:

Archaeology

The application is unlikely to impact any significant below ground remains and there are no archaeological requirements for this application.

Beechwood and Heath Councillors

Councillor Margaret Ratcliffe:

Highways Safety - the proposal to steer off from a major, busy roundabout and entry into the planned site is a major concern. The frequent number of accidents on the adjacent roads cause major tailbacks. I do not feel that the number of parking spaces allocated will suffice for the number of visitors to this site, therefore resulting in on street parking.

The report does not have any emergency response plan detailed in the event of an accident.

The Health and Safety Executive (HSE) has already voiced its concerns over the feasibility of the proposed scheme and will be making an objection.

SABIC - who has responsibility for the pipelines running through this land will need to make comments.

Highways

No highway objections subject to conditions relating to off-site highway improvements and a S278 agreement and the submission of a signage detail scheme.

Lead Local Flood Authority

The LLFA agrees with the submitted flood risk assessment and considers the drainage strategy to be clear. No LLFA objection subject to conditions relating to the submission of an updated drainage strategy and verification report.

Environmental Protection

The application was assessed for potential noise and odour impacts. The officer did not find reason for concern and does not object.

Contaminated Land

No observations received at the time of writing this report.

Environment Agency

No observations received at the time of writing this report.

Open Spaces

No objection subject to conditions relating to British Standard 3998:2010 “Recommendations for Tree Work” and nesting birds.

National Highways

National Highways offers no objection. National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

Merseyside Environmental Advisory Service (MEAS)

MEAS has no objection to the proposal subject to conditions relating to breeding birds, bird nesting boxes, the protection of Clough Lagoon LWS, and a waste audit.

HSE

The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Network Rail

Network Rail has no objections.

SABIC UK Petrochemicals

Due to the location of the pipelines in relation to the proposed development, SABIC object to the application.

Scottish Power

Scottish Power have no objection to the proposals but would like an informative added about working safely around assets added to any forthcoming approval.

United Utilities

No objection subject to a condition relating to the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme.

32									
33									

6. ASSESSMENT

6.1 Principle of Development

Employment Allocation

The site is designated as an Employment Allocation (E30) and a Minerals Safeguarding Area in the Halton Delivery and Allocations Local Plan. There are also two small areas designated as Core Biodiversity Area to the south of the site. The red line site boundary mostly avoids these areas but there is a small portion of the site overlapping with this allocation. There is also a Greenway running along the east and south boundaries of the site.

The whole site has an employment allocation and therefore, regardless of the other allocations which overlap it, the principle of developing the site for employment uses, provided the other constraints can be satisfactorily dealt with, is acceptable.

Therefore the crux to establish principle is whether the proposed use is appropriate to be considered an employment use or a use suitable within an allocated employment area.

Historically the site was allocated for Employment use in the previous Unitary Development Plan (site 252) and under the old Policy E1, roadside uses such as petrol station, restaurant and hotel were considered acceptable for this site.

The application site, Employment Allocation E30, is now allocated for office, research and development, light industrial and storage and distribution in Policy ED1 of the DALP.

In terms of the rationale for the Council not continuing with the roadside uses in the DALP is likely due to the restaurant and hotel being considered as main town centre uses. Paragraph 8.7. of the Justification for Policy ED1 states that the Government amended the Use Class Order on the 1st September 2020 merging former B1 (Office, Research & Development, Light Industrial) with A1 (Retail), A2 (Professional Services), A3 (Café / Restaurant) , some D1 (Non-residential institutions) and some D2 (Indoor Leisure) use classes into a combined Use Class E (Commercial Business and Service Uses). This change was introduced after the public consultation on this Plan and represents a major shift in national policy with potentially significant ramifications for the Local Plan strategy. As such it was not appropriate to seek to address the new E use class in this Plan. It will be addressed in the subsequent Plan or Plan Review which may be guided by the anticipated revision to the National Planning Policy Framework. This has also impacted what is now written in the Proposed Use Classes column in Table E2.1 in the DALP.

There is therefore no specific reference for either of the proposed uses in the Employment Allocation in DALP with a petrol filling station being Sui Generis and the drive thru restaurant being a mixed use between Class E(b) and a sui generis hot food takeaway use.

The purpose of the Employment Allocations in the DALP is to deliver the employment land requirements set out in Policy CS(R)4. The proposed development needs to be considered on the criteria set out within this policy and also on its planning merits.

The wording at 7.38 of the DALP states that employment land will be provided over the lifetime of the Local Plan to support Halton's economy and to offer business and industry a choice of sites so that differing requirements and locational needs can be met. The proposed development would result in two businesses locating to the site which the applicant estimates would deliver 145 jobs (25 in the Petrol Filling Station and 120 in the restaurant). Whilst not being for uses referenced in the Employment Allocation, the proposal would still ultimately deliver two employment generating uses on the site. It should be noted that this site has been allocated as an employment site for a significant amount of time (both in the DALP and also in the UDP adopted in 2005).

As the applicant sets out in their planning statement, the Trans Pennine Ethylene Pipeline crosses the application site as well as having a small vale compound within it. This pipeline has a 6m wide easement as well as being a Major Hazard Pipeline under HSE definitions. United Utilities have easements in respect of 2 major water mains (500mm and 600mm diameter) running just inside the Eastern boundary of the site parallel to the Expressway, and a "Rising Main" Sewer running close to the Southern fence line. The site also rises from Weaver View to its northern tip by 10m where the Expressway is at a lower level with a retaining structure. The applicant concludes that the slope together with the restrictions on materially altering the levels on the easement areas are a major constraint/influence on the design for the site. This position is accepted and will ultimately be the reason for other employment sites having come forward for development ahead of this site.

Should the Council have considered that this proposal is for a non-employment use, the applicant has provided commentary on compliance with Policy CS(R)4 (2a) which is set out below:

Any proposals for non-employment uses should be accompanied by an assessment of the wider employment land situation in the Borough, or in the case of strategic employment sites the City Region. Including:

- i. consideration of the overall supply of employment land in the Borough (amount type, quality, availability, size), and how the proposal would not limit the range available;*
- ii. the relative suitability and sustainability of the site for employment uses and evidence of the attempts made to let or sell the premises for a reasonable rate with no tenant or purchaser being found;*

- iii. the relative suitability and sustainability of the site for the proposed alternate use;*
- iv. the benefits and /or improvements that the alternative use would bring to the area;*
- v. the location of the site and its relationship to and compatibility with other uses; and*
- vi. the need for the proposed use.*

In relation to criterion i, the applicant notes the net developable site area is 0.75ha which in the context of the 180ha required over the plan period is de minimis and will have no effect in limiting the range and scale of supply in the borough and that it could be recovered by a small windfall site. This is accepted.

The constraints of the site have already been set out and the applicant also notes the lack of interest in the site for industrial / warehousing purposes. The length of time which the site has been allocated for employment purposes without development coming forward is also noted. The applicant's observations on criterion ii are accepted.

It is accepted that the site is located adjacent to a full movement improved junction on a major highway network and that the site is a logical location for the uses proposed which is emphasised by the previous site allocation in the UDP. This position is accepted in respect of criterion iii.

The applicant notes that this proposal would deliver an estimated 145 jobs with circa £6m investment as well as improving the aesthetic on a gateway location and support the use of the highway infrastructure. This position is accepted in respect of criterion iv.

The site is adjacent to the Expressway and is sufficiently setback from residential properties in Clifton to ensure that the uses proposed would not be significantly detrimental to the residents and commercial users in the locality. This position is accepted in respect of criterion v.

The applicant has commented that they have identified two end users who are global / national leaders in their markets and have identified need for their services to the extent they are willing to make long term commitments to the site incurring substantial capital outlay in fitting out the proposed units. The applicant also notes that on the direct route from M56 into Liverpool over the Mersey Gateway that there is no petrol filling station until Speke 10 miles away. This position is accepted in respect of criterion vi.

Main Town Centre Uses and Sequential Test

The proposal includes elements (retail and drive thru restaurant) which are defined in NPPF as being main town centre uses. This site is not within a defined centre on the DALP Policies Map. Policy HC1 (6) as set out below is therefore relevant to this proposal:

Proposals for retail uses in out-of-centre locations will only be permitted where:

a. It is demonstrated through a sequential test that there are no appropriate sites in the Primary Shopping Area or edge of centre sites available, or likely to be available within a reasonable timeframe;

b. The proposal has been subject to impact assessment as set out in accordance with Table HC1.1, and will not demonstrably harm centres within its catchment.

Whilst the applicant notes that the petrol filling station includes an ancillary shop, however notes that this is intrinsic to the petrol filling station and has been the case for almost all new petrol filling stations during the last 20 years across the UK. Whilst the applicant does not consider that the petrol filling station and ancillary shop as a main town centre use, the applicant has still undertaken a sequential test for the avoidance of doubt. The applicant considers that the proposed drive thru restaurant is a main town centre use.

The applicant has commented that a new petrol filling station requires in the region of 0.6ha and a freestanding McDonalds restaurant requires approximately 0.3ha of available space to viably support the proposed restaurant, drive thru lane and associated parking. They do however note that this area can be somewhat reduced dependant on the shape of the site.

The applicant has undertaken a sequential test for all the development proposed to consider whether there are any sites in the Primary Shopping Area or edge of centre sites available. Their conclusion of the assessment is that there are no alternative sites suitable for the proposed development. They also note that should a site come forward in the medium to long term, the development of the application site would not preclude a further McDonald's drive thru restaurant, nor a petrol filling station (with electric charging provision). This position is accepted. The proposed development does not exceed the floorspace threshold for the nearest centre (Halton Lea Town Centre) and does not require an impact assessment for either convenience / comparison goods. Based on the submissions made, it is considered that the proposal is compliant with the criteria set out in Policy HC1.

Food and Drink Uses

Policy HC8 sets out that the development of food and drink uses including restaurants, late night bars or pubs and Hot Food Takeaways (subject to the additional criteria below), will be acceptable provided that they would not harm the character of the area, residential amenity and / or public safety, either individually or cumulatively. The following impacts will be taken into consideration:

- a. noise, fumes, smells, litter and late night activity;
- b. the availability of public transport and parking;
- c. highway safety;
- d. access for servicing;

- e. storage for refuse and recycling;
- f. the appearance of the building, frontage, flues and other installations;
- g. the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs;
- h. potential for crime and anti-social behaviour;
- i. impact on the promotion of healthy lifestyles.

This proposal does include a food and drink use in the form of a drive-thru restaurant. It has previously been considered by the Council that Food Establishments with drive through premises can be ancillary to the use of the site as a restaurant. Noting this and the applicant's assertion that the proposed drive thru fast food restaurant is a mixed use between Use Class E(b)/sui generis hot food takeaway use, it is not considered that the Council's Hot Food Takeaway SPD can be applied in this instance. The proposal's compliance with the criteria set out in Policy HC8 will be considered under relevant topics later in the report.

One point requiring further consideration is the impact that the proposal would have on healthy lifestyles. Some of the representations raise the issue of unhealthy food being sold. The consideration with this application is the suitability of the land use proposed. Whilst in this case, the applicant makes reference to the end user being McDonalds, this building could be occupied by another operator without the benefit of planning permission being required. There is no evidence presented to demonstrate that there would be demonstrable harm to healthy lifestyles to warrant the refusal of this application.

Conclusion

In conclusion in respect of the site being an employment allocation, it is considered that the proposed development would deliver two employment generating uses on the site with an estimated 145 jobs and whilst not being for the uses identified in Policy ED1, would be a logical use for this constrained site and would support the local economy in accordance with Policies CS(R)1 and CS(R)4. The applicant's sequential test justifies the main town centre uses proposed on the application site in accordance with Policy HC1. The principle of development is therefore considered to be acceptable.

6.2 Amenity

Noise and Odour

The nearest neighbouring residential properties are located approximately 70m to the east in Beechwood. This area is separated from the site by the Expressway, a railway line and a band of mature trees. The nearest residential properties to the West are over 150m away in Clifton. The Environmental Protection Officer assessed the application and does not consider potential noise and odour to have an adverse impact on the nearest properties. The attachment of condition restricting the hours of construction is considered reasonable.

Lighting

Given the proximity of the Expressway and roundabout which are well lit, and the distance of the nearest receptors, it is considered that the additional lighting from the proposal would not give rise to any amenity concerns. An external lighting scheme has been submitted and the affects upon wildlife will be considered later in this report.

Litter

Many of the objections received referred to a fear of increased litter. The applicant has submitted a 'McDonald's Litter Management Plan' which details patrols spanning 150m from the restaurant if necessary.

Policy GR2 seeks to ensure a good standard of amenity for all existing and future occupants of all types of land and buildings, particularly residential properties. There are no privacy implications due to the location of the proposal. Appropriate storage space for waste and recycling has been demonstrated for both elements of the development.

Of the objections received, many sited increased traffic as a reason for objection and that it would affect their living environment. Highway impacts are discussed later in this report but in short, it has been satisfactorily demonstrated that the trip generation, traffic flows and distribution associated with the proposed development will not have significant detrimental impact on the immediate and local network in terms of capacity and queuing at certain stop lines.

Given the above, in respect of amenity the proposal is considered to accord with Policies CS23, HC8, HE7 and GR2 of the Halton Delivery and Allocations Local Plan.

6.3 Natural Environment

The site is a mixture of developed woodyard, pipeline easements and grazed pasture. There are also three self-seeded sycamore trees and sections of hedging around the valve compound that would need to be removed.

Parts of the site are identified as being Core Biodiversity Areas. These areas correspond with the location of trees on the site. The proposal looks to utilise the existing access point and does not impact the Core Biodiversity Areas to either side of the access point except for the removal of the self-seeded sycamore trees.

The application is accompanied by a preliminary ecological appraisal (PEA). The submission concludes that the development would have no impact upon any protected species and offered the following mitigation:

- A wildlife sensitive lighting plan to ensure that the adjacent woodland is not disturbed throughout the lifetime of the development;

- Exclusion fencing along the east edge of the woodland during construction;
- Inspection for nesting activity.

In addition to this, the landscaping scheme provides the following ecological enhancements:

- Native species tree planting;
- Species rich native hedgerow planting;
- Shrub planting and low level hedging including lavender;
- Areas around the site will be maintained as open grassland.

The submissions have been reviewed by the Council's Ecological Advisor and they raise no objections to the proposed development subject to conditions relating to breeding bird protection, the provision of bird nesting boxes, the protection of Clough Lagoon LWS, and the submission of a waste audit.

In conclusion in respect of impact on the natural environment, the proposal demonstrates that it would not have a detrimental impact on the designated Core Biodiversity Areas within the site. The submissions demonstrate that the proposal would not result impact designated sites, priority habitats and protected species. The proposal is therefore considered to accord with Policies CS(R)20 and HE1 of the DALP.

6.4 Highway Implications

The application is accompanied by a Transport Assessment and a Delivery Management Plan.

Sustainable Transport and Accessibility

As previously noted, the application site links into the existing Greenway network. The Highway Officer has previously noted that the site is not within 400m of a bus stop, however now considers that the proposed arrangement is considered accessible for all modes with further improvement of the sustainable access route about the frontage of the site agreed with the applicant which would be secured by condition. This would allow for works on the existing adopted highway about the access, including enhancement of the shared cycle/pedestrian facilities and crossings. This ensures that priority has been given to site access by pedestrians and cyclists.

Highway Safety

The applicant has worked proactively with the Highways Officer and National Highways to ensure that satisfactory information demonstrating that the trip generation, traffic flows and distribution associated with the proposed development would not have significant detrimental impact on the immediate and local network in terms of capacity and queueing at certain stop lines, has been presented. As a result of this, the Highway Officer considers that there

are no severe highway safety issues raised by the proposed development. National Highways also raise no objection.

Parking

It is proposed to provide 54 parking spaces in total with 34 spaces for McDonalds and 20 spaces for the petrol filling station. There would be a total of 6 accessible bays, 2 reserve bays for drive thru customers, 4 EVCPs, 7 motorcycle spaces and 12 cycle parking spaces.

The above would result in an overprovision of car parking having regard to Policy C2 (parking standards) was deemed acceptable by the Highway Officer as it is offered to ensure operational efficiency and to prevent displaced parking on the immediate or adjacent highway. Cycle parking provision was also deemed acceptable to the Highway Officer in terms of numbers, type and position.

Servicing/Refuse

McDonalds and petrol filling station deliveries would be made using vehicles up to 16.5m HGV with tall lift, approximately 6 times a week. Each time on site lasts between 15-45 minutes. There would be two tanker deliveries per week lasting 30 minutes.

Refuse collection would be carried out regularly or as required using a 9.6m rigid vehicle or skip type wagon.

This arrangement can be accommodated on the site safely and the Highway Officer holds no objection to the proposal.

Conclusion

In respect of highway implications, the proposed development is considered to accord with Policies CS(R)15, C1, C2 and HC8 of the DALP.

6.5 External Appearance and Site Layout

The petrol filling station and drive thru restaurant are laid out to make best use of the site following nationally adopted operational models and also noting the site constraints that have previously been set out. The proposed buildings are single storey in height and sufficiently distant for neighbouring land uses. Noting the land levels in relation to the Expressway and the way in which the development would be viewed, the applicant has provided a streetscene to demonstrate the suitability of the proposal on this gateway site to the Borough. The elevations shows buildings which use a variety of materials and add interest. The submission of final details and their subsequent implementation should be secured by condition.

The proposed site layout and resultant external appearance is considered acceptable and subject to the attachment of the suggested condition would ensure compliance with Policies CS(R)18, GR1 and HC8 of the DALP.

6.6 Ground Contamination

The application is accompanied by a Phase 1 Desk Top Study Report and a Phase 2 Site Investigation.

Observations from the Contaminated Land Officer are outstanding at the time of writing this report and Members will be updated accordingly. It is anticipated that there will be a requirement for the attachment of a condition securing the submission of a remediation strategy and subsequent validation.

The attachment of the suggested condition would ensure that in respect of ground contamination would ensure compliance with Policies CS23 and HE8 of the DALP.

6.7 Flood Risk and Drainage

The application is accompanied by a Flood Risk and Drainage Strategy.

The Lead Local Flood Authority (LLFA) has considered the submission and agrees with the assessment of flood risk to and from the site and is satisfied that the applicant has provided a clear drainage strategy. This is also deemed acceptable by United Utilities.

Therefore, there is no objection, subject to conditions relating to the submission of an updated drainage strategy and verification report.

On that basis in respect of flood risk and drainage it is considered that the proposals are in accordance with Policies CS23 and HE9 of the Halton Delivery and Allocations Plan.

6.8 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. This should be secured by condition.

In terms of on-going waste management, there is sufficient space on site to deal with this.

In respect of waste management, subject to the suggested condition, the proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.9 Sustainable Development and Climate Change

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

The proposed development includes electric vehicle charging provision in the form of 4no. rapid electric vehicle charging points. The applicant also states that the design would allow for significant future expansion when SP Energy Networks capacity can be viably increased. Such provision demonstrates the regard that the applicant has had to the predicted effects of climate change and the reduction in carbon dioxide emissions through the provision of the infrastructure proposed.

The attachment of a condition securing the submission of a scheme detailing relevant matters in this regard along with their subsequent implementation would ensure compliance with Policy CS(R)19 of the DALP.

6.10 Minerals Safeguarding Area

The application site is in a Minerals Safeguarding Area. The applicant has undertaken a Minerals Assessment to accompany their application. The applicant notes that the site and surrounding areas are within a safeguarding area due to mineral resource with the Glaciofluvial superficial deposits (i.e. sands and gravels). These deposits have the potential to be quarried and used as aggregate.

It is estimated that the deposits extend to between c.5m and c.10m below ground. The applicant notes the critical utility services which are within / adjacent to the site and also the shallow depths of groundwater. For the reasons set out, the applicant considers that this restricts the practicality of the site being suitable for mineral extraction and quarrying. These points are accepted.

As noted by the applicant, the mineral material beneath the site would still remain, however the constraints of the site in relation to extraction in conjunction with the need to deliver development on this allocated site is considered to result in compliance with Policy HE10 of the DALP.

6.11 Risk

There is a Major Hazard Pipeline (the Trans Pennine Ethylene Pipeline (TPEP)) running through the site. The TPEP is operated by SABIC and runs from

Teesside to Runcorn. The proposed development lies within the consultation distance (CD) of this major accident hazard pipeline.

The HSE's assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

It is for the Council to make decisions on planning applications, giving very careful consideration to the advice of the HSE along with any wider social and economic benefits, which may outweigh any adverse impacts.

This application should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Policy CS23 of the DALP relates to managing pollution and risk and is relevant to the determination of the application.

To prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following relevant principles apply to the consideration of this proposed development:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased.

The position of the HSE having regard to Building Proximity Distance of Major Hazard Pipelines is noted, however should this be applied in this case, it would ultimately compromise the delivery of development on this site which is allocated for employment purposes. It should also be noted that historically the site was allocated for Employment use in the previous Unitary Development Plan

Subject to there being no obstructions within the pipeline's maintenance easement strip (which the applicant is aware of), which would limit or inhibit essential maintenance works on the pipeline, risk to public safety for what is an existing operation is considered to be minimised.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

This proposal would deliver development creating an estimated 145 jobs on allocated site and is also considered compliant with Policy CS23 of the Halton Delivery and Allocations Local Plan and the Council's Planning for Risk Supplementary Planning Document.

It is not considered that the safety advice of the HSE outweighs the proposals policy compliance and the benefits that would result from the delivery of the development allocation.

Should members be minded to grant permission, the Local Planning Authority is required to give the HSE 21 days' notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

6.12 Issues raised in representations not addressed above

Some of the representations received raise concerns over potential anti-social behaviour which would likely result from the proposed development. It is considered that the proposed site is well laid out to ensure appropriate surveillance as well as likely being protected by CCTV. The site is also self-contained with access gained only from Weaver View. The management of any issues arising would ultimately be for the site operators to deal with. It is not considered that the refusal of this application on the basis of likely resultant anti-social behaviour could be sustained.

6.13 Planning Balance

Based on the above assessment, it is considered that the advice of the HSE which states that there are sufficient reasons on safety grounds against the granting of planning permission does not outweigh the benefits resulting from the delivery of development on this allocated site along with compliance with the Development Plan.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

7. CONCLUSIONS

The proposed development would deliver two employment generating uses on this allocated employment site with an estimated 145 jobs and is considered a logical use for this constrained site and would support the local economy. The site is sufficiently distant from the nearest residential properties to ensure that no adverse effect upon amenity.

Information demonstrating that the trip generation, traffic flows and distribution associated with the proposed development would not have significant detrimental impact on the immediate and local network in terms of capacity and

queueing at certain stop lines has been submitted to the satisfaction of the Highway Officer and National Highways.

The site layout shows appropriate provision for parking and accessibility by sustainable modes. The proposed streetscene submitted by the applicant demonstrates the suitability of the proposal on this gateway site to the Borough in terms of appearance.

The proposal is considered to accord with the DALP and would contribute to the achievement of sustainable development in Halton.

The application is recommended for approval subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.

8. RECOMMENDATION

Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive:

1. Time Limit
2. Approved Plans (GR1)
3. Submission of Precise External Facing Materials (GR1)
4. Restriction on Hours of Construction (GR2)
5. Submission of an Electric Vehicle Charging Point Scheme (C2)
6. Submission of a Signage Detail Scheme (C1)
7. Implementation and Maintenance of Parking and Servicing Provision – (C1 and C2)
8. Implementation and Maintenance of Cycle Parking Scheme (C2)
9. Submission of Off-Site Highway Improvements Scheme (C1)
10. Submission of a Sustainable Development and Climate Change Scheme (CS(R)19)
11. Submission of a Sustainable Urban Drainage Scheme including future implementation, maintenance and management and verification reporting (CS23 and HE9)
12. Implementation and Maintenance of a Landscaping Scheme (HE5)
13. Implementation and Maintenance of a Lighting Scheme (HE1 and HE7)
14. Implementation of Tree Works to British Standard (HE5)
15. Submission of a Tree Protection Scheme (HE5)
16. Ensuring Breeding Bird Protection (HE1)
17. Submission of a Bird Nesting Boxes Scheme (HE1)
18. Submission of a Scheme Demonstrating Protection of Clough Lagoon LWS (HE1)

19. Submission of a Waste Audit (WM8)

20. Submission of a Remediation Strategy and Validation Reporting (CS23 and HE8)

9. BACKGROUND PAPERS

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

10. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2023);
- 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.

Jeff Eaton

From: LLOYD, Kirsty <Kirsty.Lloyd@cheshirewestandchester.gov.uk>
Sent: 20 January 2023 13:39
To: Dev Control
Subject: The Woodyard Weaver View Clifton Runcorn WA7 4XU (Ref:23/00018/FUL)

Categories: Alan

Development Control,

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard Weaver View Clifton Runcorn WA7 4XU (Ref:23/00018/FUL)

Thank you for consulting with APAS regarding the above application, having reviewed the supporting documentation along with the information held on the Cheshire Historical Environment Records, it is clear that this application is unlikely to impact any significant below ground remains.

The proposed development area has undergone previous archaeological investigation and therefore, any below ground remains are preserved by record on the CHER. Therefore, there are no archaeological requirements for this current application.

Thank you

Kirsty Lloyd
Development Management Archaeologist
Cheshire Archaeology Planning Advisory Service
Total Environment
Place Strategy
Cheshire West and Chester Council
Mob: 07739789302
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MEMORANDUM

To **Jeff Eaton**

Date 03-04-2023

Dept. Planning

Ref **23/00018/FUL**

From Highway Authority
Andrew Blackburn

23/00018/FUL

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard, Cholmondeley Road Runcorn WA7 4XU.

Highway Objection

The proposed development is for Roadside Uses at Cholmondeley Road (also named in other sources as Weaver View or Clifton Road), Clifton, about the Weston Expressway Junction 12 (Rocksavage) Roundabout.

The proposal includes a Petrol Filling Station, with Retail shop element, and a Fast Food Restaurant, with Drive Thru, associated parking and infrastructure.

In highway terms, when reviewing such a submission, consideration is given, but not limited to, the following; **traffic generation, distribution and capacity impact, access to the site for all modes, adequacy of parking, manoeuvring and servicing arrangements, levels, and impact on Highway safety** which will be reviewed in separate sections, below.

To summarise, the overriding reasons for the objection are the levels and gradients, servicing provision and inadequacies of off-site impacts and accessibility by modes other than private car.

Traffic Generation, Distribution and Capacity

Changes of movement patterns (trip distribution and flow patterns), attributable to the development, about the roundabout intersection(s), that may be detrimental to its use and functioning of the junction and adjacent network, would need to be mitigated, once clearly demonstrated, to maintain optimal operational efficiency of the junction, approaches and connecting infrastructure.

As well as macro modelling, microsimulation should be considered e.g. Aimsum/Vissum.

A narrative should be provided to ensure impact of the past few years, with regards to the Covid pandemic, is accounted for. This would likely include a review of historic data against surveyed movements and may require sensitivity testing

Mitigation will be required; for any queue length that is long enough to block another junction, or traffic stream, or increases RFC above 0.85, or increases DoS to above 90% or, an unacceptable Mean Maximum Queue (MMQ) or, a negative PRC value or, an unacceptable increase in average delay per vehicle or, road safety problems arising from the development including accessibility issues.

Once comments regarding base counts, trip generation and distribution, and model comparison (for queue limits) have been undertaken to satisfactorily the above may be more apparent.

Turning count and queue surveys have been carried out in a neutral month; however the Friday traffic survey data could be uplifted to reflect the flows on a neutral mid-week day as per TAG guidance.

It is important to ensure any traffic queues are formed on the approach arms and not on the circulating links.

Alternatively, background traffic data, from approved studies, could be utilised, provided the data has not been measured during periods of Covid restrictions, is no older than 4 years and subject to growth factors to establish the current base year.

Traffic growth figures should be clearly identified and should be adjusted using NRTF central growth factors, although TEMPRO adjustments may be made to derive future traffic flows on the network.

Analysis should be carried out for the identified opening year of the development and +5 years will be required for junction assessments on the local network, whereas a +10 year assessment will be required for any junctions pertaining to the strategic network (National Highways) i.e. M56. National Highways should be consulted for agreement on these timeframes.

Therefore, revisiting the original Mersey Gateway modelling (Transyt) with the opening year 2015, extrapolating this information and comparing it with the current situation, 2023 - about halfway through the model cycle, given the future year 2030 projections - to better understand if there will be any detriment to the network with development is required and/or mitigation.

Commentary regarding whether the Mersey Gateway operational analysis is still valid is welcomed, with cross comparison of the Transyt modelling at the time and current Linsig and Picady offered.



MEMORANDUM

HBC believes that queue limits, due to stacking space between nodes can be directly compared i.e. vehicle mean and maximum at critical links can be determined to be satisfactory or otherwise

This assumptions/data regarding trip distribution and assignment is not supported.

Southbound pass-by trips are significantly lower than northbound which is not understood, or agreed.

Also, regarding the % of divert rips, and overall amount of trips, from the M56 – is this with signage on the mainline motorway, or otherwise?

Also, will signage/totem or suchlike make the facilities visible from the motorway, regardless or in addition to such signage, and effect the number of such trips?

An application should identify if off-site signage will be sought e.g. on the mainline motorway, or elsewhere, and what will the impact of this in terms of attraction on generation of trips due to diverted traffic.

Justification of assumptions regarding modal split and the trips already on the network ie pass by/diverted trips should be clearly outlined and supporting evidence regarding relevancy offered.

With the proximity to the large residential areas e.g. the adjacent Beechwood area, and further afield, as well as the more local Cholmondeley Road residents, Rowing Club and Rock Savage site users we do not agree with the assumptions and therefore conclusions regarding trips.

Halton Highways does not have access to the TRICS database but the number of sites and location, the most influential factors in terms of trip generation, do not appear robust. A minimum of half a dozen sites was stated at a previous training session held by TRICS to be the minimum number that should be offered for robust comparison and analysis.

For 85th Percentile Trip Generation, requested, a minimum of 20 sites will be required. Any reduction from the 85th Percentile rate proposed should be accompanied by robust justification and/or sensitivity analysis using both average (50th percentile) and 85th percentile trip rates should be presented.

We have noted that the PFS has a retail/shop element yet as National Highways states only a PFS TRICS type was offered, this needs addressing.

Any further analysis must clearly demonstrate that the numbers of vehicle movements generated in the relevant time periods match the trip rates per unit from which they are derived.

Freestanding locations should also be considered, as an alternative (or in addition) to Edge of Town, given the relatively isolated site and situation, with similarities to a motorway service station.

Comparison with the other McDonald sites, Newport and Coldra Redhouse, is useful but again the sites offered appear somewhat incomparable in terms of situation as well the limited number restricting the usefulness and validity of the information presented.

It should be noted that the nearest McDonalds, in Runcorn, listed, is a location where queuing and congestion present amenity and safety issues, considered attributable to the arrangement, layout and volume of traffic attracted, particularly the drive-thru at local peak times.

Other sites are then used for different comparisons/metrics e.g. Appendix 9, and 10; this inconsistency is not understood.

A more extensive number of comparable sites should be offered and comparatives should extend to Drive Thru information e.g. maximum vehicle numbers, queue length, times etc. to ensure the arrangement offered is satisfactory and will also not detrimentally effect parking and circulation of the site which could lead to congestion on the local network, access and gyratory approach and present a Highway Safety concern, see below.

The following statement requires explanation.

5.1.5 ADL have undertaken research which has proven that there is no statistically significant relationship between McDonald's traffic and either; floor area, dining area, number of seats or parking provision, as shown on the graphs included in Appendix 9.0. Therefore, the averaged surveyed traffic has not been adjusted for any variable.

What value and/or information does offering the various comparative analyses offered provide, given the above and how then is parking, traffic etc. reliably predicted?

Access for All Modes

The existing access is proposed to be modified.

Whilst it is stated likely only one vehicle may be waiting to turn right into the site from Weaver View, this turning movement, queue length etc. should be revisited as part of the aforementioned trips and traffic generation re-analysis and any subsequent mitigation offered.

There are concerns regarding vehicle speed coming off the roundabout to Weaver View (as called by HBC) and the potential for rear end shunts with traffic queuing to enter the site – regardless of RSA – see comment below re signage.

Concerns regarding the access are exacerbated by the level difference between the proposed site entrance and the circulatory junction.

The gradient does not appear to have been taken into consideration, as per MfS 7.5.9, and therefore intervisibility in the vertical and horizontal plane is required to be presented

A non-motorised user (NMU) audit is requested to be undertaken to consider existing routes and connections to employment and residential areas clearly identifying any barriers to movement and potential mitigation and/or improvements. Sustainable access links, for visitors and/or staff, should be identified and demonstrated.

The aforementioned junction, of the roundabout with Weaver View, requires further consideration and assessment, in terms of pedestrian and cycling movements, from all directions given the attraction of the site facilities proposed will increase such movements (35% new trips) with the proximity to the large residential Beechwood area adjacent as well as the more local Cholmondeley Road residents, Rowing Club and Rock Savage site users.

The suitability of the wide uncontrolled pedestrian crossing, and potential increased footfall, where vehicles are exiting the circulatory, a free-flowing arm, and shown to be carrying excess speed, requires careful consideration and potential mitigation.

The carriageway arrangement has hatching, to reduce the effective running width, and also has a merge arrow, suggesting two lanes exiting the circulatory, this may require revision.

Service markings approaching and through the gyratory should be revised to improve route finding information/lane choice (highlighting the new services) and lane discipline, preventing sideswipe type collisions due to traffic merging (hap) hazardly.

It should be noted that Weaver View is subject to a 30mph speed limit, though signage has only recently been installed (Dec 2022) about the junction. The installation omission was highlighted when the site was visited following the Pre-App and subsequent consultation response groundwork.

It is hoped that speeds coming off the Expressway onto Weaver View may now reduce – see speed survey results. These speeds impact the visibility splay requirements, potential for rear end shunts/collisions with vehicles queueing to enter (and exit) the site and other highway safety matters.

There are errors on the signage regarding the HGVs, the lorry graphics facing the wrong way – see TSRGD.

Furthermore, the development should provide pedestrian routes into and throughout the site to facilitate safe pedestrian access and circulation. Alternative and additional access points for DDA compliance should be considered e.g. linking the north of the site

A footway on the west of the access bellmouth is requested, with a crossing point where the carriageway narrows to provide a shorter and safer crossing point for pedestrian users accessing the site. Dropped kerbs and tactile arrangements for crossing points should be demonstrated.

There is also a lack of direct route from the access junction to the PFS/shop for pedestrians; a desire line would doubtless form and therefore a formal route offering a shorter more commodious connection should be offered for customer (and staff) accessibility and convenience.

It should be noted that priority to walking, cycling and p[ublic transport is not considered to be offered, due to reasons sets out above, and aslo that the development is not located within 400m walking distance of a bus stop and a lack of mitigation measures, at the developers expense have to been forthcoming. See Policy C1.

Contributions, in the form of S106 monies, would be required for off-site improvements identified as part of the any revised Transport Assessment and/or Travel Plan.

Parking, Manoeuvring and Servicing Arrangements

Parking accumulation and parking capacity within TRICS, with maximum car park usage (as % of available spaces taken) and car park occupancy detail and trip rates per parking space are also requested for robust understanding of the site's requirements and potential impact on the local network.

Overprovision, to policy C2 Parking Standards of the Halton Delivery and Allocations Local Plan, is offered in terms of car parking spaces, for "operational demand" reasons. Further understanding of parking needs should be offered, especially in light of the comment regarding no statistical relationship between various site factors, above

Was parking for a PFS +shop, or PFS only offered, see comment regarding TRICS use type above?

Clearer understanding of staff numbers/shifts is requested with 6-15 staff at anyone time offered yet 120 overall employees. 25 in the PFS with 2-4 at any one time. These numbers seem incongruous.

However, no oversize parking spaces are offered (vans and suchlike) and therefore the effective parking spaces will be reduced should such vehicles visit the site as they would occupy more than a car space and potentially obstruct the circulation aisles and movement and manoeuvring within.

How will HGC traffic be restricted other than signage?

No vertical information has been offered in terms of kerbing etc.

The banjo turn of the HGV delivery vehicle passes over the motorcycle spaces and several car parking spaces, about the one way access to the drive thru, as well as then parking over the accessible spaces and other car parking spaces, in front of the main pedestrian access route into the restaurant – for up to 75minutes at a time.

This is not clearly understood, in terms of ensuring the space is clear, nor considered acceptable nor a viable operation, regardless of the submission information stating in it is commonplace and occurs without issue.

The tracking shows very tight margins for error for what is a complicated manoeuvre to be done safely, because the trailer swings out behind the tractive unit, visibility of which is lost in the performance of the turn. Is a banksman part of the operational procedure?

Similarly the HGV and tanker manoeuvring show passing over what is considered kerbline and close to other elements e.g. pumps.

In the instance of the shop delivery the staff parking spaces are shown required to be utilised for the loading/unloading (displacement of staff vehicles?) and vehicles in the EV spaces and other parking spaces effectively blocked in for the duration of the servicing. Again, clarification and understanding is required, notwithstanding the assertion that such operations will take place during quiet times. All elements of the site are state to be 24/7.

No tracking for the 9.6m refuse collection vehicle of either element of the site was offered and is required.

The TA must demonstrate that parking capacity is in proportion to the parking accumulation predicated by the production and attraction of vehicle trips throughout the day in order to ensure that the development does not lead to problems of off-site parking due to inadequate provision.

EV charging, for both elements of the site, will be required to meet policy and standards. We would request that the latest +150kw ultra-rapid chargers are the minimum standard to be installed.

There is likely to be patronage by customers utilising oversized vehicle (LGV/van) and therefore we would recommend consideration be given to this specific demand and suitable provision made, within the car parking layout, and in terms of manoeuvring and circulation, to accommodate these larger vehicles.

Parking standards extend to cycle provision to enable and encourage sustainable journeys; long-term cycle parking for staff (secure and covered) necessitates associated provision of showers, lockers and changing facilities. These should be clearly demonstrated on subsequent plans. See LCR CA Cycle Parking Guidance, 2022

Details regarding tracking for all delivery, servicing and refuse manoeuvres should be presented, including swept path of the largest vehicles anticipated to utilise the site,

including at the site access, to demonstrate safe and acceptable circulation and flow during such times given the 24/7 proposed operations.

We note an electric substation and electric cabinet are proposed; the practicalities regarding servicing and maintenance should be considered and presented accordingly in terms of vehicle space for parking and manoeuvring.

It should be noted there are discrepancies in details between the various documents submitted eg 15-75min and 15-45 mins dwell time for McDonald's delivery depending on the source.

Levels

The site presents challenges with levels and gradients given the c10m difference in height between the north and south extremes and whilst level access to buildings is stated to be a design driver it appears that there are instances, notably about the access and approach road where the gradient is not in accordance with requirements for 1:20 and crossfalls of 1:40..

Roads and or footways steeper than 1 in 20, and crossfalls 1 in 40, will result in an environment that will be difficult to move around without motorised methods of travel and does not in our opinion represent good design nor comply with policies CS(R)7 Infrastructure Provision, CS(R)15 Sustainable Travel, CS(R)18 High Quality Design, CS(R)22 Health and Well-Being, C1 Transport Network and Accessibility, GR1 Design of Development or GR2 Amenity.

Excessively steep, or slack, gradients disproportionately affect disabled, elderly people and those accompanied by children, as well as potential issues for vehicles and non-motorised unites e.g. cycles.

Discriminating against such groups in this way without a sound reason can be unlawful under the Equality Act.

This standard is clearly set out within MfS, and the DMRB, which both refer to the guidance set out in the DFT's Inclusive Mobility document. Access and plot level parking spaces steeper than prescribed may lead to issues meeting the guidance set out in Approved Document M.

Provision shall be made within the site for the disposal of surface water so that no run-off drains on to any highway.

Crossfall on footways and footpaths are necessary to provide good drainage, but if too great, can make it difficult for wheelchair users. Variable crossfall can be problematic for wheelchair users and mobility issues.

It is an accepted standard that a gradient of 5 percent or 1:20 should be borne in mind when designing new footpaths and pedestrian areas. Steeper gradients should be treated as ramps

and therefore would be subject to the requirements for fixed lengths before rest areas and associated infrastructure.

Highway Safety

Collision Stats should be presented within the maximum queue length plus stopping sight distance in all directions at all intersections, including on/off ramps, and mainline motorway.

The extent of the area for consideration should be agreed with the Highway Officer and National Highways, in advance.

Informatives

- A Construction Management Plan (CMP) will be required that will cover, but not be limited to, the management of vehicle movement on the public highway, time of working and the management and cleaning of debris on the highway.

In order to avoid pre-commencement conditions it is recommended that a CMP is offered at time of application.

- Notwithstanding LFFA response, provision shall be made within the site for the disposal of surface water such that none runs onto the highway. The applicant should ensure they have met their obligations under NPPF particularly regarding discharge rates.
- The developer will be responsible for paying for the installation and/or relocation of any existing signs/columns/statutory undertakers' equipment, which must be agreed in advance.
- A S278 highway agreement would be required prior to the commencement of any construction work to undertake works on the existing adopted highway about the access.



MEMORANDUM

To **Jeff Eaton**

Date 07-11-2023

Dept. Planning

Ref **23/00018/FUL v3**

From Highway Authority
Andrew Blackburn

23/00018/FUL

Proposed filling station with ancillary convenience store (325 sq. m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq. m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard, Cholmondeley Road Runcorn WA7 4XU.

No Highway Objection, subject to conditions.

The proposed development is for Roadside Uses at Cholmondeley Road (also named in other sources as Weaver View, or Clifton Road), Clifton, Runcorn about the Weston Expressway Junction 12 (Rocksavage) Roundabout, a signalised cut-through roundabouts, also known as 'throughabouts' or 'hamburger roundabouts'.

The proposal includes a Petrol Filling Station, with Retail shop element, and a Fast-Food Restaurant (McDonalds), with Drive Thru, associated parking and infrastructure.

The site presents challenges in terms of levels and gradients and in terms of understanding impact on traffic given the location and layout, as described above.

In highway terms, when reviewing such a submission, consideration is given, but not limited to, the following: traffic generation, distribution and capacity impact, access to the site for all modes, adequacy of parking, manoeuvring, and servicing arrangements, levels, and impact on Highway safety which will be reviewed in separate sections, below.

Traffic Generation, Distribution and Capacity

Satisfactory information demonstrating that the trip generation, traffic flows and distribution associated with the proposed development will not have significant detrimental impact on the immediate and local network in terms of capacity and queueing at certain stop lines, has been presented to the satisfaction of Halton Highways, as well as National Highways.

Whilst the walking isochrome is disputable, as HBC believes footfall catchment, given the demographics of McDonalds clients, and staff, will extend to the wider Beechwood area, this would not make significant alteration to considerations nor conclusions.

Access for All Modes

The arrangement is considered accessible for all modes following amendment and additional information presented, with further improvement of the sustainable access route about the frontage of the site, see condition below.

Parking, Manoeuvring and Servicing Arrangements

The overprovision of car parking, with regards to Policy C2 parking standards, is deemed acceptable as it is offered ensure operational efficiency and to prevent displaced parking on the immediate or adjacent highway. Cycle parking provision is acceptable in terms of numbers, type, and position.

Levels

An accessible and compliant 1:20 route is offered into the site.

Highway Safety

No severe Highway Safety issues are raised by the proposal.

Suggested Conditions in addition to standard ones:

- Off Site Highway Improvements and the Section 278 Agreement

Notwithstanding the submitted drawings, the s278 agreement will include exploration of a scheme to widen (to a minimum of 3m usable surface where possible) the shared pedestrian and cycle route, about the site frontage, from the access bellmouth on Weaver View to the retaining wall adjacent to the Southern Expressway, shall be submitted and agreed with the Local Planning Authority before the development commences. The agreed scheme shall be implemented as part of the s278 Agreement.

Reason: To encourage and enable a shift to more sustainable modes of transport, and compliance with Policy C1: Transport Network and Accessibility

- Signage Detail Scheme

Notwithstanding submitted drawings a scheme for the installation of signage including the technical specification (size, materials, etc) position, construction detail (footings), as well as traffic management requirements/method statement for installation, shall be submitted to and agreed with the Local Planning Authority prior to the commencement of the works.



MEMORANDUM

Reason: Highway Safety and compliance with Policy C1: transport Network and Accessibility.

Informatives

- A Construction Management Plan (CMP) will be required that will cover, but not be limited to, the management of vehicle movement on the public highway, time of working and the management and cleaning of debris on the highway.

To avoid pre-commencement conditions, it is recommended that CMPs are offered at time of application.

- Notwithstanding LFFA response, provision shall be made within the site for the disposal of surface water such that none runs onto the highway. The applicant should ensure they have met their obligations under NPPF particularly regarding discharge rates.
- The developer will be responsible for paying for the installation and/or relocation of any existing signs/columns/statutory undertakers' equipment, which must be agreed in advance.
- A S278 highway agreement would be required prior to the commencement of any construction work to undertake works on the existing adopted highway about the access, including enhancement of the shared cycle/pedestrian facilities and crossings.
- Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.



MEMORANDUM

To Jeff Eaton

Date 23/11/2023

Dept. Planning

Ref 23/00018/FUL

From Local Lead Flood Authority

Local Lead Flood Authority Consultation Response - 23/00018/FUL

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard, Weaver View, Clifton, Runcorn, WA7 4XU.

After reviewing 23/00018/FUL planning application the LLFA has found the following:

- The site is described as 0.94ha and is considered to be a Greenfield site.
- The proposed development would comprise a mix of development types with those of the highest vulnerability classified as less vulnerable to flood as defined within Planning Practice Guidance.
- A separate Flood Risk Assessment and Drainage Strategy for both the petrol filling station and McDonalds Restaurant have been prepared in support of the application.

The LLFAs comments on the Flood Risk Assessments are:

- Fluvial flood risk
 - o The nearest watercourse to the site is a stream on the western site boundary.
 - o The site lies wholly within Flood Zone 1. The nearest watercourse classified as a Main River is the Weaver Navigation, which is located 400m southwest of the site.
 - o The proposed development includes the development of a petrol filling station and McDonald's restaurant which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.
- Surface water flood risk

- This assessment indicates the majority of the site is at very low risk from flooding from surface water, with some low-risk areas mapped along the surrounding highways and medium risk within the woodland towards the west of the site.
- The LLFA agrees with this assessment.
- Groundwater
 - An assessment of groundwater flooding indicates the risk to the site to be low.
 - The LLFA is satisfied that the proposed buildings will likely not be at risk of groundwater flooding.
- Flooding from artificial sources.
 - The LLFA is satisfied that the risk from sewers, canals and reservoirs would be low.

Drainage Strategy

- Discharge location
 - The site comprises a Greenfield land classification.
 - It is noted that infiltration is not a viable option, and the applicant has undertaken on site ground investigations to prove infiltration rates would be insufficient to drain the site. Therefore, it is accepted that discharge of managed flows into the existing ditch/watercourse along the western boundary of the site, which discharges into Flood Brook to the southeast via a new headwall is the most sustainable viable option.
- Assessment of SuDS
 - The strategy provides an assessment of the SuDS methods in order to show that the geocellular storage is the most appropriate option.
 - The strategy proposes to attenuate flows using geocellular attenuation system.
 - The geocellular storage is sized to store 308m², to contain flows on site up to and including the 1 in 100 year +45% CC event. The LLFA would note that the storage calculated within the modelling summary is not consistent with the Proposed Drainage General Arrangement and the Tank Flotation Check. It is requested that these are updated to reflect the results of the hydraulic modelling.
- Runoff Rates

- The LLFA notes Q_{BAR} run off rate has been calculated as 2.5l/s. The modelling shows that the pre-development runoff rate for the 100 year storm event is 5.3l/s with the post development runoff rate being restricted to 3.5l/s.
- The LLFA would agree for flows to be limited to this rate.
- Drainage Performance
 - Storage will be provided for the 1 in 100 year plus 45% CC event. Storm events in excess of the 1 in 100 year plus 45% CC event would cause a temporary shallow depth flooding along the access road and Weaver View.
 - It should be noted that the Drainage GA shows the roof of the Petrol Filling Station being drained into the surface water network, this area is not currently included within the modelling. The LLFA would request that this modelling is updated to reflect the areas being positively drained on site.
- Maintenance and management
 - The proposed maintenance and management of the network has been included in the Drainage Maintenance Plan.
 - The proposed system will be managed and maintained by McDonalds.
 - There is a clear management and maintenance plan for the development.

In summary, the LLFA agrees with the assessment of flood risk to and from the site and the applicant has provided a clear drainage strategy. Therefore, the LLFA would recommend the following conditions:

- No development shall take place until an updated drainage strategy report and associated general arrangement drawings and calculations have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The required drainage strategy updates include:
 - Updated modelling results and drainage area plan to include the Petrol Filling Station Canopy Roof area.
 - Updated Flotation calculations and drainage General Arrangement to be consistent with the Modelling results.
 - Consistency in the attenuation volume/tank plan area across the drainage strategy report, GA drawings and calculations.
- No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice



MEMORANDUM

has been submitted to and approved by the local planning authority. This shall include:

- Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.
- Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.



MEMORANDUM

To Jeff Eaton

Date 02/05/23

Dept. Planning

Ref 23/00018/ful

From Environmental Protection

Planning Consultation Response

Application Details

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard Weaver

Comments

Environmental Health has assessed the application in relation to the potential from noise and odour from the developments. The location of the development adjacent a busy dual carriageway and an established industrial area does not raise concerns regarding either noise or odours.

Environmental Health would therefore have no viable reason to object to the application.

Regards
Isobel Mason – Lead EHO



MEMORANDUM

To Jeff Eaton

Date 25/01/23

Dept. Planning

Ref. 23/00018/FUL

From Nick Martin

Title of Document: D&D Comments for 23/00018/FUL – The Woodyard, Weaver View, Runcorn

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard Weaver View Clifton Runcorn WA7 4XU.

I will cover overall landscape/layout design, including proposed planting and if applicable any sustainable drainage proposals (in landscape design terms, excluding detail drainage design). Please seek alternative input of existing trees/woodland areas and ecology / habitat implications.

Documents reviewed:

Existing Site Plan 2440 P400 Rev C

Proposed Site Plan 2440 P401 Rev D

Landscape Proposal Plan 18867-VL-L01 Rev B

Design & Access Statement 02.11.2022

Comments:

I have no issues with the landscape proposals for this application. However I would suggest that some cross sections and details are supplied to show how the level change between the ordering kiosks vehicle approach and expressway embankment is handled.

If you have any queries please do not hesitate to contact me.

Nick Martin

Design, Cemeteries & Crematorium Manager



MEMORANDUM

To	Date 18/04/2023
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Dept. Planning	Ref 23/00018/FUL
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From Open Space Services

Planning Consultation Response

'Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349sq m GIA) (Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard Weaver View Clifton Runcorn WA7 4XU'

Further to your consultation I have considered the open space implications and would make the following comments;

The land proposed for development is not HBC owned or managed green space.

The proposed development is not within a conservation area and both the internal and boundary trees are not subject to tree preservation orders. Clifton Cloughs (nature conservation site) runs parallel to the western part of the site – north to south.

The removal of 3 sycamore trees at the site entrance and hedge to the east of the valve compound are acceptable, but would need to be replaced elsewhere on the development in order to enhance and maintain the local ecology.

All works should be carried out following the guidance from the Ecological Assessment Survey.

Should the application receive consent, permitted work shall be carried out strictly in accordance with British Standard 3998:2010 "Recommendations for Tree Work" to safeguard the health and visual amenity of the tree.

Arb Impact Assessment (AIA) recommendations should be strictly adhered to during the construction process.

Work shall not be carried out between April and July if it would result in disturbance to nesting birds to ensure no damage to wildlife.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1)

Consult W&C Act 1981 (with amendments) for full details of protection afforded to wildlife



MEMORANDUM

Rosie Conder
Open Space Officer



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Alan Shepherd
Operations Directorate
North West Region
National Highways
PlanningNW@nationalhighways.co.uk

To: Halton Borough Council FAO: Jeff Eaton

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 23/00018/FUL

National Highways Ref: 97357

Location: The Woodyard, Weaver View, Clifton, Runcorn WA7 4XU

Proposal: Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2-sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive-thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works

Referring to the consultation on a planning application dated 19th January 2023 referenced above, in the vicinity of the M56 Junction 12 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) ~~recommend that conditions should be attached to any planning permission that may be granted (see Annex A — National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 8 th February 2023
Name: Benjamin Laverick	Position: Assistant Spatial Planner
National Highways 8th Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD	

¹ Where relevant, further information will be provided within Annex A.

Annex A ~~National Highways recommended Planning Conditions /~~
~~National Highways recommended further assessment required /~~
~~National Highways recommended Refusal~~

NATIONAL HIGHWAYS (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways have reviewed the submitted transport information and request that the developer provides further information to determine the potential impact that the development may have on the operation of the M56 Junction 12, which forms part of the Strategic Road Network.

The developer has had no pre-application scoping discussions with National Highways

ADL Traffic and Highways Engineering (ADL) have been appointed by the developer, Impero (Development Management) Ltd, to prepare a Transport Assessment (TA) in support of the planning application for the redevelopment of land at Weaver View, Runcorn. The planning application proposes to provide a McDonald’s restaurant with drive thru facilities and a Petrol Filling Station (PFS) with a convenience store and rapid Electric Vehicle (EV) chargers.

National Highways have reviewed the TA. Within this review a number of key comments have been made, which are summarised below:

- Although the site is allocated in the Halton Local Plan, the proposed development’s land-use varies from that which it is allocated for. As such, a full TA should be, and has been, provided.
- The [Department for Transport Circular 01/2022](#) and [National Highways’ ‘Strategic Road Network: Planning for the Future’](#) have not been considered in the policy review, and these documents do not appear to have been addressed when compiling the TA.
- Turning count and queue surveys have been carried out. These were completed in a neutral month; however, National Highways believe the Friday traffic survey data should be uplifted to reflect the flows on a neutral mid-week day.
- It is requested that the collision data analysis is extended to include the eastbound on and off-slips of the M56.
- Whilst the proposed signage would need to be agreed to and approved by National Highways, **it does not appear that the proposed development would meet the minimum requirements to be eligible for signage from the SRN.** In order to be eligible for new/amended traffic signs, the applicant will need to demonstrate that the facility meets the minimum requirements set out in [DfT Circular \(01/2022\)](#).

- ADL should provide confirmation to National Highways that the approach taken to consider committed developments has been agreed with HBC.
- As there is a convenience store (Morrisons Daily) set to also be developed alongside the PFS, it would be expected that the Land Use 13-B (Petrol Filling Station with Retail) is used to account for all potential trips associated with the proposed development. Trip rates for the PFS should be revisited to also consider the trip generation of the convenience store.
- The LINSIG model should be provided to National Highways to enable it to be audited. The model should also be validated using the queue surveys which have been undertaken.

National Highways therefore requests that **no decision is made relating to this application until 30th March 2023** to ensure that the impacts that the proposed development may have on M56 Junction 12 are correctly understood, and amendments are made to the proposed signage.

Where the decision-making authority or the applicant does not agree to the imposition of the conditions as recommended above, then it is the formal recommendation of National Highways that the application be refused. Should the decision-making authority disagree with this recommendation, then it must consult the Secretary of State for Transport via transportplanning@dft.gov.uk prior to issuing any decision, in accordance with The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018

Standing advice relating to Carbon

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework (NPPF) supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the *build clever and build efficiently* criteria as set out in clause 6.1.4 of [PAS2080](#) (Carbon Management in Infrastructure) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

This response represents our formal recommendation with regard to planning application 23/00018/FUL and has been prepared by Benjamin Laverick, the Assistant Asset Manager for Cheshire and Merseyside within National Highways.



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Alan Shepherd
Operations Directorate
North West Region
National Highways
PlanningNW@nationalhighways.co.uk

To: Halton Borough Council FAO: Jeff Eaton

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 23/00018/FUL

National Highways Ref: 97357

Location: The Woodyard, Weaver View, Clifton, Runcorn WA7 4XU

Proposal: Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2-sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive-thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works


Referring to the consultation on a planning application dated 19th January 2023 referenced above, in the vicinity of the M56 Junction 12 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) ~~recommend that conditions should be attached to any planning permission that may be granted (see Annex A — National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 3 July 2023
Name: Adam Johnson	Position: Spatial Planner
National Highways 8th Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD	

¹ Where relevant, further information will be provided within Annex A.

Annex A ~~**National Highways recommended Planning Conditions /**~~
~~**National Highways recommended further assessment required /**~~
~~**National Highways recommended Refusal**~~

NATIONAL HIGHWAYS (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Since our last response we have received further details from the applicant regarding the traffic impact of the proposals. Our consultants at WSP have reviewed this on our behalf and there are still outstanding matters to be addressed. Details can be found in the report sent along with this response.

National Highways therefore requests that **no decision is made relating to this application until 29th September 2023** to ensure that the impacts that the proposed development may have on M56 Junction 12 are correctly understood, and amendments are made to the proposed signage.

Where the decision-making authority or the applicant does not agree to the imposition of the conditions as recommended above, then it is the formal recommendation of National Highways that the application be refused. Should the decision-making authority disagree with this recommendation, then it must consult the Secretary of State for Transport via transportplanning@dft.gov.uk prior to issuing any decision, in accordance with The Town and Country Planning (Development Affecting Trunk Roads) Direction 2018

Standing advice relating to Carbon

The Climate Change Committee’s [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework (NPPF) supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the *build clever and build efficiently* criteria as set out in clause 6.1.4 of [PAS2080](#) (Carbon Management in Infrastructure) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

This response represents our formal recommendation with regard to planning application 23/00018/FUL and has been prepared by Adam Johnson, the Spatial Planner for Cheshire, Merseyside and Greater Manchester.



TECHNICAL NOTE 1

DATE:	28 June 2023	CONFIDENTIALITY:	Confidential
SUBJECT:	McDonalds and Petrol Filling Station – Weaver View		
PROJECT:	NW XX	AUTHOR:	LJB
CHECKED:	NMcK	APPROVED:	NMcK

INTRODUCTION

Preamble

National Highways have been appointed by the Secretary of State as a strategic highway company under the provisions of the Infrastructure Act 2015. National Highways is responsible for operating, maintaining, and improving the Strategic Road Network (SRN) in England, in accordance with the License issued by the Secretary of State for Transport (April 2015) and Government policies and objectives.

National Highways' approach to engaging with the planning system is governed by the advice set out in:

The Strategic Road Network: Planning for the Future – A guide to working with National Highways on Planning Matters (2015)

The document is written in the context of statutory responsibilities as set out in National Highways' License, and in light of Government policy and regulation, including the:

- National Planning Policy Framework (NPPF);
- Town and Country Planning Development Management (Procedure) Order (England) 2015 (DMPO); and
- DfT Circular 01/2022 The Strategic Road Network and the Delivery of Sustainable Development (“the circular”).

As a statutory consultee in the planning system; National Highways have a regulatory duty to co-operate. Consequently, National Highways are obliged to consider all proposals received and to provide appropriate, timely and substantive responses.

National Highways' desire to be a proactive planning partner goes beyond the statutory role, but follows the spirit of the license which stipulates that National Highways should:

“Support local and national economic growth and regeneration”

Task Overview

ADL Traffic and Highways Engineering (ADL) have been appointed by the developer, Impero (Development Management) Ltd, to prepare a Transport Assessment (TA) in support of the planning application (Reference: 23/00018/FUL) for the redevelopment of land at Weaver View, Runcorn. The planning application proposes a McDonald's restaurant with drive thru facilities and a Petrol Filling Station (PFS) with a convenience store and rapid Electric Vehicle (EV) chargers.

National Highways were first consulted by Halton Borough Council (HBC) in January 2023. WSP reviewed the TA on behalf of National Highways who in turn advised that a holding recommendation was put in place until 6th July 2023 to ensure that the impacts of the proposed development may have on the M56 Junction 12 are understood and amendments to the proposed signage are made.



TECHNICAL NOTE 1

DATE:	28 June 2023	CONFIDENTIALITY:	Confidential
SUBJECT:	McDonalds and Petrol Filling Station – Weaver View		
PROJECT:	NW XX	AUTHOR:	LJB
CHECKED:	NMcK	APPROVED:	NMcK

Subsequently, HBC have reconsulted National Highways as ADL have provided a reviewed TA. National Highways again have requested WSP through their role on the Spatial Planning Framework (SPF) to review the advised TA to ensure a suitable approach has been taken to assess the potential impacts of the proposed development on the SRN and to assess if the amendments to the signage have been made.

PREVIOUS COMMENTS

In the previous review, the following comments were raised to ADL which are contained in Table 1 alongside their current status.

Detailed comment for those required are provided in the following section of this note.

Table 1 Comment Status

WSP Comment	ADL Response	Comment Status
<p>As the development proposals differ in the proposed use for the site, the site is not considered to be allocated. Therefore, a full transport assessment should be undertaken in support of the planning application.</p>	<p>An updated transport assessment has been provided.</p>	<p>Comment resolved.</p>
<p>There is no reference made to the Department for Transport Circular 01/2022 or National Highways' 'Strategic Road Network: Planning for the Future' within the policy review.</p> <p>It is recommended that ADL should use these documents for guidance when preparing a TA for a proposed development that could have an impact on the SRN.</p>	<p>Addressed in Section 10.4 and 10.5</p>	<p>Comment resolved.</p>



TECHNICAL NOTE 1

DATE:	28 June 2023	CONFIDENTIALITY:	Confidential
SUBJECT:	McDonalds and Petrol Filling Station – Weaver View		
PROJECT:	NW XX	AUTHOR:	LJB
CHECKED:	NMcK	APPROVED:	NMcK

WSP Comment	ADL Response	Comment Status
To ensure a robust assessment, it is requested that the base traffic survey data is uplifted.	Addressed in Section 7.1 – ADL have not adjusted the surveys as based on their analysis the difference in the surveyed flows and DfT count points they have obtained for Weston Point Expressway is ‘daily variation’ and therefore it isn’t considered necessary to use an adjustment factor.	Detailed response provided below. Comment unresolved.
It is requested that the collision data analysis study area is extended to include the full extent of the slip roads at the M56 J12.	Addressed in Section 2.3. ADL have reviewed PIC data obtained from HBC since June 2016 (when the Weaver Roundabout upgrades were completed) up and to the present day (excluding the COVID period between 01 st March 2020 and September 2021). Six collisions were recorded at Rocksavage roundabout (5 slight, 1 severe). Analysis shows a mixture of causalities underpinning the collisions and no apparent highway safety issues with the operation of the roundabout.	WSP accept ADL’s PIC review. Comment resolved.
Whilst access will be provided from the Local Road Network, the existing access junction – which is proposed to be used to access the new development – is approximately 80m from	No response provided	In the absence of a response from ADL – WSP have reviewed the PICADY outputs which show a max queue of 1 PCU during the 2030 Weekday PM peak and



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WSP Comment	ADL Response	Comment Status
Rocksavage Roundabout. As the roundabout provides access to the on and off-slips of the M56 eastbound, the applicant must ensure that traffic waiting to enter the site does not block back to the roundabout.		Saturday peak on the Weaver View (Right in) arm. Given the predicted queue length it is unlikely that blocking back to the SRN junction will arise. Comment resolved.
Parking is a matter for the Local Planning Authority, and should be designed in accordance with local parking design standards.	No response elicited.	Comment resolved.
ADL propose alterations to signs at Rocksavage Roundabout, including on the M56 off-slip. Any alterations to signage on the SRN should be agreed to and approved by National Highways (Roadside Facilities Team). WSP note that the location, size of signs may need to be adjusted and therefore will require a detailed review. The lane destination markings may also require amendments, these are missing from the above plan. As it is proposed for the development site to be labelled ‘Services’ on both the SRN and Local Road Network signage,	Addressed in Section 10.4. Signage is not proposed from the M56 main carriageway only from the Rocksavage roundabout. This is considered necessary for highway safety reasons to direct customers around the roundabout to the local service facility and inform the HGV drivers that no access to the services is available.	Detailed response provided below. Comment unresolved.



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WSP Comment	ADL Response	Comment Status
the proposed development must meet the minimum requirements set out in Annex A: Table 1 of the DfT Circular (01/2022) to be eligible for signing from the SRN. WSP request further details on the classification of the proposed development.		
WSP have undertaken an independent check of the traffic growth factors, using TEMPro and the NTM AF15 dataset. Following this, the traffic growth factors used are deemed to be robust and suitable for use in this assessment.	No response elicited.	Comment resolved.
ADL should consult HBC as to whether any committed developments should be considered in the assessment. Confirmation of this should be provided to National Highways.	None identified	For completeness, confirmation should still be provided to confirm such liaison with HBC has been undertaken. Comment unresolved.
WSP have undertaken an independent check of the trip rates derived from the TRICS database. Upon review, the trip rates ADL have derived for the Weekday AM and PM Peak are	No response elicited.	Comment resolved.



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WSP Comment	ADL Response	Comment Status
<p>considered to be robust for the purpose of comparison. Furthermore, as the proposed trip generation is higher than this, the trip generation is considered to be reasonable for use in this application. However, the TRICS trip rate for the Saturday Peak is considered to be low. It is noted that one of the surveys used for this scenario was undertaken on a Tuesday, which may impact the trip rate for this time period.</p> <p>Notwithstanding this, WSP have undertaken an independent check of the higher trip rates which were derived in their analysis, and the resulting trip generation is still marginally lower than the ADL trip rates. Therefore, they are accepted on account of this independent check.</p>		
<p>WSP have also used TRICS to derive an independent trip rate for the PFS. As there is a convenience store (Morrisons Daily) set to also be developed alongside the PFS, it would be expected that the Land Use 13-B (Petrol Filling Station with</p>	<p>Addressed in Section 5.1. Trip rates have been updated for the PFS with Retail.</p>	<p>WSP have reviewed the revised PFS trip rates provided by ADL.</p> <p>WSP accept the proposed trip rates to be acceptable in this instance.</p> <p>Comment resolved.</p>



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WSP Comment	ADL Response	Comment Status
Retail) is used to account for all potential trips associated with the proposed development. It is requested that the trip rates for the PFS are revisited to also account for the trips that will be generated by the convenience store.		
WSP have reviewed the locations of the PFS surrounding the site, particularly in Runcorn. As there are other PFS sites in closer proximity to these residential areas, it is deemed to be suitable to make this assumption on the distribution of trips to and from the PFS at the proposed development.	No response elicited	Comment resolved.
The trip distribution proposes that no additional development trips are proposed to use the SRN. However, as the diverted trips will increase the flow of traffic on the eastbound slip roads, further capacity modelling should be undertaken to ensure the proposed development will not have a detrimental impact on the operation of the junction.	ADL have produced and carried out an assessment of the Rocksavage roundabout using LinSig.	Detailed response provided below. Comment unresolved.



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WSP Comment	ADL Response	Comment Status
As the site access junction is located on the Local Road Network, it should be designed to comply with the standards of the Local Highways Authority.	No further response elicited.	Comment resolved.
<p>It is requested that ADL provide the LINSIG model files to National Highways to enable the model to be audited. This will enable National Highways to provide further comment on the suitability of the model.</p> <p>It is also requested that the signal specification which has been used is provided along with details on how this information has been obtained.</p> <p>As queue surveys have been undertaken at Rocksavage Roundabout, this data should be used to validate the model results. Confirmation of this validation should also be provided to National Highways.</p>	Addressed in Section 8.2. The model has been validated against the queue surveys. The results have also been compared to Halton Highway Authority Transyt model for the roundabout.	<p>Detailed response provided below.</p> <p>Comment unresolved.</p>
National Highways would welcome the production of a Travel Plan.	No Travel Plan provided. ADL state that a Travel Plan could be secured by condition if required.	<p>It is requested that a Travel Plan is secured via condition.</p> <p>Comment requires action.</p>



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WSP Comment	ADL Response	Comment Status

OUTSTANDING COMMENTS

BASELINE TRAFFIC SURVEY DATA

Within the initial review WSP requested that ADL uplifted the base traffic survey data as an analysis of the survey compared with WebTRIS showed that the flows for the non-neutral day (Friday) were lower than those recorded on WebTRIS for the non-neutral weekdays of the same week.

Within ADL’s response, in Section 7.1, ADL outline their rationale for not uplifting the base traffic surveys. ADL state that they have obtained DfT traffic data for the Weston Point Expressway for a Thursday which they have compared their surveyed Friday flows, shown in Table 2.

Table 2 ADL Comparison of Thursday (DfT Count Data) and Friday (Surveyed) Flows

	Am Peak		Pm Peak	
	02/09/21 Thursday	03/03/22 Friday	02/09/21 Thursday	03/03/22 Friday
2021	3509		3696	
2022		3579		3621

ADL analysis of the flows shown in Table 2 concludes that the recorded flows are similar and that the differences can be expected based on the +/-5% daily variation. Therefore they determine that no adjustment factor is required.

WSP Comment

Detail is not provided on where on the Weston Point Expressway the DfT count point is located whereas the location of the WebTRIS site (7269/1) data was obtained from for WSP’s previous review is noted to be in the same located to that surveyed (M56 eastbound off-slip).

Notwithstanding this information, WSP do not accept the analysis nor conclusion provided by ADL in regards to the base survey data being representative of typical flows. WSP maintain the stance that the base traffic surveys require uplifting as they were undertaken on a non-neutral day and the WebTRIS comparison exercise in the previous response provided by WSP highlighting the variation in the flows for the M56 off-slip between the non-neutral weekdays and the surveyed Friday which exceeded anything that could be attributed to ‘daily variation’.



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WSP therefore request the base traffic survey flows are updated, and these updated flows are used to re-run the LinSig model for the Rocksavage Roundabout.

SITE ACCESS JUNCTION – QUEUEING

Within WSP's previous review it was requested that

Whilst access will be provided from the Local Road Network, the existing access junction – which is proposed to be used to access the new development – is approximately 80m from Rocksavage Roundabout. As the roundabout provides access to the on and off-slips of the M56 eastbound, the applicant must ensure that traffic waiting to enter the site does not block back to the roundabout.

Within the revised TA, no direct response has been provided to this comment.

WSP Comment

In the absence of a response from ADL, WSP have reviewed the PICADY outputs which show a max queue of 1 PCU during the 2030 Weekday PM peak and Saturday peak on the Weaver View (Right in) arm.

This forecast level of queueing is unlikely to result in queueing back to the Rocksavage Roundabout.

SIGNAGE

Within Section 10.4 ADL note that they have provided a response to the comment made by WSP in the previous review regarding signage.

In response to this, ADL list that:

- The development is for a services facility to primarily serve local traffic
- There is no access proposed from the SRN
- The site is accessible by non car modes
- EV charging is proposed to be provided
- The proposal does not provide for HGV or parking for larger vehicles due to the scale and level of the development
- The proposals comply with the mandatory requirements for all purpose trunk roads (APTR)s in terms of operation
 - o Be open 8am-8pm apart from Christmas day boxing day and new years day
 - o Provide free parking for a minimum of two hours for all vehicles permitted to use the services
 - o Have CCTV and appropriate lighting



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- Provide free to use toilets and a disabled toilet
- Provide fuel facilities for petrol, diesel and electric vehicles
- Provide hot drinks and food for sale between 8am-8pm for consumption on the site
- Provide free wi-fi at McDonalds

In regard to signage directly, ADL state that:

- It is not proposed the development is signed from the M56 main carriageway
- Signage is proposed to be provided on the approach from M56 off-slip
- Signage is proposed to be provided on Rocksavage roundabout to direct customers around the roundabout and inform HGV drivers there is no access to the services

Furthermore, ADL note that the above proposals accord with DfT Circular 01/2022.

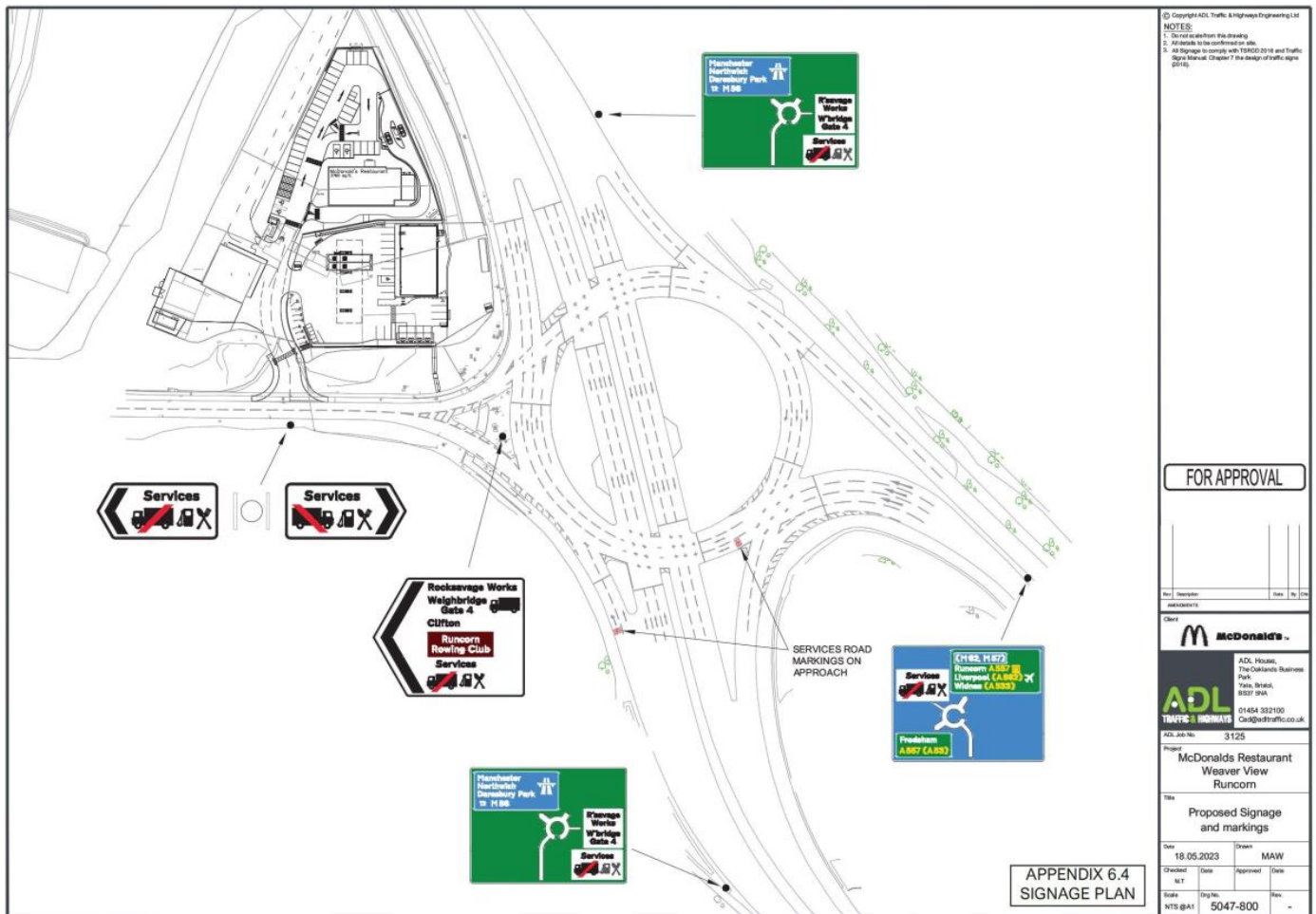
Within Appendix 6.5 of the TA, the following plan (Figure 1) is provided showing the proposed changes to signs and lines in the vicinity of the site.



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Figure 1 Signs and Lines Plan



WSP Comment

As shown in Figure 1 there are proposed changes to advance direction signs which are on or the SRN or will affect the SRN. The signs, in particular those on the off-slips show the proposed PFS and a 'services'. Given this, it is requested that ADL have liaison with National Highways' Roadside Facilities Team to discuss and agree a proposed signage strategy which accords with the relevant policies (DfT Circular 01/2022, DMRB and TSRGD).

It is also noted in Figure 1 that there are proposed changes to road marking on the Rocksavage Roundabout. It is requested that ADL confirm with National Highways' Third Party Works team that the proposed road marking changes are appropriate and will not impede on the safe operation of the junction.



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Confirmation should therefore be provided that ADL have liaised with National Highways' Roadside Facilities Team and National Highways' Third Party Works team respectively.

COMMITTED DEVELOPMENTS

In the previous comments issued to ADL it was requested that ADL liaise with HBC to ascertain if any committed development should be include within the traffic assessments.

Within ADL's response it is noted that no committed developments have been identified – however no details of any correspondence with HBC are provided.

WSP Comment

For completeness, confirmation should still be provided to confirm such liaison with HBC has been undertaken.

PFS (WITH RETAIL) TRIP RATES

As requested, ADL have revisited the trip rates and generation exercise for the petrol filling station of the development to ensure the trip rates derived incorporate a retail element to the petrol filling station.

WSP Comment

WSP have reviewed the revised PFS trip rates provided by ADL and WSP accept the proposed trip rates to be acceptable in this instance.

LinSig Review

As requested in the previous review, ADL has provided the LinSig model file and signal controller specifications of Rocksavage Roundabout to WSP to audit. The model has been developed for the following 15 scenarios:

- 2022 Surveyed AM
- 2022 Surveyed PM
- 2022 Surveyed Saturday
- 2023 Base AM
- 2023 Base PM
- 2023 Base Saturday
- 2023 Total AM
- 2023 Total PM
- 2023 Total Saturday
- 2030 Base AM
- 2030 Base PM
- 2030 Base Saturday
- 2030 Total AM
- 2030 Total PM
- 2030 Total Saturday.



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SIGNAL CONTROL

The Rocksavage Roundabout consists of two signal controllers: south and north. WSP have audited the coded signal control in comparison with the provided signal specifications.

WSP Comment

The modelled phasing, staging and intergreens appear consistent with information provided within the signal specifications. However, modelled average green times exceed the maximum green times stated in the signal specifications for both the north and south controllers. For example:

- South controller – Phase A maximum green time is 20/30 seconds depending on the plan used. The 2023 Base AM runs Phase A for 38 seconds.
- South controller – Phase F maximum green time is 20/30 seconds depending on the plan used. The 2023 Base AM runs Phase F for 39 seconds.
- North controller – Phase B maximum green time is 20/30 seconds depending on the plan used. The 2023 Base AM runs Phase B for 38 seconds.
- North controller – Phase I maximum green time is 30/40 seconds depending on the plan used. The 2023 Base PM runs Phase I for 49 seconds.

Therefore, the signal timings are not considered representative of existing conditions since they exceed the maximum green times within the signal controller. WSP request the green times are reduced below the maximum greens stated within the signal specifications by reducing the cycle time for each scenario.

SATURATION FLOW

ADL have also provided a plan showing the geometry of Rocksavage Roundabout. These geometries have been used to estimate the saturation flow of the roundabout using RR67.

WSP Comment

RR67 should not be used to estimate the saturation flow for roundabout circulatory lanes due to the short distances between stop lines. Therefore, WSP recommend a consistent saturation flow of 1900 PCU/hr is reasonable for the roundabout circulatory lanes. This is also broadly consistent with the lowest saturation flow across the roundabout circulatory (lane 15/1).

MODEL SOFTWARE

The assessment of the development impact to Rocksavage Roundabout has been completed using LinSig. The model consists of entry and exit arms to the roundabout, circulatory lanes and the A557 cut-through. The A557 southbound merges to two lanes south of the junction and there is a roundabout approximately 350m downstream connecting to the M56 Junction 12 westbound slip roads.

WSP Comment



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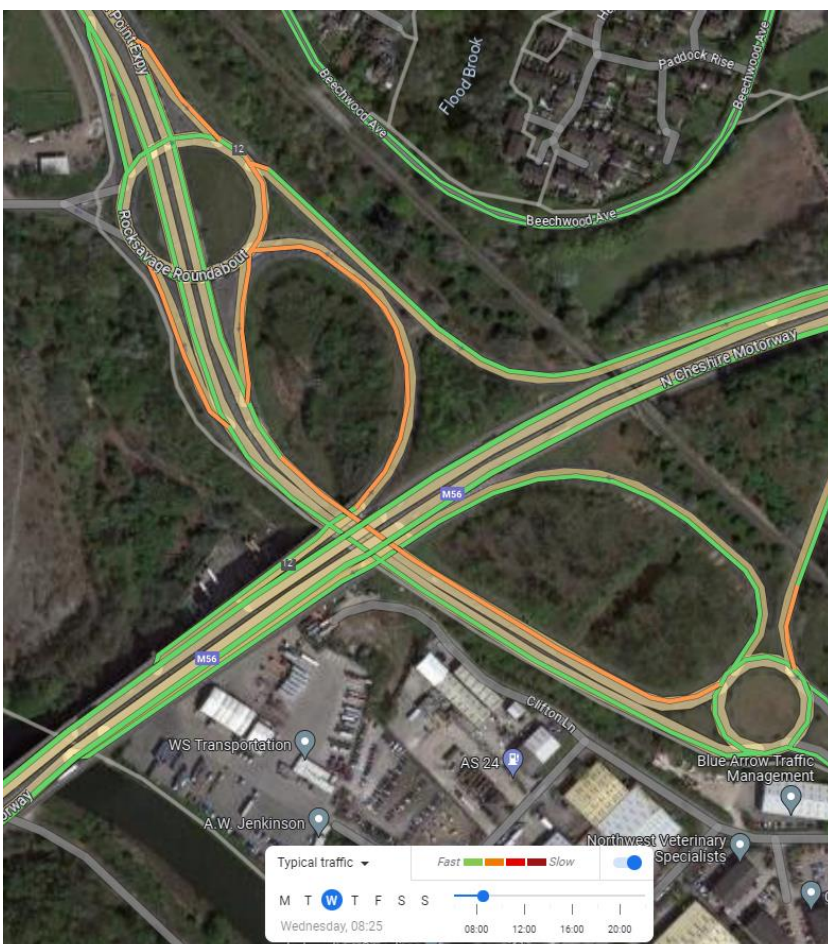
Google traffic shows slow moving traffic on the A557 southbound between Rocksavage Roundabout and the A557 / M56 Junction 12 westbound slip roads, as shown in Figure 2. The following factors on this section of the A557 southbound may impact the operation of Rocksavage Roundabout but are not reflected within the LinSig model:

- The merge to two lanes on the southbound exit from Rocksavage Roundabout
- Queueing on the A557 southbound from the A557 / M56 Junction 12 westbound slip roads roundabout blocking back to Rocksavage Roundabout
- Weaving movements on the A557 southbound between Rocksavage Roundabout and the A557 / M56 Junction 12 westbound slip roads roundabout.

Based on the listed factors, WSP notes that the LinSig model may overestimate the capacity of the junction.

Given the comments provided by WSP on the model, it is requested that ADL confirm what they have undertaken to ensure the assessment is representative of network conditions.

Figure 2 – Google typical traffic A557 southbound, south of Rocksavage Roundabout





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QUEUE VALIDATION

ADL state within the TA “the model has been validated against surveyed queues”. The comparison of surveyed and modelled queues are shown in Figure 3. The queue surveys recorded the queue present, by lane, on each approach to the junction each time the light at each stop line turned to green. LinSig models an average cycle, therefore, the modelled Mean Max Queue (MMQ) is broadly comparable with the surveyed average queue during each peak.

Figure 3 – Surveyed and modelled queues

Table 8B LINSIG Validation: Rocksavage Roundabout

Stop Line	Lane	AM Peak				PM Peak				Saturday Peak			
		Min	Max	Ave	Mod	Min	Max	Ave	Mod	Min	Max	Ave	Mod
1	1	7	34	16	13	7	40	24	13	3	15	9	8
	2	3	17	9	14	6	34	18	14	4	15	8	9
	3	1	17	8	14	3	30	15	14	0	11	4	9
2	1	1	8	4	4	1	8	3	2	1	4	2	1
	2	0	7	2	5	0	5	1	3	0	2	1	2
3	1	0	0	0	0	0	0	0	0	0	0	0	0
	2	0	0	0	0	0	0	0	0	0	0	0	0
	3	0	0	0	0	0	0	0	0	0	0	0	0
4	1	0	7	0	2	3	11	7	2	0	3	0	1
	2	0	5	0	2	3	13	4	2	0	1	0	1
	3	0	7	0	2	0	6	1	2	0	0	0	1
5	1	0	1	0	0	0	2	0	0	0	2	0	1
	2	0	1	0	0	0	1	0	0	0	2	0	0
	3	0	0	0	0	0	1	0	0	0	0	0	0
6	1	0	9	0	9	0	5	2	10	0	6	1	5
	2	4	15	5	9	5	17	11	10	1	11	5	6
	3	1	17	4	9	4	17	12	10	1	9	4	6
	4	0	7	1	8	1	9	5	9	0	4	1	4
7	1	0	2	0	2	0	2	0	2	0	2	0	1
	2	0	0	0	2	0	1	0	2	0	0	0	1
	3	0	0	0	2	0	1	0	2	0	1	0	1
8	1	0	1	0	1	0	2	0	1	0	2	1	2
	2	0	1	0	1	0	1	0	2	0	2	0	1
9	1	0	2	0	5	0	7	4	5	0	2	0	1
	2	0	0	0	1	0	5	2	1	0	1	0	1
	3	0	0	0	1	0	6	1	1	0	0	0	1
10	1	0	6	0	4	0	6	3	3	0	6	2	2
	2	0	8	0	4	0	8	2	4	0	5	2	3
	3	0	4	0	4	0	4	1	3	0	3	1	3
11	1	0	2	0	0	0	1	0	0	0	1	0	0
	2	0	6	1	5	1	5	2	2	0	5	1	2
12	1	0	1	0	0	0	1	0	0	0	1	0	0
	2	0	1	0	0	0	2	1	0	0	1	0	0
	3	0	1	0	0	0	0	0	0	0	1	0	0
13	1	0	3	0	2	0	3	1	1	0	2	0	1
	2	0	0	0	2	0	1	0	1	0	2	0	1
	3	0	2	0	7	0	1	0	4	0	2	0	3
	4	1	9	0	0	0	8	4	0	1	6	3	0
14	1	0	1	0	0	0	1	0	0	0	2	0	1
	2	0	1	0	0	0	1	0	0	0	4	1	1
15	1	0	2	0	2	0	1	0	1	0	2	1	2
	2	0	2	0	3	0	1	0	2	0	3	1	2
16	1	0	2	0	4	0	3	1	4	0	4	0	2
	2	0	2	0	4	0	1	0	5	0	1	0	3
	3	0	1	0	4	0	0	0	4	0	1	0	2
17	1	0	0	0	0	0	0	0	0	0	0	0	0
	2	0	0	0	0	0	0	0	0	0	0	0	0
	3	0	0	0	0	0	0	0	0	0	0	0	0



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WSP Comment

WSP request clarification as to whether the surveyed queues are presented as the number of vehicles or PCUs. Paragraph 7.2.7 references the queue results as the number of vehicles whilst LinSig provides the MMQ in PCUs. The queue comparison should be provided using consistent units.

No analysis of the queue comparison has been provided in regards to how well the surveyed queues match modelled queues. WSP note the surveyed queues at stop line one in the evening peak are higher than modelled. The surveyed queues also suggest uneven lane usage on this approach with higher queues in lane one, whilst modelled queues are broadly similar by lane.

Travel Plan

No Travel Plan has been provided.

WSP Comment

It is requested that a Travel Plan is secured via condition.

SUMMARY AND CONCLUSION

As outlined in this note, as summarised in Table 1, there are outstanding comments which require action from ADL in order for WSP to be able to advise National Highways on the proposed impact of the development on the safe and sustainable operation of the SRN.

It is requested that National Highways extend the holding recommendation to allow ADL time to provide clarification on the outstanding matters.



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Amy Williams
Operations Directorate
North West Region
National Highways
PlanningNW@nationalhighways.co.uk

To: Halton Borough Council FAO: Jeff Eaton

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 23/00018/FUL

National Highways Ref: 97357

Location: The Woodyard, Weaver View, Clifton, Runcorn WA7 4XU

Proposal: Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2-sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive-thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works

Referring to the consultation on a planning application dated 19th January 2023 referenced above, in the vicinity of the M56 Junction 12 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is / is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: 	Date: 2 nd August 2023
Name: Benjamin Laverick	Position: Assistant Spatial Planner
National Highways 8th Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD	

¹ Where relevant, further information will be provided within Annex A.

Annex A ~~National Highways recommended Planning Conditions /
National Highways recommended further assessment required /
National Highways recommended Refusal~~

National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework (NPPF) supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the *build clever and build efficiently* criteria as set out in clause 6.1.4 of [PAS2080](#) (Carbon Management in Infrastructure) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Merseyside Environmental Advisory Service
The Barn, Court Hey Park
Roby Road, Huyton, L16 3NA
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Nicola Hayes
Email: measdconsultations@sefton.gov.uk

DEVELOPMENT MANAGEMENT ADVICE

To: Jeff Eaton
Organisation: Development Control Division, Halton Council

Your Ref: 23/00018/FUL
File Ref: HA22-064
W/P Ref: eDM Folder
Date: 20th February 2023

From: Nicola Hayes
Contaminated Land Principal Officer

**Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works
The Woodyard Weaver View Clifton Runcorn WA7 4XU**

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. The proposals comprise **Filling Station and fast food restaurant**.
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs **3 to 12**, while Part Two comprises paragraphs **13 to 16**.



Part One

Ecology

3. The applicant has submitted an ecology report in accordance with Local Plan Policy HE1 (*Arbor Vitae Environment Ltd. January 2023. Preliminary Ecological Appraisal. Weaver View, Runcorn*) which meets BS 42020:2013.

Bats

4. The report states that no evidence of bat use or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Breeding birds

5. Trees and other vegetation on site may provide nesting opportunities for breeding birds, which are protected, and - Local Plan Policy HE1 applies. The following planning condition is required.

CONDITION

No tree felling, scrub clearance, hedgerow removal, or vegetation management, is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Bird nesting boxes

6. The proposed development will result in the loss of bird breeding habitat and Local Plan Policy HE1 applies. To mitigate for this loss, details of bird nesting boxes (e.g., number, type, and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required.

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type, and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

Local Sites

7. The proposals are close to the following designated site and Local Plan Policy HE1 applies:
- Clough Lagoon LWS
8. The proposals may have a direct or indirect adverse effect on the features for which the site has been designated. I advise the following:
- Provision of a condition protecting this Clough Lagoon LWS from any construction dust, or construction related leaks, spills, run-off, or any other pollution incidents.

Sustainability

Waste Planning Policy

9. The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition. The details required within the waste audit or similar mechanism is provided in Part Two.

10. The applicant has provided sufficient information to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). The Proposed Site Plan can be secured as an Approved Drawing by a suitably worded planning condition.

Low Carbon Development

11. In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level. The proposed development should consider the use of low carbon and/or renewable energy in line with Core Strategy Local Plan policy CS19: (Sustainable Development and Climate Change) and Policy GR5 (Renewable and Low Carbon Energy).

Mineral Safeguarding

12. The site lies within a Mineral Safeguarding Area as defined Local Plan Policies Map, Delivery and Allocations Local Plan, Adopted 2nd March 2022. The applicant has submitted a Mineral Assessment (Dudleys Consulting Engineers, Dated 30th September 2022, Ref: 21051. Sufficient information has been provided to comply with HE10: *Minerals Allocations (Mineral Safeguarding Areas)*.

Part Two

Bats

13. **The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.**

Biodiversity Net Gains

14. The applicant should be aware that the Environment Act has now been enacted into law and there will be a mandatory requirement for all development to provide a

minimum of 10% Biodiversity Net Gain provision from autumn 2023. Depending on timescales, this development may be required to provide biodiversity net gain. Further information is available at [World-leading Environment Act becomes law - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/world-leading-environment-act-becomes-law)

15. MEAS has recently published an Information Note on Biodiversity Net Gain and its implementation within the Liverpool City Region. It includes details on the level of information that should be provided with planning applications prior to Biodiversity Net Gain becoming mandatory in November 2023. It can be found on the MEAS website at <http://www.meas.org.uk/1417>

Waste Planning Policy

16. A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Information to comply with policy WM8 could be integrated into a Construction Environment Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
- <https://www.gov.uk/guidance/waste>
- <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



Nicola Hayes

Contaminated Land Principal Officer

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



Jeff Eaton

From: Jeff Eaton
Sent: 10 July 2023 10:09
To: Dev Control
Subject: FW: 23/00018/FUL - The Woodyard, Weaver View, Clifton, Runcorn. MEAS Response - Amended Plans

Categories: Alan

Please add to Uniform and CSD.

Thanks,

Jeff.

From: Pamela Swallow <Pamela.Swallow@sefton.gov.uk>
Sent: 10 July 2023 09:25
To: Jeff Eaton <Jeff.Eaton@halton.gov.uk>
Cc: Nicola Hayes <Nicola.Hayes@eas.sefton.gov.uk>
Subject: 23/00018/FUL - The Woodyard, Weaver View, Clifton, Runcorn. MEAS Response - Amended Plans

Dear Jeff

MEAS have reviewed the amended plans and these changes have no impact on previous comments relating to ecology, waste, or low carbon made in the MEAS response dated 20/02/2023.

I can also confirm that the email response provided by the applicant is acknowledged and welcomed.

If you need any further information please do not hesitate to contact me or Nicola.

Kind regards

Pamela Swallow MCIEEM
Ecologist

Merseyside Environmental Advisory Service

The Barn
Court Hey Park
Roby Road
Huyton
L16 3NA

General Enquiries: 0151 934 4951

www.meas.org.uk

My working pattern is Monday - Wednesday and Friday



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Halton (B)
Halton Borough Council
Widnes
Cheshire
WA8 7QF



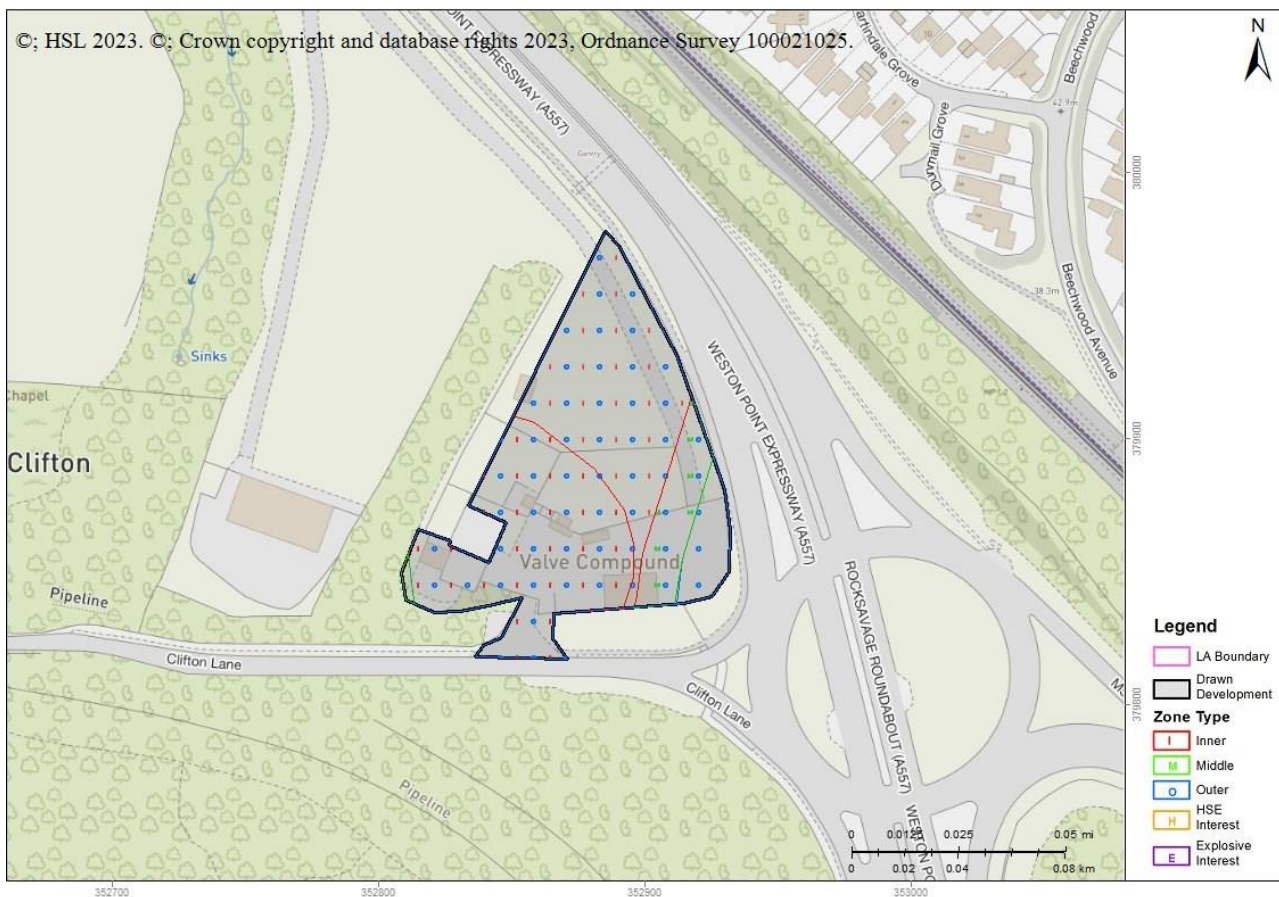
Advice : HSL-230117131551-304 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 23/00018/FUL

Development Name: The Woodyard

Comments: Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by David Halliburton at Halton (B) on 17 January 2023.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 6710_ Sabic UK Petrochemicals Ltd
- 6713_ SABIC pka ICI Chemicals & Polymers Ltd

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

Halton (B)
Halton Borough Council
Widnes
Cheshire
WA8 7QF



Decision : HSL-230117131551-304 ADVISE AGAINST

Your Ref: 23/00018/FUL

Development Name: The Woodyard

Comments: Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at

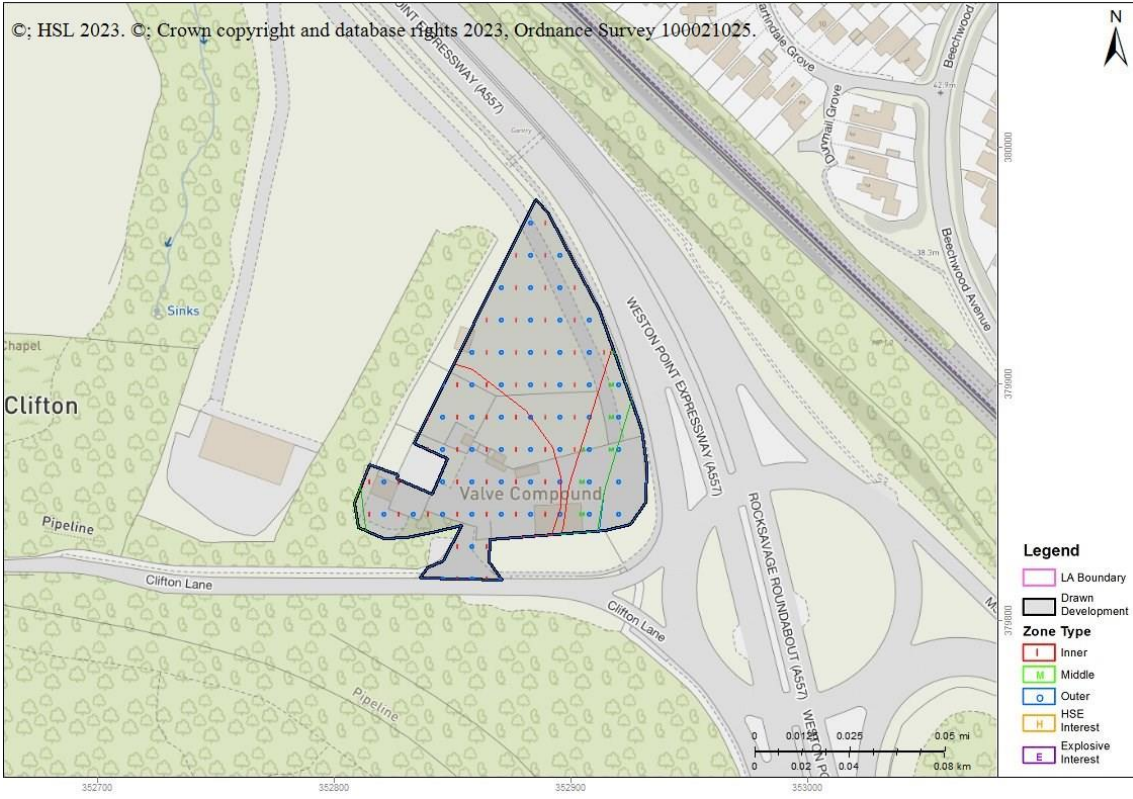
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Halton (B).

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

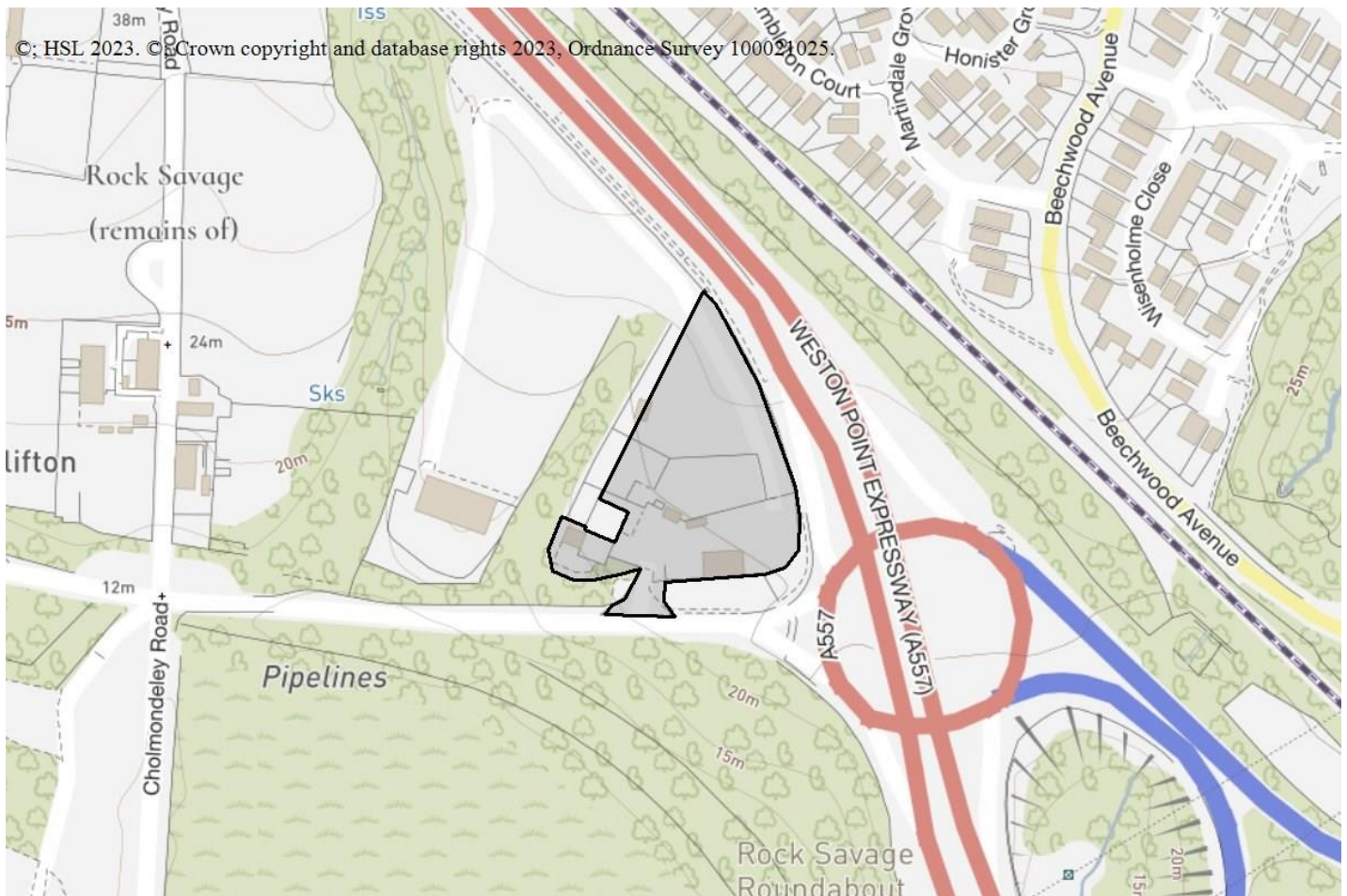
If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Levelling Up, Housing and Communities, or paragraph A5 of the National Assembly for Wales Circular 20/01. These require a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government, or Welsh Ministers, call-in the application for their own determination. The advance notice to HSE should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS or by email to lup.padhi.ci5@hse.gov.uk. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.



Breakdown:

Indoor Use By Public : Advise Against

What is the total floor space of the development (that lies partly or wholly within a consultation distance)? 250 to 5000 square metres inclusive



If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

- 6710_ Sabic UK Petrochemicals Ltd
- 6713_ SABIC pka ICI Chemicals & Polymers Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline. Please note there may be an additional charge for this work.

This advice report has been generated using information supplied by David Halliburton at Halton (B) on 17 January 2023.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk. Depending on the nature of the further discussions you may be advised that there is charge for consultancy work done on your behalf by the team.

Jeff Eaton

From: Diane Clarke <Diane.CLARKE@networkrail.co.uk>
Sent: 19 January 2023 12:50
To: Dev Control
Subject: halton 23/00018/FUL Woodyard Weaver View Clifton Runcorn filling station with ancillary convenience store

Categories: Alan

OFFICIAL

Application Number: 23/00018/FUL
Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands , canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works at The Woodyard Weaver View Clifton Runcorn WA7 4XU

Network Rail has no objections.

From

Diane Clarke
Town Planning Technician NW&C
AssocRTPI
Network Rail
Email: TownPlanningLNW@networkrail.co.uk

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Halton Borough Council
Policy & Development Services
Municipal Building
Kingsway
Widnes
WA8 7QF

Date: 30th January 2023
Our Ref: TH/HJS/1872/HAL050

FAO: Jeff Eaton – Case Officer

Dear Sir

Proposal: Filling station with ancillary convenience store (325sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349sq m GIA) (Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works

Location: The Woodyard, Weaver View, Clifton, Runcorn, Cheshire WA7 4XU

Applicant: Mr David Williams, Impero (Development Management) Ltd

Thank you for your recent planning application, Ref 23/00018/FUL.

In terms of SABIC'S Cross County Pipelines, the proposed development is located in the Inner/Middle/Outer Zones of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines (PADHI – HSE's Land Use Planning Methodology document).

We are therefore bound to object to the planning application as it stands.

The Health & Safety Executive must be consulted in order to review the proposed development.

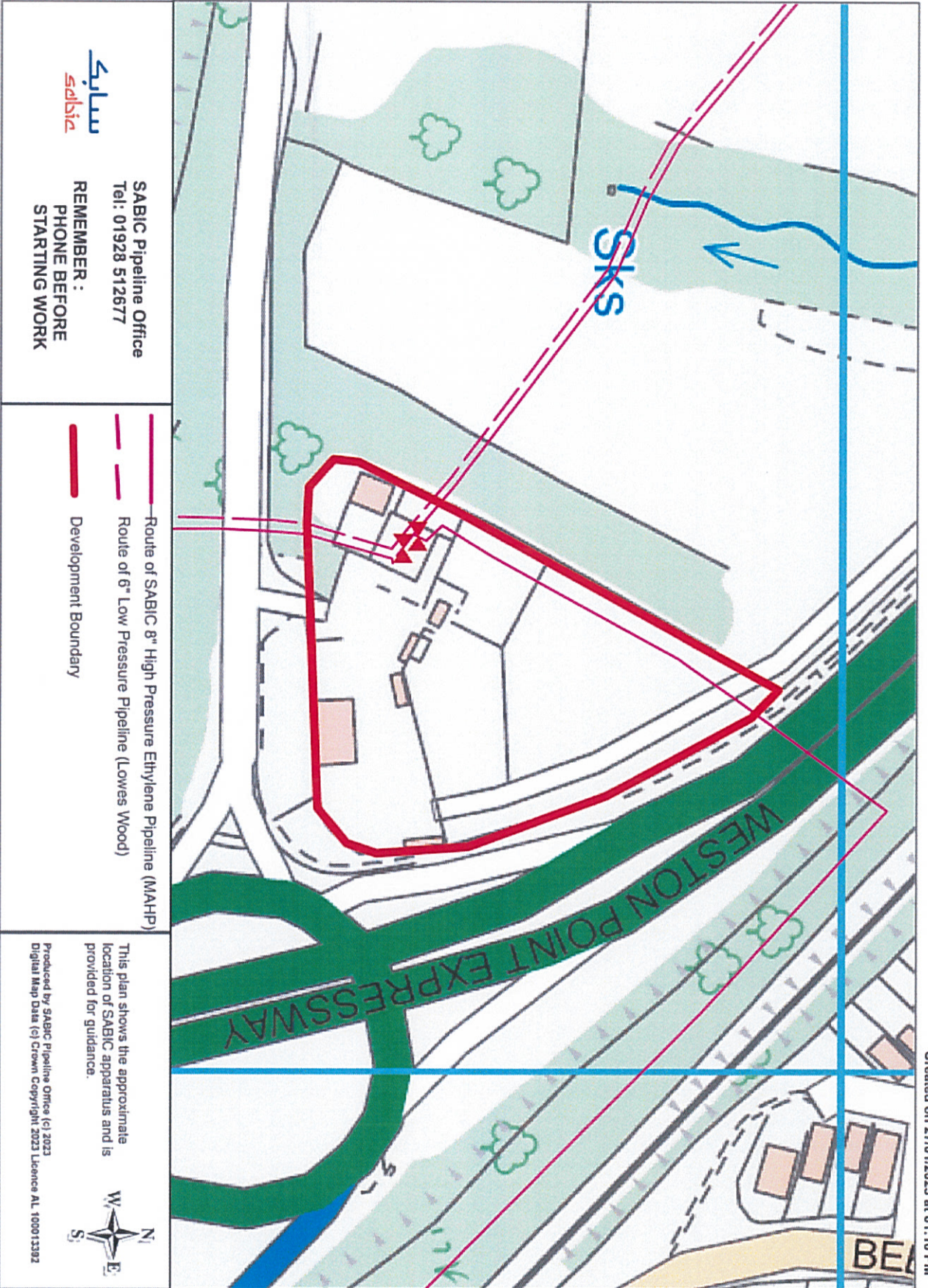
Please keep me informed on the progress of this application.

Yours faithfully

A handwritten signature in black ink, appearing to be 'THAWKESWORTH'.

Thomas Hawkesworth
CCPL North West Team Leader
SABIC UK PETROCHEMICALS LTD

SABIC UK Petrochemicals Ltd
Unit 3, Boleyn Court
Manor Park
Runcorn
Cheshire WA7 6UP
Tel: 01642 833069
Registered in England No. 3767075
Registered Office: SABIC UK Petrochemicals Ltd, Wilton Centre, Redcar, Cleveland TS10 4RF United Kingdom



SABIC Pipeline Office
 Tel: 01928 512677

REMEMBER :
 PHONE BEFORE
 STARTING WORK

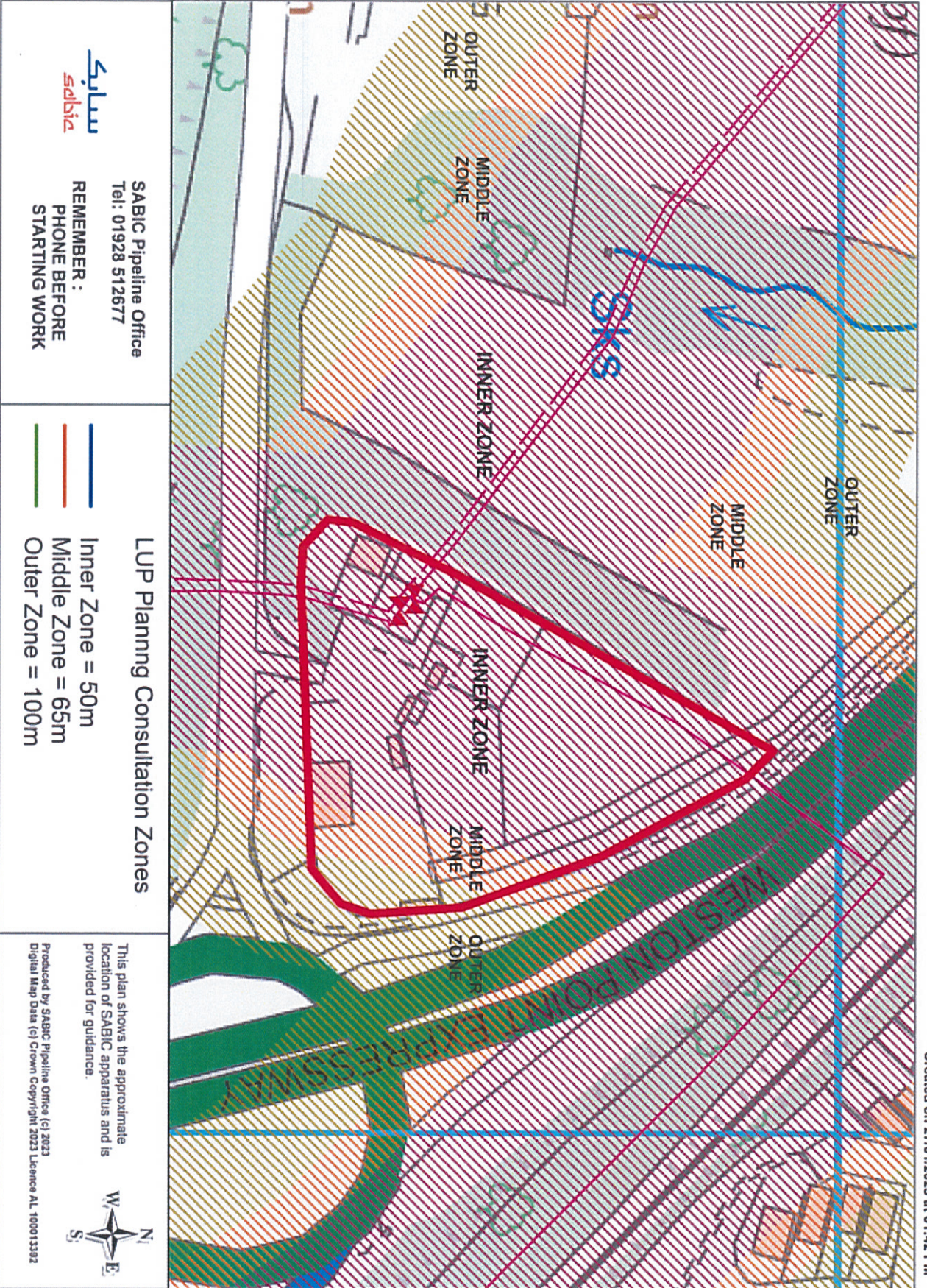
- Route of SABIC 8" High Pressure Ethylene Pipeline (MAHP)
- - - - Route of 6" Low Pressure Pipeline (Lowes Wood)
- Development Boundary

This plan shows the approximate location of SABIC apparatus and is provided for guidance.


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Created on 27/01/2023 at 01:10 PM



Created on 27/01/2023 at 01:42 PM


SABIC Pipeline Office
 Tel: 01928 512677
REMEMBER :
PHONE BEFORE
STARTING WORK

LUP Planning Consultation Zones
 Inner Zone = 50m
 Middle Zone = 65m
 Outer Zone = 100m

This plan shows the approximate location of SABIC apparatus and is provided for guidance.

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Jeff Eaton

From: Planningsouth <planningsouth@spenergynetworks.co.uk>
Sent: 24 January 2023 22:11
To: Dev Control; Planningsouth
Subject: RE: Planning Application Consultation 23/00018/FUL

Categories: Alan

Thank you for the consultation regarding the above planning application.

I have reviewed the proposals and provide comments for SP Energy Networks who operate and manage the electricity network up to 132kV on behalf of the licenced network operator, SP Manweb, for the area including the application site. In general, SP Energy Networks has 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.

The applicant must be made aware of the need to work safely around these assets or to divert them where necessary. There would need to be safe working during construction and post construction and unfettered long term access maintained. Guidance on this matter can also be found here <https://www.hse.gov.uk/pubns/priced/hsg47.pdf> and <https://www.hse.gov.uk/pubns/gs6.pdf> .

The applicant should be advised of this in an informative added to any consent and also prior to starting work on site to contact the SP Energy Networks to discuss diverting the directly affected assets <https://www.spenergynetworks.co.uk/pages/diversion.aspx> .

Regards
Steve

Internal Use

-----Original Message-----

From: dev.control@halton.gov.uk <dev.control@halton.gov.uk>
Sent: 19 January 2023 10:30
To: Planningsouth <planningsouth@spenergynetworks.co.uk>
Subject: Planning Application Consultation 23/00018/FUL

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EXTERNAL SENDER: Be cautious, especially with links and attachments. Report phishing if suspicious.
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Please see the attached Planning Application Consultation Re - The Woodyard Weaver View Clifton Runcorn WA7 4XU

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United Utilities Water Limited
Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

unitedutilities.com

Planning.Liaison@uuplc.co.uk

Halton Borough Council
By email

Your ref: 23/00018/FUL
Our ref: DC/23/252
Date: 09-MAR-23

Dear Planning Team

Location : The Woodyard Weaver View Clifton Runcorn WA7 4XU

Proposal : Proposed filling station with ancillary convenience store, forecourt with 4, 2 sided pump islands canopy, electric vehicle charging points car parking, a drive thru fast food restaurant associated car parking, new site access road, new electricity substation

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Following our review of the submitted drainage documents; Flood Risk Assessment, prepared by Dudleys, Ref: 21051 the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

If the petrol interceptor is sufficient the water should be clean and discharge to the watercourse and not to the foul sewer.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;*
- and*
- (v) Foul and surface water shall drain on separate systems.*

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, **Nicola Pilkington**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice

regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company and we would not be involved in the discharge of the management and maintenance condition in these circumstances.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

A large diameter trunk mains crosses are located within the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>.

The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Given the size and nature of the pipeline concerned, we strongly recommend that if they have not already done so, the applicant contacts our Developer Services team at the earliest opportunity for advice on determining the precise location of the pipeline and additional protection measures they must consider both during and after construction. See Contacts section below.

Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for this asset:

CONDITION

No construction shall commence until details of the means of ensuring the water main that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water main from construction activities and the impacts post completion of the development on the water main infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water main both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. *Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).*

A rising main (a public sewer operating at high pressure) crosses this site and it must not be built over. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The applicant should determine the precise location, depth and condition of the pipeline as this can influence the required stand-off distance from any structure. Further advice is available from our Developer Services team. See 'Contacts' section below.

Important information regarding water and wastewater pipelines and apparatus

It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See 'Contacts' Section below. United Utilities Water will

not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is available on our website. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational.

It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that

any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

To promote sustainable development United Utilities offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/builders-developers/your-development/planning/building-sustainable-homes/>

Business customers can find additional information on our sustainable drainage incentive scheme at <https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' Section below.

CONTACTS

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

<http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

We request that a copy of this letter is made available to the applicant.

Yours faithfully

The Planning, Landscape and Ecology Team



United Utilities Water Limited
Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

unitedutilities.com

Planning.Liaison@uuplc.co.uk

Halton Borough Council
By email

Your ref: 23/00018/FUL
Our ref: DC/23/252
Date: 24-MAR-23

Dear Planning Team

Location : The Woodyard Weaver View Clifton Runcorn WA7 4XU

Proposal : Proposed filling station with ancillary convenience store, forecourt with 4, 2 sided pump islands canopy, electric vehicle charging points car parking, a drive thru fast food restaurant associated car parking, new site access road, new electricity substation

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Following our review of the submitted drainage documents; Flood Risk Assessment, prepared by Dudleys, Ref: 21051 the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

If the petrol interceptor is sufficient the water should be clean and discharge to the watercourse and not to the foul sewer.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;*
- and*
- (v) Foul and surface water shall drain on separate systems.*

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, **Nicola Pilkington**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice

regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company and we would not be involved in the discharge of the management and maintenance condition in these circumstances.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

As the applicant is aware, a large diameter trunk mains crosses are located within the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>.

The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. It is recommended the applicant continue discussions via WaterMains@uuplc.co.uk

Given the size and nature of the pipeline concerned, we strongly recommend that if they have not already done so, the applicant contacts our Developer Services team at the earliest opportunity for advice on determining the precise location of the pipeline and additional

protection measures they must consider both during and after construction. See Contacts section below.

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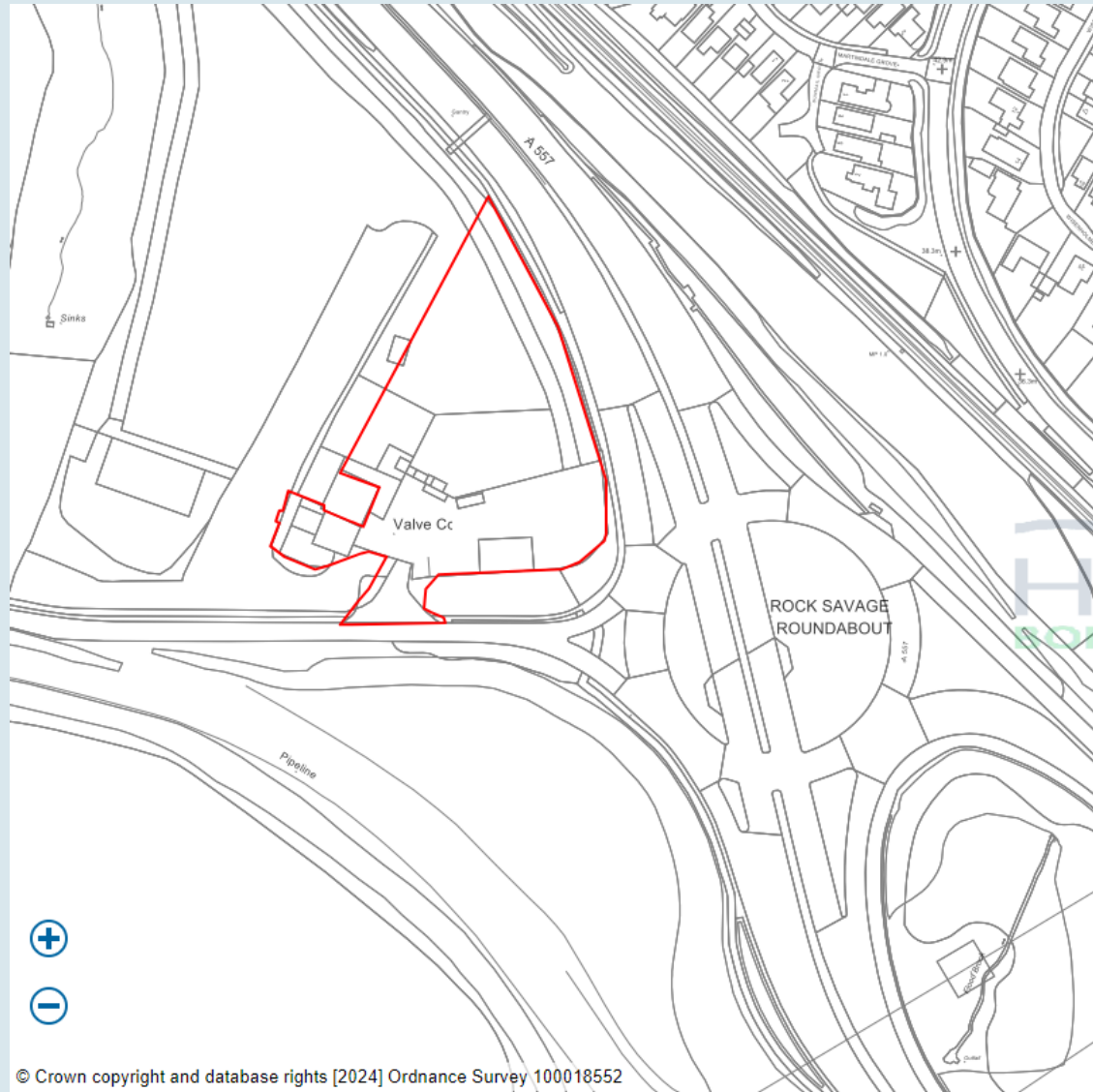
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Yours faithfully

The Planning, Landscape and Ecology Team





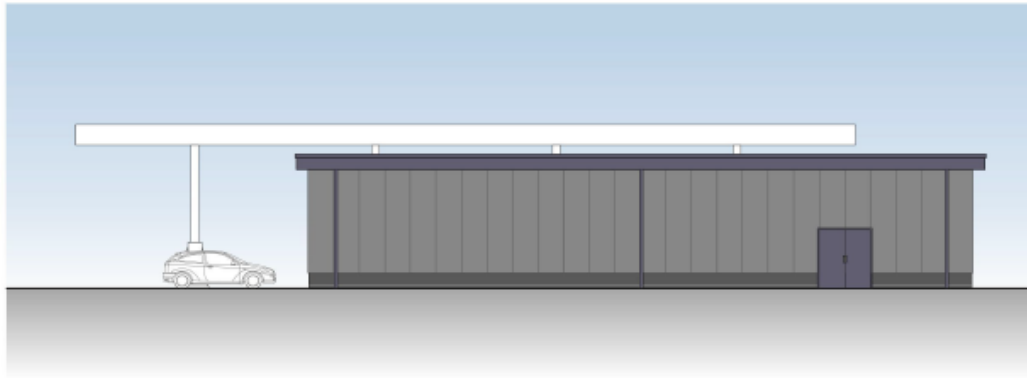




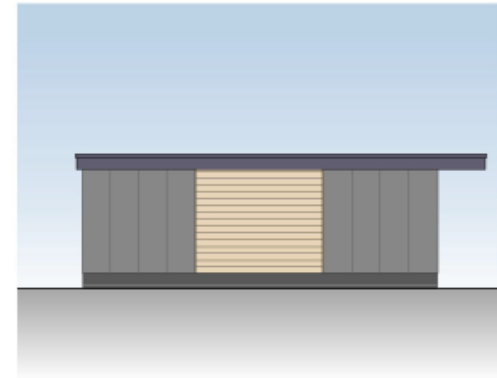
PROPOSED FRONT (WEST) ELEVATION



PROPOSED SIDE (SOUTH) ELEVATION

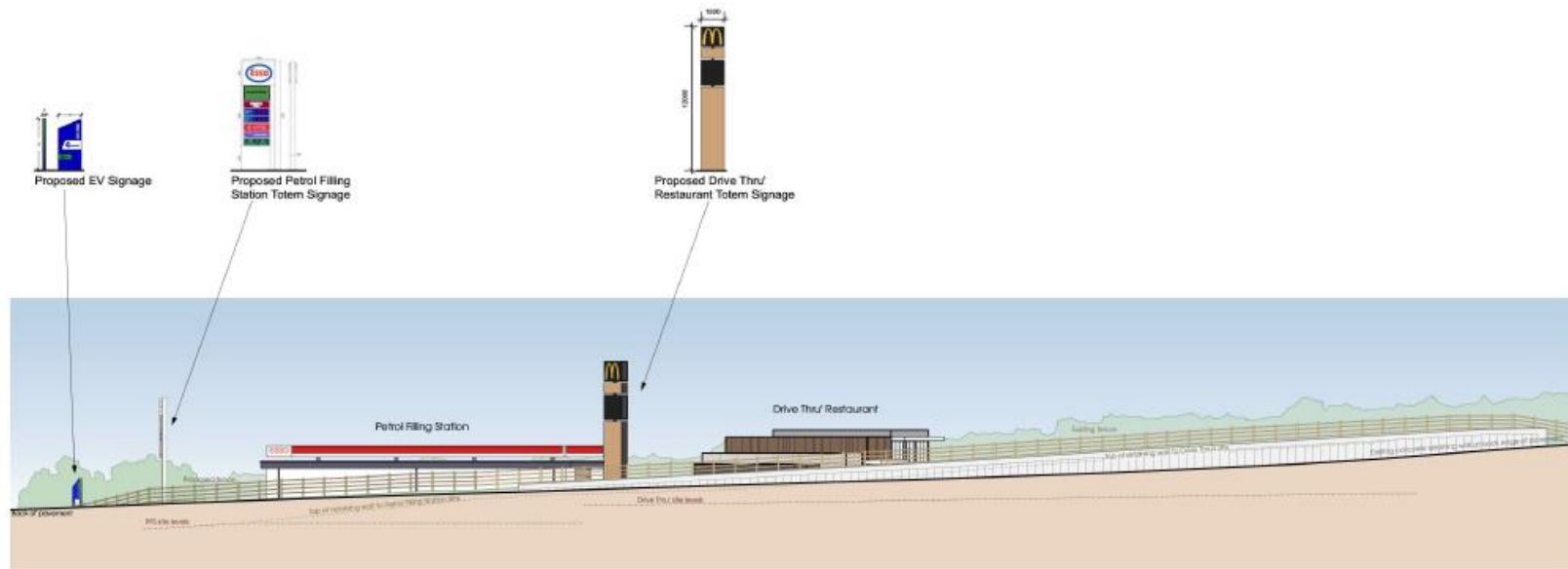


PROPOSED REAR (EAST) ELEVATION



PROPOSED SIDE (NORTH) ELEVATION





Proposed Street Scene Elevation from Rocksavage Expressway (A557)



REPORT TO: Development Management Committee

DATE: 5 February 2024

REPORTING OFFICER: Executive Director – Environment & Regeneration

SUBJECT: Miscellaneous Information

WARD(S): Boroughwide

The following Appeals have been received / are in progress:

23/00166/FUL Proposed new dwelling on land adjacent to 19 Lilac Crescent, Runcorn

The following appeals have been determined:

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 – **Dismissed**