

Public Document Pack



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Development Management Committee

**Monday, 20 May 2024 6.30 p.m.
Civic Suite, Town Hall, Runcorn**

S. Young

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Stan Hill (Chair)
Councillor Rosie Leck (Vice-Chair)
Councillor Laura Bevan
Councillor Chris Carlin
Councillor Sian Davidson
Councillor Chris Loftus
Councillor Ged Philbin
Councillor Carol Plumpton Walsh
Councillor Rob Polhill
Councillor Dave Thompson
Councillor Bill Woolfall

***Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 3 June 2024***

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

Part I

Item No.	Page No.
1. MINUTES	1 - 3
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) 22/00569/OUT Outline planning application (with all matters reserved for future consideration) for: i. Up to 545 residential units including dwellinghouses (use class C3) and senior living and extra care (use class C2) with ancillary car and cycle parking; ii. Ancillary floorspace for flexible use classes (including office, conference centre, retail, leisure [including food and beverage]), F2 use classes (including meeting places for the local community), and a hotel (use class C1); iii. Sui generis use classes including steam spaces, a drinking establishment and a vertical farm; iv. Principle of highways access and servicing arrangements; and infrastructure provision, inclusive of a new living machine (emerging wastewater treatment technology), and all other associated works including re-configuration of existing building on site, landscaping, public realm, and biodiversity improvements at Heath Business and Technical Park and land north of Heath Road South	4 - 100
(B) 23/00187/WST - Proposed erection of a building for ancillary storage (partially retrospective) Veolia ES UK Ltd (former J Bryan (Victoria) Ltd), Pickerings Road, Widnes	101 - 118
(C) 23/00272/FUL - Erection of a 5,615 sqm (60,439 sq ft) gea [5,550 sqm (59,739 sqft) gia] class B8 unit with ancillary offices and associated parking, servicing space and hard and soft landscaping (including means of enclosure and security lighting), land to the west of Shell Green Widnes WA8 0GW	119 - 144

- (D) **23/00368/FUL** - Proposed demolition of some of the existing buildings (including 317 existing dwellings and the palace fields community centre), the closure of two existing subways, and the erection of 257 replacement dwellings, together with associated new roads, footways and cycleways, new and improved open space including a new linear park, hard and soft landscaping works, and other associated infrastructure and works, at land within, adjacent to and surrounding the Uplands and Palacefields, Runcorn | **145 - 200**

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

DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 8 April 2024 at the Civic Suite, Town Hall, Runcorn

Present: Councillors S. Hill (Chair), Carlin, C. Loftus, Philbin and Polhill

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

Absence declared on Council business: None

Officers present: A. Jones, A. Plant, M. Webster, K. Thompson and C. Nixon

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

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

	<i>Action</i>
DEV47 MINUTES	
<p>The Minutes of the meeting held on 5 March 2024, having been circulated, were taken as read and signed as a correct record.</p>	
DEV48 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>	
DEV49 22/00005/FUL - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 38 DWELLINGS AND ASSOCIATED ROADS AND OPEN SPACES ON SITE OF FORMER LORD'S TAVERNERS YOUTH CENTRE AND ADJACENT LAND, PALACEFIELDS AVENUE, BROOKVALE, RUNCORN, WA7 2PG	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	
<p>The Committee was addressed by Mr Forshaw, who spoke on behalf of the Applicant. He outlined the proposal</p>	

stating that it would supply a mix of much needed affordable homes in Halton. The technical aspects and design elements were compliant with planning policies and there would be offsite enhancements included, with no adverse environmental or highways impacts being made.

Committee Members raised concerns over the 5 metre width of the roads and the problems that have been reported previously with other developments with similar layouts, where refuse trucks and emergency vehicles are often unable to pass through due to parked vehicles causing obstructions on the adjacent pavements. They also raised the absence of an Active Travel Plan and that despite the homes being labelled 'affordable', who were they intended for and would they be affordable to local people.

In response, Members were referred to the definition of 'affordable' in the Delivery and Allocations Local Plan (DALP) which was met by the Applicant. It was noted that the ages or types of potential residents was not a material planning consideration. Officers advised that a cycle lane and cycle parking had been added to the proposal and that the width of the subsidiary roads was deemed acceptable in planning terms, as they were within expected standards. Officers confirmed that a single level road and footway were anticipated to negate the need for dropped kerbs. It is also understood that the road and footway will be identified by demarcation / differences in the materials used.

The Committee voted to approve the application, subject to the conditions below.

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

- a) Section 106 Agreement relating to open space, affordable housing and habitat loss compensation;
- b) Schedule of conditions set out below; and
- c) That if the S106 Agreement is not signed within a reasonable period of time, authority is given to refuse this planning application.

Conditions

1. Standard 3 year permission;
2. Condition specifying approved plans;
3. Existing and proposed site levels;
4. External materials and surface materials;

5. Boundary treatment details;
6. Site investigation, remediation and mitigation;
7. Any unidentified contamination;
8. Affordable housing plan;
9. Tree protection and arb method statement;
10. Woodland and management plan for minimum 30 years;
11. Site waste management plan;
12. Site bin storage, servicing plan and tracking;
13. Details of noise mitigation measures;
14. Hours of construction;
15. Recreational pressure home leaflet;
16. Ecology lighting scheme for bats;
17. Bird and bat boxes;
18. Breeding birds;
19. RAMs/CEMP/agreement of ecological enhancement features;
20. Drainage strategy;
21. Drainage verification;
22. Pedestrian and cycle links;
23. Palacefields crossing points (Grampian);
24. Scheme of speed calming measures;
25. Cycle parking;
26. Vehicle access and parking constructed prior to commencement of use;
27. Details and implementation of measures for low carbon and renewable energy proposals; and
28. Removal of permitted development rights.

Meeting ended at 6.55 p.m.

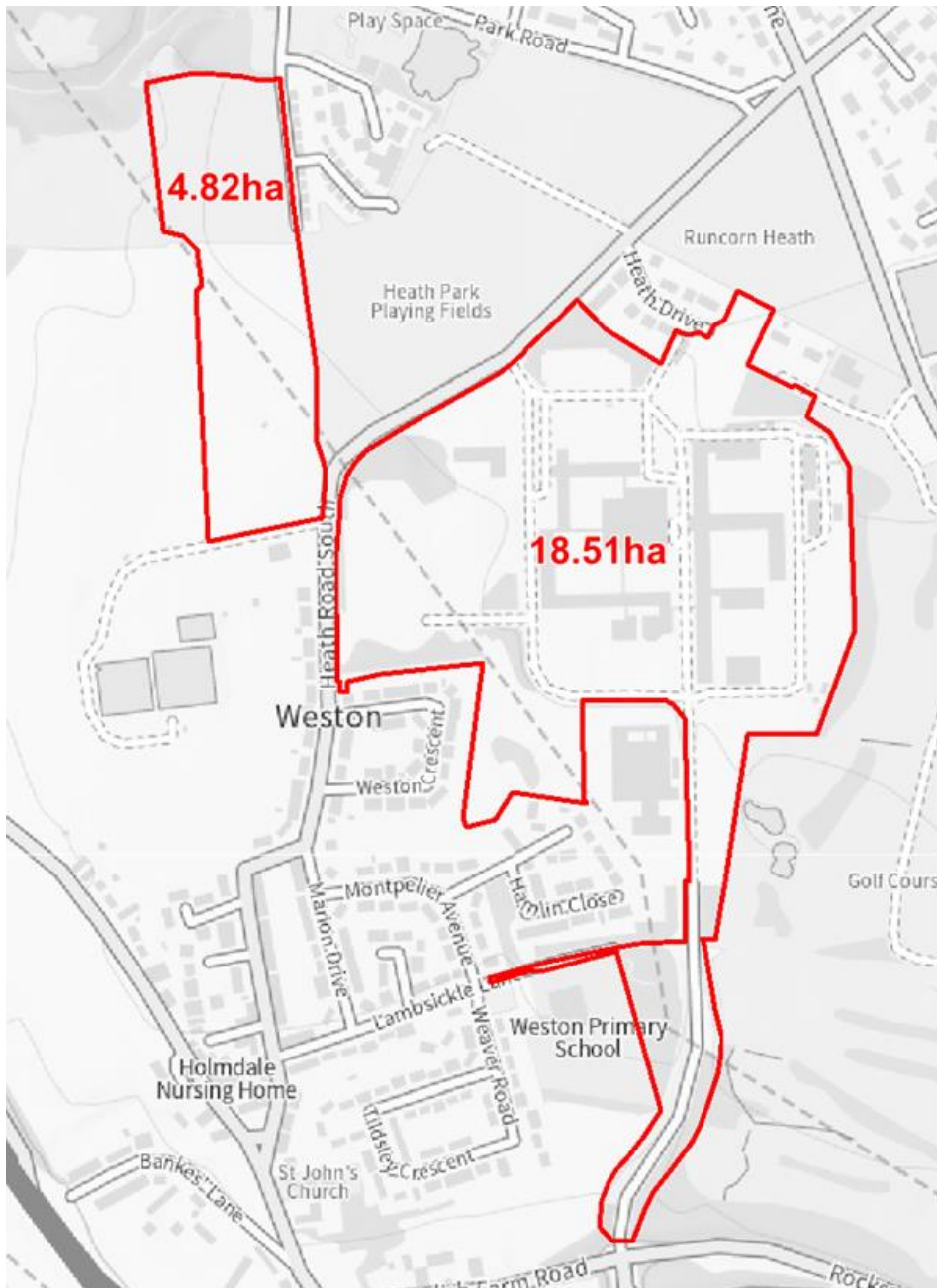
APPLICATION NUMBER:	22/00569/OUT
LOCATION:	Heath Business And Technical Park And Land North Of Heath Road South, Runcorn, Cheshire.
PROPOSAL:	Outline Planning Application (with all matters reserved for future consideration) at Heath Business and Technical Park and Land North of Heath Road South for: <ul style="list-style-type: none"> i. Up to 545 residential units including dwellinghouses (use class C3) and senior living and extra care (use class C2) with ancillary car and cycle parking; ii. Ancillary floorspace for flexible E use classes (including office, conference centre, retail, leisure [including food and beverage]), F2 use classes (including meeting places for the local community), and a hotel (use class C1); iii. Sui generis use classes including STEAM spaces, a drinking establishment and a vertical farm; iv. Principle of Highways access and servicing arrangements; and v. Infrastructure provision, inclusive of a new living machine (emerging wastewater treatment technology), and all other associated works including re-configuration of existing building on site, landscaping, public realm, and biodiversity improvements.
WARD:	Beechwood & Heath
PARISH:	None
AGENT(S)/APPLICANT(S):	Mr Terry Rogan / SOG Ltd
DEVELOPMENT PLAN:	
Halton Delivery and Allocations Local Plan (2022) (DALP)	Primarily Employment Core Biodiversity Areas Greenways Greenspaces Nature Improvement Area
Joint Merseyside and Halton Waste Local Plan (2013) (WLP)	
DEPARTURE:	Yes
REPRESENTATIONS:	Contributions have been received from 797 individuals. 787 are logged as being in objection to the proposed development.
KEY ISSUES:	Development in a Primary Employment Area, Main Town Centre Uses, Development on Greenspace, Green Infrastructure, Residential Greenspace, Transport and Accessibility, Implications for Trees and Woodlands, Landscape Impact and Major Accident Risk

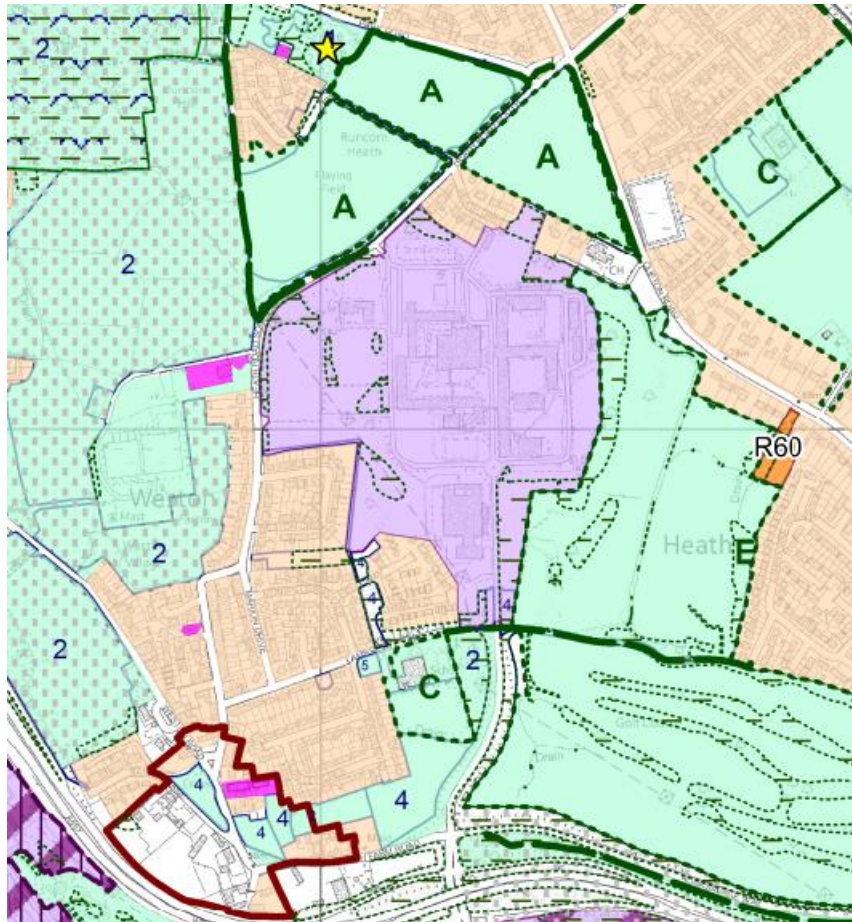
RECOMMENDATION:

That the application be APPROVED should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive subject to the following:

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

SITE MAP:



EXTRACT FROM DALP POLICIES MAP:**1. APPLICATION SITE****1.1 The Site**

The site subject of the application consists of two separate areas as shown on the above site map. The larger area is the well-established Heath Business and Technical Park and is 18.51ha in area. The site benefits from vehicular access from both the Weston Point Expressway to the South and Heath Road South to the North West. The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South, is a greenfield land parcel and is 4.82ha in area. The overall site is 23.33ha in area.

1.2 The Heath Business and Technical Park was the headquarters of ICI between 1960's to the 1990's and was used primarily as offices and laboratories. The site remains primarily in employment use today and is a centre for business, science and technology and currently employs around 1200 individuals. The

western part of the site has electricity infrastructure running through it. A public footpath runs through the site linking Lamsickle Lane to Runcorn Golf Course and beyond. Located to the East of the Heath Business and Technical Park is Runcorn Golf Course. Located to the South of the Heath Business and Technical Park on the opposite side of the Western Point Expressway are industrial areas. Located to the South West of the Heath Business and Technical Park is the residential area of Weston which includes a school, church and public houses. Located to the North West / North East of the Heath Business and Technical Park are playing fields with the residential area of Higher Runcorn located beyond this. Some undeveloped sites are also located to the North West on the opposite side of Heath Road South.

1.3 The smaller area to the North West of Heath Business and Technical Park on the opposite side of Heath Road South is an undeveloped piece of land which has electricity infrastructure running through it. A public footpath runs along the eastern boundary of the site linking Heath Road South to Highlands Road. Located to the North / North West of this parcel of land is Runcorn Hill Park which is both a Local Wildlife Site and a Local Nature Reserve. Located to the West is other parcels of undeveloped land until Weston Road. Located to the South (on the same side of Heath Road South) is Heathside Nursery and residential properties within Weston. Located to the east of the site on the opposite of Highlands Road are a number of detached bungalows which are very modest in height.

DALP Site Designations

1.4 The Policies Map accompanying the DALP shows that the Heath Business and Technical Park section of the site is designated as Primarily Employment. Within the site there are also a number of Core Biodiversity Areas (Natural and Semi Natural Greenspaces corresponding with areas of woodland and also an area of Amenity Greenspace).

1.5 Outside of the application site, Lamsickle Lane serves Weston Primary School and then turns into a footpath. This is public footpath on OS map and as noted in paragraph 1.2 links through the application site to Runcorn Golf Course and beyond. This is shown on the DALP Policies Map as a Greenway.

1.6 There is a parcel of land to the East of Weston Primary School within the application site which is designated Greenspace (Natural and Semi Natural Greenspace).

1.7 The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South is Greenspace (Natural and Semi Natural Greenspace) and is also a Nature Improvement Area on the DALP Policies Map. Part of this area of the site is also a Core Biodiversity

Area. The footpath linking Heath Road South to Highlands Road as referenced in paragraph 1.3 is a Greenway on the DALP Policies Map. From the Greenway meeting Heath Road South, there is another Greenway which runs in a north easterly direction along Heath Road South in the direction of the crossroads with Clifton Road, Moughland Lane and Greenway Road.

1.8 The Heath Business and Technical Park is subject to a Tree Preservation Orders (TPO 100 and TPO 110). This includes a number of individual trees, groups of trees and areas of woodlands.

1.9 Relevant Planning History

The site has an extensive planning history. Some more recent applications of relevance and scale are set out below:

06/00594/OUT - Proposed creation of up to 17,350 square metres of new B1 business accommodation across 8 No. individual sites (with a maximum height of 3 storeys) and car parking within – Granted 17/10/2006.

08/00220/FUL - Proposed two storey data centre extension – Granted 25/06/2008.

08/00397/FUL - Proposed erection of 2 No. new build (B1 Use Class) buildings with associated car parking and external works – Withdrawn.

08/00484/FUL - Proposed erection of 2 No. office buildings (Use Class B1) with associated external works – Granted 21/11/2008.

11/00067/FUL - Application for a new planning permission to replace extant planning permission 08/00220/FUL, proposed two storey Data Centre extension – Granted 23/05/2011.

11/00302/DEM - Proposed demolition of office building – Granted 14/09/2011.

11/00395/FUL - Proposed creation of one new building B1(B) usage with associated external works – Granted 20/12/2011.

12/00100/OUT - Outline planning application (with all matters reserved) for construction of up to 53 residential dwellings – Granted 07/01/2016.

14/00027/NMA - Proposed non material amendment to planning permission 08/00484/FUL to insert clause listing approved plans 2141/001, 002, 003, 004 – Granted 24/01/2014.

14/00028/S73 - Application under S73 of the Town and Country Planning Act to amend Planning Permission 08/00484/FUL by the substitution of plans 13-09 - 04,05,06,07 and 52PH/001 and 002 as detailed in Non Material Amendment 14/00027/NMA for previously approved plans 2141/001,002,003,004 to permit amendments to alignment and design of Phase 2 Building – Granted 13/03/2014.

16/00306/OUT - Outline application, with all matters reserved, for the development of a retirement village of up to 45 one bed residential units (Use Class C3) and wardens accommodation – Withdrawn.

16/00313/OUT - Outline Application, with all matters reserved, for the development of a retail unit up to 200 sq metres (Use Class A1) – Granted 07/12/2016.

16/00320/OUT - Outline Application (with access reserved for future consideration) for a development comprising 30 bed hotel with function room and restaurant – Granted 10/11/2017.

2. THE APPLICATION

2.1 The Proposals

This is an Outline Planning Application (with all matters reserved for future consideration) at Heath Business and Technical Park and Land North of Heath Road South for:

- i. Up to 545 residential units including dwellinghouses (use class C3) and senior living and extra care (use class C2) with ancillary car and cycle parking;
- ii. Ancillary floorspace for flexible E use classes (including office, retail, leisure [including food and beverage]), F2 use classes (including conference centre and meeting places for the local community), and a hotel (use class C1);
- iii. Sui generis use classes including a drinking establishment and a vertical farm;
- iv. Highways access and servicing arrangements; and
- v. Infrastructure provision, inclusive of a new living machine (emerging wastewater treatment technology), and all other associated works including re-configuration of existing building on site, landscaping, public realm, and biodiversity improvements.

2.2 Documentation

The application is supported by the completed application form, certificate and related plans and drawings as set out below:

Location Plan Drawing No. 02_001-A dated 29/02/24.

Illustrative Masterplan – Drawing No. drawing 19-02-app-110 G

Scale Parameters Plan (drawing number: 19-02 app 112 f)

Overall Planting Scheme (drawing number: ATC.22.1229.109.r4) – prepared by Amenity Tree Ltd

Detail Area 1 – Planting Proposals (drawing number: ATC.22.1229.110.r5) – prepared by Amenity Tree Ltd

Detail Area 2 – Planting Proposals (drawing number: ATC.22.1229.111.r5) – prepared by Amenity Tree Ltd

Detail Area 3 – Planting Proposals (drawing number: ATC.22.1229.112.r5) – prepared by Amenity Tree Ltd

Detail Area 4 – Planting Proposals (drawing number: ATC.22.1229.113.r5) – prepared by Amenity Tree Ltd

Grasses & Meadows (drawing number: ATC.22.1229.114.r5) – prepared by Amenity Tree Ltd

Allotments & Fruit Trees (drawing number: ATC.22.1229.115.r5) – prepared by Amenity Tree Ltd

Waterbody Planting (drawing number: ATC.22.1229.116.r5) – prepared by Amenity Tree Ltd

Structural Native Woodland Planting (drawing number: ATC.22.1229.117.r5) – prepared by Amenity Tree Ltd

Native Urban Tree Planting (drawing number: ATC.22.1229.118.r5) – prepared by Amenity Tree Ltd

Green Roof & Living Walls (drawing number: ATC.22.1229.119.r5) – prepared by Amenity Tree Ltd

Proposed Green Infrastructure & Greenspace Plan (drawing number: ATC.22.1229.121.r8) – prepared by Amenity Tree Ltd

Circulation & Connectivity Plan (drawing number: ATC.22.1229.122.r4) – prepared by Amenity Tree Ltd

Pylon Meadow – Multi Functional, Green Infrastructure Corridor Proposed Plan (drawing number: ATC.22.1229.123.r5) – prepared by Amenity Tree Ltd

Land Use Composition and Coverage Plan (drawing number: ATC.22.1229.124.r1) – prepared by Amenity Tree Ltd

A number of supporting documents have been submitted these are listed below:

Design and Access Statement prepared by SOG Ltd. (September 2022)

A Vision for Heath Park, Feasibility Study Report - prepared by EcoResponsive Environments (June 2021)

Review of Major Hazards Risk Information - prepared by RAS (October 2022)

Phase 1: Preliminary Risk Assessment - prepared by LK Group (July 2022)

Social Value Assessment - prepared by Greengage (October 2021)

University of Liverpool (Abigail Williams) – ESG Executive Summary

Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) - prepared by Amenity Tree (June 2022)

Preliminary Breeding Bird Appraisal/ Survey - prepared by Amenity Tree (July 2022)

Habitat/Botanical Survey Data - prepared by Amenity Tree (July 2022)

Great Crested Newt Survey - prepared by Amenity Tree (October 2022)

Reptile Survey Report - prepared by Amenity Tree Ltd. (October 2022)

Bat Activity Report - prepared by Amenity Tree Ltd. (November 2022)

Additional details on capture and exclusion of bats - prepared by Amenity Tree (2023)

Mitigation and Enhancement Measures Statement in relation to bat species – prepared by Amenity Tree Ltd. (October 2022)

Biodiversity Enhancement Measures - prepared by Amenity Tree Ltd. (July 2022)

Assessment of Biodiversity – Version 4 - prepared by Amenity Tree Ltd. (March 2023)

Arboricultural Impact Assessment - prepared by Amenity Tree (October 2022)

Tree Survey and Report - prepared by Amenity Tree (October 2022)

Tree Mitigation Strategy – Version 1 - prepared by Amenity Tree Ltd (March 2023)

Review of Major Hazards Risk Information EXS. Prepared by RAS (November 2023)

Transport Assessment - prepared by WSP (November 2023)

Travel Plan - prepared by WSP (November 2023)

Transport Technical Note (letter format) – prepared by WSP (January 2024)

Noise Impact Assessment - prepared by WSP (November 2023)

Air Quality Assessment - prepared by WSP (December 2023)

Greenspace Masterplan Strategy Update (document reference AT.23.1266.GMPlan.v7) - prepared by Amenity Tree Ltd. (March 2024)

Heritage Impact Assessment - prepared by WSP (November 2023)

Main Town Centre Uses Assessment - prepared by WSP (November 2023)

Heath Impact Assessment - prepared by WSP (November 2023)

Statement of Community Uses - prepared by WSP (November 2023)

Flood Risk Assessment and Drainage Strategy - prepared by WSP (March 2024)

United Utilities Technical Note – prepared by (January 2024)

The Heath Park Development Review of Major Hazard Risk Information dated (January 2024)

Planning Statement – prepared by WSP (March 2024).

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

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

- CS(R)1 Halton’s Spatial Strategy;
- CS(R)3 Housing Supply and Locational Priorities;
- CS(R)4 Employment Land Supply;
- CS(R)5 A Network of Centres;
- CS(R)7 Infrastructure Provision;
- CS(R)12 Housing Mix and Specialist Housing;
- CS(R)13 Affordable Homes;
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS(R)22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste;
- ED2 Employment Development;
- ED3 Complementary Services and Facilities within Employment Areas;
- RD4 Greenspace Provision for Residential Development;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC1 Vital and Viable Centres;
- HC5 Community Facilities and Services;
- HC8 Food and Drink;
- HE1 Natural Environment and Nature Conservation;

- HE2 Heritage Assets and the Historic Environment;
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity.

3.2 Joint Merseyside and Halton Waste Local Plan (2013)

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

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

Supplementary Planning Documents (SPD)

- Planning for Risk SPD;
- Design of Residential Development SPD;
- Designing for Community Safety SPD;
- Design of New Commercial & Industrial Development SPD.

MATERIAL CONSIDERATIONS

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

3.3 National Planning Policy Framework

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

3.4 Equality Duty

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

Section 149 states:-

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

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

3.5 Other Considerations

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

4 CONSULTATIONS SUMMARY – FULL RESPONSES CAN BE LOCATED IN THE APPENDIX LOCATED ON THE COUNCIL'S WEBSITE.

4.1 Highway Officer

No objection subject to conditions / obligations.

4.2 Environmental Health Officer

No objection subject to conditions.

4.3 Contaminated Land Officer

No objection subject to conditions.

4.4 Open Spaces Officer

Some concerns raised.

4.5 Design and Development Manager

Some concerns raised.

4.6 Lead Local Flood Authority (LLFA)

No objection subject to conditions.

4.7 Environment Agency

No objection subject to conditions

4.8 Liverpool Airport

No objection.

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

The updated Biodiversity Metric 4.0 (Metric B), Assessment of Biodiversity report and Greenspace Masterplan cannot be accepted due to significant limitations. The reports should be updated to address the limitations prior to determination.

(Note that the policy test for this application is 'ensuring no net loss of biodiversity' by virtue of when the application was received by the Council i.e. prior to biodiversity net gain requirements. Given the significant gain in biodiversity demonstrated by the applicant, notwithstanding any inconsistencies, it is not considered that any update would significantly impact the proposal to such a degree that the policy test could not be met. See paragraph 6.159 for further details).

4.10 Natural England

Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England. The threshold is low (i.e. a real risk or possibility of such an effect is sufficient). However, the MEAS response is clear that there is no pathway that could result in likely significant effects on national and international sites and the proposals therefore do not require a Habitats Regulations Assessment.

4.11 Health and Safety Executive

Objection raised.

4.12 SP Energy Networks

Objection raised.

4.13 Runcorn MCP Ltd

No objection.

4.14 British Pipeline Agency

No comment to make on the application.

4.15 Cheshire Police

Observations made relating to the future detail of the scheme.

4.16 United Utilities

No objection subject to a condition.

4.17 Conservation Advisor

No objection subject to a condition.

4.18 Public Health Manager

No objection.

5 REPRESENTATIONS

5.1 The application was originally publicised by five hundred and fifty six notification letters sent on 03/11/2022, ten site notices posted in the vicinity of the site on 10/11/2022 and a press advert in the Widnes and Runcorn Weekly News on 10/11/2022.

5.2 Following the receipt of amended plans / submissions, further publicity in the form of nine hundred and sixty nine (increased to cover those originally consulted plus additional representations received and not previously notified directly) neighbour notification letters sent on 01/12/2023, ten further site notices posted in the vicinity of the site on 05/12/2023 and a press advert in the Widnes and Runcorn Weekly News on 14/12/2023.

5.3 Some further additions were made more recently and further publicity in the form of one thousand one hundred and thirty six (increased to cover those originally consulted plus additional representations received and not previously notified directly) neighbour notification letters sent on 01/02/2024.

5.4 Based on the applicant amending the site boundary and making further submissions, further publicity has been undertaken in the form of one thousand one hundred and fifty one (increased to cover those originally consulted plus additional representations received and not previously notified directly)

neighbour notification letters sent on 26/03/2024, ten further site notices posted in the vicinity of the site on 28/03/2024 and a press advert in the Widnes and Runcorn Weekly News on 11/04/2024.

5.5 In respect of the further publicity undertaken and the timescales given for responses, some representations received have queried the Council's approach to this. The following wording from the National Planning Practice Guidance is of relevance: *Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.*

5.6 The issues raised in representations are set out below and do raise some issues in respect of a lack of public consultation, the display of inadequate site notices and neighbour notification letters have not been received. It should be noted that publicity in excess of the statutory requirements has been undertaken and can be appropriately evidenced.

5.7 Representations from 797 individuals have been received from the publicity given. A summary of the issues raised are below:

- Proximity to COMAH sites;
- Chlorine gas released under pressure from a COMAH site would cause a serious risk to health;
- With the proposed increase in population, the emergency services are unlikely to have sufficient resources to deal with the situation should a major leak happen;
- The granting of the application could adversely impact the long-term viability of site operations at Upper Tier COMAH sites;
- HSE advice should be followed;
- The Heath School plans had to change due to risk and Pavilions was withdrawn. Why is this development much closer to the COMAH sites acceptable?;
- This could result in significant risk to human life;
- Why has only 5 pages of the 29 page major hazard and risk report been submitted?
- No one at RAS (author of the risk report) is a Chartered Chemical Engineer;
- The use of hydrogen needs further consideration due to safety issues and the need for a large stack;
- Blue hydrogen is not net zero;
- Lots of vague noises about hydrogen and Hynet;

- The Government has moved away from using hydrogen as a heat source;
- Green projects should be supported;
- Field in north west of site is unsafe for dwelling as it is next to contaminated land where ICI had dumped chemicals;
- People have lost homes in this area due to contamination;
- People will not be able to remortgage their homes if they are built on contaminated land like a development in Crewe;
- Building so close to power lines maybe detrimental to health;
- Proximity to brine pipelines;
- The allocations for mixed use development and residential were not considered justified by a Government Inspector and were therefore deleted from the local plan by HBC;
- The proposals do not align with the designations in the Local Plan;
- Loss of Greenspace;
- There is a need for good quality access to Greenspace for the role it plays in physical and mental well-being;
- Focus should be on supporting the health of the population;
- The Greenspace has amenity value for visual, wildlife and structural purposes notwithstanding that it is not publicly accessible;
- Loss of Greenspace connectivity;
- Fragmentation of Greenspace in the locality;
- The Greenspace is assumed to be part of Runcorn Common;
- The Greenspace is used by dog walkers and children's football teams;
- There is understood to be title restrictions on the deeds;
- Lack of resultant Greenspace;
- Green Belt being built on;
- Negative impact on Nature Improvement Area;
- How does building houses improve the nature of the area?;
- The land next to the nature reserve should not be built on;
- Negative impact on Runcorn Hill;
- The proposal would ruin the area's existing beautiful landscape;
- The current views of the River Mersey and the Welsh Hills would be lost;
- The north west of the site is home to horses and a main public footpath to Runcorn Hill;
- Public footpaths would be lost;
- There is a lack of horse grazing land in Runcorn;
- Impact on wildlife / protected species and natural beauty;
- There are records of common lizard spotted in the vicinity of Runcorn Hill;
- Cynical over biodiversity improvements;
- A pond with newts in has already been filled in;
- Loss of protected trees as a result of the proposed development;
- 59 Category A trees and 18 Category B trees on the site should not be lost;

- Unauthorised works to protected trees have been undertaken;
- Lowland heath are a priority habitat and are already in decline;
- Increased air and noise pollution;
- The living machine (sewage treatment plant) in close proximity to houses could pose an environmental health issue;
- Construction noise impacts;
- Disruption for the local community for 8-9 years;
- Construction traffic should be via the lower Heath Business and Technical Park entrance only and not through Weston Village;
- Drainage implications;
- Increased pressure on schools, doctors and dentists;
- Lack of infrastructure in the locality;
- Overdevelopment of the site;
- The density of development would be unhealthy, unnatural and chaotrophic;
- The proposal should be scaled back;
- More housing is not needed;
- More housing is needed;
- Investment for Runcorn;
- Do not want terraced properties or social housing in this part of Runcorn;
- Supported residential accommodation is welcomed;
- Welcome affordable housing;
- The nature of housing is not in keeping with the area;
- Who will want to buy these houses?;
- Will the houses have solar panels, air source heat pumps and high levels of insulation?
- HBC would benefit from Council Tax and Business Rates;
- No requirement for more shops and a hotel;
- Social experiments like Southgate did not work;
- Destroying the heritage and culture of the area;
- Assets of heritage significance should be considered;
- Increase in Anti-Social Behaviour;
- Future crime issues likely from such a high density development;
- Poor design that would cause crime;
- Loss of sunlight, daylight and privacy for existing properties adjacent to the site;
- Proximity of commercial development to existing properties;
- Industrial should not be mixed with residential;
- Seven storey vertical farm would be out of character with the locality;
- Light pollution from the vertical farm;
- Safety of the vertical farm;
- Viability of the vertical farm;
- Linear parks are just areas which cannot be built on because of the power lines;

- Cheshire Police have not commented;
- Lack of public consultation;
- Inadequate site notices;
- No public notices have been displayed about the proposed development;
- Neighbour notification letters have not been received;
- Increase in traffic and congestion in the locality;
- Road safety concerns;
- Making Heath Drive a through road is unacceptable;
- Insufficient car parking;
- The area has a virtually non-existent bus service;
- Is the public footpath to Runcorn Hill from Heath Road South being removed?
- The proposal would be detrimental to the road surfaces that HBC do not maintain;
- The Heath Business and Technical Park does not maintain the existing site;
- Supportive of the Heath Business and Technical Park being modernised / redeveloped;
- Lack of local amenities to support a large scale development;
- Invest in the Old Town instead;
- Detrimental impact on the existing village community;
- Reuse previously developed sites in preference to the greenfield section of this site;
- This community will end up like the rest of Runcorn;
- Detrimental impact on local businesses;
- This proposal would compromise the Heath Business and Technical Park as key employment site;
- Negative impact on house prices;
- The applicant and its supporters do not live in the area;
- Inconsistencies / errors in the submitted plans and application form;
- Conflicting plans in terms of scale;
- It is difficult to understand what has changed;
- The application does not provide the level of detail required to meet NPPF;
- The Heath Park scheme may have been subject to an international design competition, however Southgate was too and look what happened there!;
- Comparing Heath Park to Port Sunlight is ridiculous!;
- Breach of Human Rights;
- Monies from the sale of the Greenspace for residential development would be used to support the final salary pension scheme administered by the applicant;

- Cynicism that the development would ever be implemented in the current form and only housing would come forward without green/social benefits;
- Existing buildings in the Heath Business and Technical Park will likely have asbestos in them;
- Noting issues with reinforced autoclaved aerated concrete (RAAC), how are the existing structures at the Heath Business and Technical Park going to be checked for this to ensure they are suitable for conversion?
- The objections are about racism and snobbery;
- This is an abuse of the planning application process through trivial iterations.

5.8 It should be noted that representations have been received from the following Ward Councillors:

- **Cllr Norman Plumpton Walsh – Mersey and Weston Ward**
- **Cllr Victoria Begg – Mersey and Weston Ward**
- **Cllr Margaret Ratcliffe – Beechwood and Heath Ward**
- **Cllr Christopher Rowe – Beechwood and Heath Ward**

6 ASSESSMENT

6.1 Environmental Impact Assessment (EIA) Regulations

The proposal is an 'Urban Development Project' which falls under Schedule 2 10(b) of the EIA Regulations 2017. The proposal exceeds all three EIA screening thresholds for this type of development so that screening is required.

Having considered the project against the provisions of the EIA Regulations 2017 (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, it is considered that the proposals are unlikely to give rise to significant environmental effects from an EIA perspective, and that EIA is therefore not required in this case.

6.2 Below are the key general policies relevant to the determination of the planning application:

6.3 National Planning Policy Framework (NPPF)

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

6.4 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.

6.5 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.

6.6 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.

6.7 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:

6.8 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.

6.9 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.

6.10 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.

6.11 The Development Plan comprises the Halton Delivery and Allocations Local Plan (DALP) which was adopted on 2nd March 2022 and the Joint Merseyside and Halton Waste Local Plan which was adopted on 18th July 2013.

6.12 The applicant's Planning Statement notes some relevant planning history (already set out at paragraph 1.9 of the report) which they consider relevant to the determination of this application. They note that the principle of residential and ancillary commercial development has previously been established on the application site / immediate surrounding area, namely application 12/00100/OUT for up to 53 dwellings, 16/00313/OUT for a retail unit up to 200sqm and 16/00320/OUT for a 30 bed hotel with function room and restaurant.

6.13 The applicant's Planning Statement also notes the Council's intention in the Proposed Submission Draft of the DALP to allocate the Heath Business and Technical Park site as a Mixed-Use Area allowing for Employment, Residential, Small Scale Retail and Small Scale Ancillary Complementary Services and Facilities. The north western section of the site formed part of a Residential Allocation. These allocations were not included in the adopted DALP on the

recommendation of the Local Plan Inspector. The Inspector noted the location of the site within the HSE inner zone arising from the from the ex-ICI companies on the West Runcorn sites and that HSE would advise against development (except for a small number of exceptions including a limited number of very low population developments/land uses). The Inspector stated that there was insufficient evidence before them to demonstrate that the principle of residential development on these sites is acceptable and that they fail to pass the test of developability in NPPF as there is not a reasonable prospect that the sites would come forward within the Plan period.

6.14 Other points to note from the Local Plan Inspector's Report is that there was an acknowledgement of the applicant's proposal and that the innovative project would have significant regeneration benefits for Runcorn. The Inspector also noted that HSE's role in planning is advisory only and that the detailed design and layout of the sites can be considered at the development stage.

6.15 The appraisal of the proposal against the detailed development management policies of the Development Plan follows later in this report.

6.16 THE DEVELOPMENT PLAN – STRATEGIC POLICY CONSIDERATION

Halton's Spatial Strategy

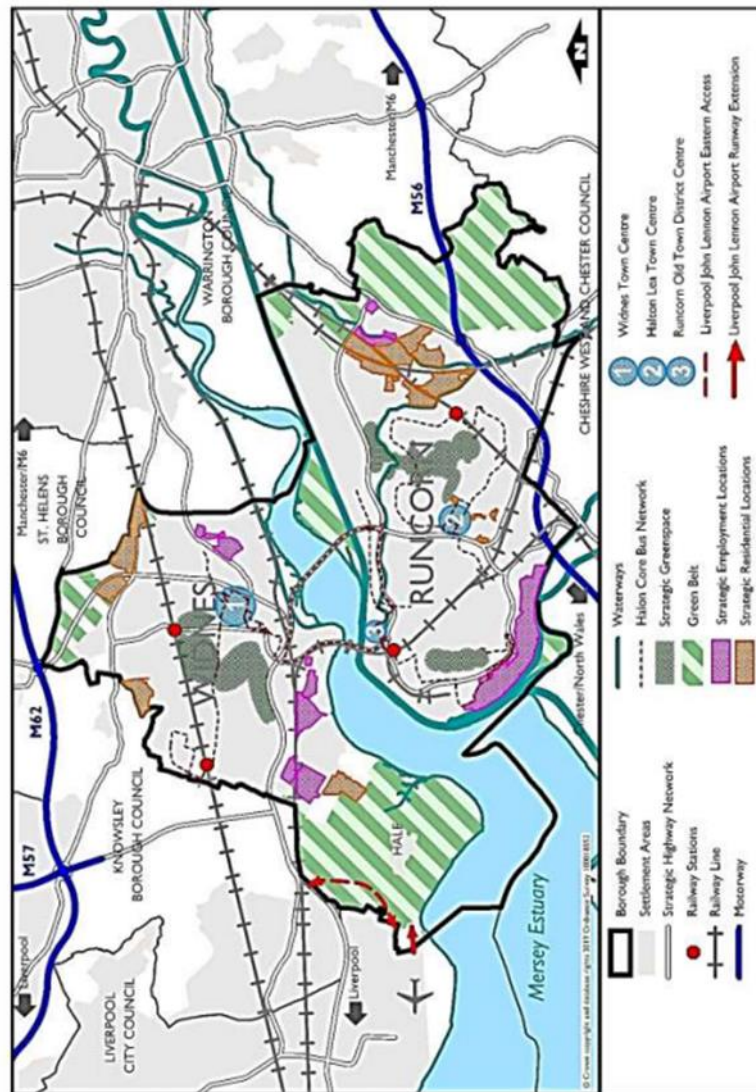
Policy CS(R)1 of the DALP states that to achieve the Vision for Halton to 2037, new development should deliver at least 8,050 (net) additional dwellings (2014-2037). The proposed residential development would contribute towards the delivery of this vision. The vision also includes new development delivering approximately 180ha (gross) of land for employment purposes. The Heath Business and Technical Park is designated as Primarily Employment in the DALP and whilst land available for such purposes may reduce, the applicant's vision is to diversify the site into a high quality urban village, whilst protecting the viable science based uses, and supporting the remodelling of under-utilised spaces and buildings within the campus. It is accepted that the ancillary development proposed includes employment uses, and that there would be an increase in non-residential floorspace over and above that which currently exists in the applicant's vision.

6.17 A significant percentage of the application site (notably the land forming the Heath Business and Technical Park) is previously developed land. Policy CS(R)1 of the DALP has a brownfield focus in respect of the beneficial and efficient use of existing sites. Policy CS(R)1 (2) states that outside of the Key Urban Regeneration Areas, the re-use of previously developed land will be supported, notably where regenerating or bringing sites back into use will bring wider benefits to the Borough. This strategic policy is supportive of the principle of regenerating sites such as the Heath Business and Technical Park. This is supported by some of the representations received. Whilst there is a brownfield

focus in the DALP, this does not mean that greenfield development is automatically unacceptable.

6.18 Policy CS(R)1 (2) is also clear that important green infrastructure within the urban area will be protected from detrimental development to ensure its value, both individually and as part of a network, is retained. The application site includes areas which are designated as Core Biodiversity Areas, Greenspaces and a Nature Improvement Area. A number of Greenways also run through the site. The key diagram (Figure 6 within the DALP as shown below) displays broad locations of development, this indication of sites will be sufficient for the delivery of the requirements sets out within the strategic policies. It is noted that the north western part of the site is identified as Strategic Greenspace. The suitability of the proposal needs to be carefully considered on the resultant impact on existing green infrastructure.

Figure 6: Key Diagram



6.19 Housing Supply and Locational Priorities

Policy CS(R)3 of the DALP states that during the period 2014 to 2037 provision will be made for the development of at least 8,050 (net) additional dwellings. There is no cap on development and both Policy CS(R)1 and Policy CS(R)3 reference at least 8,050 (net) additional dwellings. Policy CS(R)3 also notes that the homes would be delivered from a variety of sources. The application site is not a Strategic Residential Location, nor is it a Housing Allocation, Mixed Use Allocation or a Small site. There is a need for additional dwellings over the plan period as set out, however if the principle of residential development is to be found acceptable on this site, it would constitute Windfall Development.

6.20 Policy CS(R)3 (5) of the DALP states that an average of at least 30% of new residential development should be delivered on previously developed (brownfield) land over the plan period. Noting that a significant percentage of this application site is brownfield, the proposal would contribute to this.

6.21 Policy CS(R)3 (6) of the DALP states that to ensure the efficient use of land, a minimum density on individual sites of 30 dwellings per hectare (dph) will be sought. In more accessible locations such as those close to town, district or local centres or transport interchanges the presumption will be for developments achieving densities of 40 dph or greater. The amount of residential development along with the floorspace for other uses for which permission is sought would ensure an efficient use of land based on the overall site area of 23.33ha and up to 545 dwellings being proposed.

6.22 Some of the representations raise concerns over the proposed density and that it would result in an overdevelopment of the site. As stated above, it is considered that it would represent an efficient use of land and would not be wholly out of character with the locality which includes a range of property types and uses.

6.23 Layout is reserved for future consideration and a refusal on the basis of residents in this part of Runcorn not wanting terraced housing cannot be sustained.

6.24 Employment Land Supply

Policy CS(R)4 of the DALP states that provision will be made for approximately 180 ha of land for employment purposes over the period 2014 to 2037.

- a. With an appropriate mix of sites provided to support:
 - i. the local economy, with a particular emphasis on logistics and distribution; science; advanced manufacturing and high tech industries; and
 - ii. the Liverpool City Region Economy.

6.25 The applicant's Planning Statement is clear on the contribution that the proposal would make to the local economy as well as creating additional employment opportunities at the site.

6.26 Policy CS(R)4 of the DALP also states that new employment development will be provided on land within Primarily Employment Areas identified on the Policies Map. The Heath Business and Technical Park site falls within this designation. This policy recognises the need to support regeneration and remodelling opportunities within existing employment areas.

6.27 Policy CS(R)4 (2) of the DALP states that in order to secure Halton's economic future sites in existing employment use, sites in Primarily Employment Areas and Employment Renewal Areas, and sites identified in this Local Plan as Strategic Employment Locations or Employment Allocations will be retained for employment uses unless an alternative use can be proven to be of greater benefit to the Borough than retaining the land for employment purposes. This proposal would retain the Heath Business and Technical Park site for employment purposes whilst introducing residential and other land uses to form a diversified development. The applicant acknowledges that there would be an overall net loss of employment land and has undertaken an assessment of employment provision to accompany the application. The suitability of this assessment will ultimately confirm whether compliance with Policy CS(R)4 is demonstrated.

6.28 A Network of Centres

Policy CS(R)5 of the DALP relates to the hierarchy of centres maintained for retail and other main town centre uses. This proposal would result in development comprising retail and main town centre uses outside of existing defined centres. The applicant's vision for a diversified Heath Park is supported by a Main Town Centres Use Assessment to demonstrate that the proposal would not undermine the vitality and viability of existing centres. The suitability of this would be considered later in the report.

6.29 Infrastructure Provision

Policy CS(R)7 of the DALP states that development should be located to maximise the benefit of existing infrastructure and to minimise the need for new provision. The application site already benefits from existing infrastructure due to its operation as the Heath Business and Technical Park. This includes transport, physical, environmental, green, social and digital infrastructure.

6.30 A number of representations raise the lack of GP Provision, Dentists and Policing within the area and the prospect of additional development in the area exacerbating that issue. It should be noted that the development does provide Class E floorspace, which could accommodate space for doctors or dentists if

the health care system identified a need for provision. No specific requests for any mitigation or contributions have been made by relevant organisations, and Officers do not consider that it would be appropriate or justified to seek any such contributions from the applicant in relation to the proposed development nor would they meet the tests for a planning obligation or meet the CIL regulations. In respect of amenities / infrastructure, it should be noted that the applicant's vision is to diversify the site into a high quality urban village with a variety of land uses.

6.31 Representations have been received raising concerns over access to school places. The Council's School Place Planning Strategy 2023 – 2028 is relevant in this regard. At the time of writing in Spring 2023, Halton has 11,823 primary school places across the borough with 10,431 occupancy, overall primary provision in Halton is operating at 88.2% capacity with 1,392 surplus places across the borough (an increase of 397 surplus places compared to 2019).

6.32 In the secondary sector, Halton has 8,500 secondary school places across the borough with 7,631 occupancy, overall secondary provision in Halton is operating at 89.7% capacity with 869 surplus places (a reduction of 253 surplus places compared to 2019, due in part to one secondary school reducing its Published Admission Number (PAN) by 20 places thereby removing a total of 100 places across all year groups from the sector).

6.33 Taking into account a generally declining birth rate, the level of proposed house building, and current school place provision, which confirms that Halton is currently operating at circa 12% surplus capacity across the primary sector (circa 1,392 surplus places), and circa 10.3% surplus capacity across the secondary sector (circa 869 surplus places), and projecting current pupil numbers through the sectors, there is currently no indication of a requirement for any new school provision within either the primary or secondary sectors. All Local Authorities report on an annual basis to the Department for Education on school capacity, and have the opportunity to raise any school place planning issues they may have. The Council continues to regularly monitor and review the information it has at its disposal to ensure that it fulfils its sufficiency duty with regard to ensuring sufficient school places.

6.34 Officers do not consider that it would be appropriate or justified to seek any education contributions from the applicant in relation to the proposed development.

6.35 Housing Mix and Specialist Housing

Policy CS(R)12 (1) of the DALP encourages a mix of new property types to address identified needs on sites of 10 or more dwellings. Whilst the applicant has submitted an indicative housing mix, which includes homes ranging from 1 to 4 bedrooms, the specific mix of dwellings would be determined at the reserved

matters stage. It is considered that the proposal could ensure compliance with the policy should the mix chosen meets an identified need.

6.36 Policy CS(R)12 (2) of the DALP states that proposals for proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities. Development proposals for specialist housing should provide adequate amenity space and parking. This proposal includes both senior living and extra care housing which would be located within easy access and community facilities which would be further enhanced through the range of ancillary uses proposed in the applicant's vision for a diversified Heath Park. It is noted that affordable housing provision is required for both senior living and extra care housing. Representations received also welcome these uses.

6.37 Affordable Housing

Policy CS(R)13 of the DALP states that all residential schemes including ten or more dwellings (net gain), or 0.5 ha or more in size, with the exception of brownfield sites, are to provide affordable housing. This site comprises a mix between brownfield and greenfield which impacts the resultant affordable housing requirement. The policy is clear that brownfield sites which in this case would include the existing Heath Business and Technical Park site would not be required to provide any affordable housing. The smaller area to the North West of the Heath Business and Technical Park is located on the opposite side of Heath Road South as set out earlier in the report is a greenfield land parcel. This part of the site is 4.82ha and represents 20.7% of the overall site. On this basis, it is considered necessary to secure a limited amount of affordable housing reflective of the amount of the site which is greenfield. Using the percentage of the site which is greenfield is considered a reasonable basis for this calculation. Based on this, it is considered that there is an overall affordable housing requirement of 5.17% with this application to ensure policy compliance. It is possible for the applicant to provide a level of affordable housing which exceeds the policy requirement. The policy does set out criteria should an applicant look to reduce the affordable housing below the policy requirement.

6.38 Policy CS(R)13 (2) sets out the Council's ambition for affordable housing delivery, at approximately 74% affordable or social rented housing and 26% intermediate housing where practicable and unless evidence justifies a departure from this provision.

6.39 The Government published a written Ministerial Statement and updated national guidance on the delivery of First Homes since the DALP adoption, which is a material consideration.

6.40 The NPPF is also a material consideration. Paragraph 65 of the NPPF requires that planning decisions relating to proposed housing development should expect at least 10% of the total number of homes to be available for affordable home ownership (unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups).

6.41 The applicant proposes that 25% of all new homes to be delivered on the site are delivered as affordable housing in accordance with Policy CS(R)13, however has not defined the mix and type of affordable housing. Some of the representations received welcome affordable housing (which is a policy requirement), whilst others do not want affordable housing in this locality. A refusal on the basis that the proposal would deliver affordable housing could not be sustained.

6.42 Requirements relating to the delivery and approval of further detail for an appropriate level of affordable housing of 5.17% noting that a significant percentage of the site is brownfield would need to be secured by s106 legal agreement, including a requirement for submission and approval of a detailed affordable housing scheme (including type, size, location and final tenure split) at the reserved matters stage.

6.43 Sustainable Transport

Policy CS(R)15 of the DALP states that in order to encourage journeys to be made by sustainable modes of travel including walking, cycling and public transport, the Council will:

- a. support a reduction in the need to travel by car;
- b. encourage a choice of sustainable transport modes; and
- c. ensure new developments are accessible by sustainable modes.

A fundamental principle of this development is that there will be a future modal shift from private vehicles (car journeys) to sustainable ones (walking, cycling and public transport etc), supported and enabled by a proactive Travel Plan as part of the applicant's vision for a high quality urban village. The Highway Officer suggests appropriate conditions including the securing off-site highway works in the form of cycle provision along the site frontage and at the Moughland Lane / Heath Road South signalised junction and at the Rocksavage Way / Cavendish Farm Road roundabout junction.

6.44 High Quality Design

Policy CS(R)18 of the DALP states that achieving and raising the quality of design is a priority for all development in Halton. As this is an outline application

with all matters reserved, the detailed design would be considered at the reserved matters stage.

6.45 Sustainable Development and Climate Change

Policy CS(R)19 of the DALP states that all new development should be sustainable and be designed to have regard to the predicted effects of climate change including reducing carbon dioxide (CO₂) emissions and adapting to climatic conditions.

6.46 The proposal includes a vertical farm which would be carbon negative. Vertical farming is the practice of growing crops in vertically stacked layers. It often incorporates controlled-environment agriculture, which aims to optimize plant growth. Some questions regarding the vertical farm are raised in the representations. Its viability, potential safety and resultant light pollution are raised. The viability is a matter for the applicant. No safety issues are raised which are considered sufficient to warrant the refusal of the application. Any issues with potential light pollution can be appropriately managed and more detail in respect of the vertical farm would be submitted at the reserved matters stage. It is noted that the applicant intends that the vertical farm would be partly fuelled by hydrogen from the forthcoming Hynet scheme. The applicant notes that the existing building fabric is currently inefficient and proposes the use of Hynet and solar panels and zero energy design of new buildings. There is also an aspiration for resilient carbon zero development as well as existing buildings being upgraded to BREEAM Excellent standard.

6.47 It is acknowledged that hydrogen used in a Net Zero system will be either produced by processes which generate carbon dioxide but which is permanently extracted and stored ("blue hydrogen"), or through the use of renewable power to allow the electrolysis of water ("green hydrogen"). Hydrogen does have its place in an attempt to reach net zero emissions.

6.48 Concerns have been raised over the safety regarding the use of hydrogen. There is an established legislative regime and framework governing gas and pipelines, which apply to hydrogen.

6.49 It has been questioned whether the houses would have solar panels, air source heat pumps and high levels of insulation.

6.50 The applicant's proposals are welcomed, but more detail on low carbon development would be required to be secured by condition to ensure policy compliance.

6.51 Natural and Historic Environment

Policy CS(R)20 of the DALP notes that Halton's natural and heritage assets, and landscape character will contribute to the Borough's sense of place and local distinctiveness. The suitability of the proposed development in terms of nature conservation and the enhance of biodiversity will be considered later in the report on the detailed policy consideration. Impact on heritage assets and landscape character will again be considered later in the report on the detailed policy consideration.

6.52 Green Infrastructure

Policy CS(R)21 of the DALP states that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate. The application site contains areas of designated Greenspace as well as Core Biodiversity Areas designated due to features such as woodland. The north western part of the site is identified as Strategic Greenspace. The suitability of the proposed development in terms of impact on Greenspace, Core Biodiversity Areas and existing Trees/Woodlands and Green Infrastructure is to be considered later in the report on the detailed policy consideration.

6.53 Health and Well-Being

Policy CS(R)22 of the DALP states that healthy environments will be supported and healthy lifestyles encouraged across the Borough by ensuring applications for large scale major developments are supported by a Health Impact Assessment to enhance potential positive impacts of development and mitigate against any negative impacts. The application falls within the definition of a large scale major development is accompanied by a Health Impact Assessment (HIA). The scope of this document was agreed with the Council's Public Health Manager and they have reviewed the final submission.

6.54 The Health Impact Assessment has utilised the 51 questions within the NHS Healthy Urban Development Unit's Rapid Health Impact Assessment Tool to evaluate the health impacts of the scheme. Across the 51 questions, 50 were deemed to be relevant to the proposed development. The assessment anticipated that the proposed development would have 44 positive impacts and 6 neutral impacts and no negative impacts. This covers categories including housing design and affordability, access to health and social care services and other social infrastructure, access to open space and nature, air quality, noise and neighbourhood amenity, accessibility and active travel, crime reduction and community safety, access to healthy food, access to work and training, social cohesion and inclusive design, minimising the use of resources and climate change.

6.55 The Council's Public Health Manager has assessed the HIA using a review tool and this assessment can be seen in full in the consultation responses appendix.

Their feedback was generally positive and was in relation to the limited detail available by virtue of the fact that it is an outline application.

6.56 One key comment which requires further consideration is the implementation and monitoring of the recommended mitigation measures. A 'health management plan' that details how each recommendation could be fulfilled would be needed for the findings of the HIA to be realised. The reserved matters submissions should demonstrate how the recommendations would be implemented, however it is considered reasonable to attach a condition which secures the submission of a health management plan along with details in respect of implementation and future monitoring.

6.57 In conclusion, subject to the attachment of the suggested condition, it is considered that the proposed development would have an overall positive impact on health and would support healthy environments and encourage healthy lifestyles in accordance with Policy CS(R)22 of the DALP.

6.58 Managing Pollution and Risk

Policy CS23 of the DALP states that to control development which may give rise to pollution, development proposals should not exacerbate and where possible, should minimise, all forms of emissions and odour, water, noise and light pollution. Noise and air quality assessments have been submitted to accompany the application. A preliminary risk assessment has been undertaken by the applicant to ascertain the extent of any contamination and possible risks to future uses. The suitability of the proposal in this respect will be considered on the detailed policies later in the report.

6.59 Policy CS23 of the DALP also deals with reducing risk from hazards. It states that to prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following principles will apply:

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

6.60 It is noted that the applicant has made a number of submissions in respect of risk from hazards and the suitability of the proposal in this respect is to be considered later in the report.

6.61 Policy CS23 of the DALP also deals with managing flood risk. It states that development should not exacerbate existing levels of flood risk nor place residents or property at risk from inundation from flood waters. The application

is accompanied by a Flood Risk Assessment and Drainage Strategy. The suitability of the proposal in this respect will be considered on the detailed policies later in the report.

6.62 Waste

Policy CS24 of the DALP states that the Council will promote sustainable waste management in accordance with the waste hierarchy, to encourage good design in new development in order to minimise waste, promote the use of recycled materials and, to facilitate the collection and recycling of waste. This is an outline application with all matters reserved and the details in relation to construction waste management and future waste storage/collection can be secured by condition once a scheme is sufficiently detailed. Further assessment on waste issues including compliance with Waste Local Plan policies will be found later in the report.

6.63 THE DEVELOPMENT PLAN - NON STRATEGIC POLICY CONSIDERATION

The subsequent assessment will look at the more detailed policies which are necessary to consider the suitability of the development proposed.

The application is accompanied by a number of illustrative plans, as set out in paragraph 2.2 of the report. The purpose of these plans is to demonstrate the suitability of the quantum of development proposed and how a development proposal could likely be presented. As all matters are reserved for future consideration, no elements would be fixed by the granting of a subsequent outline planning permission. As access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. The application is also accompanied by a Circulation & Connectivity Plan. The suitability of these will be considered in the Transport and Accessibility Section.

Given the complex nature of the proposal, this will be done by topic based areas. The initial topics are aligned with the relevant site designations and the suitability of the proposals within these particular areas:

6.64 Development in a Primary Employment Area

Strategically, the proposed development would make a contribution to the local economy as well as creating new employment opportunities at the site. The suitability of the non-employment uses proposed in the assessment below will indicate whether compliance with Policy CS(R)4 is achieved.

6.65 Policy ED2 (1) of the DALP states that within Primarily Employment Areas development, for office, research and development, light industrial, factory or storage and distribution uses will normally be acceptable.

6.66 A number of the uses proposed including office, conference centre, STEAM spaces and a vertical farm fall within uses which are normally acceptable in a Primarily Employment Area.

6.67 It should be noted that that whilst Policy ED2 (1) of the DALP sets out some uses that will normally be acceptable, this does not automatically mean that other uses are unacceptable. They need to be considered on their merits.

6.68 Policy ED2 (2) of the DALP sets out that redevelopment and regeneration within existing employment areas and Employment Renewal Areas will be supported where they make an improvement in the use of the site for employment purposes, having regard to:

- a. The quality and type of employment floorspace provided;
- b. The quality, type, number and density of jobs to be accommodated; and
- c. The environmental quality of the site.

This proposal would result in the redevelopment and regeneration of an existing employment area as part of the applicant's vision to diversify the site into a high quality urban village and support the development of under-utilised land and buildings. In relation to floorspace for uses considered acceptable as set out in Policy ED2, there would be an overall increase in floorspace to support the required diversification and future of the site. The Heath Business and Technical Park is a large employer in Runcorn with 1,242 full time employees associated with the existing retained commercial floorspace and significant job creation would result through the redevelopment process. The likely resultant social and economic value of the proposed development is set out later in the report. The suitability of the proposal in respect of Green Infrastructure and Greenspace will be considered later in the report and will inform a conclusion on whether the overall environment quality of the site is acceptable.

6.69 In terms of the criteria set out for new employment development in Policy ED2 (4) of the DALP, the redevelopment of the Heath Business and Technical Park for the uses proposed are considered compatible with surrounding uses. The level of employment floorspace would increase notwithstanding the introduction of other land uses including residential. The revised / increased floorspace would likely be more attractive to the market than the existing accommodation given its age and design. The attractiveness of the accommodation would likely allow for significant job creation as predicted by the applicant. The redevelopment would involve the repurposing of some of the existing buildings and the indicative scale parameters show that the development would be up to four storeys which reflects the height of the existing buildings. It is therefore considered that a future reserved matters proposal can be designed to be reflective of the character and appearance of the locality. The Heath Business and Technical Park benefits from existing vehicular access from both the Western Point Expressway and Heath Road South, existing public transport provision and sustainable links to

adjacent areas. It is considered that suitable access and servicing provision can be demonstrated at reserved matters stage. This is a long established employment site and enclosed in an appropriate manner.

6.70 Policy ED2 (5) of the DALP encourages planning obligations for the training and recruitment of local people for both the end use and the supply chain. Given the development under consideration, it is considered reasonable to secure such provision through a social value strategy within the legal agreement.

6.71 Policy ED2 (6) of the DALP states that the Council will seek to retain existing commercial/industrial (Office, Research and development, and light industry, factory or storage and distribution uses), unless it can be demonstrated that the continued use of the site/premise for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its existing use.

6.72 It is acknowledged that whilst land available for purposes outlined in the policy may reduce, the applicant's vision is to diversify the site into a high quality urban village and support the development of under-utilised land and buildings. It is accepted that the ancillary development proposed includes employment uses and that there would be an increase in non-residential floorspace over and above that which currently exists in the applicant's vision. This includes uses which are considered acceptable in Policy ED2 (1) of the DALP.

6.73 The applicant's submission makes clear the social and economic benefits that would result from the proposed development. These include employment opportunities linked to construction, the delivery of new homes, additional employment opportunities created through the redevelopment proposals, accessible parks and greenspace and communal gardens.

6.74 The applicant does not claim that there is no demand for the land/premises in its current use, but explains the need to redevelop / regenerate the site to significantly improve its use which would provide better accommodation to attract new businesses to Heath Park. The traditional office spaces available on site have remained underutilised and vacant for an extended period of time. The applicant has advised that despite concerted marketing efforts aimed at attracting occupiers to various units on the site at various times, the existing buildings have not represented a particularly attractive opportunity to the market. This has been supplemented by an Employment Statement, however this does not constitute a policy compliant marketing exercise to accord with Policy ED2 (6) of the DALP. It is not considered that further marketing information of the land/property is required, given the land uses proposed (i.e maintenance of employment floorspace, with additional residential and non-residential floorspace to deliver a high quality urban village).

- 6.75 Policy ED3 of the DALP states that within Primarily Employment Areas, Strategic Employment Locations, Employment Renewal Areas and Employment Allocations, appropriate small scale ancillary complementary services and facilities, which can be demonstrated to meet the needs of employees and complement existing businesses, will be supported provided that they do not impact on local employment or the local economy.
- 6.76 The policy justification states that employment areas may on occasion benefit from the inclusion of other small scale ancillary complementary services and facilities, such as catering facilities, small scale convenience retail (up to 280 sqm net), restaurants and cafes, and childcare facilities. Small scale ancillary facilities that support business and industrial uses may be permitted where they enhance the overall attractiveness and sustainability of the employment area in which they are proposed to be sited. Such facilities should demonstrate that they primarily meet the needs of businesses and employees of Halton's employment areas and are of an appropriate scale and location. In addition to small scale ancillary facilities, mixed use schemes which incorporate office, retail and residential development in higher density developments in or adjacent to the Borough's town and district centres can create attractive, vibrant and sustainable places.
- 6.77 The Heath Business and Technical Park already benefits from ancillary non-residential floorspace including retail, a restaurant and a fitness suite. The applicant wishes to deliver their vision for a high quality urban village which would result in additional non-residential floorspace at this site. This would include the addition of a hairdressers and post office, a pharmacy and surgery, an indoor pool, public house and a gaming centre. The amount of non-residential floorspace now proposed would ultimately go beyond what would usually be considered complementary services and facilities within Employment Areas. This does not automatically result in non-compliance with Policy ED3, however the key consideration is whether it is demonstrated that the proposal does not impact on local employment or the local economy. The applicant is clear in their submissions that the mix of commercial uses proposed seek to directly serve the new residential accommodation proposed by this application with the objective of creating a sustainable new urban neighbourhood.
- 6.78 The applicant acknowledges that their proposal includes a number of main town centre uses (as defined by NPPF) and that they are likely to include convenience retail, specialist independent stores such as a bike shop, service uses such as a hairdresser and post office, a pharmacy which would be ancillary and part of a new surgery, coffee shops and café, bar/restaurants, a gym/fitness studio, a public house, a hotel, indoor swimming pool, conference centre, gaming centre and offices. These uses have been subject to a Main Town Centre Use Assessment given that the site is an out of centre location and to address the policy tests in both Policy HC1 of the DALP and NPPF (namely paragraphs 87-91). Some of the representations question the requirement for more shops and

a hotel. The suitability of the uses and quantum of development is considered below.

6.79 Policy HC1 (6) of the DALP states that 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.

6.80 The sequential assessment undertaken by the applicant concludes that there are no suitable, available and viable sites which could accommodate the proposed development within or on the edge of Halton Lea Town Centre or Runcorn Old Town District Centre, even when regard is given to flexibility.

6.81 It is accepted that the application site is available and the most suitable for the proposed development, given its potential to deliver a high quality scheme on a brownfield site. The proposed development would help regenerate the site, representing an opportunity to redevelop the existing business park. The proposed main town centre uses will also be within walking distance of existing local residents, and future residents and workers on a highly sustainable and accessible site.

6.82 The proposed development exceeds the floorspace thresholds for impact assessment in Table HC1.1 of Policy HC1 of the DALP. The applicant has undertaken an impact assessment which concludes that the proposal would not have a significant adverse impact on either Halton Lea Town Centre or Runcorn Old Town District Centre given the existing food and beverage premises situated with these centres are generally well-established businesses and offer an experience / service which are unlikely to be replicated at the proposed development. In terms of Sports and Leisure provision within these centres, the offer is limited and either a larger scale than that proposed or targets a specific discipline. The planned residential and employment generating uses at the site would likely support the additional Main Town Centre uses floorspace by virtue of growing leisure and food and beverage expenditure.

6.83 In terms of the quantum of Main Town Centre Uses proposed, it is accepted that there are no appropriate sites in the Primary Shopping Area or Edge of Centre which could accommodate the proposed development. Therefore, the impact of the proposed development would not demonstrably harm existing centres and their catchments and the proposal in respect of ensuring the vitality and viability of centres is compliant with Policy HC1 of the DALP and paragraphs 87-91 of the NPPF.

6.84 Considering the relationship of uses proposed within the Primarily Employment Area, the applicants Noise Impact Assessment considers noise from the proposed employment uses. In terms of existing uses, a significant proportion of the floorspace is offices and laboratory space (Use Class E(g)) which is compatible with other uses such as residential. It is noted that some of the site is used for storage which falls under Use Class B8 and are not typically compatible with uses such as residential. It is noted that the amount of floorspace to be used for storage purposes would reduce based on the applicant's submissions from 2,634sqm to 1,602sqm.

6.85 The applicant considers that the employment uses are not heavy or particularly noisy uses noting the proximity to proposed and existing residential receptors. The conclusion to this being that the uses are compatible subject any particular conflicts being designed out through the reserved matters submissions and conditions. This would primarily relate to the sensitive positioning of vehicular access points and mechanical plant.

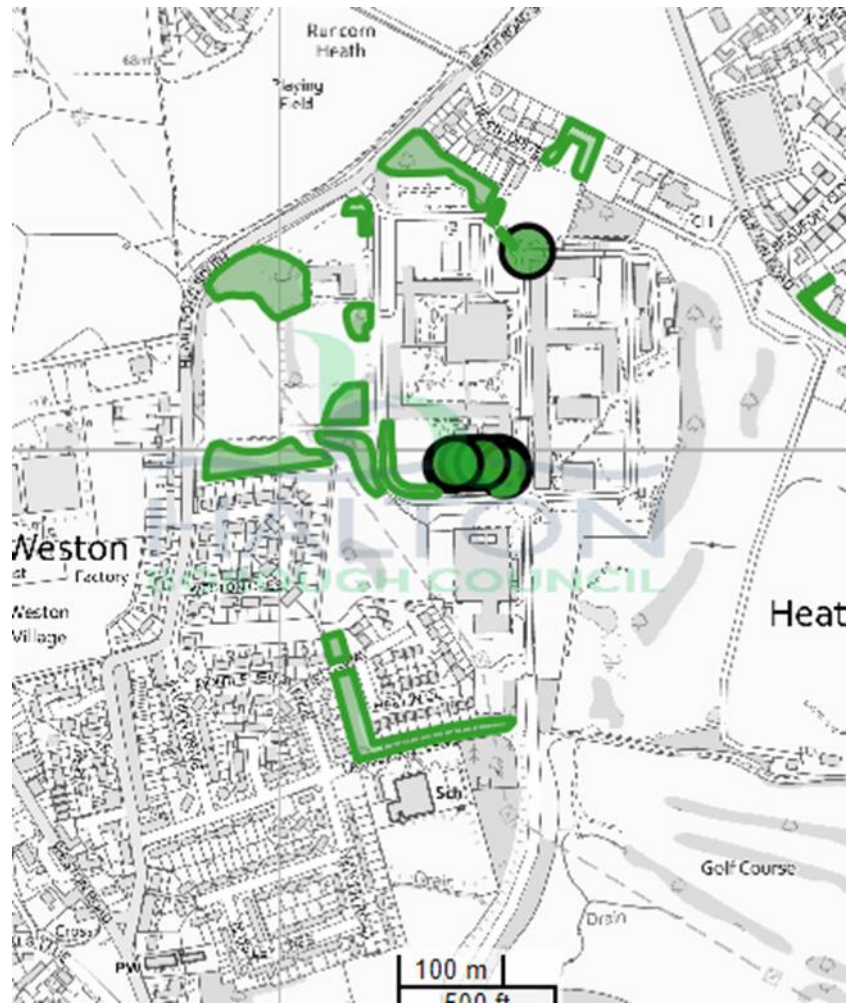
6.86 In conclusion, whilst land available for employment purposes may reduce, the applicant's vision is to diversify the site into a high quality urban village and develop under-utilised land and buildings. Notwithstanding that the applicant has not undertaken a policy compliant marketing exercise to allow the introduction of other uses to accord with Policy ED2 (6) of the DALP, it is accepted that the maintenance of employment floorspace, and introduction of new non-residential floorspace would allow the delivery a high quality urban village when combined with the housing element of the scheme.

6.87 It is considered that the proposal would ensure that the local economy is supported and additional employment opportunities are created on site as part of the applicant's vision for a high quality urban village in accordance with Policies CS(R)4, ED3 and HC1 of the DALP.

6.88 Implications for Trees/Woodlands

6.89 The applicant has undertaken a Tree Survey report and an Arboricultural Impact Assessment to accompany the application. This accords with the requirement set out in Policy HE5 (1) of the DALP. The Tree Survey notes that there are 54 individual trees, 21 tree groups, 4 woodlands and 1 hedge located on the site. 59 are Category A (Trees of high quality and value capable of making a significant contribution to the area for 40 or more years), 18 are Category B (Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years) and 3 are Category C (Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 centimetres in diameter which should be considered for re-planting where they impinge significantly on the proposed development).

6.90 The Heath Business and Technical Park is subject to a Tree Preservation Orders (TPO 100 and TPO 110). This includes a number of individual trees, groups of trees and areas of woodlands. There is an area of woodland to the north of Lamsickle Lane / Public Footpath to the East which is protected and located adjacent to the site boundary. The extract below shows the location of protected trees located within / adjacent to the application site.



6.91 The applicant's Arboricultural Impact Assessment and also their Assessment of Biodiversity are clear on the loss of trees that would result from the proposed development based on the illustrative masterplan. There would be 46 individual trees lost and 77 individuals in tree groups resulting in an overall loss of 123 trees. The applicant reports that 58 trees would be retained. The Assessment of Biodiversity shows that 2.12ha of the current 6.62ha of urban tree habitat would be retained.

6.92 The applicant has split the site into plots on the indicative scale plan. The indicative development plots which impact protected trees are plots F, G, H, L and P. It is also noted that some of the protected trees are located adjacent to

existing residents and objections in respect of their amenity and also character of the area have been received.

6.93 There is currently 2.3ha of woodland on the application site and the retained woodland would be 1.61ha resulting in a loss of 0.69ha of woodland.

6.94 Policy HE5 (3) of the DALP states that there will be a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover of arboricultural, landscape and/or visual amenity value on site. It should be noted that the applicant's own Arboricultural Impact Assessment states at paragraph 13.0 "the retention of significant arboricultural assets will be needed as the site is protected by TPO and adequate mitigation planting will be required within a landscape plan". The proposed illustrative masterplan does not demonstrate the retention of significant arboricultural assets, contrary to the professional advice the applicant has received. The applicant is of the view that a more beneficial scheme can be achieved through the remodelling of the site, which although results in the loss of trees, also provides for significant replanting across the whole site.

6.95 The applicant proposes significant habitat creation in the form of replacement planting of 415 native urban trees plus 212 fruit trees. The applicant states that 120 of the trees proposed are located in soft landscaped areas which can be classified as attaining a medium size given that they have no root development restrictions which provides a total new coverage of 6.4614ha.

6.96 Firstly, considering trees, the baseline is that the on-site value is 52.96 habitat units based on an area of 6.62ha. The tree habitat retained (2.12ha) + the new habitat coverage (6.4614ha) result in a total tree habitat area of 8.5814ha. However, as stated by the Ecological Advisor, the reduction in the overall habitat units is largely due to the Urban Trees being small in size which does not correlate with the distinctiveness and condition of the existing trees to be lost. New trees and woodland take time to reach target condition. The biodiversity assessment sets out that period as being 15 years for woodland and forest and 27 years for trees.

6.97 Secondly, considering woodland, the baseline is that the on-site value is 9.2 habitat units based on an area of 2.3ha. The woodland habitat retained (1.61ha) + the new habitat coverage (2.164ha) results in a total woodland habitat area of 3.774ha. In this case, the habitat units do increase as a result of proposed on-site habitat enhancement.

6.98 Policy HE5 (4) of the DALP states that where development is likely to result in the unavoidable loss of, or threat to, the continued health and life expectancy of, woodlands, trees or hedgerows the Council will require the impacts to be satisfactorily addressed through appropriate mitigation, or where this can be

demonstrated to be not feasible, compensation or offsetting in accordance with policy HE1.

6.99 This proposal would inevitably result in the loss of woodlands and trees and the proposed habitat creation whilst resulting in an increased number of trees, do not correlate with the distinctiveness and condition of the existing trees and represent the same level of habitat units and ultimately value. The proposal is therefore not considered to provide appropriate mitigation for the resultant loss contrary to the provisions of Policy HE5 (4) of the DALP.

6.100 The representations received have made reference to unauthorised works having been undertaken in relation to protected trees. The Planning Enforcement Officer was first made aware of unauthorised works to protected trees in December 2021. A small number of trees along the frontage had been removed. The site owner was advised to seek consent if any further works to TPO trees were to be carried out. The Planning Enforcement Officer has also advised that further unauthorised works to TPO trees had taken place in December 2022. They were investigated and it was not deemed expedient to prosecute and the extent of works would have been deemed to be reasonable, if an application for works had been submitted.

6.101 Representations have been received raising concerns over the loss of protected trees resulting from the proposed development. Some of these concerns are raised in general terms noting the significant contribution that protected trees make the character and appearance of the locality. Some of the concerns are related to the applicant intending to fell protected trees / woodlands which are adjacent to their properties and in addition to the impact on the character and appearance of the locality also have concerns regarding amenity.

6.102 The proposed development is likely to result in the loss of protected trees, with an overall loss of 123 trees, with 58 original trees retained. Given the loss of protected trees, the proposal would be contrary to the provisions of policy HE5. However, by way of compensation, the scheme provides for 1.474ha of new additional woodland habitat, and significant replacement planting of 415 native urban trees plus 212 fruit trees, however these will take time to reach maturity. The applicant has stated that the total number of trees to be provided through the scheme, including all urban trees and structural woodland planting is 5855 trees.

6.103 It is considered that conditions securing the Submission and Implementation of an Arboricultural Method Statement, a Tree Protection Plan and a Landscape and Ecological /Habitat Management Plan (following landscaping reserved matters submissions) should be secured to ensure the delivery of the relevant tree protection and planting scheme.

6.104 Development on Greenspace / Green Infrastructure / Residential Greenspace Requirements

6.105 The most north western part of the application site forms a small area to the south east of the identified Strategic Greenspace adjacent to the settlement areas, as shown on the DALP 'Key Diagram' (DALP pg 40), and the strategic policy (CS(R)21) has provisions that important green infrastructure within the urban area will be protected from detrimental development to ensure its value, both individually and as part of a network, is retained. The same policy has provisions for improving accessibility to green infrastructure, and seeks to maximise the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaptation, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.106 The significant part of the Strategic Greenspace referenced on the Key Diagram is Runcorn Hill (a Local Nature Reserve, Local Wildlife Site, a designated Greenspace, a Nature Improvement Area and a Core Biodiversity Area). In comparison, the relevant part of the application site is designated only as Greenspace and Nature Improvement Area, with a very small area in the North West corner being Core Biodiversity Area. As part of the overall application site is identified as Strategic Greenspace, the suitability of the development proposal needs to be very carefully considered in terms of the resultant impact on existing green infrastructure, given its importance.

6.107 This north western parcel of the application site is labelled with the number 2 on the Proposals Map, which is representative of it being a Natural and Semi-Natural Greenspace. It is an undeveloped piece of land, which is not publicly accessible. It has value as visual amenity by providing a visual break adjacent to the existing residential development. The site also acts as a landscape buffer for Runcorn Hill from built development. The applicant's Preliminary Ecological Appraisal notes that the southern section is amenity grassland and the northern section is neutral grassland. This parcel therefore has habitat, landscape and wildlife value. A public footpath runs along the eastern boundary of the site linking Heath Road South to Highlands Road, forming a greenway and greenspace linkage, this route would not be affected by the proposed development.

6.108 A quantitative update of the previous Halton Open Space Study was undertaken by the Council in 2020 and was an evidence base document for the DALP. This looks at the various open space typologies including Natural and Semi-Natural Greenspace. This looks at the borough as a whole, Runcorn and Widnes and also based on Neighbourhoods (which comprise a number of wards based on the ward boundaries prior to 2021). This allowed a direct comparison to be made between the 2005 study and the 2020 study.

6.109 The application site falls within the old Heath Ward, which is Neighbourhood 6, comprising the former wards of Mersey, Heath, Halton Brook and Grange. In 2021, the population of this Neighbourhood was 27,041. This resulted in the position set out below regarding the various open space typologies:

Amenity Greenspace – Requirement 27.04ha – Provision 36.24ha– Surplus of 9.2ha.

Provision for Children and Young Persons – Requirement 5.41ha – Provision 3.26ha – Deficit of 2.15ha.

Parks and Gardens – Requirement 33.8ha – Provision 19.47ha – Deficit of 14.33ha.

Natural and Semi-Natural – Requirement 74.36ha – Provision – 60.78ha - Deficit of 13.58ha.

Allotments and Community Gardens – Requirement 2.43ha – Provision 2.18ha – Deficit of 0.25ha.

6.110 It is notable that the former wards of Mersey, Halton Brook, and Grange are quite dense residential areas with less green space, in contrast to Heath Ward (where the application site is located), which in isolation does have a significant amount of open space (Runcorn Hill, Weston Quarries, Heath Park, Golf Course etc). The update to the Halton Open Space Study also shows that there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn, despite the deficit in Neighbourhood 6.

6.111 Policy CS(R)21 of the DALP states that Halton’s green infrastructure network will be protected, enhanced and expanded, where appropriate. It also sets out that the Council will resist the loss of green infrastructure where there are identified deficiencies in provision. The policy also makes reference to the protecting, enhancing and where possible creating linkages and connections between natural habitats and other landscape features which contribute towards a network of greenspaces and corridors of value for biodiversity, recreation and the amenity needs of the community. The same policy has provisions for improving accessibility to green infrastructure, and seeks to maximise the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaption, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.112 The justification for Policy CS(R)21 at paragraph 7.137 of the DALP states that green infrastructure, as defined, is present across Halton from the strategic urban greenspace areas of Town Park and Victoria Park, the waterways and canals including the Sankey and Bridgewater canals, to areas of nature conservation interest, play areas, parks and golf courses. The application site contains an area of greenspace of strategic importance due to nature

conservation and its relationship with Runcorn Hill Local Wildlife Site / Local Nature Reserve and its unique landscape.

6.113 The proposed development would result in the loss of existing green infrastructure and also greenspace identified on the Policies Map. Policy HE4 (4) of the DALP states that this will only be permitted where the following criteria can be met:

a. It can be demonstrated that the green infrastructure and green space is surplus to requirements against the Council's standards in accordance with policy RD4 and CS(R)21, and the proposed loss will not result in a likely shortfall during the plan period; or a

b. Replacement green infrastructure and green space is provided of equivalent or better provision in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space.

c. It must be demonstrated that the loss of the green infrastructure and green space under criteria i. or ii. does not detract from the Borough's ability to divert recreational pressure away from sensitive European designated sites and does not result in an effective increase in recreational pressure within the European designated sites.

6.114 The applicant's Planning Statement acknowledges that the proposed north west residential development parcels would result in the loss of designated Natural and Semi-Natural Greenspace (the applicant's figure based on the illustrative plan is 2.33ha). The applicant also notes that it is not possible to directly replace the 2.33ha of designated Natural and Semi-Natural Greenspace. As a consequence of this noting the policy requirements set out above, the applicant accepts that this aspect of the development is contrary to the provisions of Policy HE4 (4) and CS(R)21 of the DALP.

6.115 Also shown on the Policies Map within the Heath Business and Technical Park are Core Biodiversity Areas (Natural and Semi Natural Greenspaces corresponding with areas of woodland and also an area of Amenity Greenspace). The extract below is from the LCR Ecological Network Interactive Map showing Core Biodiversity Area – Woodland. Whilst these areas may not be labelled as Greenspace on the DALP Policies Map, it is considered that they are existing green infrastructure identified on the Policies Map and are therefore relevant to the consideration of Policy HE4 (4) of the DALP. The general Core Biodiversity Area (CBA) covers a significant area of the Borough, with a primary purpose as set out in Policy HE1 4 to guide the location of compensatory measures where these are provided for other types of habitat. Identification of a site within the CBA is not fatal to development proposals as many DALP land allocations have elements of CBA within them, and as such they represent opportunities rather than restrictions.



6.116 There are other areas of green infrastructure within the Heath Business and Technical Park site, an example being the incidental greenspaces adjacent to existing buildings which are not identified on the DALP Policies Map. In many cases these areas have accommodated buildings that have been demolished and are not undeveloped areas. The policy test set out at Policy HE4 (4) of the DALP relates to the loss of existing green infrastructure and greenspace identified on the Policies Map and therefore does not apply to these areas. The loss of these incidental greenspaces within the Heath Business and Technical Park not shown on the DALP Policies Map, whilst not being desirable, will not be resisted as these incidental areas are allocated as employment land, and it is recognised in Policy CS(R)4bvii that regeneration and remodelling opportunities are supported within existing employment areas.

6.117 Based on the above consideration, the loss of green infrastructure and greenspace identified on the Policies Map does exceed the 2.33ha based on the applicant's illustrative plan when the Core Biodiversity Areas within the existing Heath Business and Technical Park shown as being lost are taken into account. This relates to the areas of Natural and Semi-Natural Greenspace for which there is an identified deficit within the neighbourhood.

6.118 The policy test (HE4,4) is '*replacement green infrastructure and green space is provided of equivalent or better provision in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space*'. The applicant acknowledges that a quantitative amount of replacement green infrastructure / green space is not being provided. In terms of quality, it is noted that the applicant's Greenspace Masterplan Strategy sets out existing and enhanced semi-natural woodlands as well as new structural native woodland planting (with a significant proportion being located on existing designated greenspace to improve its biodiversity).

6.119 The applicant also sets out the benefits that would result from providing public access to existing, enhanced and new green infrastructure, and this aspect accords with Policy CS(R)21. The overall greenspace/landscape strategy seeks to promote a net gain in ecological value, amenity value, environmental quality, climate resilience and connectivity with a wider network of greenspaces promoting active travel, recreational opportunities and enhancing ecological connectivity. The applicant also notes their vision for a multi-functional green infrastructure corridor that connects the north western development parcels with the heart of the main site and reinforces the recreational and ecological connectivity between Runcorn Hill Park (linking into the Mersey Valley Trail) and Heath Park. This is illustrated by applicant's vision for Pylon Meadow. It is accepted that the applicant's proposal would deliver some qualitative improvements and that the replacement provision proposed is within the site itself and would therefore be considered a suitable location. The resultant issue here is the quantity of replacement green infrastructure and greenspace proposed hence the reported non-compliance with Policy HE4 (4) of the DALP.

6.120 The consideration of Greenspace Provision for Residential Development to ensure compliance with Policy RD4 of the DALP is of relevance to the consideration of Development on Greenspace. The applicant correctly notes that the Greenspace for Residential Development Standards based on the quantum of development proposed (545 residential units) are as follows:

Parks & Gardens – 21,488 sqm (2.1488 ha)

Natural & Semi-Natural – 47,273 sqm (4.7273 ha)

Amenity Greenspace – 17,190 sqm (1.719 ha)

Provision For Children & Young Persons – 3,438 sqm (0.3438 ha)

Allotments – 1,547 sqm (0.1547 ha)

6.121 The suitability of the Greenspace Provision for Residential Development is to be considered below, however it should be noted that any replacement green infrastructure and green space as a result of the proposed development should be in addition to that required as a result of the needs of the new

residential development. The applicant has set out that the following overall Greenspace provision would be provided as part of their Greenspace Masterplan:

Parks & Gardens – 2.237 ha (Surplus)

Natural & Semi-Natural – 6.313 ha (including 1.419ha new provision and the enhancement of 4.894ha). (Deficit)

Amenity Greenspace – 0.668 ha (Surplus)

Provision For Children & Young Persons – 0.072 ha (Deficit)

Allotments & Community Gardens – 0.98 ha (Surplus)

6.122 The applicant's Greenspace Masterplan shows Greenspace provision in both parts of the application site. Firstly, considering the Parks and Gardens Typology, the Greenspace Masterplan shows 2.237ha which is in excess of the 2.1488 ha standard.

6.123 Secondly, considering Natural & Semi-Natural Greenspace, the applicant acknowledges that there is a projected quantitative shortfall in this typology. The applicant sets out that there would be 1.419ha of new provision. This is significantly below the 4.7273ha requirement for residential provision. However, as set out earlier in the report, the loss of designated Natural and Semi-Natural Greenspace would not be replaced to a level which would ensure policy compliance. The impact of the proposed development in respect of quantitative Natural & Semi-Natural Greenspace would therefore be significant. However there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn.

6.124 Thirdly, considering Amenity Greenspace, the applicant proposes 0.668ha noting the 1.719 ha requirement. As stated earlier in the report, there is a surplus shown for this typology in the neighbourhood in which the site is located within the Quantitative update of the previous Halton Open Space Study. The document notes that 98% of residential properties are within 400m of amenity greenspace and there is such provision within a 400m accessibility standard in this case. Based on there being a surplus of Amenity Greenspace in the neighbourhood, it is not considered that the proposed development would create, or exacerbate a projected quantitative shortfall of Amenity Greenspace in this instance.

6.125 Fourthly, considering Provision for Children and Young People, the applicant proposes 0.072ha whilst noting the requirement of 0.3438 ha. There is an identified deficit in the neighbourhood. There is some provision in the locality including Weston Playground and Heath Park Playground, however these would unlikely support such a significant amount of development. The applicant notes that within the Heath Park Vision Document, the following

provision is referenced – Children Play – Toddler (at Pylon Meadow Park), Children Play – Teenage (at Quarry Attenuation Pond and at West Woodland), Children Play – Natural (at Pylon Meadow Park and East Woodland). It is questioned why this is not shown on the Greenspace Strategy and without this, it cannot be demonstrated that sufficient Provision for Children and Young People would be provided which would therefore exacerbate a projected quantitative shortfall of Provision for Children and Young People.

6.126 Fifthly, considering Allotments & Community Gardens, the Greenspace Masterplan shows 0.98 ha which is in excess of the 0.1547 ha standard.

6.127 Now considering the resultant overall environment quality of the site in the context of Policy ED2 from earlier in the report, the assessment of Green Infrastructure, Greenspace and also Arboricultural issues (considered later in the report) do have a negative impact in this regard especially given the significant loss of trees that would result. There is therefore non-compliance with Policy ED2 (2c) of the DALP.

6.128 Accordingly, in respect of development on designated greenspace, it is not demonstrated that there would be equivalent or better provision of green infrastructure and greenspace in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing green infrastructure and green space. Therefore, there is conflict with Policy HE4 of the DALP.

6.129 In respect of Residential Greenspace provision, the proposal through the applicant's Greenspace Masterplan demonstrates that an appropriate level of provision for Parks & Gardens, Amenity Greenspace and Allotments & Community Gardens can be provided, however it is considered that the proposal would exacerbate a projected quantitative shortfall in both Natural & Semi Natural Greenspace and Provision for Children and Young People contrary to the provisions of Policy RD4 of the DALP. However, it must be remembered that this is an outline application, with an indicative layout, and there does appear to be sufficient space within the application site to address some of the deficiencies highlighted above, simply by changing the type of residential greenspace to be provided in order to achieve policy compliance.

6.130 The overall conclusion in respect of Greenspace and Green Infrastructure is that the proposed development is contrary to the provisions of Policies CS(R)21, HE4 and RD4 of the DALP. This is primarily due to the overall quantity of green space being provided. However, there continues to be an overall surplus of Natural and Semi-Natural Greenspace in the Borough as a whole, and also in Runcorn. The development is also directly adjacent to the Natural & Semi-Natural areas of Runcorn Hill, and the large parkland area of Heath Park, which provides access to recreational space. Proximity to these existing greenspaces reduces the impact of policy non-compliance, as suitable green spaces are present in the locality. Positively, the development will also

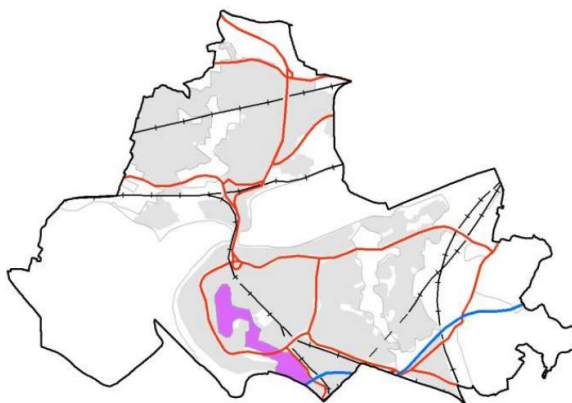
provide public access to new areas of greenspace, including an area of approximately 1.7Ha that previously had no public access, and this therefore conforms with policy provisions for improving accessibility to green infrastructure, and maximising the contribution of green infrastructure to broader sustainability objectives, including health, climate change adaption, maintaining or improving biodiversity, and also encouraging the use of the wider green infrastructure network which is less sensitive to recreational pressure.

6.131 It is considered that conditions securing the submission and implementation of both a Phasing Plan and a Greenspace Management Plan should be secured to ensure the delivery of the development in an appropriate manner.

6.132 Landscape Impact

Policy HE5 (5) of the DALP states that all development will be required to conserve and where appropriate enhance the character and quality of the local landscape.

6.133 The Council undertook a Landscape Character Assessment (LCA) in 2009 to look at the landscape and visual character of the borough. This identified nine landscape character areas with one being Runcorn Hill and Heath Parkland. The Runcorn Hill and Heath Parkland Landscape Character Area is shown in purple on the extract below:



The smaller area of the application site to the North West of Heath Business and Technical Park on the opposite side of Heath Road South is located within the Runcorn Hill and Heath Parkland Landscape Character Area.

6.134 The strategy for the Runcorn Hill and Heath Parkland Landscape Character Area is to ENHANCE and RESTORE and emphasis should be placed on restoring the condition of the unique landscape around Runcorn Hill Local Nature Reserve and protecting the views from the rocky viewpoints. Further restoration of hedgerows would strengthen the landscape condition.

Enhancement of planting around the peripheries would strengthen the landscape character of the area.

- 6.135 Noting the above, the applicant was requested to undertake an assessment of landscape and visual impact to demonstrate compliance with Policy HE5 (5) of the DALP. The applicant has chosen not to undertake either a Landscape and Visual Impact Assessment (LVIA) or a Landscape Visual Appraisal (LVA) and has instead provided some commentary in their Planning Statement.
- 6.136 The applicant acknowledges the incursion that the proposed development would have into the Runcorn Hill and Heath Parkland Landscape Character Area. They also state the context of the application site in relation to the existing urbanised area to the south which includes the existing Heath Business and Technical Park as well as existing residential areas to the east, west and south of the Heath Business and Technical Park.
- 6.137 Runcorn Hill (located directly to the north of the application site) is a prominent sandstone hill which provides a feature and backdrop to views from other parts of Halton. The LCA also notes that to the south of the Local Nature Reserve the land cover opens into amenity grassland, rough grazing and horse paddocks and that there is an association with the adjacent heath and woodland within the Local Nature Reserve as the boundaries are open and transitional, and the amenity greenspace is set within a woodland setting. A key characteristic of the Runcorn Hill and Heath Parkland Landscape Character Area is that it forms a corridor of urban greenspace in the south west of Runcorn.
- 6.138 The scheme's Greenspace Masterplan Strategy includes enhanced landscape components and at the same time responds to guidelines for the enhancement and restoration of key landscape characteristics for the Runcorn Hill and Heath Parkland Landscape Character Area. The Greenspace Masterplan Strategy proposes to reinforce and restore hedgerows and tree belts as well as enhancing planting around the peripheries of the proposed development areas alongside the creation of additional green infrastructure and linkages within and through the application site. The incorporation of these features would contribute to reducing the prominence of urban fringes within and adjacent to the Runcorn Hill and Heath Parkland Landscape Character Area. Attention has been given as to not enclosing or restricting key views from the top of Runcorn Hill as shown in the scale parameters by limiting dwellings to two storey on the part of the application site in question. The applicant's vision sets out examples of a quality suite of materials that are considered appropriate for the proposed development within the context of its landscape character setting, albeit recognising that the LCA confirms that there is no overriding architectural style.

- 6.139 Notwithstanding what the applicant has set out in respect of landscape character, the Council's Design and Development Manager concerns over the proximity of the proposed housing areas (labelled A,B,C on the illustrative masterplan) and the relationship to Runcorn Hill Park, in particular in the effect this development has on the landscape character associated with the local nature reserve and heathland habitat type remain.
- 6.140 The policy test in Policy HE5 is whether the proposed development would conserve and where appropriate enhance the character and quality of the local landscape. Firstly, the fact that development is proposed in a Landscape Character Area does not automatically mean that it is unacceptable, however the impact needs to be carefully assessed. It is noted that there are some residential properties within the Landscape Character Area and the LCA assesses built form noting that the roofline within the character area is dispersed and infrequent as built form is limited.
- 6.141 Noting the following wording from the LCA, *to the south of the Local Nature Reserve the land cover opens into amenity grassland, rough grazing and horse paddocks and that there is an association with the adjacent heath and woodland within the Local Nature Reserve as the boundaries are open and transitional, and the amenity greenspace is set within a woodland setting*, the observations of the Council's Design and Development Manager are understood. The land on which development is proposed has a clear association with Runcorn Hill (the directly adjacent Local Wildlife Site and Local Nature Reserve) and built form in this location would ultimately have an impact on Runcorn Hill as a prominent sandstone hill which provides a feature and backdrop to views. The LCA is clear that this Landscape Character Area is a *corridor of urban greenspace in the south west of Runcorn*. The proposed development within the Landscape Character Area would partially fragment this corridor of urban greenspace running through the South West of Runcorn.
- 6.142 The applicant does note the ways in which the LCA sets out the landscape strategy for the area (Runcorn Hill and Heath Parkland Landscape Character Area) through the restoration of hedgerows and enhancement of planting around the peripheries. The applicants illustrative plans do show some space for Natural & Semi Natural Greenspace at the north western corner of the site and a linear Park/Garden. The space afforded to this provision is limited and it is not considered that it would overcome the identified harm as a result of development of this land which has a clear association with Runcorn Hill which is currently open and transitional and the partial fragmentation of the corridor of urban greenspace running through the South West of Runcorn.
- 6.143 In conclusion, it is considered that the proposal would fail to conserve and enhance the character and quality of the local landscape contrary to the provisions of Policy HE5 (5) of the DALP. Noting that development would result in a negative impact on the Landscape Character Area.

6.144 Greenway Implications

As noted in the site description, there are a number of Greenways within and adjacent to the site. These include the Greenway along Lamsickle Lane which serves Weston Primary School links through the application site to Runcorn Golf Course and beyond, the Greenway linking Heath Road South to Highlands Road and the Greenway which runs in a north easterly direction along Heath Road South in the direction of the crossroads with Clifton Road, Moughland Lane and Greenway Road.

6.145 The proposed development does not compromise the existing Greenways which encourage walking and cycling and are part of the green infrastructure network. The applicant's objective of creating a sustainable new urban neighbourhood would increase access to the site through the creation of new publicly accessible greenspaces and resultant linkages through the development. The maintenance of the existing Greenways is shown on the applicant's illustrative circulation and connectivity plan. Representations have been received questioning whether the Greenway linking Heath Road South to Highlands Road would be maintained. This is a public footpath running across land which is controlled by the Council. The illustrative plan also shows other potential future linkages through the site which would encourage walking and cycling and link up the above referenced Greenways through what is currently a privately owned site. It is considered that the proposed development has the potential to enhance green infrastructure networks and provide links to green infrastructure assets in the locality. This detail would be provided as part of reserved matters submissions and would need to demonstrate compliance with Policies CS(R)21, C1 and HE4 of the DALP.

6.146 Ecology and Biodiversity

The applicant has made a number of submissions relating to ecology and biodiversity as set out in paragraph 2.2 of the report.

6.147 The development site is near to a number of national and international sites (Mersey Estuary SPA, Mersey Estuary Ramsar site and Mersey Estuary SSSI). The Ecological Advisor states that there is no pathway that could result in likely significant effects on the national and international sites and that a Habitat Regulations Assessment is not warranted for the reasons outlined in their response and this position is accepted.

6.148 The development site is within 1km of a number of sites of local importance (Runcorn Hill Park Local Nature Reserve (LNR) and Runcorn Hill Local Wildlife Site (LWS)). The Ecological Advisor notes that the Runcorn Hill site is a former quarry, which has primarily been designated for its mosaic of habitats including Priority Habitats such as Purple Moor Grass and Rush Pasture, Lowland Heathland and Deciduous Woodland. The site is also designated for its population of common lizard. There is a risk of predation of

reptiles from within the LWS/LNR from domestic cats. This could be mitigated through appropriate buffer planting such as gorse that could provide a barrier between the site and the designated area. They advise that the proposals would result in recreational pressure impacts on the LNR/LWS due to the proximity of the new residential properties and that a commuted sum should be secured to manage risks to the designated sites. The commuted sum is to be finalised and would be used for the Council's identified infrastructure improvements at Runcorn Hill Park. The proposed development would immediately border the LWS/LNR and there is a risk of damage or pollution of the designated site during construction. This risk would need to be appropriately managed through a Construction Environmental Management Plan (CEMP) including the details set out in the Ecological Advisor's observations.

- 6.149 The development site includes an area of neutral grassland which is a UK BAP priority habitat. This would be lost to development. The Biodiversity Metric submitted with this outline planning application by the applicant demonstrates that there would be a net gain of neutral grassland Priority Habitat within the site to ensure compliance with both national and local planning policy. A full and detailed Landscape and Habitat Management Plan would need to be secured by condition and demonstrate no net loss of biodiversity.
- 6.150 In relation to protected / priority species, the applicant has completed Great Crested Newt (GCN) Surveys of ponds within 250m of the application site
- 6.151 Representations state that a pond with newts in has already been filled in by the applicant. It is assumed that reference is being made to water-body 1 was fairly silted up on a previous survey of the site but was found to support a small population of GCN. The current survey reports that this water body is now dry and considered extinct (liner punctured). If there were evidence of habitats of protected species being damaged, this is a police enforcement issue in respect of the Wildlife and Countryside Act 1981.
- 6.152 The latest surveys found great crested newt presence at waterbodies 7, 8 and 9. The survey report concludes that there is a risk of loss of terrestrial habitat for amphibians and killing and/or injury of great crested newts during construction works. As the proposals involve the destruction of GCN breeding ponds and impacts to habitat suitable for GCN the applicant will require the Natural England District Level Licensing (DLL) to be in place prior to any works commencing on site. The applicant has now submitted a GCN Impact Assessment and Conservation Payment Certificate (IACPC) issued by and counter signed by Natural England which documents acceptance of the site and proposals into the Natural England DLL Scheme for GCN. The intention for the site to be registered under the DLL scheme means that the Council is not required to conduct a 3-test assessment (Habitat Regulations) to determine if a licence is likely to be granted, as the certificate provides confirmation from Natural England that the impacts of the development on GCN are capable of

being fully addressed in a manner which complies with the Habitats Regulations. A condition securing the submission of a copy of the DLL prior to commencement of development is suggested.

6.153 Common lizard are known to be present within the boundary of the Runcorn Hill LWS/LNR adjacent to the north-western site boundary. This was also raised in the representations received. The applicant has completed a reptile survey and no reptiles were identified within the application site boundary. There is however still a risk of reptiles entering the construction area during works on site. A Reasonable Avoidance Measures scheme condition for reptiles is suggested to secure appropriate protection.

6.154 The applicant has undertaken a bat survey of the buildings and trees on site and a small numbers of roosting common pipistrelle bats were recorded roosting in buildings F and I. The report concludes that the roosts are small day/transitional roosts for common pipistrelles, and this conclusion is accepted. The identified roots would be lost as a result of demolition of the existing buildings. The applicant has provided a Mitigation and Enhancement Measures Statement and a document relating to the capture and exclusion of bat species. These documents are accepted and the implementation should be secured by condition. As the developments affects European protected species, it must be assessed against the three tests set out in Regulation 55 of the Habitats Regulations 2017.

6.155 The assessment against the three tests is set out below:

Test 1: Regulation 55(1)(e): *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*

Buildings and infrastructure within the Heath Business and Technical Park is currently around 50-60 years old. Since 1999 the site has been open to the public to use a number of facilities within the site. One of the main aims of the “Heath Park Project” as stated within the Design and Access Statement is to improve the current community offering at the site through development. The business and technical park is also currently an important employment centre in Halton and proposals for the site look to ensure the protection and enhancement of employment within the local area. There are also proposed net gains for biodiversity within the site which will increase the value of the site for biodiversity and local wildlife. The development will be designed to accommodate replacement bat roost provision as mitigation for the roosts lost to development, and also provide additional roosting features as part of wider biodiversity enhancements. The replacement and additional roost provision will ensure long-term bat roosting habitat on site. This test is satisfied.

Test 2: Regulation 55(9)(a): *“that there is no satisfactory alternative”*

The proposals are part of a wider Heath Business and Technical Park project which aims to utilise the site to increase physical, social, economic and environmental value within the borough. The Design and Access Statement also states that there is a shared desire for the site to be designated for mixed use in order to facilitate these aims. The proposals will require the demolition of the existing buildings and will therefore not be possible without the destruction of the identified bat roosts. It is however proposed to re-instate the bat roosts within a similar location within the site and provide additional roosting opportunities within the design of the site, to increase the site’s overall suitability for use by roosting bats. Temporary roosting provision is proposed via suitable tree mounted bat boxes within the site margins to ensure roosting provision is provided at the site throughout the proposed works. The scheme proposed is considered the most appropriate mitigation approach. This test is satisfied.

Test 3: Regulation 55(9)(b): *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

Works at the site without appropriate mitigation would result in the loss of two occasional day roosts of a common and widespread species (Common pipistrelle) within Halton. Works are unlikely to cause a detrimental change to the conservation status of the European Protected Species at a local or county level but may lead to offences under the Wildlife and Countryside Act (1981) and Conservation of Habitats and Species Regulations 2017 (as amended). Proposed mitigation and compensation measures within the Mitigation and Enhancement Measures Statement in relation to bat species and further capture and exclusion of bat species note reports will ensure that bat roosting provision is in place prior to the demolition of the building and will ensure there is an increase in roosting provision at the site post-development. The mitigation and compensation measures detailed within the Mitigation and Enhancement Measures Statement in relation to bat species and further capture and exclusion of bat species note reports can be secured by a suitably worded planning condition. As long as the mitigation recommended in these reports is implemented, then this test would be satisfied.

6.156 The habitats on the development site are suitable for badger and hedgehog which are protected/Priority Species. It is considered reasonable to attach a condition securing reasonable avoidance measures to be put in place to ensure that there are no adverse effects on them.

6.157 Built features and vegetation on site provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building works are to take place during the period 1 March to 31 August inclusive. If it is necessary to

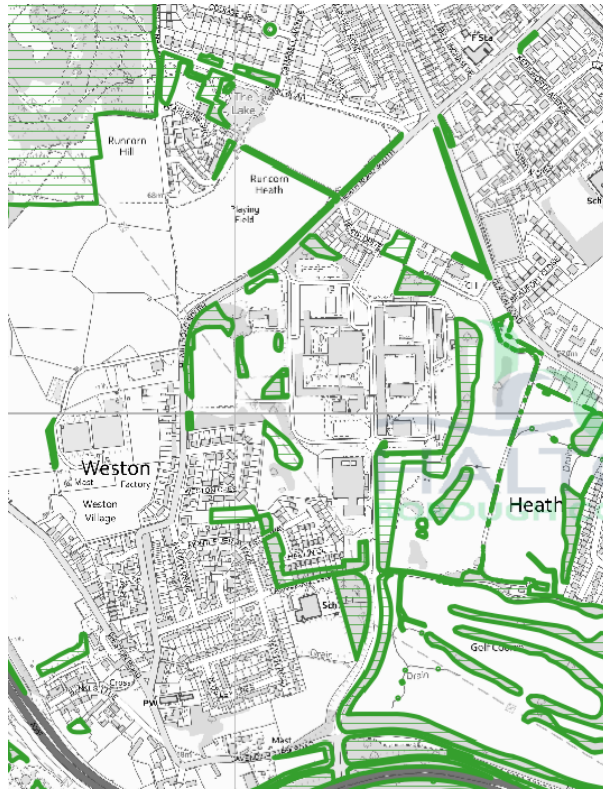
undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval. This should be secured by condition.

6.158 Policy HE1(10) of the DALP relates to non-designated sites and habitats and is relevant to the application site. It states that to ensure the protection, conservation and enhancement of Halton's natural environment in accordance with policy CS(R)20, development will be permitted provided that:

- a. It does not have a detrimental impact on the non-designated sites and habitats of ecological value.
- b. Arrangements for the long term management and maintenance of any existing and proposed landscaping have been made include mitigation and compensatory measures/landscaping.
- c. It does not result in the loss of important features such as trees, woodlands, walls, hedgerows, ponds or watercourses

6.159 The proposed development would impact on the site's ecological value, however the Biodiversity Assessment demonstrates that replacement habitat can be delivered to ensure no net loss of biodiversity. This is the planning policy test for this application noting when the application was submitted. The assessment shows that the indicative proposals would deliver a 24.28% gain in overall biodiversity. Noting the inconsistencies in the Assessment of Biodiversity and the Biodiversity Metric which include issues in respect of the number of trees proposed and the new woodland habitat coverage, the applicant has since clarified that this would deliver a 31.76% gain in overall biodiversity. Ensuring no net loss of biodiversity is the policy test for this application by virtue of when it received by the Council. Given the significant gain in biodiversity demonstrated by the applicant, notwithstanding the inconsistencies, it is not considered that this would significantly impact the proposal to such a degree that the policy test could not be met. An updated Biodiversity Assessment based on a detailed scheme demonstrating no net loss of biodiversity would need to be secured by condition. The long-term management and maintenance of any existing and proposed landscaping would be secured through a full and detailed Landscape and Habitat Management Plan condition. The proposal by virtue of the illustrative masterplan submitted would result in the loss important features including trees and woodlands which are protected and therefore of significant amenity value. Amendments to the illustrative masterplan have been sought however the applicant has chosen not to amend this to ensure the retention of the trees and woodlands. This is against the Council's presumption in favour of retaining and enhancing all existing tree, woodlands and hedgerow cover. The applicant's Biodiversity Assessment does however show replacement planting result in no net loss of biodiversity, however there is a clear arboricultural impact notwithstanding the demonstration of no net loss of biodiversity as a whole.

6.160 There are a number of Core Biodiversity Areas (Natural and Semi Natural Greenspaces) corresponding with areas of woodland and also an area of Amenity Greenspace) within the Heath Business and Technical Park section of the site. A small section of the land to the North West of the Heath Business and Technical Park on the opposite side of Heath Road South is Core Biodiversity Area (Natural and Semi Natural Greenspace). The plan below shows the Core Biodiversity Areas both within and adjacent to the application site (edged in green with a light green horizontal line within).



6.161 The Liverpool City Region Ecological Network includes a Core Biodiversity Area of designated nature and geological sites and priority habitats. Policy HE1 (11) of the DALP states that when considering development proposals, appropriate consideration should be given to improving the quality, linkages and habitat within the Liverpool City Region Ecological Network. As the application is outline with all matters reserved, the plans submitted are illustrative. The illustrative masterplan shows proposed development on some of these areas which would ultimately impact existing habitat which is not desirable. Future reserved matters applications could chose to retain these features. The policy states that consideration should be given to improving the quality, linkages and habitat. The illustrative masterplan does demonstrate improved accessibility to what is currently a private site and would result in improved linkages through accessible greenspace to the wider locality. In terms of impact on habitats as a whole, the replacement provision shown within both the applicant's Greenspace Strategy and their Assessment of Biodiversity would be sufficient to compensate for the resultant loss and should be secured by a full and detailed Landscape and Habitat Management Plan condition.

6.162 The smaller section of the site to the north west, located on the opposite side of Heath Road South is within a Nature Improvement Area on the DALP Policies Map. The plan below shows Nature Improvement Areas both within and adjacent to the application site (edged in grey with grey crossed hatching).



6.163 Policy HE1 (12) of the DALP states Development proposals within the Nature Improvement Area will be permitted where they complement the identified opportunities for habitat creation and / or habitat management, and are consistent with other policies in the Plan. The proposal would result in development within the Nature Improvement Area which would ultimately have a negative impact and would limit opportunities for habitat creation within the defined Nature Improvement Area. However, the Biodiversity Metric submitted with this outline planning application demonstrates that there would be a net gain of neutral grassland Priority Habitat within the overall application site, providing compensatory habitat in the immediate locality.

6.164 In conclusion, in respect of ecology and biodiversity, the proposed development would not result in likely significant effects on the national and international designated sites. The sites of local importance (Runcorn Hill Park LNR and Runcorn Hill LWS) are located adjacent to the site boundary and associated recreational pressure impacts from the proposed development would need to be mitigated through a commuted sum to manage risks to the designated sites. A CEMP condition is also required to manage risk of damage or pollution

during construction. The proposed development site includes an area of neutral grassland which is a UK BAP priority habitat and would be lost, however the Biodiversity Metric submitted with this outline planning application demonstrates that a net gain of neutral grassland Priority Habitat within the site can be achieved. A full and detailed Landscape and Habitat Management Plan would need to be secured by condition and demonstrate no net loss of biodiversity. The proposed development may have an impact on protected species, however the suggested conditions would ensure that appropriate mitigation / compensation is secured. The resultant recreational pressure impacts on Runcorn Hill LNR/LWS due to the proximity of the new residential properties would be managed through the payment of commuted sum to provide mitigation. The proposal would result in the loss of important features in the form of protected trees and woodlands (Core Biodiversity Areas) which is not desirable, however in terms of biodiversity, the applicant's Biodiversity Assessment demonstrates that no net loss of biodiversity can be achieved through the applicant's Greenspace Strategy. In respect of the section of the site which is designated as a Nature Improvement Area, the proposed development would ultimately have a negative impact on habitat creation, however compensatory habitat in the immediate locality would be deliverable. The proposal in respect of ecology and biodiversity is considered to be in broad compliance with Policies CS(R)20 and HE1 of the DALP.

6.165 Transport and Accessibility

The application is supported by a Transport Assessment and a Travel Plan, given the scale of development proposed. As noted by the Highway Officer, this application relates to the principle of development and the submission only needs to indicate broadly where people and vehicles will enter the site. They note that how the development would be integrated into the traffic and transport systems, would be dealt with at the reserved matters stage.

6.166 Some concerns are raised in representations regarding making Heath Drive a through road. The suitability of the internal layout would be considered at the reserved matters stage. Concerns regarding insufficient car parking have also been raised. Whilst car parking would be dealt with at the reserved matters stage, the applicant's Transport Assessment states that the masterplan layout has been tested for capacity to accommodate parking provision compliant with local parking standards. The Highway Officer has not raised any objection in respect of likelihood of being able to achieve appropriate car parking provision at the reserved matters stage.

6.167 The Transport Assessment provides a detailed assessment of traffic on the highway network. The applicant concludes that noting the NPPF core planning principles including supporting a transition to a low carbon future, reducing pollution, focusing major developments in sustainable locations and that the proposal can be safely accommodated in Runcorn. The applicant considers that the proposal accords with the NPPF and that the residual cumulative impacts of the development are not severe. The Highway Officer

considers that the submissions made now provide an acceptable breadth of detail and clarity.

6.168 Some concerns have been raised in the representations received in respect of there being an increase in traffic and congestion in the locality as well as road safety concerns. As stated above, the purpose of the Transport Assessment is to assess the impact of traffic and this has now been done to the satisfaction of the Highway Officer.

6.169 The Highway Officer considers that a worst case scenario has been tested and presented in the applicant's Transport Assessment. It is important to note that the applicant's access strategy on which the Transport Assessment is based has commercial traffic entering the central site from the south and residential traffic from the north. The illustrative plans submitted with the application do however not align with this access strategy noting the indicative location of land uses. The applicant is also clear that there is no intention to have a through route for general traffic.

6.170 The Highway Officer considers it necessary to ensure that the access strategy is followed unless further traffic assessment is undertaken to demonstrate the suitability of the revised strategy along with the securing of any mitigation measures necessary. A Highway Phasing Plan requiring the satisfactory monitoring of the impacts of each phase of the development as they progress, in terms of traffic flows (volume and distribution), measurement against the technical data presented to date, and implementation of off-site highway works also needs to be secured.

6.171 The applicant's Framework Travel Plan is a site-specific strategy and action plan for managing multi-modal access and travel to the site which focuses on promoting travel by sustainable and active modes of transport. The applicant acknowledges that this is an overarching travel planning framework and would be followed by individual Travel Plans within the development following occupation depending on end occupiers. The securing of Full Travel Plans can be achieved by condition.

6.172 *Walking and Cycling*

It is not considered that the proposed development would prejudice the access on to or through the walking and cycling network which currently exists. The walking and cycling network is taken to include the Greenway network (running through and adjacent to the site) which in this case links into the Mersey Valley Trail to provide wider accessibility.

6.173 As the application is in outline format with access reserved for future consideration, means of access which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site is a reserved matter.

6.174 Under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must also indicate the area or areas where access points to the development will be situated, even if access has been reserved. The plans accompanying the application indicate the areas where access points to the development would be situated.

6.175 The plans accompanying the application are illustrative and the suitability of the internal layout, access, car and cycle parking and highway network would be dealt with at the reserved matters stage.

6.176 It is considered that the proposed development can ensure compliance in respect of walking and cycling through the detail at the reserved matters stage and the suggested conditions / obligations.

6.177 Sustainable Transport and Accessibility

It is considered that subsequent layout at the reserved matters stage can demonstrate that it has given priority to walking, cycling and public transport within its design. As stated previously, the site has greenways running through / adjacent to the site which link to local facilities and the wider sustainable networks available.

6.178 In respect of the promotion of the use of Ultra Low Emission Vehicles, the provision of car and cycle parking and road design to incorporate highway safety measures, it is again considered that these can be satisfactorily demonstrated at the reserved matters stage and be secured by condition.

6.179 The applicant's submissions note the existing bus service provision in the locality, however the proposed quantum of development would require a contribution for enhancing bus service provision for improved public transport to/about the site. This would need to be secured by planning obligation.

6.180 It is considered that that the proposed development can ensure compliance in respect of sustainable transport and accessibility through the detail at the reserved matters stage.

6.181 Planning Conditions and Planning Obligations

To ensure that any subsequent development is undertaken is consistent with the assumptions and principle, as presented, planning conditions and contributions secured by planning obligation are required to be applied to any approval. This would also ensure that further traffic assessment is undertaken should the applicant wish to deviate from the stated assumptions.

6.182 The matters below are those which are required to ensure policy compliance and are as follows:

- Submission and Implementation of Full Travel Plans.
- Submission and Implementation of a Highway Phasing Plan requiring the satisfactory monitoring of the impacts of each phase of the development as they progress, in terms of traffic flows (volume and distribution), measurement against the technical data presented to date, and implementation of off-site highway works.
- Further traffic assessment to be undertaken should different transport scenarios from the those assessed (commercial traffic entering the Heath Business and Technical Park site from the south and residential traffic from the north and no through route) along with supporting mitigations options offered where necessary.
- Cycle provision along the site frontage between and including the Moughland Lane / Heath Road South / Clifton Road signalised junction and the Rocksavage Way / Cavendish Farm Road roundabout junction.
- Moughland Lane / Heath Road South / Clifton Road signalised junction improvements with options appraisal for signal timings/staging improvements and/or physical interventions e.g. additional lanes for turning, additional cycle lanes, advance cycle stop lines, improved pedestrian facilities to acceptable standards and specification.
- Crossing improvements for all modes to improve accessibility and highway safety as well as for traffic calming/management.
- Bus infrastructure improvement (Bus Stops and access improvements to them).
- Contribution for enhancing bus service provision for improved public transport to/about the site.
- Submission and Implementation of waste servicing and recycling details.

6.183 These planning conditions / obligations are necessary to ensure that not only the site itself offers the necessary highway provision and infrastructure for all modes but that it connects with its surroundings; preserving existing routes (e.g. bridlepaths and footpaths) and offers improvements in line with local cycling and walking infrastructure plans and aspirations, to mitigate proposed intensification of use of the area due to the development as presented.

6.184 The Highway Officer has also made reference to other conditions being applied in their consultation response. These include the following:

- Implementation of parking, for all modes, including EV infrastructure.
- Visibility splays of accesses.
- Boundary treatment and landscaping details.

These are details which would be submitted at the reserved matters stage and the appropriate detail can be conditioned accordingly at that point.

6.185 In conclusion in respect of highways and transportation, subject to the attachment of the suggested conditions and obligations, the proposed

development is considered to be acceptable in compliance with Policies CS(R)15, C1, C2 and GR1 of the DALP.

6.186 Community Facilities

Policy HC5(2) of the DALP states that the Council will support the retention and enhancement of existing Community Facilities.

6.187 As set out by the applicant, the site currently supports a number of community-based functions including a restaurant, health suite and a meeting hall that have been open to the public since the applicant acquired the site in 1999 and are regularly used by members of the local community. The application proposes the re-provision of floorspace which would improve the range of complementary land uses further in line with the applicant's vision to diversify the site into a high quality urban village. The community-based functions which currently exist on the site would be retained (albeit with revised floorspaces) within the proposed development in compliance with Policy HC5(2) of the DALP.

6.188 Policy HC5(3) of the DALP states that outside of the town and district and local centres (which is applicable to this site) the Council will support the development of new Community Facilities, provided that:

- a. The proposal is accompanied by a supporting statement which demonstrates the sustainability of the proposed location.
- b. A sequential approach has been applied in selecting the location of the site in accordance with policy HC1.
- c. The facility is accessible by walking, cycling and public transport.
- d. The proposal would not give rise to significant traffic congestion or road safety problems.
- e. Any new buildings or structures are well designed and appropriately landscaped.
- f. The proposal is of a design, character, type, size, scale and appearance appropriate to the location.

6.189 Noting the above policy, the applicant has submitted a Community Facilities Statement to accompany the application. The applicant notes that the application seeks permission to accommodate two F2 uses as defined by the Use Classes Order 1987 (as amended) introduced in 2020. These include:

- Up to 1,579 sqm GEM of additional local community use comprising meeting and community spaces; and
- Up to 959 sqm GEM allocated for an indoor swimming pool facility.

6.190 The applicant notes, the site currently supports a number of community-based functions and additional provision would help foster networks between existing and future neighbourhoods in the southwest of the Borough and support the applicant's vision to diversify the site into a high quality urban village.

6.191 As stated earlier in the report, the application is also accompanied by a Main Town Centre Uses Assessment which includes a sequential assessment. This concluded there are no suitable, available and viable sites which could accommodate the proposed development within or on the edge of Halton Lea Town Centre or Runcorn Old Town District Centre, even when regard is given to flexibility.

6.192 It is considered that subsequent layout at the reserved matters stage can demonstrate that it has given priority to walking, cycling and public transport within its design. The applicant has undertaken a Transport Assessment provides a detailed assessment of traffic on the highway network and concludes that the proposal can be safely accommodated in Runcorn and that the residual cumulative impacts of the development are not severe.

6.193 The design of the new buildings and demonstration that the proposal is of a design, character and appearance to the location would be considered at the reserved matters stage.

6.194 In conclusion in respect of the community facilities and services (both currently existing and proposed by this development), it is considered that the retention and enhancement of existing Community Facilities is demonstrated and the criteria in relation to new Community Facilities in out-of-town locations is met in compliance with Policies HC1 and HC5 of the DALP.

6.195 Ground Contamination

The application is accompanied by a Phase 1: Preliminary Risk Assessment - prepared by LK Group (July 2022). This has been reviewed by both the Council's Contaminated Land Officer and also the Environment Agency.

6.196 The Council's Contaminated Land Officer notes that the main site of the current business park was predominately undeveloped prior to the creation of the former ICI offices, with some potential infilling of ponds and drainage features, and small former quarry. Subsequently there have been a number of uses that could give rise to sources of contamination, e.g. fuel use and storage, chemicals used in analytical laboratories.

6.197 The Council's Contaminated Land Officer notes that the wider application site includes what are currently open fields. A significant number of representations raise concerns over contamination and that proposals would likely disturb previously deposited chemical waste.

6.198 It is to the west of the application site where the former Runcorn Hill and Weston Quarries are located which have been subject to various tipping and infilling, not the application site itself.

6.199 Of greatest significance is the infilling of North and South Weston Quarries by ICI with a wide range of wastes from the chemical manufacturing plants to the west. The preliminary risk assessment identifies a number of potentially significant pollutant linkages that require further assessment, by site investigation, in order to fully determine the suitability for use of the site (particularly in relation to the proposed residential elements). These are linked to the current and historical uses of the business park, and the deposit of wastes in the former quarries.

6.200 The Council's Contaminated Land Officer is satisfied that the preliminary risk assessment is sound and that outline proposals for further assessment are appropriate. They also consider that the information submitted is appropriate to support the application at this outline application, and do not raise an objection subject to the attachment of a condition requiring the submission of a detailed risk assessment based upon site investigation, along with a remediation strategy and verification reporting, as necessary.

6.201 The Environment Agency's detailed observations can be found in the Consultation Responses Appendix. They note that the Phase 1 report recommends further intrusive works are completed on site which includes the recovery of groundwater samples. They support these recommendations in addition to their further detailed technical advice to agree the scope of intrusive works required and to review in the longer term whether any remedial works are required to address any risks identified to controlled waters. The Environment Agency raise no objection to the proposed development subject to conditions relating to a remediation strategy, verification reporting and dealing with unsuspected contamination being attached.

6.202 In conclusion in respect of ground contamination, subject to the conditions suggested, it is considered that the proposed development is compliant with Policies CS23 and HE8 of the DALP.

6.203 Drainage and Flood Risk

The application is accompanied by a Flood Risk Assessment and Drainage Strategy - prepared by WSP (March 2024) to accord with both national and local planning policy.

6.204 The LLFA have considered the information presented with regard to flood risk. The LLFA note that in terms of fluvial flood risk, the site is wholly located within Flood Zone 1, with the site located over 1km from the nearest extent of Flood Zone 2 or 3 and therefore at the lowest risk of flooding. In terms

of surface water flood risk, the Environment Agency long term flood mapping indicates that the site is mostly at very low risk of surface water flooding. There is however, a small area of the site with up to a high risk of surface water flooding within the site. To deal with this issue, the applicant states that floor and external levels within the development will, where possible, be set to ensure that ponding water does not enter buildings and an exceedance routing plan has also been produced for the development in the event of blockage within the on-site surface water drainage network. In respect of groundwater, the LLFA consider risk of flooding to be low. The Environment Agency note that in respect of impact on groundwater, a number of SuDS features are proposed and that the applicant would need to demonstrate that these features will not mobilise any residual contamination that may remain or be present on site. They do not raise an objection subject to the attachment of conditions controlling the infiltration of surface water and piling. The risk of flooding from either canal or reservoirs is also considered to be low.

6.205 The LLFA have considered the information presented with regard to drainage. They note that the site comprises of a mixture of both greenfield and brownfield land classification. They note the use of soakaways on the existing site unlikely to be feasible due to the bedrock present across the site, however, no on-site ground investigations have been undertaken to prove that the infiltration rates would be insufficient to drain to site. The LLFA would require that on-site testing is undertaken prior to discounting this as an option.

6.206 The LLFA note that there are no watercourses within the vicinity of the site into which a direct discharge can be made from the proposed development site. Therefore, the applicant proposes that both catchment A (northern section of the Heath Business and Technical Park) and C (land on the opposite side of Heath Road South) are discharged into public surface water sewers located within the vicinity of the site. The applicant proposes that Catchment B (southern section of the Heath Business and Technical Park) uses a retained private drainage outfall from the previous development however the ownership of this network and discharge location has not been established/verified at this stage.

6.207 The LLFA note that the attenuation storage volume for the catchments is provided through three separate attenuation basins, located close to the outfalls.

6.208 The LLFA note that the basin for catchment A also appears to be located on high ground and that details of the proposed basin levels and connections to the wider public sewer network are also requested. The ponds have been sized to contain flows up to and including the 1 in 100 year +45% CC event which the LLFA finds acceptable.

6.209 The applicant considers both Catchment A and B to be brownfield, as a result the existing runoff rate have been calculated as 370l/s and 640l/s

respectively. A 50% betterment of these runoff rates has currently been proposed for both of these catchments. The existing discharge rates have been calculated based on contributing areas and no assessment has been made on the hydraulic capacity of the existing drainage system in particular the outfall pipes.

6.210 The applicant considers Catchment C to be greenfield and they therefore propose to restrict the flow rate from this development to the greenfield runoff rate Q_{BAR} of 10.6l/s.

6.211 The LLFA would agree with the proposed limits to the discharge rates. However, the LLFA would require confirmation of the hydraulic capacity of the existing outfalls for Catchment A and B to determine if that is a limiting factor on the existing discharge rates. The existing discharge rates used to determine the proposed discharge rate (50% betterment) should be the lower value of the rational method calculation or the hydraulic capacity calculation for each catchment. The LLFA notes that the existing site to the south of Catchment B, which is to be retained, currently drains into the site drainage system and off-site via the existing outfall which crosses the golf course. Consideration needs to be given to how this is retained, either incorporated into the proposed system or isolated.

6.212 A Drainage Inspection & Maintenance Schedule has been provided as part of this application. Information around the management of the foul and surface water networks and who is responsible for the maintenance has not been provided at this stage.

6.213 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. Subject to the illustrative layout / location of the attenuation basin being updated, the LLFA raise no objection to the proposed development subject to conditions securing details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy and verification reporting confirming that the SuDS system has been constructed in accordance with the approved design drawings.

6.214 In conclusion in respect of drainage and flood risk, subject to the attachment of conditions suggested, it is considered that the proposed development is compliant with Policies CS23 and HE9 of the DALP.

6.215 Noise

The application is accompanied by a Noise Impact Assessment - prepared by WSP (November 2023). This assesses the nature and magnitude of any aviation noise constraint that may arise from the use of John Lennon Airport which is around 6km to the west, it also considers the background and residual sound level that may underpin any design targets for noise from the proposed

employment uses and the potential for development generated road traffic to impact existing residential receptors.

6.216 It has previously been noted in the report that employment uses are not heavy or particularly noisy uses noting the proximity to proposed and existing residential receptors with the conclusion being that the uses are compatible subject to any particular conflicts being designed out through the reserved matters submissions and conditions. This would primarily relate to the sensitive positioning of vehicular access points and mechanical plant.

6.217 The plans accompanying the application are illustrative and are intended to demonstrate the suitability of the proposed development. Whilst certain uses are shown in certain locations on the site, the layout is not fixed at this point and could potentially result in employment uses outside of the designated Primarily Employment Area. Noting this and also the observations above about the proposed employment uses, it is considered that the uses proposed are compatible with residential and are appropriate in amenity terms across the application site. The suitability of the employment uses outside of the Primarily Employment Area has been demonstrated and they are considered to be an appropriate scale and would not be out of character with the area as part of the vision for a high quality urban village. It is considered that in respect of the location of employment uses and their resultant impact that the proposal would be compliant with Policies ED2 and GR2 of the DALP.

6.218 The Council's Environmental Health Officer has reviewed the submission and has commented that any noise issues can be dealt with at the reserved matters stage and also through conditions.

6.219 In conclusion in respect of noise and resultant amenity issues, subject to the attachment of the attachment of the suggested conditions, it is considered that the proposed development is compliant with Policies CS23, ED2, GR2 and HE7 of the DALP.

6.220 Air Quality

The application is accompanied by an Air Quality Assessment - prepared by WSP (December 2023). This assesses the potential air quality impacts during both the construction and the operational phases of the proposed development. This follows a request from the Council's Environmental Health Officer that an air quality assessment should be carried out in relation to the development to identify the impact of vehicle movements to and from the site once operational on nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) in and around the surrounding area.

6.221 The Council's Environmental Health Officer has reviewed the submission and has commented that the report assesses the impact of PM₁₀ during the construction phase on the existing residents in line with the Institute

of Air Quality Management guidance and concludes that there will be a medium risk to human health during this phase. This risk however can be mitigated and reduced by the implementation of good working practices and management of the site. Table 6.1 of the report identifies the practices which should be implemented to reduce this risk.

6.222 The report also comments on the potential impact of exhaust fumes from vehicles accessing the site during the construction phase. It is accepted that the proximity of sensitive receptors to the likely access routes together with the existing background levels of NO₂ and PM₁₀, renders the impact on air quality for residents in the area insignificant.

6.223 The applicant has assessed the operational phase in relation to PM₁₀ and NO₂ levels from increased vehicle use on the roads. This has been modelled using ADMS Roads (v5.0.1.3), utilising background levels and the projected annual increase in in traffic due to the development. The standards within the Environmental Protection UK and IAQM guidance are then applied to the projected levels with the development and compared to the projected levels without the development. These indicate that the predicted increase in NO₂ PM₁₀ (and PM_{2.5}) are negligible.

6.224 In conclusion in respect of air quality, subject to the attachment of the Construction Management Plan condition, it is considered that the proposed development is compliant with Policies CS23 and HE7 of the DALP.

6.225 Heritage

The application is accompanied by a Heritage Impact Assessment - prepared by WSP (November 2023). The assessment describes the significance of the heritage assets within a 1km radius of the site that have the potential to be affected by the proposed outline application. It also considers the impact of the development proposals on the significance of these heritage assets. Concerns are raised that the proposal would destroy the heritage and culture of the area.

6.226 The site does not fall within a Conservation Area nor does it have any listed buildings within it. The assessment states that there would be no impact from the development proposals on the heritage significance of any designated heritage assets identified within 1km radius of the site, and their significance would be preserved. The applicant considers that the early phases of The Heath are considered to have some, albeit low, heritage significance due to their architectural (aesthetic) interest (influenced by the Modern Movement), historical interest (as an early example in Britain of a headquarters complex on a greenfield site, its association with the chemical industry in Runcorn and the wider north-west of England and its association with the architectural practice of Frederick Gibberd & Partners) and communal interest (for the many people that worked there). The applicant notes that the majority of the existing buildings from the early phases of The Heath are to be retained. Those proposed for demolition

would be significantly altered and that new development provides the opportunity for enhancements to the Site through the creation of new courtyards in keeping with the original design vision of buildings around a series of courtyards, garden courts and quadrangles. The applicant concludes that overall, the heritage significance of the original ICI headquarters would be preserved.

6.227 The Council's Conservation Advisor has reviewed the submission and has commented that subject to the recommended condition securing a building record to Level 2 as set out in Historic England Guidance – Understanding Historic Buildings should be completed and submitted to the Local Authority for inclusion in the Historic Environment Record, it is found that there would be no harm to the non-designated heritage asset.

6.228 The Conservation Advisor notes that the proposal is currently in outline form, however, the proposed re-use of existing buildings is welcomed with the proposed re-cladding being sensitive and appropriate to the significance of the buildings and the historic value of the wider site.

6.229 The Conservation Advisor notes that the criteria for the Halton Local List are drawn from the Historic England Advice Note 7 – Local Heritage Listing and as such, considered it appropriate for the assessment of the application site to be undertaken in accordance with this criterion. The Heath Business and Technical Park site has been nominated to go on the Halton Local List. No decision has been made on this by the Council. The Heath Business and Technical Park site is of local heritage significance, and a non-designated heritage asset. Noting that no harm to the non-designated heritage asset would result from the proposed development, a refusal on the basis that the Heritage Impact Assessment has not been updated could not be sustained.

6.230 In conclusion in respect of heritage, subject to the attachment a condition securing building recording, it is considered that the proposed development is compliant with Policies CS(R)20 and HE2 of the DALP.

6.231 Major Accident Risk

The following paragraphs set out the position of the Heath Park application with regard to public safety and risk based policy and material considerations. Representations have been received raising concerns over the proximity of the proposed development to Control of Major Accident Hazards (COMAH) sites, the serious risk to health that would result and the potential impact on the long term viability of the site operations at the COMAH sites. It has also been questioned why this development would be acceptable noting its proximity to COMAH sites when plans for the Heath School had to be amended to relocate it further away and the proposed residential development at the Pavilions site was withdrawn due to risk issues.

6.232 Policy CS23 of the DALP – Managing Pollution and Risk part b) and the associated Supplementary Planning Document (SPD) Planning for Risk (adopted in 2009) provide an approach to assessing the safety of development applications that may be exposed to risks from hazardous installations.

6.233 The purpose of the Council's 'Planning for Risk' (PfR) policy approach is to ensure that the impact on public safety at new developments from hazardous sites is fully considered, that appropriate separation distances between new developments and hazardous installations giving rise to off-site risks to public safety are maintained, and that populations living in proximity to hazardous installations can be appropriately managed. The Council has had a risk policy in its successive local plans since 1996 and has been undertaking risk assessments in relation to new developments since the early 1980s.

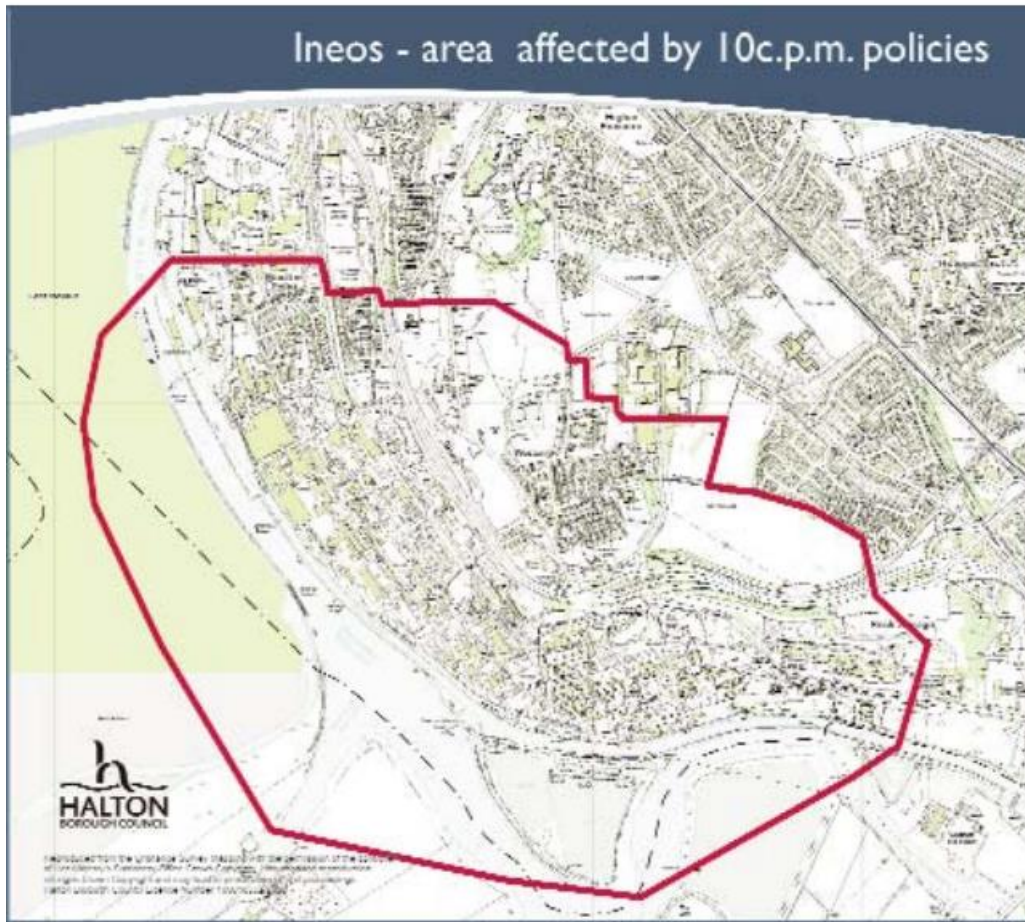
6.234 Essentially, the Planning for Risk policy defines a maximum acceptable level of risk as 10 chances per million per year (cpm) individual risk of fatality, which equates to a very low level of risk. For land use planning in Halton, this measure has been chosen as a threshold of risk tolerability as it is easily understood by a layperson in terms of comparing risks in the context of risks individuals are exposed to in their everyday lives. For example, while driving, or participating in sports, doing DIY, or other every day activities, which do have an intrinsic level of risk, but the risk is very low.

6.235 In the case of Health Park, the proposal has proximity to the Runcorn Chemical Complex, in operation since 1833, and now operated primarily by Ineos / Inovyn / Koura who hold hazardous substances consents for several chemicals that are used on site. In terms of public safety at Heath Park the primary concern is the escape of the chemical chlorine which is manufactured and stored at the chemicals complex.

6.236 Chlorine is a green gas, is easily recognisable by its colour and strong smell. It is moderately soluble in water and is highly reactive and will readily react with a variety of substances, including vegetation and soil (dry deposition), and with rain or snow (wet deposition). It is two and a half times denser (heavier) than air. The very low concentration that is specified as the limit for workers (short term exposure limit 0.5ppm over 15min) means that chlorine has to be very carefully controlled to ensure that it does not escape from the processing facilities into the general atmosphere. Exposure to low levels can affect the respiratory and gastrointestinal tract and cause eye irritation. At higher levels, exposure may result in changes to breathing rate, coughing, and damage to the lungs. Symptoms of exposure can be severe in extreme circumstances and may result in harm to people, fatal in the worst case. The level of chlorine that is considered to be a threshold for fatality is many times higher than the worker exposure limit and is dependent on the duration of exposure. Despite its toxicity, because of its positive chemical properties, chlorine is extensively used

throughout the world in a wide range of applications (e.g. water treatment, sterilisation, paper, dyestuffs, textiles, medicines, insecticides, foodstuffs etc).

6.237 Page 38, of the Planning for Risk SPD shows the defined area of 10 cpm relating to the Runcorn Chemical Complex as shown in the extract below.



6.238 Small sections of the application site are within the 10 cpm area identified in the SPD, representing greenspace enhancement / woodland planting areas and also the access road from the Weston Point Expressway / proposed parking area. No built form is proposed within the 10 cpm area, however suitable controls on the location of development are required to ensure policy compliance at reserved matters stage. A suitably worded condition is suggested. This would mean that an individual's risk of fatality is below this threshold and the proposed development therefore complies with Policy CS23 of the DALP, and indicates that the risk level posed by a chemical release is tolerable in the context of risks that individuals are exposed to everyday.

6.239 **HSE Advice**

The planning process is informed by advice from the Health and Safety Executive (HSE), who are a statutory consultee, providing advice on new developments within the vicinity of major hazard sites. HSE's advice is a significant material consideration to be weighed alongside other relevant material considerations, and should not be overridden without the most careful consideration. Planning decisions should be taken in accordance with the Local Plan, unless material considerations indicate otherwise.

6.240 In addition to the standard response from their "web app advice tool" known as HSE's PADHI system, HSE have submitted two letters to supplement the web app advice in order to clarify the seriousness of their concerns. The advice is that the risk of harm to people at the proposed development from a major accident is such that there are sufficient reasons on safety grounds, for advising against the granting of planning permission for application 22/00569/OUT. This is because the proposed development is located in HSE's inner consultation zone of the Runcorn chemical manufacturing complex. The HSE set out that if the Council is minded to grant permission, that Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances – Handling development proposals around hazardous installations, published by the Department for Housing, Communities and Local Government is relevant. This requires the Council 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 Housing, Communities and Local Government calls in the application for his or her own determination.

6.241 HSE's advice to the Planning Inspectors examining the DALP Local Plan resulted in modifications to the DALP that changed the proposed land allocations (as approved by Full Council) located in HSE's inner zones back to an allocation reflecting their existing uses. These sites were (MUA10 (The Heath Business Park), R83 (Heath Road South, Runcorn and the Pavilions Allocation R70. In the case of Heath Park, this retained a land allocation for its current use as an employment area.

6.242 HSE's land use planning advice is aimed at meeting the objectives of GB's major hazard strategy to control new development to maintain adequate separation; including residential areas, buildings and areas for public use; around major hazard establishments when the development is such as to increase the risk or consequences of a major accident. HSE's stated approach is to balance the principles of stabilising and not increasing the numbers at risk with a pragmatic awareness of the limited land available for development in the UK. The advice follows their published methodology (<https://www.hse.gov.uk/landuseplanning/methodology.htm>) and is consistently applied across all local planning authorities in England, Scotland, and Wales. Decision makers can therefore be confident the advice they receive is the same irrespective of circumstance.

6.243 National Planning Practice Guidance states that in view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that there are sufficient public safety grounds to advise against the granting of planning permission for development at or near to a hazardous installation or pipeline, should not be overridden without the most careful consideration.

6.244 Members should also remember that in the land use planning system, HSE's role is advisory. It has no power to refuse consent on a planning application. It is the responsibility of the local planning authority to make the decision in accordance with its statutory duty, weighing local needs and benefits and other planning considerations alongside HSE advice.

6.245 **Applicants Report on Risk Factors**

The Applicant has provided a report undertaken by RAS Ltd who are international risk and hazard risk consultants. This is essentially a review of Major Hazards Risk Information. The latest version which is viewable on the Council's website only provides the first 5 pages of a 29 page report which is the executive summary and is also referenced at section 2.2 of the report. The applicant has also submitted a full version of the report "The Heath Park Development Review of Major Hazard Risk Information" dated January 2024 for the consideration of the Council and the HSE only. This has not been placed in the public domain as some of the information it contains has been considered sensitive information at a previous public inquiry.

6.246 On this basis in accordance with Government guidance, the Council will not be placing this information in the public domain. In this case, case the Council is withholding this document under 'International relations, defence, national security, public safety – regulation 12(5)(a)' of the Environmental Information Regulations. In particular that the information, if disclosed, would adversely affect the ability to protect the public, public buildings and industrial sites from accident or acts of sabotage; and where disclosing information would harm the public's health and safety. The Council do not consider that this prejudices the public's ability to raise issues in relation to risk on the basis of the information already in the public domain.

6.247 The focus of the report is a critique of the quantitative risk assessment (QRA) models used by both the Council and HSE to identify their respective map-based contour(s) that identify risk areas. The view expressed by RAS is that the HSE consultation zones over-represent the current level of major accident hazard risk at the Heath Park development due to both changes at the Runcorn Chemical Complex and overly conservative dispersion modelling within the 1994 HSE assessment on which the HSE consultation zones are based.

- 6.248 If the gas dispersion modelling within the risk assessments were updated using a more sophisticated modelling technique like Computational Fluid Dynamics (CFD), which is able to take into account obstacles, topography, and chemical deposition, then the CFD modelling would confirm that the major accident risk is not a significant concern for the consideration of outline planning consent for Heath Park.
- 6.249 Areas of conservatism have been identified within the gas dispersion modelling associated with the risk assessments undertaken by HSE and the Council for the Runcorn Chemical Complex, this includes topography which will strongly influence the behaviour of releases of dense gases such as chlorine, which will tend to flow downhill, as they are heavier than air. This effect is not adequately accounted for within the HSE and Council assessments, both of which use flat terrain models. This aspect is critical to understanding the risk posed to the Heath Park development due to the topography of the area and the positioning of the development, which is more than a kilometre from the Runcorn Chemical Complex behind the peak of Runcorn Hill which sits at 79 metres. In addition, factors such as deposition, obstructions, weather conditions, and wind direction will also strongly influenced behaviour of a chlorine release and will act to limit the potential impact at Heath Park.
- 6.250 The applicant has commissioned a programme of CFD modelling to develop a clear and as accurate as possible picture of the dispersion of chlorine following an accidental release. A full range of scenarios have been considered from the limited chlorine pipework failure through to catastrophic storage tank failure. The CFD modelling has been performed for the worst-case conditions of a release as close as possible to Heath Park, with wind direction towards the development. The modelling results for the liquid chlorine pipework show that the toxicity levels of interest (Significant Likelihood of Death – SLOD; and Specified Level of Toxicity – SLOT – dangerous dose) are not reached at Heath Park when topography, obstacles and deposition are taken into account. The results for the catastrophic tank failure show that the toxicity levels would be reached at the development and beyond, but this is considered a very low frequency event, and as such would pose a very low level of risk.
- 6.251 There are several complex phenomena at play, in terms of how a chlorine release will behave in real life and these cannot be adequately represented by the more simplistic models used by HSE and the Council. Hence, a more sophisticated approach is considered appropriate in this case and a model which can account for the major factors involved, such as topography, deposition, and obstacles should be adopted. As such CFD (Computational Fluid Dynamics) modelling has been undertaken for Heath Park, to allow for the topography between the Runcorn Chemical Complex and the development to be fully accounted for, to give a more accurate and realistic risk picture to which the development would be exposed.

6.252 The CFD modelling performed supports the conclusion that the level of risk at the development from chlorine releases will be significantly lower than is represented by the HSE advice. This is due to the fact that for the more likely event scenarios, toxicity levels of chlorine determined by CFD do not reach the Heath Park development, and only the highly infrequent event of catastrophic tank failure is predicted to generate a toxic impact at the development.

6.253 Material Considerations

The existing urban areas of Runcorn that are covered by HSE's three consultation zones for the Runcorn Chemical Complex pre-date planning controls and environmental legislation. There is no suggestion that risks posed to existing developments are so severe that they should be removed. However, there remains a low risk that the population who live within the area could be exposed to chlorine in the event there is an accidental release.

6.254 The Council must provide for the basic needs of its residents, such as housing, employment and schooling, that live and work within these long-established areas. As an example, despite a HSE call-in on the replacement Heath School, the project went ahead on the same site within the middle zone, underlining the importance placed on meeting the needs of established communities. Ultimately a balance must be struck between sensitively managing populations exposed to risk and making provision for facilities and amenities to service those communities who live in the urban areas surrounding the Runcorn Chemical Complex.

6.255 The stated aims of both the HSE methodology and Council policy is to maintain separation distances from sites that give rise to risk, and to manage and stabilise populations exposed to such risks. Where these two approaches differ is in regard to the tolerability of risk. HSE advise on the basis of a 'dangerous dose' (of 10 cpm risk of a dangerous dose in one year in the inner zone; 1 cpm risk of a dangerous dose in one year in the middle zone, and 0.3 cpm risk of a dangerous does in one year in the outer zone), and also the concept of 'societal risk'. The Council uses the 10 chances per million individual risk of fatality in one year.

6.256 Members should note that the HSE advice in relation to Heath Park offers no specific advice on the nature of the risk to which Heath Park is said to be exposed beyond the fact it lies within the HSE inner zone representing 10 cpm risk of a dangerous dose in any one year, or how and when HSE defined their three zone map upon which they base their advice, nor do they offer any advice on population trends within the HSE consultation zones, despite a stated aim to stabilise the number of people at risk. In their letter, HSE state that their methodology is applied consistently applied across all local planning authorities in England, Scotland, and Wales and "*decision makers can therefore be confident the advice they receive is the same irrespective of circumstance*".

However, in making planning decisions local circumstances do matter and are material to the decision.

6.257 The development of Heath Park in accordance with the submitted plans would introduce a new resident population into a location that could potentially be affected by a release of chlorine from a tank failure within the COMAH site. However, the risk assessments undertaken by all parties (HSE, HBC, and the applicant) all concur that this scenario represents a very low risk, and a tolerable risk, which is why the existing communities, living in all three HSE zones, in the surrounding urban areas are able to do so.

6.258 The Council's concern remains that strictly adhering to the HSE's advice effectively prevents any new housing in West Runcorn in perpetuity, leading to under investment and decline. Changes in household size and demographics in the local area mean that additional housing is needed to support the community in this area. New housing does not necessarily lead to an uncontrolled increase in population in the area due to changing household size. In relation to the two wards closest to the hazardous site, the population in Beechwood Ward has decreased by 468 persons, and the Heath Ward has decreased by 188 persons. To protect and sustain the local community and associated social, economic, and community assets that provide essential servicing, some new dwellings are necessary to stabilise the local population and promote safe and healthy communities.

	2001	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Ward Name	Person	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons
Beechwood	3,987	3,746	3703	3676	3,684	3,659	3,629	3,543	3,543	3,504	3,521	3,519
Heath	5,511	5,587	5853	5857	5,835	5,890	5,862	5,758	5,752	5,762	5,746	5,702

Source: ONS mid-year population estimates

Data from the office of national statistics shows that household sizes are decreasing both nationally, and in Halton:

Area name	2018	2023	2028	2033	2038	2043
England	2.37	2.35	2.32	2.29	2.26	2.24
Halton	2.31	2.27	2.23	2.2	2.17	2.16

Average household size projections

<https://www.ons.gov.uk/releases/householdprojectionsforengland2018based>

Examination of ONS data indicates that the average household size is 2.2:

Ward	Residential properties	2019 ONS population	Average people per property
Beechwood	1,609	3,519	2.2
Heath	2,602	5,702	2.2

Ward average population per residential property

Source: ONS mid year population estimates

Furthermore, data from the electoral register would indicate that the number of adults per dwelling is lower than 2.2:

Ward	Average elector / property

Beechwood & Heath	1.86
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Current ward average elector per property
Source: Halton Electoral Register

6.259 The Council has reduced the number of properties within COMAH consultation zones in the borough from 12,092 properties in 2006 to 8,917 properties in 2021. This has been achieved by the revocation of hazardous substances consents from the Tessengerlo and Bayer sites. The revocation of these hazardous substances consents has reduced the number of properties and residents considerably. 3175 properties in Halton have been removed from the national risk profile from major hazard installations.

6.260 The effect of the reduction in properties within Halton's COMAH consultation zones is that the risk profile from major hazard installations is decreasing, both in Halton and nationally.

6.261 Approving the Heath Park application would help to stabilise the local population and reduce the impact of population decline that the area is suffering from. There are very few deliverable development sites in West Runcorn. A situation where there is no new development in this area for perpetuity, exacerbating the socio-economic problems that are identified in the Borough's ranking in the Index for Multiple Deprivation, with which Members will be familiar.

6.262 Crime Reduction

Policy GR1 of the DALP states that development must be designed to reduce the fear of crime by promoting safe and connected environments. The application is in outline form and supported by an illustrative masterplan. Cheshire Police have provided some observations on this plan which would be of assistance to the applicant when devising a detailed plan for the site. It is considered that these observations could be attached as an informative on any subsequent planning permission.

6.263 Concerns are raised in the representations that an increase in Anti-Social Behaviour would result and would likely be due to the density of the development. There is insufficient evidence which would support a refusal on the basis of crime impact. Concerns are also raised over poor design resulting in crime. The plans submitted at this stage are illustrative and it is considered that a layout which is acceptable in terms of crime impact can be achieved.

6.264 In conclusion in respect of crime reduction, subject to the observations of Cheshire Constabulary and due consideration given to relevant policies in the devising of a detailed plan, it is considered that the proposed development can demonstrate compliance with Policies CS(R)18 and GR1 of the DALP and the Design of Residential Development SPD.

6.265 Waste Management

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. The Council's Waste Advisor has advised that evidence through a waste audit or similar mechanism to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8) should be secured by condition.

6.266 Noting that this is an outline application, the applicant has not provided sufficient information to demonstrate compliance with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8) at this stage. Information relating to household, commercial and industrial waste storage and collection is required and can be secured by a suitably worded condition for reserved matters applications.

6.267 In conclusion in respect of waste management, the proposed development is considered acceptable in compliance with Policies WM8 and WM9 of the WLP and Policy CS24 of the DALP.

6.268 Matters reserved for future consideration

As this is an outline planning application with all matters reserved for future consideration, appearance, means of access, landscaping, layout and scale are the reserved matters. For an outline application to be considered favourably, it must be demonstrated that appropriate submissions can be made at a later date which would ensure policy compliance.

6.269 Firstly, considering appearance, it is considered that suitably designed buildings / places can be designed to ensure that the development would have an acceptable appearance.

6.270 Secondly, considering means of access, transport and accessibility in respect of the principle of development have been considered earlier in the report. It is considered that a suitable scheme which demonstrates accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site can be achieved at the reserved matters stage.

6.271 Thirdly, considering landscaping, should the principle of development be found to be acceptable, suitable landscaping can be designed into a detailed site layout at the reserved matters stage.

6.272 Fourthly, considering layout, should the principle of development be found to be acceptable, the site of a sufficient dimension to ensure that buildings, routes and open spaces and their relationship to their surroundings can result in an acceptable layout at the reserved matters stage which has regard to the relevant policies and guidelines.

6.273 It is noted that some of the representations raise concerns regarding loss of sunlight, daylight and privacy for existing properties adjacent to the site. It is accepted that some of the illustrations and plans submitted give some concern in this regard and also in relation to policy compliance, however as stated above, it is considered that an acceptable layout can be achieved at the reserved matters stage.

6.274 Fifthly, considering scale, the application is accompanied by a Scale Parameters Plan. This shows indicative scale parameters which have regard for the relationship with the existing development adjacent to the site. For instance, the development on the north western part of the site is shown as two storey and the development within the existing Heath Business and Technical Park being no higher than existing buildings. It is considered that the reserved matters submissions if in broad compliance with the parameters set out would likely be acceptable at the reserved matters stage.

6.275 Concerns have been raised that a seven storey vertical farm would be out of character with the locality. The scale parameters plan clarifies that whilst the vertical farm would contain 6 internal low-height storeys, the intention is that the overall height would match the existing offices/lab buildings. It is therefore considered that an acceptable scheme in terms of scale can be achieved at the reserved matters stage.

6.276 Socio-economic Benefits

The application is accompanied by a Social Value Assessment which considers impacts on employment and skills. Firstly, the applicant anticipates that the equivalent of 83 full time equivalent (FTE) jobs would be created during the 8 to 9 year construction period and that construction additionality (indirect employment – purchasing supplies etc. and induced employment – expenditure by construction workers in the locality) would result in a further 34 FTE jobs in the local economy. The applicant also anticipates that the redevelopment process would result in the creation of an additional 960 full time equivalent jobs at the site during the operational stage with the majority being in offices/labs. The applicant also notes that the gross annual expenditure as a result of the proposed residential development would yield £9.4 million spent in the local economy. Members should note that the figures quoted in the Social Value Assessment are reflective of a larger scheme for 616 dwellings not the 545 dwellings proposed by this application. The figures for the non-residential floorspace do not align with that now proposed by this application. Notwithstanding this, Officers consider that the proposal would still represent significant job creation in the local economy both during construction and the operational phase and in a significant resultant spending the local economy.

6.277 Other issues raised in representations

Concerns have been raised over building so close to power lines maybe detrimental to health. The applicant's illustrative plans do not show development underneath power lines. The illustrative layout shows greenspace underneath the power lines which advocates the advice of National Grid in their guidance in respect of development near overhead lines. Representations imply that the linear parks are just areas which cannot be built on because of the power lines. As already set out, the use of the land beneath the power lines for this purpose is logical in the context of the scheme and is advocated by National Grid.

6.278 SP Energy Networks commented that the statutory clearances for the existing network would be undermined by the proximity of the proposed development layout at the above location as well as the proposed development to the south of Heath Road South. SP Energy Networks do not clarify what they consider the statutory clearances to be. It is also noted that the proposal is outline and the plans submitted are illustrative. It is considered that an appropriate site layout can be achieved at the reserved matters stage.

6.279 SP Energy Networks state that in the event the Council has any intentions to approve the application that it should refer the application to the Secretary of State for them to make the decision. The Council is unaware of such a requirement in respect of proximity to power lines.

6.280 Concerns have been raised regarding proximity to brine pipelines. It is noted that there is a High Performance Polyethylene (HPPE) Brine Main which runs in the vicinity of the site. This is not a major accident hazard pipeline and whilst is something the applicant should be mindful of, is not a constraint to development.

6.281 One of the representations considers that the Greenspace is part of Runcorn Common. The application site does not contain common land or contains a village green. Representations note that the Greenspace is used by dog walkers and children's football teams. It is the playing fields adjacent to the site which are used for children's football, and these are unaffected by the proposals. The land that is the subject of this planning applications is currently private and is not publicly accessible.

6.282 In response to the issue that there may be title restrictions on the land, this is a private matter and not a reason on which a refusal could be sustained.

6.283 No part of the application site is designated as Green Belt on the DALP Policies Map.

6.284 In respect of the observation that there is a lack of horse grazing land in Runcorn, a refusal on this basis could not be sustained.

6.285 The representations question whether the proposed living machine (sewage treatment plant) in close proximity to houses could pose an

environmental health issue. It should be noted that the Environmental Health Officer has not raised an objection to the proposed development and further detail in respect of site layout would be provided at the reserved matters stage.

- 6.286 Concerns have been raised regarding potential construction noise impacts and that there would be disruption for the local community for 8-9 years. It is inevitable that there will be some form of disruption with most forms of development, however these impacts can be appropriately managed through the successful implementation of a construction phase management plan and a restriction on hours of construction. These should be secured by condition. It is not considered that a refusal based on construction noise can be sustained.
- 6.287 Some of the representations received consider that construction traffic should be via the lower Heath Business and Technical Park entrance only and not through Weston Village. Detail in relation to the construction traffic routing would form part of the construction phase management plan secured by condition.
- 6.288 It is correct that the Council would collect both Council Tax and Business Rates from future development as is with other homes and businesses in the borough.
- 6.289 Local residents consider this proposal to be a social experiment similar to Southgate. They also consider that this community will end up like the rest of Runcorn. They also raise concerns over the level of weight that should be afforded to the fact that the Heath Park scheme may have been subject to an international design competition. The application has to be considered on its planning merits and a refusal on the basis that it is a social experiment or that it would end up like the rest of Runcorn could not be sustained.
- 6.290 Representations raise the issue that The Heath Business and Technical Park does not maintain the existing site. This planning application needs to be considered on its merits and a refusal on this basis could not be sustained.
- 6.291 In respect of investing in the Old Town instead, this application in the location proposed has to be considered on its merits.
- 6.292 With regard to the proposal having a detrimental effect on the existing village community, this proposal has to be considered on its planning merits and a refusal on this basis cannot be sustained.
- 6.293 There are concerns that the proposal would have a negative impact on house prices in the locality. The planning system does not exist to protect the private rights of one individual against another and a refusal on this basis could not be sustained.

- 6.294 A refusal on the basis that the applicant and its supporters do not live in the area cannot be sustained.
- 6.295 Issues have been raised regarding inconsistencies in the supporting documentation and plans. Officers have worked with the applicant to address such issues where possible.
- 6.296 Representations have stated that it is difficult to understand what has changed when reconsultation has taken place and some feel it is an abuse of the planning application process through trivial iterations. It should be noted that this is a complex planning application and the applicant has produced a covering letter with each set of amendments to highlight what has changed. Councils are encouraged to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of an area as set out in NPPF and this can often result in amendments being made to proposals. This can then often result in further publicity and consultation being undertaken.
- 6.297 This is an outline planning application with all matters reserved for future consideration and contains a sufficient amount of information in order to be appropriately assessed.
- 6.298 Representations consider that the comparison of Heath Park to Port Sunlight to be ridiculous. Again the proposal needs to be considered on its planning merits rather than on any such comparison.
- 6.299 Representations state that monies from the sale of the Greenspace for residential development would be used to support the final salary pension scheme administered by the applicant. Again the proposal needs to be considered on its planning merits rather than how any future land receipt may be used.
- 6.300 There is cynicism that the development would ever be implemented in the current form and only housing would come forward without green/social benefits. The application has to be considered on its planning merits. It is however noted that some planning permissions can be phased / partially implemented subject to compliance with associated conditions and legal agreements.
- 6.301 Representations state that the proposal would be detrimental to the road surfaces that HBC do not maintain. A refusal on this basis could not be sustained.
- 6.302 Concerns have been raised regarding the existing buildings at the Heath Business and Technical Park and their suitability for conversion in relation to them having asbestos in them and also whether the structures may contain reinforced autoclaved aerated concrete (RAAC). The building owner has a legal

duty to manage their buildings accordingly. A refusal of this application on this basis could not be sustained.

6.303 Planning Obligations

Policy CS(R)7 of the DALP states that “where new development creates or exacerbates deficiencies in infrastructure it will be required to ensure those deficiencies or losses are compensated for, adequately mitigated or substituted for in a timely manner. On larger developments that will be completed in phases or over a number of years, an agreed delivery schedule of infrastructure works may be appropriate. Where infrastructure provision is not made directly by the developer, contributions may be secured by an agreement under Section 106 of the Act including where appropriate via a phased payment schedule”

6.304 In accordance with Policy CS(R)7 of the DALP works would normally be required with respect to the identified deficiencies and mitigation to make the development acceptable in planning terms.

6.305 Financial contributions to secure mitigation under Section 106 of the Town and Country Planning Act 1990 in the form of Cycle Route Improvements, Crossing Improvements, Bus Infrastructure Improvements, Enhanced Bus Service Provision, Moughland Lane / Heath Road South / Clifton Road signalised junction improvements and Recreational Pressure Mitigation for Runcorn Hill are required. Negotiations on these are currently ongoing.

6.306 In addition to the financial contributions set out, it is considered that Affordable Housing, Social Value Strategy for the Training and Recruitment of Local People and a Highway Phasing Plan should also be secured by planning obligation. The applicant proposes that 25% of the residential units would be affordable. As set out earlier in the report, in order to ensure policy compliance, 5.17% of units would need to be affordable in order to ensure policy compliance, however the applicant can look to provide a higher level of provision and appropriate weight be afforded to such additional provision.

6.307 Regulation 122 of the Community Infrastructure Levy Regulations 2010 provides that at paragraph (2) subject to paragraph (2A) (set out below), a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

6.308 Paragraph (2A) states:

Paragraph (2) does not apply in relation to a planning obligation, which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority's area, provided—

(a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and

(b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

6.309 The associated obligations are considered to fulfil the requirements of DALP Policies CS(R)7, CS(R)15, CS(R)20, C1, ED2, GR1 and HE1 and meet the relevant tests as set out under the Community and Infrastructure Levy 2010. It follows that the above requirements are justified to be secured by legal agreement. These obligations will be secured as set out above.

6.310 Planning Balance

6.311 The Heath Business and Technical Park has been a successful venture since its acquisition from ICI by SOG Ltd in March 2000. As well as providing a valued community resource, it supports in the region of 1,200 jobs over a wide variety of sectors, mainly in science and technology, where it can offer facilities unique to the North West. At its peak, over 3,000 individuals were employed at the site. It is acknowledged that the site must deal with several challenges in order to secure a sustainable future, these are ageing buildings and infrastructure, energy inefficiency, low demand for dated office accommodation, and sourcing the funding to tackle these challenges. It is accepted that the Heath Park concept can achieve the wholesale remodelling of this large, predominantly brownfield site, and that this approach is broadly supported by the strategic policies with the Development Plan.

6.312 It should be remembered that the application is outline only, and the accompanying masterplan is indicative only, rather than fixed. The primary objective with outline applications is to ascertain if the overall quantum of development applied for can be appropriately accommodated on the application site. All detailed matters (access, appearance, landscaping, layout, and scale) are reserved for future planning applications.

6.313 The application represents a huge regeneration scheme that seeks to regenerate and remodel an existing employment area, together with other private land owned by the applicant. The applicant is of the view that a more beneficial

scheme can be achieved through comprehensive remodelling of the site, which although results in some harms, provides significant benefits in terms of viable employment uses, housing, and community facilities. Given the size of the scheme, and the strategic drivers behind the scheme, there are aspects of the proposal where there is non-compliance with some development plan policies. Officers consider that all of the above areas of non-compliance with development plan policy as summarised below should be afforded significant weight.

- The proposal would result in some development on areas of designated greenspace without providing equivalent or better provision in terms of quality and quantity. This does not meet the provisions of Policy HE4.
- For residential greenspace provision, an appropriate level of provision for Parks & Gardens, Amenity Space and Allotments & Community Gardens can be achieved. However there would be a shortfall in both Natural & Semi Natural Greenspace and Provision for Children and Young People contrary to the provisions of Policy RD4. It should be noted that adjacent to the application site there is an expanse of existing greenspace that forms Runcorn Hill and Heath Park, which provides opportunities for recreation.
- The proposed development results in the loss of protected trees and woodland for which there is a presumption against. This is contrary to the provisions of policy HE5. However, by way of compensation, the applicant has stated that the total number of trees to be provided through the scheme, including all urban trees and structural woodland planting is 5855 trees
- In terms of the north-western parcel of land, on the opposite side of Heath Road South, the proposed development here would result in the loss of an element of high quality green infrastructure associated with the wider Strategic Greenspace contrary to the provisions of Policy CS(R)21. This element would also fail to conserve and enhance the character and quality of the local landscape contrary to the provisions of Policy HE5 (5). Development here would also have a negative impact on a Nature Improvement Area, although given compensatory habitat could be provided in the immediate locality there is broad compliance with Policies CS(R)20 and HE1.
- Advice from HSE that there are sufficient public safety grounds to advise against the granting of planning permission for development at or near to a hazardous installation or pipeline. This advice should not be overridden without the most careful consideration. Due consideration is set out in the section on Major Accident Risk starting at paragraph 6.231.

6.314 The NPPF must be taken into account where it is relevant to this planning application and is a material consideration. The proposed development would conflict with the provisions of NPPF relating to open space / recreation and

conserving and enhancing the natural environment. Paragraph 12 of NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

6.315 Significant benefits are considered to be provided by the proposal, and these are set out below:

- The diversification of a substantial site into a high quality urban village to give it a sustainable and viable future through the mix of complementary uses to create a neighbourhood to live, work and play. Noting the importance of this site for Runcorn, it is considered that this matter should be afforded significant weight.
- The proposal would result in an effective use of land to meeting the need for homes and other uses in an established urban area. The element of proposed development located on the previously developed land should be afforded significant weight.
- The land uses proposed align with the mixed residential and employment character of the surrounding area. The development can meet the relevant policies for drainage, air quality, noise, contaminated land, and there by provide a good level of amenity for all residents. No issues have been raised in the report regarding compatibility of uses, and this matter should be afforded significant weight.
- It is noted that the principle of residential and ancillary commercial development has been established previously through previous permissions, some of which have been implemented. This matter should be afforded moderate weight.
- The proposal would deliver of up to 545 homes, result in the delivery of affordable housing and would reduce the pressure on the potential release of Green Belt land for housing in the future. The applicant's desire to provide a level of affordable housing which exceeds the policy requirement is positive benefit of the scheme and would meet an identified need which should be afforded significant weight.
- The applicant notes that the proposed development would be in a sustainable location, provide opportunities for sustainable travel, and would ensure connectivity with the wider community. The proposal meets the relevant highway and transport policies and should be afforded significant weight.
- The creation of employment opportunities both during the construction and operational phase especially noting that a significant part of the site

is a Primarily Employment designation is welcomed and this should be afforded moderate weight.

- The proposal would be low carbon development. NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The applicant's intentions in this regard are welcomed and should be afforded moderate weight.
- The scheme can deliver a Biodiversity Net Gain. Ensuring no net loss of biodiversity is the policy requirement and it is considered that such future delivery should be afforded moderate weight.
- Despite not achieving the intended land use allocation on the Proposals Map, as indicated on the Submission Version of the DALP. The DALP Inspectors Report acknowledged that this innovative project would have significant regeneration benefits for Runcorn. The significant regeneration benefits that would result from the proposed development should be afforded significant weight.
- Noting the Council's policy on major accident risk, the applicant's illustrative masterplan shows the proposed development to be in areas of the site which fall outside of the 10 chances per million of individual risk. This would be subject to appropriate control by planning conditions to ensure policy compliance in respect of Reducing Risk from Hazards. This should be afforded moderate weight.
- The socio-economic benefits of the development, as set out in the Social Value Assessment are afforded moderate weight.
- It is considered that the proposed development would have an overall positive impact on health and would support healthy environments and encourage healthy lifestyles in accordance with Policy CS(R)22. This benefit is afforded moderate weight.

6.316 The Council's statutory duty set out in Section 38 of the Planning and Compulsory Purchase Act 2004 means that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

6.317 Officers consider that when all of the benefits are considered collectively, the diversification of the existing site into a high quality urban village to give it a sustainable and viable future, the innovative nature of the proposal which would have significant regeneration benefits for Runcorn (as acknowledged by the Inspectors examining the DALP), along with the delivery of both market and

affordable homes, and with the other identified benefits highlighted, clearly and demonstrably outweigh the harms identified.

6.318 Based on the above, it is considered that material considerations exist in this instance which strongly indicate that the application should be granted.

7 **CONCLUSIONS**

7.1 The Council's statutory duty set out in Section 38 of the Planning and Compulsory Purchase Act 2004 means that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 Non-compliances with development plan policy have been set out, along with the benefits which will be derived from the scheme. The planning balance summarises those benefits, which include the diversification of an existing brownfield site into a high quality urban village to ensuring a sustainable and viable future, the significant regeneration benefits for Runcorn that stem from the innovative nature of the proposal (as acknowledged by the Inspectors examining the DALP), the sustainable travel and connectivity of the location, plus with the delivery of both market and affordable homes. Combined with the other benefits identified, these clearly and demonstrably outweigh the harms identified.

7.3 Officers therefore consider that material considerations strongly weigh in favour of the granting of planning permission in this case notwithstanding the identified non-compliance with some aspects of development plan policy.

8 **RECOMMENDATION**

That the application be APPROVED, subject to referral to the Health and Safety Executive, and subject to the following:

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

PLANNING OBLIGATIONS

- Highway Phasing Plan.
- Cycle Route Improvements.
- Crossing Improvements.
- Bus Infrastructure Improvements.
- Enhanced Bus Service Provision.

- Moughland Lane / Heath Road South / Clifton Road signalised junction improvements.
- Recreational Pressure Mitigation for Runcorn Hill.
- Affordable Housing Provision.
- Social Value Strategy for the Training and Recruitment of Local People.

PLANNING CONDITIONS

1. Time Limit – Outline Permission
2. Submission of Reserved Matters
3. Development Parameters
4. Submission and Implementation of a Phasing Plan
5. Submission and Implementation of a Greenspace Management Plan
6. Submission of a Biodiversity Net Gain Assessment (including updated metric)
7. Submission and Implementation of Full Travel Plans.
8. Submission of a further traffic assessment at the reserved matters stage should different transport scenarios from the those assessed (commercial traffic entering the Heath Business and Technical Park site from the south and residential traffic from the north and no through route) be used along with supporting mitigations options offered where necessary.
9. Submission and Implementation of an Air Quality Mitigation Measures Scheme
10. Submission and Implementation of a Noise Mitigation Measures Scheme
11. Submission of Ground Contamination – Site Investigation and Remediation Strategy and subsequent Implementation and Validation
12. Submission of Strategy should Unsuspected Contamination be found
13. No infiltration of surface water to the ground without the demonstration of its suitability through an assessment
14. No piling unless it is demonstrated that there would be no unacceptable risk to groundwater.
15. Implementation of Breeding Birds Protection
16. Submission and Implementation of an Arboricultural Method Statement
17. Submission and Implementation of a Tree Protection Plan
18. Submission and Implementation of a Sustainable Urban Drainage Scheme
19. Submission of a Verification Report for Sustainable Urban Drainage Scheme
20. Submission and Implementation of Wetland Infiltration System Management Scheme
21. Submission and Implementation of a Construction Environmental Management Plan
22. Restriction on Hours of Construction

23. Submission and Implementation of Reasonable Avoidance Measures - Reptiles
24. Submission and Implementation of Reasonable Avoidance Measures – Badger and Hedgehog
25. Submission and Implementation of a Lighting Scheme to Protect Ecology
26. Submission and Implementation of a Landscape and Ecological /Habitat Management Plan
27. Submission and Implementation of a Bat Mitigation and Compensation Scheme
28. Submission of a copy of a licence / registration issued by Natural England in respect of bats.
29. Submission of a copy of the District Level Licence issued by Natural England in respect of Great Crested Newts
30. Submission and Implementation of a Site Waste Management Plan
31. Submission and Implementation of a Waste Storage and Collection Plan
32. Submission and Implementation of a Local Carbon Development Scheme
33. Submission of a Building Record to Level 2 as set out in Historic England Guidance – Understanding Historic Buildings
34. Submission and Implementation of a Health Management Plan.

9 **BACKGROUND PAPERS**

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

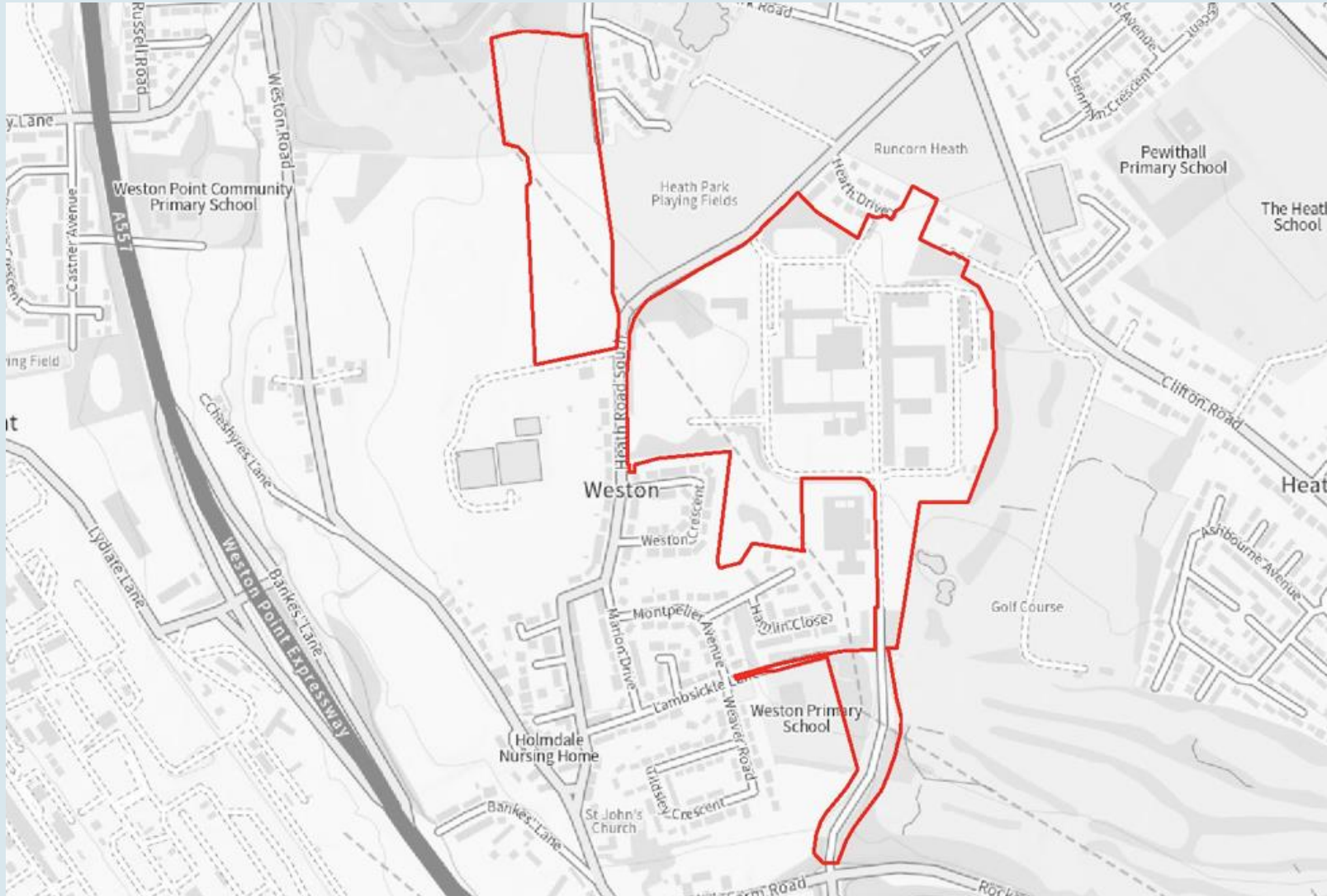
10 **SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (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.







PROPOSED



EXISTING

HEATH
PARK

00-004 Proposed Site Section B-B
00-005 Proposed Site Section C-C
00-300 Proposed Land Use Plan



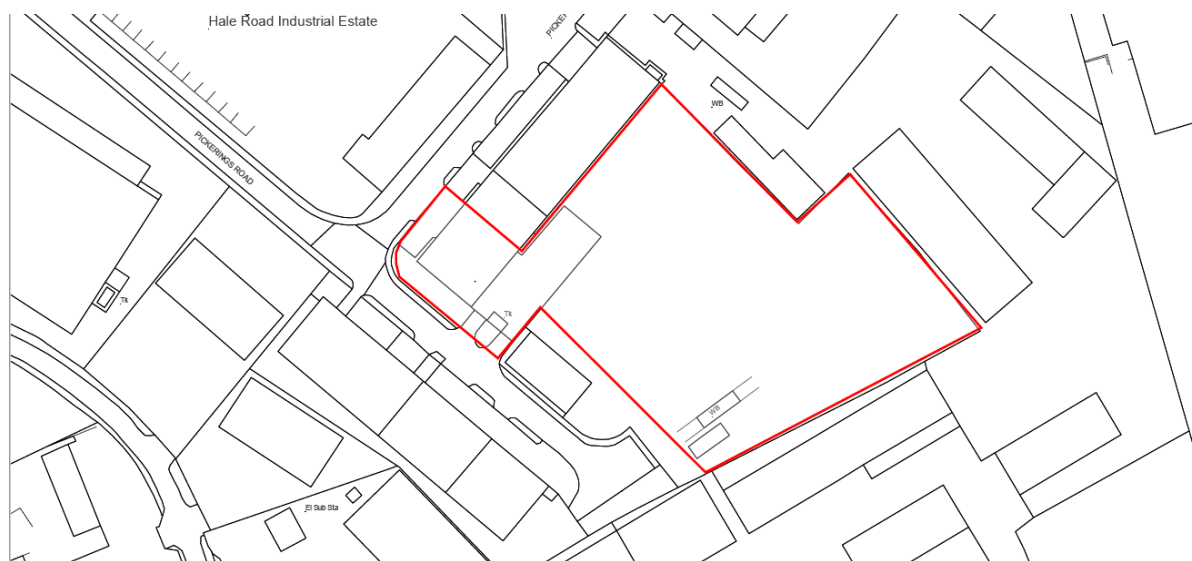








APPLICATION NO:	23/00187/WST
LOCATION:	Veolia ES UK Ltd (Former J Bryan (Victoria) Ltd), Pickerings Road, Widnes
PROPOSAL:	Proposed erection of a building for ancillary storage (partially retrospective)
WARD:	Ditton
PARISH:	Halebank
AGENT(S) / APPLICANT(S):	Veolia ES UK Ltd
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2023) Delivery and Allocations Local Plan ('DALP') (March 2022). Merseyside and Halton Joint Waste Local Plan 2013	Primarily Employment, Recreational Impact HRA Interim Mitigation Area, Recreation Impact (HRA), Unallocated Land
DEPARTURE REPRESENTATIONS:	No Letters of representation from 5 objectors Letter of Objection from Halebank Parish Council
KEY ISSUES:	Principle of development; waste policy; noise, dust, and other amenity issues; drainage; contaminated land and highway and traffic issues
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP**1. THE APPLICATION SITE**

1.1 The Site

Site of the former J Bryan (Victoria) Ltd facility located within the Halebank Industrial Estate which is accessed off Pickerings Road. The site was previously used by a demolition contractor and scrap metal processing company as a demolition waste storage/ transfer yard and depot.

Since occupation, Veolia has carried out improvements to the existing offices, the parking and yard areas and the drainage. The frame of the building that this application seeks to retain is visible on site with the remainder of the site currently occupied by a number of HGV tanker trailers and small vehicles.

1.2 Planning History

The site has a complicated history associated with the historical use and ongoing development of the site particularly as a plant hire and demolition contractor's yard which historical photographs showed included external storage and sorting of demolition wastes. Application 18/00285/WST was submitted in June 2018 for a proposed change of use to waste transfer and treatment facility, construction of waste transfer building and ancillary development. Originally granted planning permission that decision was subsequently overturned by the High Court and then refused at appeal.

2. THE APPLICATION

2.1 The proposal and Background

Permission is sought for the proposed erection of a building for ancillary storage (partially retrospective). The application is in part 'retrospective' as the steel frame of the building was erected following the grant of planning permission 18/00285/WST. That planning permission was however subsequently overturned and dismissed at a planning appeal, construction works ceased and the building frame remains in situ. The land and buildings remain within the extant use and the applicant now proposes completion of the building to allow its use for storage of materials and equipment in connection with the occupier's operations. They state that there is no intention for this building to be used for the storage or processing of any 'waste' materials and has stated that they would be comfortable with the imposition of a planning condition preventing the use of the building for the processing or transfer of waste. Furthermore, the applicant has stated their intention to surrender the Environmental Permit for the site but that would remain outside the control of the planning system.

The applicant has refurbished the existing site offices, patched up the concrete parking and yard areas and installed new gates and improved drainage (in line with details

previously considered acceptable by the Council through the determination of the earlier planning application).

2.2 Documentation

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

Planning/ Supporting Statement

Phase 1 and 2 Site Investigation Reports

Flood Risk Assessment

3. THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

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

- CS(R)1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS23 Managing Pollution and Risk;
- CS(N)26 Unallocated Land in Urban Areas
- HE1 Natural Environment and Nature Conservation;
- HE7 Pollution and Nuisance
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- E2 Employment Development
-

3.2 Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

3.3 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.

4. MATERIAL CONSIDERATIONS

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

4.1 National Planning Policy Framework

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

4.2 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.

4.3 Other Considerations

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

5. CONSULTATIONS SUMMARY

HSE - Do Not Advise Against

Natural England - No Objection

Environment Agency – No Objection subject to condition relating to unidentified contamination

United Utilities – Question whether compliance has been demonstrated with the drainage hierarchy and recommend condition in the event that planning permission is granted. See Food Risk and Drainage section of report.

Highways and Transportation Development Control – Original holding objection removed. No objection subject to recommendation relating to the need for a Construction Management Plan. See Highways section of report.

Lead Local Flood Authority

No response was received at the time of writing this report. Should a response be forthcoming it will be relayed via an update to Committee.

Contaminated Land Officer

No response was received at the time of writing this report. Should a response be forthcoming it will be relayed via an update to Committee.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor - No objection subject to conditions relating to bat and bird boxes

United Utilities

Questioned whether sufficient evidence has been provided to demonstrate compliance with the drainage hierarchy. See Flood Risk and Drainage section of the Report.

6. REPRESENTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Halebank Parish Council have been notified.

Letters of representation have been received from 5 objectors raising the following issues:

- Noise, dust and pollution
- Site not part of Waste Plan
- Location not suitable close to school, housing and local shops
- Traffic through village, infrastructure not strong enough
- Air quality and health risks associated with use as a waste transfer station
- Impact of noise on wildlife

One letter of objection has been received from Halebank Parish Council stating the following grounds of objection:

- *The building for which retrospective permission is being sought, is to be used for the processing of waste on a site that is neither an allocated site within the JWLP, nor within an Area of Search, and therefore contravenes core policies WM1 and WM5.*
- *The applicant has failed to provide any evidence satisfying the sequential test to establish that allocated sites are neither suitable nor available. (Indeed, they confirm in correspondence with Halebank Parish Council that alternative sites are available). There is therefore no evidence or policy justification for such a waste processing use on the site, or the construction of a building for that purpose.*
- *The applicant has falsely claimed that the proposed activity is currently being carried out on the site that is in fact being used primarily for vehicle parking and storage. The application therefore is not, as stated in the application, the continuation of a current use, but involves a change of use requiring planning permission.*
- *Relative to the historic waste activity by a former owner, this application envisages a very substantial expansion and intensification of waste processing, necessitating the construction of a large bespoke building, that properly requires planning permission.*
- *The activity will have a potentially significant detrimental impact on the residential amenity of the community of Halebank and neighbouring businesses arising, from increased HGV traffic movements, adverse impact on air quality, potential noise and dust pollution. The nature of the application and the paucity of submitted information inhibits effective evaluation of these and other potential adverse impacts. Significantly, Donald McPhail's letter to Halebank Parish Council in 2021 recognises that "in terms of traffic generation, you will recall that the proposed WTS application would have generated less traffic than the existing lawful use."*

A full copy of that letter is included as an appendix to this report.

Since those objections have been received the application has been amended including a covering letter to explain the amendment. This states that the application is to complete the building for ancillary storage for plant and machinery. It also states that there is no intention for the building to be used for processing or transfer of waste and that the application is for the built development only and does not seek to change the use of the wider site.

No further representations have been received as a result of the re-consultation process undertaken in relation to those amendments.

7. ASSESSMENT

7.1 Principle of Development

The application has been amended including an updated cover letter and Planning Supporting Statement (PSS). The PSS indicates that the completion of the building will be for use for storage of materials and equipment in connection with occupier's operation. It also states that there is no intention for the building to be used for storage or processing of any waste materials. It goes on to say that the applicant would be willing for the imposition of a condition preventing the building being used for processing or transfer of waste.

The PSS acknowledges the site's history as a waste use, noting that change of use to a waste transfer station was refused on appeal. Given that the proposed building will be utilised as a storage building for maintenance items and equipment (plant and machinery) incidental to the occupier's operations' it is concluded that the proposed use is not a waste use. A condition restricting the proposed use is proposed for the avoidance of doubt.

The site is predominantly within a designated Primarily Employment Area as defined on the DALP Policies Map. Policy ED2 provides that within Primarily Employment Areas development for uses including light industrial, factory or storage and distribution will normally be acceptable. It further provides that redevelopment and regeneration within existing employment areas and Employment Renewal Areas will be supported where they make an improvement in the use of the site for employment purposes. Small areas of the site are not coloured on the policies map and are therefore Unallocated to which policy CS(N)26 would apply.

Issues relating to design, noise, dust and other amenity issues are addressed later in this report. The building proposed is wholly within the area designated as a Primarily Employment Area. The proposals are considered to accord with Policy ED2 and no conflict arises with Policy CS(N) 26 and therefore considered acceptable in principle.

7.2 Design and Character

The proposal is to develop an industrial building to allow for storage of equipment (plant & machinery) and materials in connection with the occupier's operations. As the application is for the building it is assumed there is not a change of use of the site. The building will measure approximately 43m by 26m and have a footprint of 1,105 square metres. The building will be a portal framed industrial structure similar in appearance to other buildings in the immediate vicinity. In keeping with the appearance of other large industrial buildings in the area the building walls and roof will be clad with Goosewing Grey (BS10A05, or similar) cladding, above exposed precast concrete panels, with a red (BS04E53, or similar) combined fascias/ soffits and gutter system providing contrast. The building will be approximately 11.3 metres to eaves (rising to 13.2 metres at its peak). There will be 4 roller shutter doors to the front elevation. These doors will be approximately 7.6 metres in height, The roller shutter doors will be coloured red. There will be protection bollards to all roller shutter doors. There will be personnel doors located around the main building.

The applicant has included aerial photographs of the site during its previous activity as a demolition contractor's depot within their submitted supporting statement. These show substantial elements of, apparently uncontrolled, external storage of waste and plant to varying heights. The Applicant has previously undertaken significant works to clear the site with new fencing and entrance gates which represent a significant improvement to the visual quality of the site. The proposed building will further act to screen the site and limit scope and visibility of external storage in the future.

The building is considered appropriate to the character of the area, and the proposed development will undoubtedly result in significant improvement and contribute to the regeneration of and raise environmental quality in the area. On that basis it is considered wholly consistent with Policy ED2, GR1 and GR2.

7.3 Amenity Issues

A number of objections have been made regarding the potential of issues from the development including noise, dust, and other amenity issues. These comments were however received before the application was amended to clarify the proposed use for storage purposes only excluding waste. Previously, the site has a long history of construction and demolition waste processing and scrap operations. The proposed operation is not anticipated to generate noise, dust or other amenity issues that would result in any adverse impact at the nearest sensitive receptors. Given that the building is partially complete, works required to complete the building are considered to give limited scope for significant dust or other impacts during the construction phase. Significant areas exist within the site to facilitate construction activity and, given the character of the area it is not considered that a requirement for a Construction

Management Plan recommended by the Council's Highways Officer can be justified in this case. Hours of construction can be controlled by way of suitably worded planning condition.

7.4 Highway Considerations

The existing site is currently accessed via Pickerings Road through the existing industrial area but connecting to the wider highway network linking through Halebank via Hale Road. The applicant has stated that the vehicular access location will be unchanged with access via the existing arrangement off Pickerings Road. The applicant states that the current proposal will result in significantly less vehicle movements from those historically experienced, with the store building unlikely to generate more than 1 or 2 vehicle movements per working day. It will not increase the capacity of the site and indeed there are no current restrictions on vehicle movements.

On that basis the Council's Highways Engineer has confirmed that no objections are raised to the scheme.

7.5 Ecology

No ecological information has been submitted with the application. The Council's retained adviser has confirmed that no impact to protected/priority species is anticipated due to the existing use and lack of vegetation on site. In line with the new biodiversity duty and NPPF it is advised that the applicant should provide biodiversity enhancements such as bat and bird boxes and/or native tree planting. This can be secured by appropriately worded planning condition.

They further advise that the development is near to a number of nationally and internationally designated sites. However, having regard to the proposals and the possibility of likely significant effects using the source-pathway-receptor model, there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment. Natural England confirm that they have no objection.

7.6 Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 1. In accordance with national and local policy the proposed development is therefore considered to be located within an area of low flood risk. The site does however exceed 1Ha and the application is therefore supported by a Flood Risk Assessment (FRA).

The FRA concludes that, given the nature and scale of the development, the proposed development can be operated with minimal risk from flooding, would not increase risk of flooding elsewhere and should not be precluded on the grounds of flood risk.

No comments have been received from the Lead Local Flood Authority (LLFA). United Utilities have questioned whether sufficient evidence has been provided to

demonstrate compliance with the drainage hierarchy. A series of drainage improvement works have however previously been agreed for the site through the consideration of the previous application and related condition discharge submissions agreed in consultation with the LLFA and United Utilities. These are understood to have been largely completed prior to that permission being overturned and are set out on the submitted drainage plan. Given this history and that the proposed would not result in any significant increase in surface water run-off, it is considered that sufficient regard has been given to flood risk and drainage of the site to demonstrate compliance with Policy HE9 and NPPF, and that the condition recommended by United Utilities is not justified in this case.

7.7 Contaminated Land

The application is supported by Phase 1 and 2 Site Investigation Reports which are a resubmission of those previously submitted in support of the earlier application. The results of the risk assessment indicate that there is no significant source of contaminants present so that there is a negligible risk to all receptors including humans, controlled waters and ecological receptors.

The site is currently hard surfaced with concrete and, whilst excavations have been undertaken in relation to works already implemented this is proposed to be largely retained in situ and need for further excavations are considered likely to be limited. Given the site history and previous site uses the potential for asbestos containing material has been acknowledged and some cement bound chrysotile was encountered during the investigation. The report concludes however that finding such concentrations is “very common” and does not signify that remediation is required. It does however highlight the potential presence of contaminants and that suitable risk assessments and safe working practices are recommended including dust monitoring and suppression. It further identifies that there is a possibility of encountering unexpected contamination and sets out procedures should that occur.

The Council’s Contaminated Land Officer has not commented in relation to the current application. He raised no objection in relation to the original application and confirmed that the unforeseen contamination procedure is sufficient to effectively manage any arisings. It is not considered that there have been a significant change in circumstances to justify a change in that approach and it is considered that this can be secured by suitably wording planning condition. The Environment Agency has raised no objection and recommend the same unforeseen contamination condition. Their comments can also be attached to any planning permission as an informative.

7.8 Other Waste Issues, Sustainable Development and Climate Change.

Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste and Planning Practice Guidance apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of

off-site disposal. Policy WM8 (Waste Prevention and Resource Management) applies. However, a SWMP was conditioned for the original 2018 application and was discharged. There is likely to be limited waste generated for the remainder of the construction, and therefore, it is not considered necessary to require further evidence or mitigation to demonstrate compliance with this policy at this stage.

Policy CS(R)19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The submitted supporting statement presents reasoning as to why it is not appropriate to achieve BREEAM Excellent rating for the proposed building. It suggests that there is no need for insulation as the building is not heated, insulation would embed more carbon, roof lights are used to generate natural light and limit requirements for LED lighting and use of solar panels would restrict the number of roof lights which would be counterintuitive. This justification is considered acceptable and it is not considered that refusal of planning permission could be justified on these grounds.

The submitted Planning Supporting Statement references the Merseyside and Halton Joint Waste Local Plan. Policy WM7 (Protecting Existing Waste Management Capacity for Built Facilities and Landfill). The policy states that any existing operational and consented waste management sites will be expected to remain in waste management use to maintain essential waste infrastructure. Any change of use from waste management will need to be justified by demonstrating that the waste use is:

- Located in an inappropriate area;
- Causing significant loss of amenity;
- That the lost capacity has been made up for elsewhere, or can be provided through existing allocations.

Whilst the proposals do not seek change of use the proposed building will not be used for waste purposes. The Councils retained adviser has confirmed that since the site has not operated for waste purposes for a number of years, it is considered that bullet point 3 applies and the lost capacity has been provided through existing allocations and that the policy requirements have been met.

8. Conclusions

Permission is sought for the proposed erection of a building for ancillary storage an is, in part, retrospective. The land and existing buildings remain within the extant use which was previously used by a demolition contractor and scrap metal processing company as a demolition waste storage/ transfer yard and depot. The applicant now proposes completion of the building to allow its use for storage of materials and equipment in connection with the occupier's operations. They state that there is no

intention for this building to be used for the storage or processing of any 'waste' materials and has stated that they would be comfortable with the imposition of a planning condition preventing the use of the building for the processing or transfer of waste.

The Council's retained adviser has confirmed that the proposals are compliant with the Joint Waste Local Plan insofar as it applies. The proposals are also considered to accord with the Halton Delivery and Allocations Local Plan and NPPF. Where any areas of such compliance have been queried with the applicant, these are considered to have been adequately addressed and it is not considered that refusal of planning permission could be justified in this regard.

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

9. RECOMMENDATION

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

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Materials condition(s) requiring building external finishing materials to be carried out as approved by 19/00094/COND
4. Condition relating to contamination/ unexpected contamination
5. Implementation of a scheme of bat and bird boxes in accordance with details to be submitted and approved.
6. Restricting use of the building to storage of plant and machinery and at no time to be used for the deposit, handling or sorting of waste
7. Restricting hours of construction,

SUSTAINABILITY STATEMENT

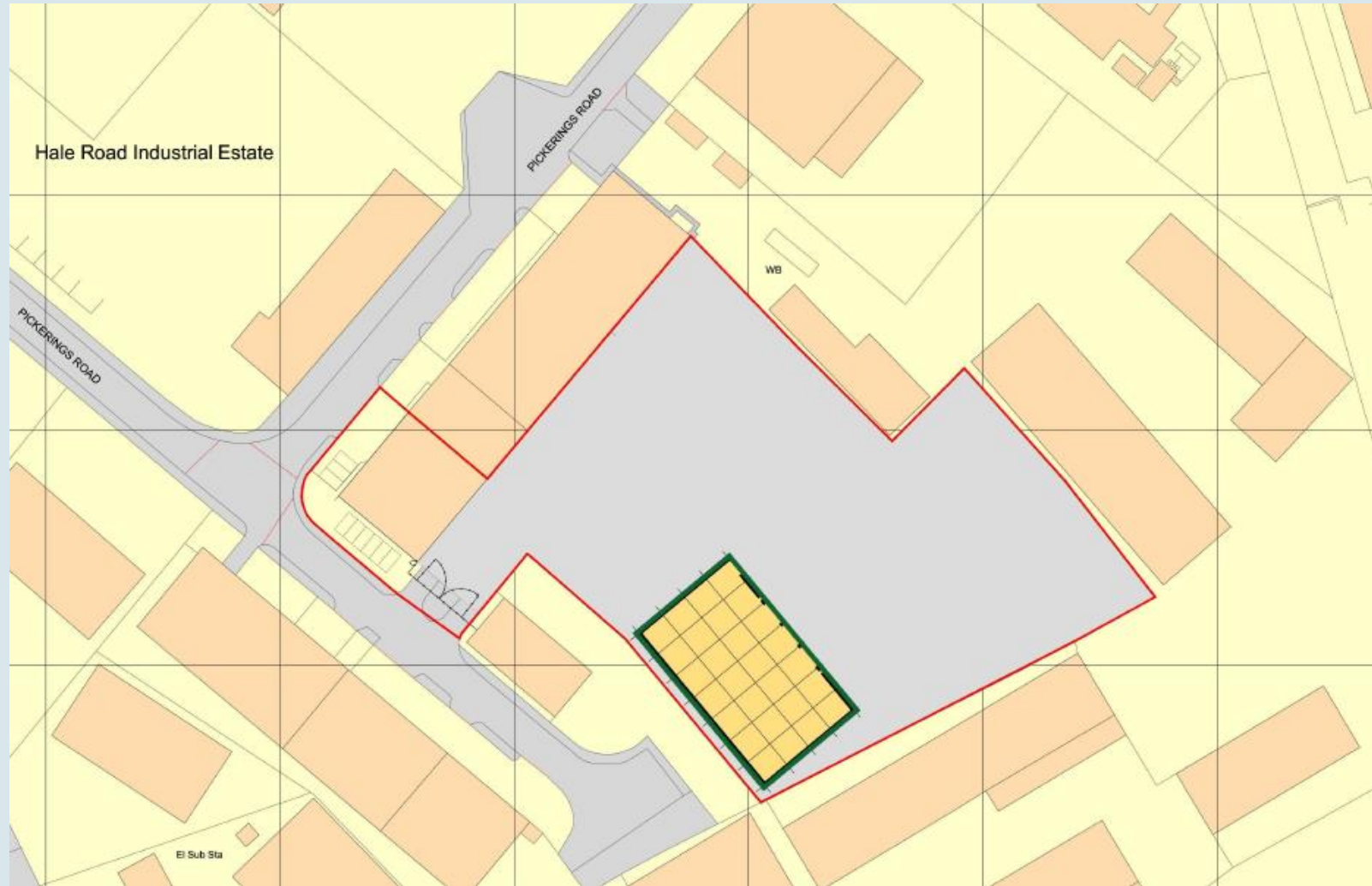
As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

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











APPLICATION NO:	23/00272/FUL
LOCATION:	Land to the West of Shell Green Widnes WA8 0GW
PROPOSAL:	Erection of a 5,615 sqm (60,439 sq ft) GEA [5,550 sqm (59,739 sqft) GIA] Class B8 unit with ancillary offices and associated parking, servicing space and hard and soft landscaping (including means of enclosure and security lighting)
WARD:	
PARISH:	None
APPLICANT:	Avjon 3 LTD
AGENT:	Richard Gee, Roman Summer
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Site E1 Strategic Employment Location – CS(R)4, ED1 Employment Allocation – ED1
DEPARTURE	No.
REPRESENTATIONS:	No
KEY ISSUES	Principle of Development, Design, Highway Safety, Ecology
RECOMMENDATION:	Delegated Authority.
SITE MAP	

1. APPLICATION SITE

1.1 The Site

The site subject of the application consists of a parcel of land located between Gorse Lane and Shell Green.

The site is previously developed land. It can be seen from aerial photographs that there was some development on the site in the late 90's but since then it has been left green and partly covered by self-seeded trees.

The site is allocated as a as site ref E1 which is a Strategic Employment Location and an Employment Allocation on the Halton Delivery and Allocations Local Plan Policies Map.

Site ref E1 is allocated for general industrial and storage and distribution under Policy ED1.

The site is surrounded by primarily employment areas and other employment allocations.

1.2 Planning History

The site forms part of the Shell Green industrial area. Planning history of the site dates back to 1992.

There is no recent relevant planning history. The most recent consent was 10/00221/S73 which was supported by a masterplan including the site accommodating 'employment units'.

2. THE APPLICATION

2.1 The Proposal

The application is for the erection of 5615 sqm GEA (5550sqm GIA) Class B8 unit with ancillary offices and associated parking, servicing space and hard and soft landscaping (including boundary treatments and security lighting).

The development shall be accessed via Shell Green.

Parking will be provided for 58 vehicles comprising:

- 37 x standard car parking bays
- 6 x disabled car parking bays
- 15 x electric charging point spaces

- 8 x cycle spaces
- 4 x motorcycle spaces
- 23 trailer spaces

2.2 Documentation

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

- Planning Statement (Roman Summer Associates Ltd);
- Design and Access Statement (Martin Spencer Architecture);
- The following ecological reports (Amenity Tree Care):
 - Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) [Version 3 issued on 08.08.2023]
 - Assessment of Biodiversity (with associated Biodiversity Metric 3.1 assessment calculations) [updated 24.05.2023]
 - GCN/Amphibian Appraisal & Habitat Enhancement Measures Strategy (May 2023)
 - Letter dated 24.05.2023 in respect of Non Native invasive plants (Heracleum Mantegazzianum)

- Protected Species Appraisal - Bat Roost Assessment (BRA) - Preliminary tree inspections (Version 1 / 05.09.2023)
- Bat Activity Report Version 1 [05.09.2023]
- Preliminary Breeding Bird Appraisal / Survey (6/9/23)
- Arboricultural Survey / Assessment (Amenity Tree Care)
- Transport Statement (Focus Transport Planning)
- AT.23.1257.101 REVISION R.01 – Planting Plan (Amenity Tree Care)
- NPPF Flood Risk Assessment (ADS)
- Drainage Strategy (ADS)
- Drawing ref: 8177-ADS-XX-00-DR-C-501 P1 'Drainage Layout (ADS)
- Phase 1 Site Appraisal (Patrick Parsons)
- Phase II Site Appraisal [Revision 1 issued on 09/08/23] (Patrick Parsons)
- The following drawings (Martin Spencer Architecture):
 - SG 001 P1 – Location Plan
 - SG 004 – P3 – Proposed Site Plan – B8 Option
 - SG 010 – P6 – Proposed Ground Floor and Office Plan
 - SG 011 – P2 – Office Floor Plans
 - SG 015 – P9 – Proposed Elevations
 - SG 020 – P10 – Proposed Sections
 - SG 030 – P1 – Proposed Roof Plan
 - 251-100 – P1 – Cycle Shelter Details

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

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

- CS(R)1 Halton's Spatial Strategy
- CS(R)4 Employment Land Supply
- CS(R)15 Sustainable Transport
- CS(R)18 High Quality Design
- CS(R)19 Sustainable Development and Climate Change
- ED1 Employment Allocations
- ED2 Employment Development
- C1 Transport, Network and Accessibility
- C2 Parking Standards
- HE4 Greenspace and Green Infrastructure
- HE5 Trees and Landscaping
- HE8 Land Contamination
- GR1 Design of Development
- GR2 Amenity
- GR5 Renewable and Low Carbon

3.2 Joint Merseyside and Halton Waste Local Plan (2013)

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

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

MATERIAL CONSIDERATIONS

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

3.3 National Planning Policy Framework

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

3.4 Equality Duty

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

Section 149 states:-

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

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

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

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

3.5 Other Considerations

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

4. CONSULTATIONS SUMMARY

4.1 Highways and Transportation Development Control

The Highway Authority initially requested a transport assessment. Following site visits, further information, and collaboration with the applicant's transport representatives, the holding objection is removed as no detrimental impact on the immediate, or local highway is likely from the development nor highway safety concerns raised.

4.2 Lead Local Flood Authority

No response at the time of writing this report.

4.3 Contaminated Land Officer

The Contaminated Land Officer reviewed the documents and following the submission of a revised and updated Phase II document and is satisfied with the reporting and its conclusions.

The preliminary risk assessment and subsequent site investigation have not identified any significant land contamination risks to the project or the wider environment. No further assessment or remedial measures are required.

4.4 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

At the time of writing this committee report, the Applicants and MEAS were working together to resolve a discrepancy in the bat survey and clarification on the need for further bird surveys.

MEAS has been reconsulted for updated comments. These comments are awaited at the time of writing the committee report and therefore a verbal update can be provided at a subsequent committee meeting.

4.5 United Utilities

United Utilities request a detailed drainage plan which was provided.

The consultation response can also be attached as an informative to the decision notice.

4.6 Trans Pennine Trail

TPT have not objected but made comments suggesting better facilities for pedestrians and cyclists.

5 REPRESENTATIONS

The application has been publicised by 54 neighbour notification letters sent on 06/07/23. Site notices were also posted in the vicinity of the site.

No representations have been received.

6 ASSESSMENT

6.1 Principle of Development / DALP Allocation

The site is identified as an Employment Allocation and a Strategic Employment Allocation.

The site lies within the allocation referenced as E1. E1, under Policy ED1 is allocated for General Industrial and Storage and Distribution.

The proposal accords with the DALP and the principle of development is considered to be acceptable.

6.2 Design

Policy GR 1 states:

“The design of all development must be of a high quality, and must demonstrate that it is based upon the following principles: a. A clear understanding of the characteristics of the site, its wider context and the surrounding area; b. Efficient and effective use of the site; and c. The creation of visually attractive places that are well integrated with the surrounding buildings, streets and landscapes”

Policy CS(R)18: High Quality Design states:

“The design of places and spaces can have a profound effect on the way that we live, how we understand an area, the way that we treat an area and the way that we move through it. It is crucial for development design in Halton to be of a high quality, build upon an area’s character, be adaptable to changing situations, and provide safe, healthy and accessible environments for all members of society.”

The design of the proposal responds to the local context as an employment / industrial park. The external appearance of the building has, by necessity, been driven by its function and operational requirements to serve the needs of a modern employment operation.

Its cladding is appropriate to a substantial industrial building / warehouse, split into smaller cladding divisions, to assist in reducing and breaking up its mass and appearance.

The building will have a pitched roof of 7 degrees, with profiled sheeting finished in light grey.

Its north elevation is the main loading access, the east being the office and visitor entrance, with access for cars and light vehicles.

The external walling will be a mixture of trapezoidal and low-profile cladding coloured white / light grey and black, with contrasting flat cladding around the office (including trims and details).

The site will need to be secured through the erection of boundary fencing and an access gate. This will be 2.4m colour coated Paladin fencing, which is appropriate in this location and in accordance with Policy GR3 which seeks boundary walls and fences to be appropriate to the character and appearance of the area in which they are located.

The proposed scale of the storage and distribution unit reflects the site context and surrounding buildings, but is also set to meet the dimensions required of the proposed internal fit out. The massing and form of the proposed building is typical of a storage and distribution facility of this type.

It is considered that the building has a functional design that is wholly in keeping with its allocation and surrounding land uses and is therefore in accordance with DALP policies CS(R)18, GR1 and GR3.

6.3 Amenity

The proposals are not considered to be significantly harmful to the amenity of surrounding land users, given the employment allocation and similar uses surrounding the site.

The proposal accords with Policy GR2 of the DALP.

6.4 Security

The Designing for Community Safety Supplementary Planning Document outlines guiding principles which should be incorporated into new developments to achieve safer places.

Once the building is operational, it is expected that CCTV surveillance systems would be put in place. A 2.4m high secure paladin fence is to be provided to the entire site perimeter.

Servicing and parking areas will have an access gate meaning only permitted, authorised vehicles will be granted access to the site. The main vehicular entrance is clearly visible from the office and service areas providing good levels of natural surveillance.

6.5 Highways, Transport and Accessibility

The Trans Pennine Trail suggested better facilities for cyclists and pedestrians. However, given the size and scale of the proposals it is not considered that developer contributions to improved walk / cycle arrangements on Gorse Lane would meet key tests of reasonableness.

Good standard pedestrian / cycle facilities are already available on this route.

It should also be recognised that the application scheme will provide extended pedestrian footway facilities to the site-side of Shell Green to provide a direct walking connection to the main site access and staff / visitor car parking area.

The application includes a Transport Statement. The Highway Officer has also worked proactively with the Applicant and is satisfied that the site is in an accessible and sustainable location in accordance with Policy CS(R)15 and poses no highway safety issues in accordance with Policy C1.

The scheme provides ample car parking spaces broadly in line with Policy C2:

- 37 x standard car parking bays
- 6 x disabled car parking bays
- 15 x electric charging point spaces
- 8 x cycle spaces
- 4 x motorcycle spaces
- 23 trailer spaces

The Highway Officer has no objections and it is considered that the application accords with policies CS(R)15, C1 and C2 of the DALP.

6.6 Ecology

There is a 'Greenway' designation that runs along the site's western edge.

Policy HE4 'Green Infrastructure and Greenspace' states that all development - where appropriate - will be expected to incorporate high quality green infrastructure that, inter alia, creates and/or enhances green infrastructure networks and provides links to green infrastructure assets.

Vegetation will be retained along the site boundaries in order to soften the development. The submitted planting plan shows that a considerable amount of 'greening' is proposed, indicating that 106 new native trees will be planted, plus new hedgerow, shrubs, ornamental grasses and wildflower planting.

It is considered that the application accords with Policy HE4.

The site is not a designated Ecological Area and does not contain any TPO trees.

The applicant has carried out Ecological Appraisals of the site in order to ascertain if the proposals will be harmful in terms of Ecological impacts. The applicant submitted the following ecological information in accordance with Local Plan policy CS(R)20:

- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) [Version 3 issued on 08.08.2023]
- Assessment of Biodiversity (with associated Biodiversity Metric 3.1 assessment calculations) [updated 24.05.2023]
- GCN/Amphibian Appraisal & Habitat Enhancement Measures Strategy (May 2023)
- Letter dated 24.05.2023 in respect of Non Native invasive plants (Heracleum Mantegazzianum)
- Protected Species Appraisal - Bat Roost Assessment (BRA) - Preliminary tree inspections (Version 1 / 05.09.2023)
- Bat Activity Report Version 1 [05.09.2023]
- Preliminary Breeding Bird Appraisal / Survey (6/9/23)

The Applicants have been working proactively with MEAS to overcome concerns regarding bats and birds.

At the time of writing this committee report, the Applicants and MEAS were working together to resolve a discrepancy in the bat survey and clarification on the need for further bird surveys.

MEAS has been reconsulted for updated comments. These comments are awaited at the time of writing the committee report and therefore a verbal update can be provided at a subsequent committee meeting.

The Applicants have completed Biodiversity Metric 3.1 assessment and MEAS advise that it can be accepted. The principles of appropriate compensation for the stated loss of habitat need to be agreed prior to determination. The compensation will need to ensure that a net biodiversity gain is provided in line with the NPPF.

The Applicants are in the process of sourcing a site for the compensation, but as with other schemes recently approved we are willing to accept a commitment from the Applicant which can be secured by a prior to commencement of development condition to have a submitted and approved scheme and timetable together with the suggested MEAS condition seeking a full and detailed Landscape and Ecological Management Plan which covers the management of the site for a minimum of 30 years.

6.7 Drainage and Flood Risk

The site is located in Flood Zone 1 which is the lowest risk. The application includes:

- NPPF Flood Risk Assessment (ADS)
- Drainage Strategy (ADS)
- Drawing ref: 8177-ADS-XX-00-DR-C-501 P1 'Drainage Layout (ADS)

The submissions above only provide an outline drainage strategy rather than a full and final solution. Therefore it is reasonable to condition the submission of a full SuDS and verification report.

The LLFA have not provided a consultation response at the time of writing this report, but it can be noted for the adjacent site in the same flood zone and for a similar development, there was no objection.

6.8 Ground Contamination

The application is supported by;

- Phase 1 site appraisal 11565 Shell Green Widnes for Avjon Ltd, ref SGW-PPC-00-XX-RP-G-0001, Patrick Parsons, May 2023
- Phase II site appraisal 11565 Shell Green Widnes for Avjon Ltd, ref SGW-PPC-00-XX-RP-G-0002, Patrick Parsons, July 2023.10

The preliminary risk assessment and subsequent site investigation have not identified any significant land contamination risks to the project or the wider environment. No further assessment or remedial measures are required by the Contaminated Land Officer and it is considered that the application is in accordance with Policy HE8 of the DALP.

6.8 Ground Contamination

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, the developer would be required to produce a Site Waste Management Plan which can be secured by condition.

In terms of on-going waste management, there is sufficient space within the site to allow for this.

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

6.11 Climate Change

Policy CS(R)19 recognises that the deployment of renewable and low carbon energy and the design and construction of future development has a central role in delivering sustainable growth, contributing to the mitigation and adaptation of climate change and ensuring energy security.

In response to Policy CS(R)19, the applicant states that the orientation of the building is designed to suit the site and allows the majority of the units to maximise its use of windows to provide enough natural light into the spaces whilst reducing the potential overheating in the units. Whilst the exact type of heating system is not known at this point, the intention is to use a combination of a well-sealed external fabric of the building coupled with some form of mechanically driven air exchanger (MVE or MVHR) to regulate the temperature within the units and reduce heat loss. The system will be explained to the residents giving them easy access to adjust their units to suit their needs via a Home User Guide to educate on how to best use the technology. Space on the roof also makes use of the scheme orientation to maximise production through PV panels to help offset the costs for the building. Final details of the measures to be employed can be secured by planning condition.

7. **CONCLUSIONS**

The proposed development is considered acceptable and is compliant with the Halton DALP allocation of the site for residential development.

8. **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 MEAS.

Recommended conditions as follows with any additional conditions recommended through the resolution of the MEAS comments to be added to the list below:

9. CONDITIONS

1. Time Limit
2. Plans
3. Materials to be implemented as detailed on submission (Policy RD3 and GR1)
4. Submission of Existing and Proposed Site Levels (Policy GR1)
5. Tree Protection Measures – (Policy HE5)
6. No tree works between April and June (Policies CS(R)20 and HE1)
7. RAMS for reptiles and hedgehog (CS(R)20 and HE1)
8. Full method statement for the removal of invasive species – Giant Hogweed
9. Validation report confirming remediation treatment carried out in relation to invasive species – Giant Hogweed
10. Submission of a Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
11. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
12. Sewage disposal (Policy HE9)
13. Energy efficiency (Policy CS(R)19)
14. BNG Metric 3.1 scheme, timetable and maintenance.
15. Waste Management Plan (WM8)
16. MEAS – Potential conditions - lighting scheme, bird/bat boxes

Informative – United Utilities advice

The conditions above have been agreed with the applicant.

10. BACKGROUND PAPERS

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

5. SUSTAINABILITY STATEMENT

As required by:

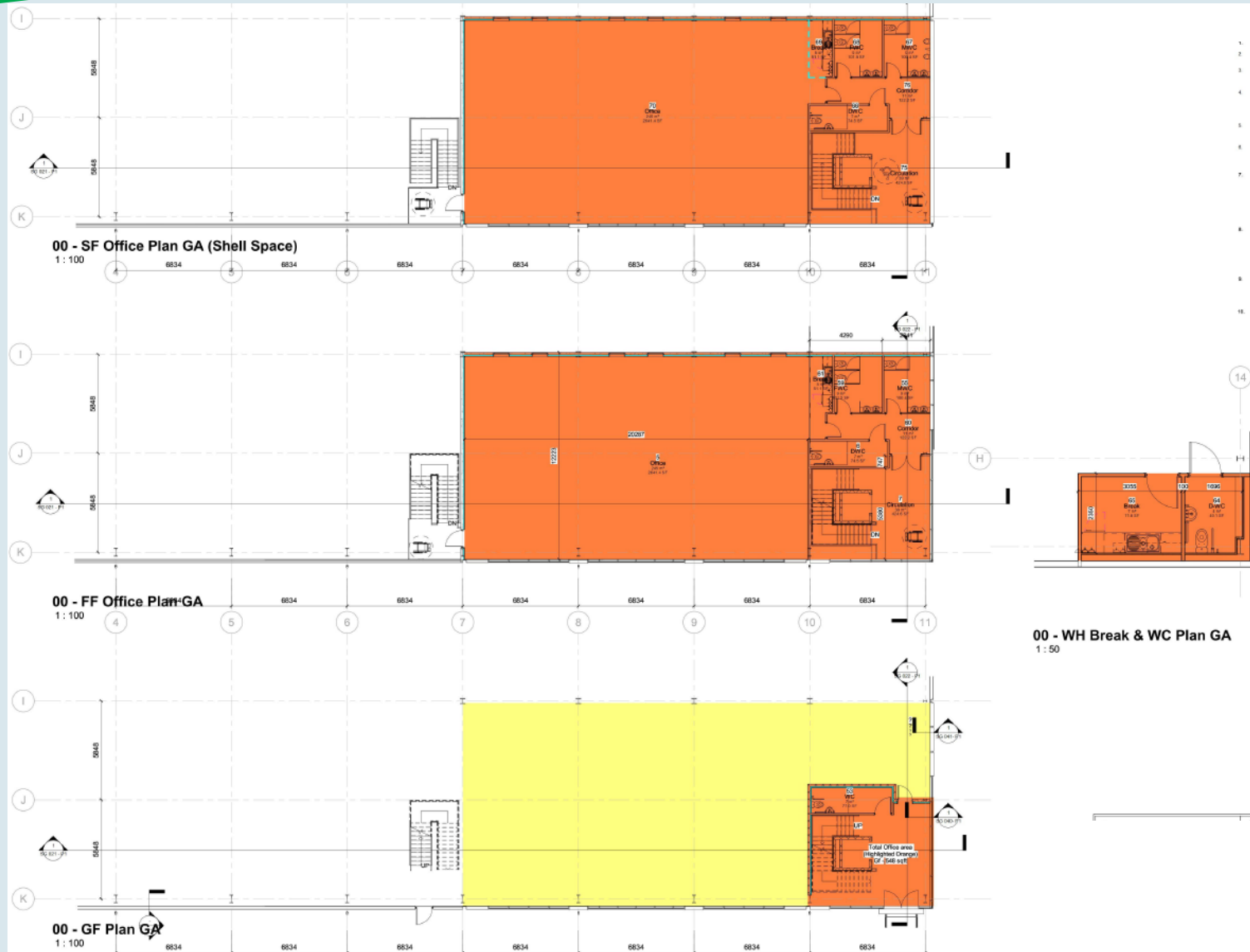
- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

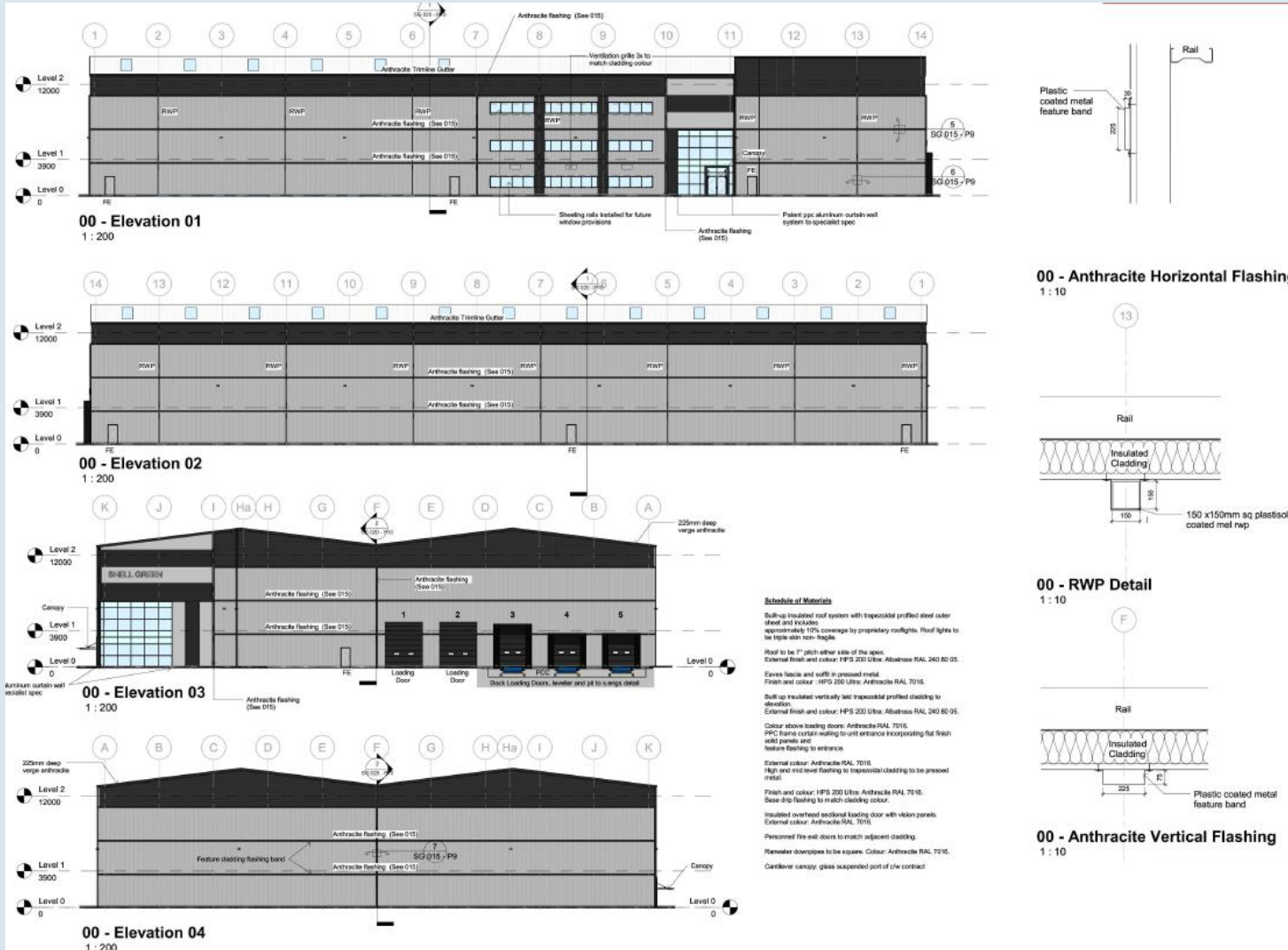
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

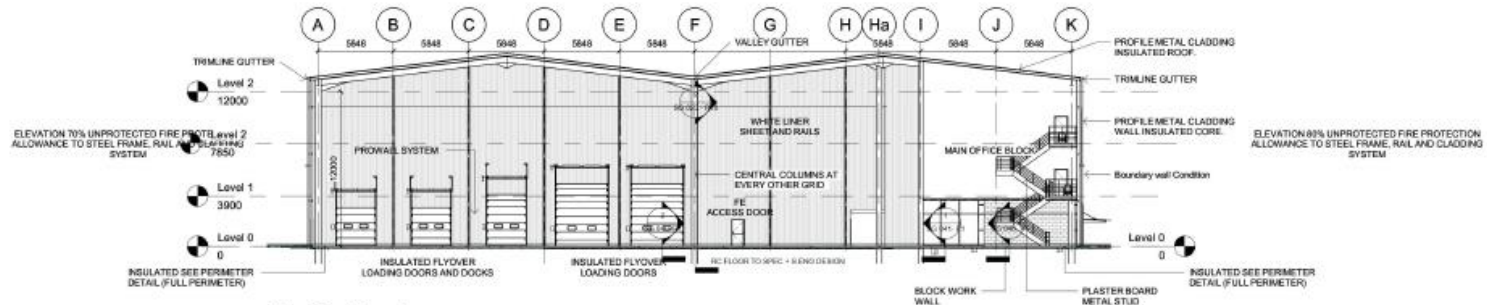




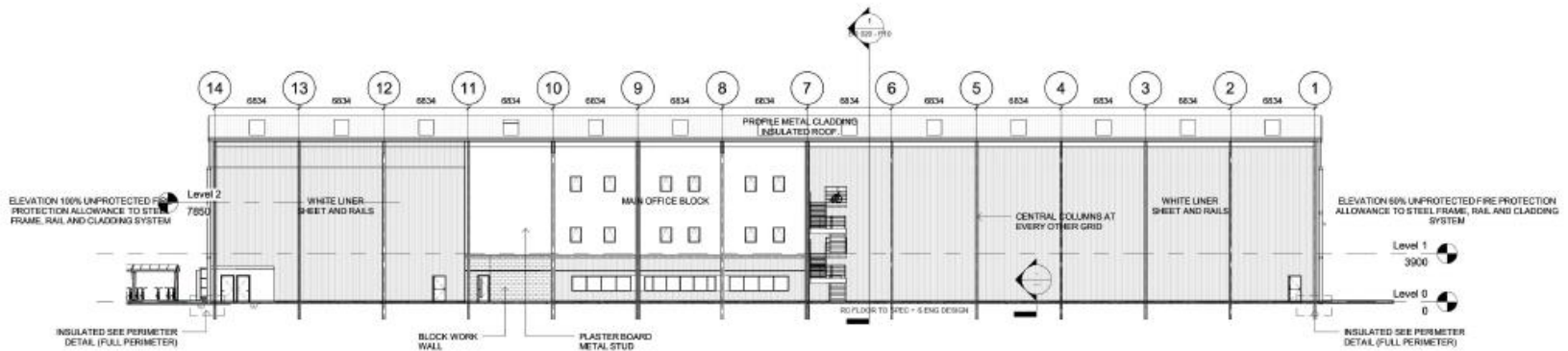




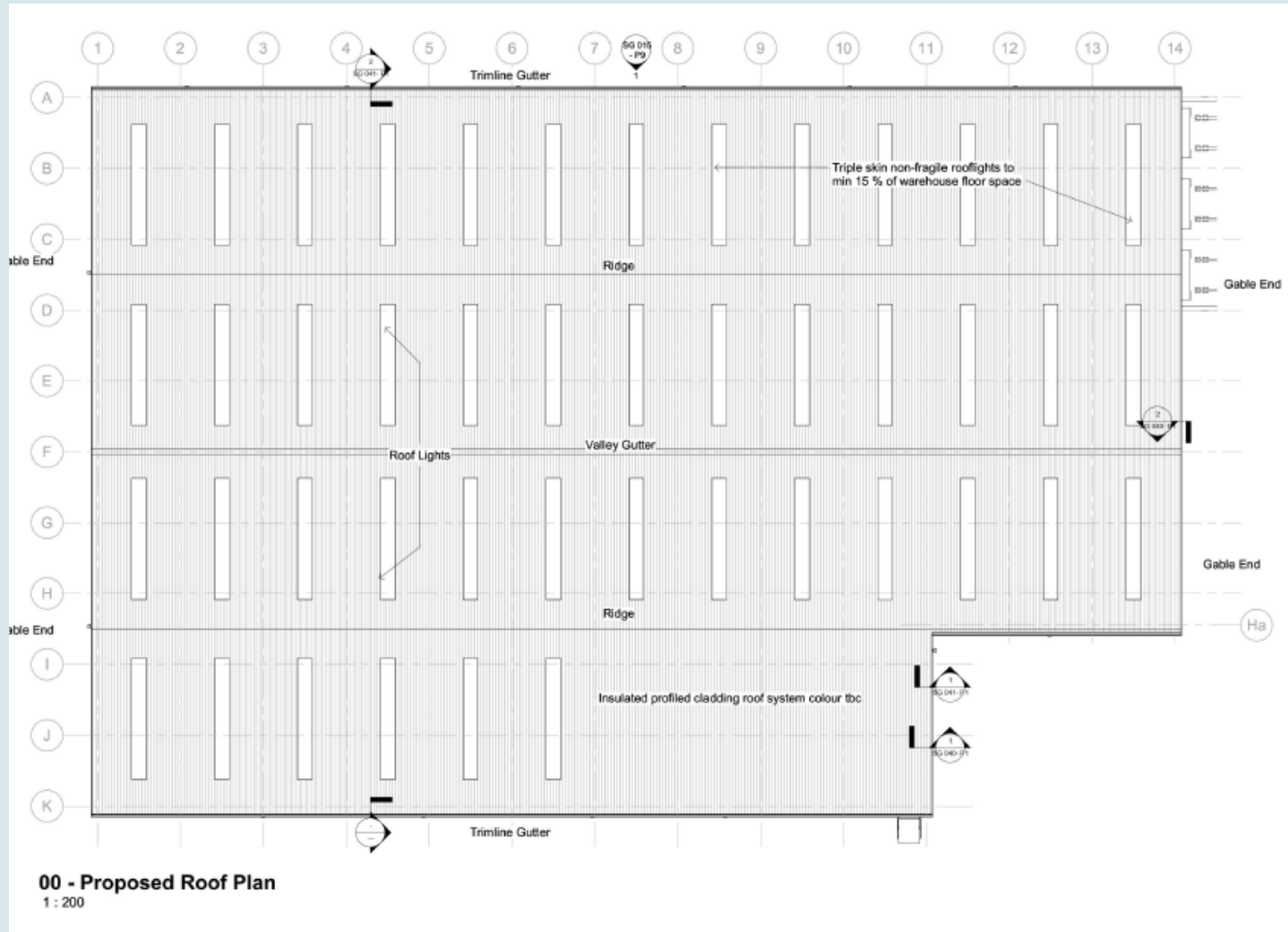




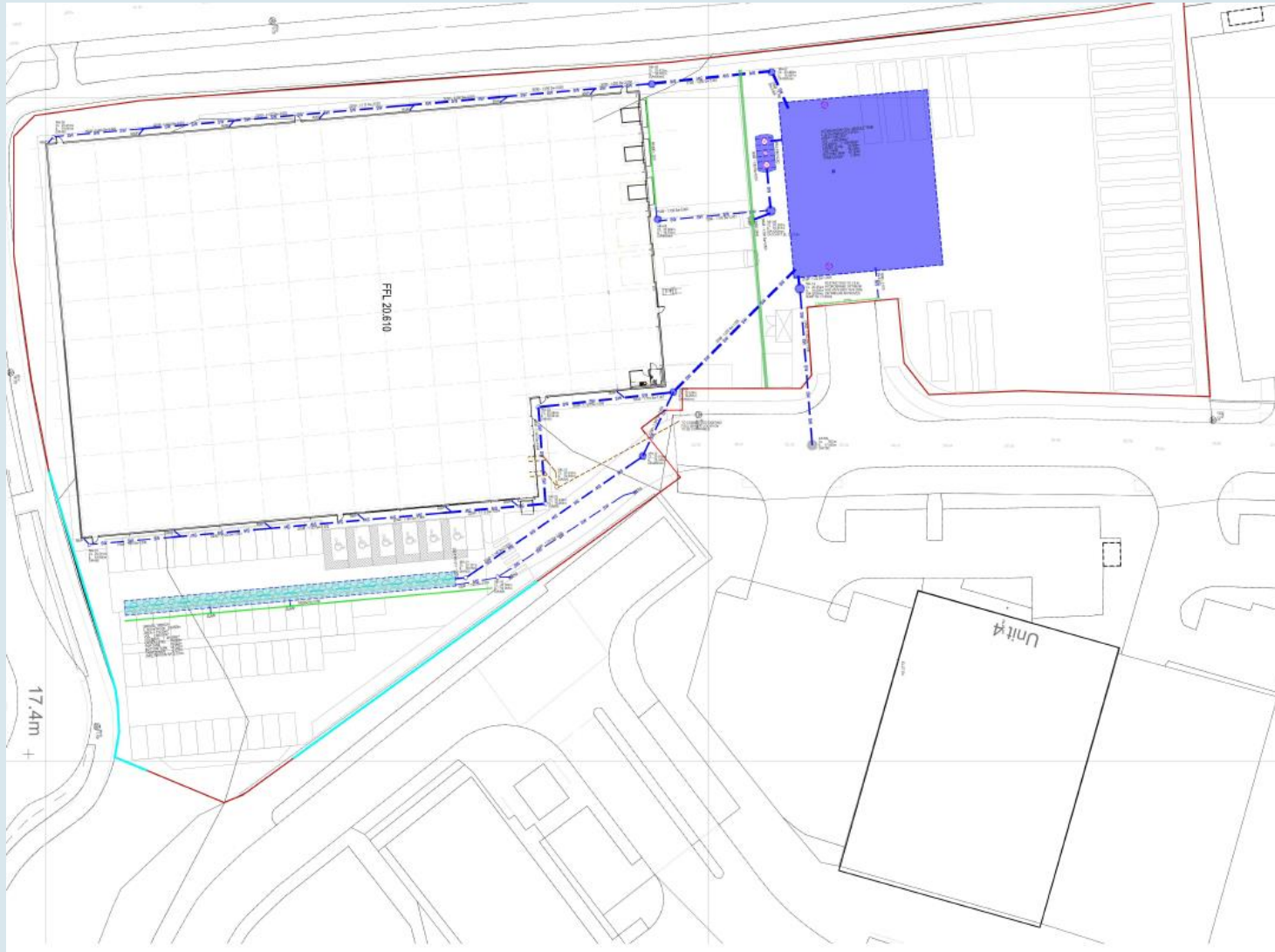
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Cycle shelters location

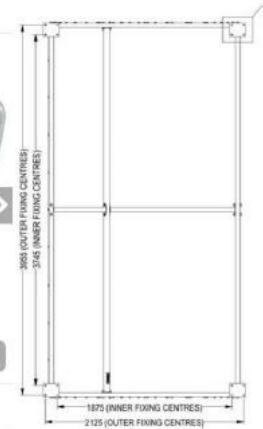
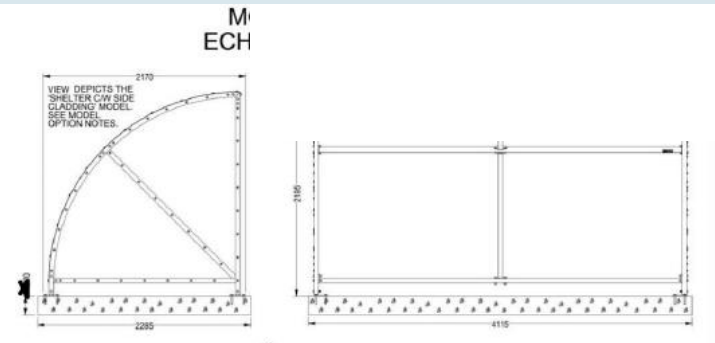


2 No Bike Racks each with 6

Specifications

Warranty 1 year parts / labour

CYCLE-MULTI	
Height (mm)	275
Width (mm)	1320
Weight (kg)	9
Colour	Silver
Material	Steel



PRODUCT INFORMATION:

- DESCRIPTION - ARMORTEC COATED STEEL CYCLE SHELTER
- MATERIAL - FRAME : ARMORTEC COATED MILD STEEL
- PANELS : CLEAR POLYCARBONATE (3mm THICK SHEET)
- DIMENSIONS - ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED
- WEIGHT - STANDARD SHELTER : 192kg
- SHELTER C/W OPTIONAL SIDE PANEL KIT : 218kg

MODEL OPTIONS

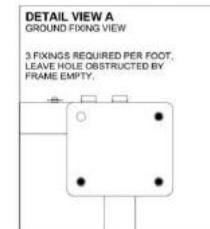
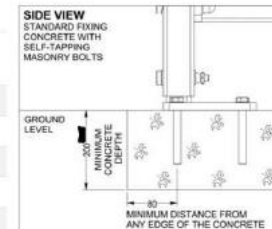
- STANDARD CYCLE SHELTER
- CYCLE SHELTER COMPLETE WITH END CLADDING

OPTIONAL EXTRAS

- ANTI-TAMPER GROUND FIXING KIT
- 6 PLACE 'TOAST RACK' CYCLE STAND
- 16 PLACE 'TOAST RACK' CYCLE STAND
- SINGLE 'SHEFFIELD HOOP' CYCLE STAND

INSTALLATION INSTRUCTIONS

- THIS PRODUCT MUST BE PERMANENTLY GROUND FIXED IMMEDIATELY AFTER ARRIVAL. WE STRONGLY RECOMMEND USING THE PROVIDED SELF-TAPPING MASONRY BOLTS FOR FIXING. IF USING YOUR OWN FIXINGS ENSURE 25mm WASHERS ARE USED.
- INSTALL THE SHELTER ON A SOUND CONCRETE FOUNDATION. MINIMUM DIMENSIONS 4115 x 2285 x 200mm DEEP. 12 HOLES (Ø 10mm x 120mm MINIMUM DEPTH) TO BE DRILLED FOR GROUND FIXING BOLTS. REFER TO 'DETAIL VIEW A' FOR EXTRA INSTRUCTION. ENSURE HOLES ARE LOCATED AT LEAST 80mm FROM ANY EDGE OF THE CONCRETE FOUNDATION.
- WHEN INSTALLING ON TARMAC OR BLOCK PAVING A CONCRETE BASE IS REQUIRED TO PROVIDE A SECURE FIXING POINT.
- THE SHELTER MUST NOT BE DIRECTLY INSTALLED INTO BLOCK PAVING OR TARMAC.
- THE ANTI-TAMPER GROUND FIXING KIT CAN BE USED IN CONJUNCTION WITH EACH GROUND FIXING FOR ADDITIONAL SECURITY.



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ISSUE 02
SHEET SIZE : A0





APPLICATION NO:	23/00368/FUL
LOCATION:	Land Within, Adjacent to and Surrounding The Uplands And Palacefields, Runcorn.
PROPOSAL:	Proposed demolition of some of the existing buildings (including 317 existing dwellings and the Palace Fields Community Centre), the closure of two existing subways, and the erection of 257 replacement dwellings, together with associated new roads, footways and cycleways, new and improved open space including a new linear park, hard and soft landscaping works, and other associated infrastructure and works.
WARD:	Halton Lea
PARISH:	N/A
APPLICANT:	The Riverside Group Ltd
AGENT:	Lichfields
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2023) Delivery and Allocations Local Plan ('DALP') (March 2022). Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE	Yes
REPRESENTATIONS:	Public objections received, details summarised in the report.
KEY ISSUES:	Principle of development, affordable housing, connectivity, layout, highway impact, residential amenity inc. impact of overlooking and impact on interfaces to existing residents including loss of home, ecology, access, loss of greenspace, loss of a community facility (community centre).
RECOMMENDATION:	Approve subject to planning conditions.

SITE MAP:**APPLICATION SITE****The Site**

The application site is designated by the Halton DALP as Primarily Residential, Greenspace including Core Biodiversity Areas. The proposed development site measures approximately 10.01ha. The boundary consists of mature hedgerows, scattered broad leaved trees and hard landscaped boundaries along private residential boundaries.

The site is bounded by Town Park to the north, Palacefields Avenue to the east, Halton Hospital to the South and the East Lane employment site to the west consisting of Grosvenor House, East Lane House, the Royal Mail and Territorial Army sites.

The application redline features the site of the existing Palacefields Community Centre which is proposed to be demolished.

Planning History

The application site is comprised of existing developed land and undeveloped land. There is no planning history relevant to the development proposal.

THE APPLICATION

The Proposal

The planning application carries the following description of development:

Proposed demolition of some of the existing buildings (including 317 existing dwellings and the Palace Fields Community Centre), the closure of two existing subways, and the erection of 257 replacement dwellings, together with associated new roads, footways and cycleways, new and improved open space including a new linear park, hard and soft landscaping works, and other associated infrastructure and works at Land Comprising The Uplands Palace Fields Runcorn.

With regard to the demolition of the Palacefields Community Centre, the Development and Allocation Policy Plan does not designate this as a community facility. Notwithstanding, the Council will consider this loss as a community centre to be the loss of a designated community asset pursuant to planning policy ref: HC5.

Documentation

The planning application was submitted with the following supporting documentation:

- Proposed Plans
- Acoustic Report
- Air Quality Assessment
- Flood Risk Assessment
- Bat Roost Survey
- Planning Statement
- Statement of Community Involvement
- Archaeological Assessment
- Arboricultural Impact Assessment
- Biodiversity Metric
- Assessment of Biodiversity
- Design and Access Statement
- Crime Impact Statement
- Preliminary Risk Assessment
- Transport Statement

Policy Context

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

Delivery and Allocations Local Plan ('DALP') (adopted March 2022)

CS(R)1	Halton's Spatial Strategy
CS(R)3	Housing Supply and Locational Priorities
CS(R)5	A Network of Centres
CS(R)7	Infrastructure Provision
CS(R)12	Housing Mix and Specialist Housing
CS(R)13	Affordable Homes
CS(R)15	Sustainable Transport
CS(R)18	High Quality Design
CS(R)19	Sustainable Development and Climate Change
CS(R)20	Natural and Historic Environment
CS(R)21	Green Infrastructure
CS(R)22	Health and Well-Being
CS23	Managing Pollution and Risk
CS24	Waste
RD4	Greenspace Provision for Residential Development
RD5	Primarily Residential Areas
C1	Transport Network and Accessibility
C2	Parking standards
HC5	Community Facilities and Services
HC10	Education
HE1	Natural Environment and Nature Conservation
HE4	Green Infrastructure and Greenspace
HE5	Trees and Landscape
HE7	Pollution and Nuisance
HE8	Land Contamination
HE9	Water Management and Flood Risk
GR1	Design of Development

GR2	Amenity
GR3	Boundary Fences and Walls
GR5	Renewable and Low Carbon Energy

Joint Merseyside and Halton Waste Local Plan (2013)

The following policies are of relevance:

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

MATERIAL CONSIDERATIONS

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

National Planning Policy Framework ('NPPF')

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.

National Planning Practice Guidance (NPPG)

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

Supplementary Planning Documents ('SPD')

- Design of Residential Development SPD

- Draft Open Spaces SPD
- Designing for Community Safety SPD

Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the European Convention on Human Rights and Fundamental Freedoms 1950 ('the Convention') (incorporated in the Human Rights Act 1998), which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention (incorporated in 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 human rights of surrounding residents/occupiers (set out above), on account of the fact that the formal process to promote any compulsory purchase order ('CPO') (to enable the planning permission to be implemented) would itself carry a right to recompense under the statutory compensation code. The proposed development seeks to demolish 317 dwellings, 38% of which are privately owned. A grant of planning permission for this development would not result in the immediate loss of homes to those who occupy the 317 dwellings scheduled for demolition, due to the lengthy statutory process that would be necessary to promote a CPO. This process would need to exhaust options for voluntary acquisition before establishing a compelling case in the public interest for compulsory purchase, thereby enabling any CPO to be confirmed/implemented..

Equality Duty

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

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

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

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

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

CONSULTATIONS

The application was advertised via the following methods: Site notice posted near to the site, press notice, and Council website. Surrounding and affected 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:

EXTERNAL AGENCIES

Environment Agency

No objection

United Utilities

No objection

Natural England

No objection

Cheshire Police

No objection

COUNCIL SERVICES

Public Health

No objection

Highways

Discussions are ongoing with the Applicant. An update will be presented orally on the night of Committee.

HBC Contaminated Land

No Objection – subject to use of conditions as set out in the report.

Lead Local Flood Authority

No objection – subject to use of conditions as set out in the report.

MEAS – Ecology and Waste Advisor

No objection – subject to the use of planning conditions

Open Spaces

No objection

Environmental Health

No objection - subject to use of planning conditions as set out in the report.

REPRESENTATIONS

A total of 48 objections have been recorded and 1 comments of support as a result of the publicity undertaken for application 22/00368/FUL the details of which are summarised below.

Objections:

- Loss of my home
- My home has been adapted for disabled members of my family
- Inadequate compensation offered
- I renovated my home for retirement with my life savings, alternative accommodation is inadequate
- This is a scheme of gentrification
- My taxes are being used to take my home away from me
- Local affected people are under care of medical professionals with stress and anxiety some on anti depressants
- It is cheaper and better for the environment to retrofit existing units with energy saving measures
- I have lived in this house for 41 years and don't want to move.
- I am nearly mortgage free and will have to restart
- I am not moving from my house
- My house is not for sale
- No home has been flooded on this estate
- There needs to be more proposed bungalows
- We benefit from our home as my wife needs to be located close to hospital, we will be forced away from the locality
- We are losing our forever home
- We are ineligible for a mortgage at our age
- I don't want an equity loan at my age
- If Riverside had taken better care of the area it wouldn't need regenerating
- We will lose the greenery of the area and if we are forced to leave we will lose access to Town Park
- We will lose access to shops, hospital and work place all of which we walk to.
- I am concerned about the impact from construction dust on local residents
- Four generations of my family grew up on this estate, we will lose our home as a result of this proposal
- We bought our home here to provide stability for our family and now this is being taken away
- We are mortgage free and now we are being put in uncertainty, I have nothing to leave my children

- I cant afford to move as a low income earner, my property meets my needs and I can afford it
- The Applicant did not consult everyone prior to submitting the planning application
- The scheme will use Town Park which does not require enhancing, the Council has already enhanced the park recently
- The existing housing stock is fit for purpose
- I don't want to put myself in debt through no fault of my own
- Our properties are in the way of the Applicants ambition
- The proposed scheme will displace the local population
- The Applicants terms for alternative new homes are vague
- The scheme was meant to improve Palacefields for the benefit of everyone
- The valuations put forward by the Applicant are below my expectations
- This will result in a disruption to the local community
- Development will result in a loss of aesthetic value
- Why doesn't the Applicant use their £60m funding to build something new elsewhere
- I don't want to be displaced away from my husband in a care home
- This will destroy the local community
- The loss of the community centre is unacceptable
- The proposed replacement of the community centre with the use of the new community church will lead to faith based conflicts
- I don't support the infill of subways
- Why aren't solar panels being proposed
- I feel safe in this locality if I move I won't feel safe.
- This proposal will negatively impact both home owners and landlords
- This development will produce a large amount of waste, not all of which will be recyclable
- Retaining and improving the existing housing stock is more environmentally friendly

In support:

- I support the scheme. I live in a cold damp bungalow with one room benefiting from natural light

ASSESSMENT

Principle of Development

The development proposed by application 23/00368/FUL (the Development Proposal) is predominantly proposed to take place upon primarily residential land and allocated green space as shown on the Delivery and Allocations Plan Policies Map.

Housing Mix

DALP Planning Policies CS(R)3 and CS(R)12 state that major housing proposals concerning 10 or more dwellings are encouraged to 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 bed roomed. 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.

Table 1 below illustrates a comparison in the residential mix between those units proposed and those existing units that are proposed to be demolished.

	Proposed new dwellings (% of total development)	Demolished dwellings (% of total demolition)
1 bed units	27 (11%)	108 (34%)
2 bed units	103 (40%)	54 (17%)
3 bed units	104 (40%)	155 (48%)
4 bed units	23 (9%)	0
Total	257	317

Table 1 Comparison of residential mix re demolition and proposed

Table 2 below provides the objectively assessed housing need breakdown as presented in the 2016 SHMAA.

	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%

Table 2 SHMAA objectively assessed need

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 Table 3 below.

	Market	Affordable
1 bed units	25%	25%
2 bed units	45%	45%
3 bed units	25%	25%
4+ bed units	6%	5%

Table 3 HEDNA objectively assessed need

The proposed scheme will deliver housing in the following forms of tenure, social rent and rent to buy accounting for 75% of units and shared ownership and open market sales accounting for the remaining 25%. No bedroom breakdown has been provided with regard to tenure mix. This is due to the exact tenure split not being finalised at this time on account that the scheme is heavily dependent upon grant funding. The terms and conditions of grant funding may be subject to change after the determination of the planning application. With regard to decision making the Council is limited to consider the information before it. The scheme is heavily weighted toward the delivery of affordable housing, as a result comparisons with the evidence base are made having regard to affordable need only.

When comparing the data expressed in the tables, consideration should be given toward the expectation that the SHMAA evidence base is used to determine new residential planning proposals. This planning application concerns the urban renewal of existing housing stock, specifically the new development and the existing dwellings that it seeks to replace. The outcome of which is a reprofiling of

existing housing provision. In comparison with the SHMAA the Applicant is over providing in two three and four bedroomed properties and providing below the market expectance in one bedroomed properties. However, when comparing against the existing housing stock, the assessed need of affordable housing is more aligned to the development proposal than the existing housing stock subject of demolition for 3 and 4 bedroomed properties. Comparisons with the HEDNA evidence base results in similar observations with the development proposal more aligned for the need of 2, 3 and 4 bedroomed properties than the existing properties. Neither existing or proposed perfectly align with the evidence base. Notwithstanding these comparisons, the SHMAA would not have foreseen a scheme concerning a proposed urban renewal that centres on the demolition of an existing housing stock and replacement with the new urban redevelopment scheme.

In order for an urban renewal scheme to be successful it must acknowledge the existing housing needs of the local community that it is serving to benefit. As noted the Applicant is a social landlord, as a consequence 75% of the development proposal is to be delivered as social housing. Given the Applicants proclivity to deliver social housing it would not be practical to offer 44.8% of the proposed replacement affordable housing in the form of 1 bedroomed units to meet the requirement of the SHMAA evidence base. The area is a typical new town era housing estate, that whilst incorporating an element of flatted accommodation, remains predominantly a housing area offering family accommodation. To follow the SHMAA requirement would result in a significant reprofiling of the local community which is contrary to DALP policy RD5.

The Applicant has struck an appropriate balance property types and number of bedrooms to cater for local needs. The Applicant has undertaken extensive community engagement prior to submitting the planning application in order to ascertain the housing needs of the local population. Furthermore, the Applicant is the social housing provider that serves the local population and is in a unique position to understand local housing need trends at Ward level. In comparison, the evidence base for the DALP housing need requirement is undertaken at regional level.

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.

The proposal in respect of housing mix is considered to comply with the relevant parts of Policy CS(R)12 of the DALP.

Affordable Housing

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

- b. Greenfield Development: Will be required to deliver 25% affordable housing requirement.

Para 2 of CS(R)13 sets out the Council's ambition for affordable housing delivery, at approximately 74% affordable or social rented housing and 26% intermediate housing where practicable and unless evidence justifies a departure from this provision.

The Government published a written Ministerial Statement and updated national guidance on the delivery of First Homes since the DALP adoption, which is a material consideration. However, planning practice guidance provides the following clarification with regard to transition periods:

‘The new First Homes policy requirement does not apply for the following:

- o Sites where local and neighbourhood plans are adopted/made under the transitional arrangements, as detailed in [paragraphs 18 and 19](#). These transitional arrangements will also apply to permissions and applications for entry-level exception sites.

In addition, the following paragraph from the Inspectors examination report to the DALP is of note:

108. The Government's policy on First Homes came into effect on 28 June 2021, pursuant to the Written Ministerial Statement of 24 May 2021. However, that Ministerial Statement explains how plans submitted for Examination before 28 June 2021 are not required to reflect First Homes policy requirements, as is the case here. In our view, review provisions and statute will provide appropriate opportunity for consideration of First Homes in time.

It is considered that in view of the guidance set out in the planning practice guidance and the opinion of the Inspector set out above, the Council does not have to consider the merits of First Homes provision as part of this development proposal.

The NPPF is also a material consideration. Paragraph 65 of the NPPF requires that planning decisions relating to proposed housing development should expect at least 10% of the total number of homes to be available for affordable home ownership (unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups).

DALP Policy CS(R)13 states that an exception applies to brownfield application sites. Approximately 36% of the proposed development is to take place upon greenfield land. The remaining 64% of proposed development will take place upon brownfield land that is exempt from affordable housing requirements.

The proposed layout details 94 units to be built upon greenfield land. Applying the 25% affordable housing requirement of Policy CS(R)13 results in a required provision of 24 affordable dwellings from a total scheme of 257 dwellings. Policy CS(R)13 requires affordable housing to be delivered with a tenure split of 76% social rent and 24% intermediary. It is the Applicants intention to deliver a tenure mix across the development site as 75% as affordable rent including right to buy and 25% comprising of shared ownership and private sales. It is not clear at this time whether the Applicant intends to provide 24 affordable residential units on existing greenfield land in line with the requirements of planning policy CS(R)13. However, given that this policy stipulation requires 24 affordable housing units and the Applicant is providing 193 affordable housing units across the entire development site, it is considered that the Applicant has exceeded the aspirations of Policy CS(R)13 whilst not necessarily following its requirements concerning affordable homes delivering on greenfield land. On this basis, it is considered that the Applicant has had due regard for the requirements of planning policy CS(R)13 and has put forward a scheme that exceeds the DALP social housing aspirations.

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 put forward a modern design that best utilises the available development space. There will be an evident difference in appearance given the several decades between the eras of design. Notwithstanding, such differences are not the result of tenure.

The proposed scheme if implemented would exceed the DALPs 25% affordable housing requirement. Having had regard for the apparent policy conflicts, the proposed development is considered to be in broad compliance with the Development Plan and a refusal of planning permission cannot be sustained on these grounds.

Proposed Demolition

In order to deliver an urban renewal scheme within an existing urban area, an element of demolition is required. In the context of this application, this will result in the demolition of 317 residential units.

The affected residential units are comprised of a mix of 22% owner occupier 68% social rent and 10% privately rented. Approval of this planning application will not automatically result in the demolition of privately owned properties. Should the planning application be approved, it is the Applicant's intention to purchase the remaining privately owned properties. Any properties that are not acquired by this means may be subject of a future compulsory purchase order (CPO). It is of note

that a planning permission can form the basis of justification for the Applicant to seek a CPO.

The properties to be demolished are a mix of property types consisting of 1-2 bedroomed flats and 1-3 bedroomed residential dwellings. There is no specific planning policy contained within the DALP that is concerned with the loss of residential properties that aren't either listed buildings or located within a conservation area. Policy RD5, Primarily Residential Areas makes reference to developments within existing primarily residential areas. Paragraph 2 states,

Housing renewal and redevelopment will generally be supported in areas identified as requiring regeneration; to replace unpopular housing stock and to address any imbalances in the housing offer.

Paragraphs 9.31 and 9.32 of the justification to Policy RD5 go on to state,

9.31. Development within existing residential areas can contribute to improving areas, increase the range or supply of housing or provide opportunities for small business and enterprise. Development in Primarily Residential Areas should not harm the residential character of the area or the living conditions of the residents in those areas.

9.32. Halton does not currently (at 2019) have proposals for significant, estate wide housing renewal, such as the Southgate (Hallwood Park) or Castlefields renewal programmes. There may be instances however where it is necessary to remove or remodel existing stock that is not suited to current needs.

The development proposal seeks to introduce a modern design to an existing urban residential neighbourhood that dates back to the New Town Corporation era. The proposed urban renewal scheme will embody a contemporary set of designs that will present a stark contrast between old and new. Notwithstanding, it is not considered that these designs will result in harm to the residential character of the area. The proposed development will result in a modest increase in the amount of hard surfaced areas. The existing area within the proposed redline is a predominantly urbanised area with large swathes of hard surfaces throughout. This is occasionally broken up with incidental areas of greenspace. Such areas are proposed to be built upon as part of the development. The loss of green space is considered in greater detail later in the Open Spaces section of the report.

In addition consideration needs to be given toward the loss of residential dwellings within the application redline boundary. The baseline housing needs evidence of the DALP, specifically that set out in the SHMAA identifies a housing need for the Borough. The description of development proposed will result in the net loss of 60 No. dwellings. Such a loss in terms of the overall number of dwellings available is contrary to the ambition of the DALP in addressing housing needs. Furthermore a loss in the overall number of residential properties would result in the displacement of a proportion of existing residents in terms of numbers alone. However, the development subject of this application is part of

the wider phase of urban renewal to be undertaken by the Applicant, which includes planning permission ref: 23/00178/FUL that was approved by the Local Planning Authority following its report to this Committee in August 2023. Taking the two applications together, the number of residential units delivered will result in a net increase of 52 dwellings.

The proposed development in combination with phase 1 will offer an increase in housing to the locality. This replacement housing will offer an improved diversity of accommodation types with a range of sizes including four bedroomed properties and some bungalow units. It is acknowledged that part of the uplift in numbers between both phases of development include a large quantity of specialist accommodation and that such provision may not be suitable for those occupiers of existing properties that are proposed for demolition. On this basis there is presumption that due to this provision of specialist accommodation, an element of these affected occupiers may be displaced from the locality. It is accepted that this is a negative impact that weighs against the development proposal. However, the redevelopment will improve areas of amenity, introduce modern energy efficient buildings that raise standards of accommodation, provide a diverse mix of accommodation offerings, and bring about off site improvements to Town Park. On balance, it is considered that the scheme benefits outweigh the negative harms caused as a result of the proposed demolition. Whilst the Applicant has not demonstrated compliance with Policy RD5 of the DALP, it is considered that the benefits of the proposed development outweigh the non compliance of policy RD5.

Existing Services and Facilities

The proposal will result in the loss of an existing community facility known as the Palacefields Community Centre, located off the Uplands. The building provides 248 square metres of community space that is currently used to provide a number of community facilities such as a venue for a local food bank, warm spaces during winter months and a distribution points for FSM during non term time.

Adjacent to the community centre is an area of incidental open space that features an area of equipped play. The planning application proposes to demolish the community centre and develop upon the land including the area of open space and equipped play.

The community centre is not designated as a community facility by the Halton Local Plan Policies Map. It is considered that this is a drafting error in the production of the Policies Map. The Applicants representing agent share this consensus. In view of this, it is agreed between the Council and the Applicant that Policy HC5 'Community Facilities and Services applies.

Paragraph 5 of Policy HC5 states:

5. Proposals involving the loss of community facilities land or buildings will only be permitted where it is demonstrated that:

- a. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality; or*
- b. The building or site is no longer suitable or viable to accommodate the current community use, or the use has already ceased, and the building or site cannot viably be retained or sensitively adapted to accommodate other community facilities; or*
- c. In the case of commercial community facilities, whether the use is no longer viable (applicants will need to submit evidence to demonstrate that the site is no longer viable for that use*
- d. Marketing of the land/property will be required to indicate that there is no demand for the land/property in its existing use.*
- e. Details if the current occupation of the buildings, and where this function would be relocated, will also be required.*
- f. Where an application relies upon a marketing exercise to demonstrate that there is no demand for the land/premises in its current use, the applicant will be expected to submit evidence to*
- g. Demonstrate that the marketing was adequate and that no reasonable offers were refused. This will include evidence demonstrating that:*
- i. The marketing has been undertaken by an appropriate agent or surveyor at a price which reflects the current market or rental value of the land/premises for its current use and that no reasonable offer has been refused*

The Palacefields community centre (PCC) is owned by the Applicant who rents its operation and management to a charitable organization named Four Estates. Four Estates are the responsible body who operate the PCC as a venue and organize the community use of the building.

The public consultation exercise resulted in several responses providing examples of the communities use of the PCC that highlight its importance in the local community.

The Applicant submits that the existing community centre provision is not fit for purpose given the age of the building and its inefficiency with regard to energy consumption which in turn has an impact on the operating costs of the building and its overall viability as a future community hub. The Applicant's view is that the PCC will be compensated for by a new facility providing 258 square metres of floor space set within the ground floor space of the veteran village approved by planning application 23/00128/FUL. The Applicant contends that the issues of running costs will be addressed by accommodating the Palacefields Local Centre within the new Church and Local Centre Buildings. Whilst it follows a practical common sense principle that a newer building will be more thermally efficient than an older building, the Applicant has not submitted energy certificates to support their argument in illustrating the expected differences in the thermal

efficiency of the respective existing and proposed buildings.

There is no formal response from Four Estates in response to the consultation exercise for this planning application. However, the Applicant has informed the Council that contract discussions are ongoing regarding the alternative accommodation arrangements detailed above.

In considering the change in the location of the community centre, the following considerations are of note. The proposed replacement accommodation is 450 meters away from the Palacefields Community Centre. Whilst this is noticeably further away from the existing location, it is considered that such a move is within a tolerable walking distance. It is appreciated that a change in location will inconvenience some users and benefit others due to a change in proximity. It is considered that the proposed replacement PCC venue will serve the same catchment in a more central location in terms of the overall geographic area. The proposed replacement venue is located next to a bus stop which supports its sustainable credentials as well as offering improved accessibility.

The Applicant has given consideration to a phased delivery strategy that will allow the existing PCC to remain open whilst the intended replacement accommodation of the ground floor of the veteran village is developed. Only after the delivery of the replacement accommodation would the PCC be demolished. This phasing will be controlled by way of a suitably worded planning condition.

The loss of the PCC will come as a disappointment to the local community, as can be seen in the consultation responses there is a great deal of attachment between the community and the centre. However, the Applicant has provided a suitable alternative as part of a modification to planning permission ref:23/00128/FUL as set out in planning application ref: 24/00023/S73. This new community investment will sustain the existing local community centre use within Palacefields at a sustainable location. Given the recent energy cost rises that have significantly affected non domestic properties, a modern energy efficient building is less likely to burden an operating budget. It is considered that the development complies with DALP policy HC5.

Residential Amenity

The scheme will result in a significant change in appearance to the locality of the area of Palacefields as shown within the planning application redline edge. This proposed change will be manifest through the demolition of 317 dwellings and the demolition of the Palacefields community centre and the removal of the adjacent area of equipped play. Further impact is proposed to be felt by the direct loss of designated amenity green space, associated local landscaping, mature trees. The impacts on residents will be experienced by two distinct consequences. Those who would as a result of the development lose their home and those residents that remain but whose outlook will change as a result of the development.

First it is anticipated that those that reside within the 317 dwellings proposed for demolition will be relocated from the site in due course. Whilst there is the potential for some of those displaced residents to be relocated within the application red edge, there are no firm arrangements proposed at this time. The representing planning agent has confirmed that the Applicant is taking steps to offer a number of options to existing residents in terms of offers to purchase properties, providing bridging loans and offering properties for rent within its existing property portfolio. Notwithstanding, whether such arrangements are taken up by the affected residents or not, the existing residents will be profoundly impacted upon should the proposed development be approved and implemented. Any implementation of planning permission will therefore either require agreement with all occupiers, or will require the successful promotion of a compulsory purchase order. The process for this will facilitate opportunities for residents who wish to object on the basis that there is no compelling case in the public interest for compulsory acquisition. Even if planning permission is granted, there may well therefore be implementation issues for the Applicant to resolve.

The second form of impact involves residents who reside within the redline but do not face the prospect of eviction. Whilst those residents will retain their occupancy of their properties they will be impacted from the proposed changes to the surrounding area. Specifically the loss of incidental open space and the changes to the interface distances with neighbouring properties.

An assessment regarding the loss of open space including losses of incidental open space is set out in the open space section of the report below. With regard to the loss of incidental open space and its impact on residential amenity, this is greatest felt by properties that overlook such areas of visual relief in what is a heavily urbanised landscape. Such areas of land are proposed to be developed upon thereby intensifying the appearance of the urbanised outlook.

It is considered that the combination of the compensatory landscape travel corridor and wider landscape improvements together with the proximity to and proposed improvements to Town Park offer sufficient relief to local residents. Notwithstanding, in the absence of such observations it is considered that the loss of incidental open space within the application red edge would not cause sufficient harm that would outweigh the positives of the planning application in order to justify a refusal.

The Design of Residential SPD seeks to afford higher levels of protection with regards to protecting the amenity and outlook of existing neighbours adjoining development sites. Every effort has been made through negotiation with the Applicant to minimise potential impacts where possible whilst maintaining an appropriate quantum of development.

The proposed development will take place amongst a number of retained properties. As a result there will be a mixture of interfaces between existing and new build properties in addition to the interfaces between new to new properties.

The proposed development has retained the separation distances of the existing properties along streetscenes. This typically results in interfaces in the range of

19-20m. Whilst this is below the recommended interface of the SPD, it is consistent with the existing streetscene. In similar approach the interfaces between new to new in terms of streetscene, side to rear and rear to rear interfaces have followed the overall established level of interface that exists in the Uplands resulting in a modest shortfall in the SPD recommended interfaces. The Council accepts that the interface at street level is less sensitive than that of a private rear garden and it is of note that the Council has accepted similar interfaces elsewhere in the Borough.

The SPD guidance sets out a recommendation that the rear to rear interfaces between existing and proposed residential units of equal size be set to 21m. This requirement is set to maintain an appropriate level of privacy and to ensure that there is an acceptable amount of daylight retained to existing properties.

Following an assessment of the proposed plans, the interface distances between existing and proposed properties falls short of the SPD interface standard. The following interfaces are of note:

- Interface 1: 16-25 The Uplands, a rear to rear interface of 18.5-21m
- Interface 2: 95-97 The Uplands, a rear to rear interface of 15.3-21.2m
- Interface 3: 128-136 The Uplands, an existing rear to proposed rear interface of 17.2m to 22.6m
- Interface 4: 260-268 The Uplands, a rear to rear interface range of 16.45m-18.2m.
- Interface 5: 275-285 The Uplands, a rear to rear interface of 16.4m-17.65m.

On first review, these interfaces appear substantially short of the 21m interface required by planning policy. In order to mitigate this the Applicant has designed a set of proposed elevations that do not feature windows at first floor. The consequence of this design feature is that there is no prospect of overlooking, therefore the interface is akin to that of a blank gable which the SPD sets a required interface of 13m. Interfaces that fall below the guidance set out in the SPD have been assessed against the 25degree requirement to ensure excessive overshadowing is avoided. The Applicant has struck an appropriate balance that maintains the existing separations distances of the Uplands streetscene whilst having regard for the interface guidance set by the Council thereby meeting the protective aspirations of the SPD whilst facilitating the necessary form of development at this location. It is considered that the design of the proposed scheme complies with the SPD.

In order to maintain suitable privacy for the future occupation of existing residential units, a condition will be attached prohibiting the insertion of new windows at first floor level.

The proposed scheme does offer the potential for significant investment and regeneration of the area creating new residential properties and an improved urban landscape incorporating modern design and principles of designing out

crime. In that context it is considered that satisfactory provision has been made for ensuring appropriate levels of amenity for existing and future residents.

Scale and massing

The Applicant has designed an urban renewal scheme that retains terraced rows of existing housing stock within the application red line. Implementation of the scheme will result in pockets of development being built out as separate phases.

The development proposal comprises a mixture of property types typical of an urban scheme including, bungalows, small houses and larger residential structures that include four bedroomed houses and apartments. The proposed mixture of building types whilst different in appearance owing to the approximate fifty years separation in development era designs remain of an appropriate scale and massing to the existing building stock and are therefore considered acceptable.

Design and Appearance

The planning application redline boundary contains 413 dwellings. Of this existing housing stock the development proposal seeks to demolish 317 dwellings and develop 257 dwellings. DALP policy RD5 applies.

Paragraph 2 of RD5 states:

Housing renewal and redevelopment will generally be supported in areas identified as requiring regeneration; to replace unpopular housing stock and to address any imbalances in the housing offer.

The Applicant submits that the design of the existing build stock is of its era and is considered not fit for current purposes with particular emphasis on energy efficiency and inflexible spaces for community uses. The proposed development offers a higher quality design and modern material palette that is commensurate to the expectation of a new urban development.

As a whole the scheme represents a noticeable change to the existing build stock of the Uplands. The overall impact will bring a more urbanised appearance to the application site. This is borne as a result of the increase in building mass that is proposed to be developed along with the loss of incidental open space and loss of mature landscaping that currently provides a break in the urbanised locality. The Applicant submits that this is necessary to maximize the developable area to ensure that sufficient residential units are developed to make the scheme financially viable. The Applicant has undertaken efforts to address this by incorporating mixed use highways and landscape planting throughout areas of incidental open space.

The proposed design will present a juxtaposition between old and new. This is unavoidable given the span of multiple decades with regard to the design and associated building materials that will separate the two eras of development.

Notwithstanding, the proposed development is of high quality with a bold modern design and accompanying materials palette that will enhance the existing urban appearance of the locality and provide new modern housing to the local community. The appearance of urban development schemes within established residential areas be they urban renewal or vacant plot development infills become accepted over time, particularly as landscape schemes mature. Similar new designs within the new town era stock of housing have taken place elsewhere in the Borough with no ill effect upon the urban environment. Examples include Castlefields, Juniper Grove, and Lacey Street.

Whilst it is acknowledged that the proposed development will have a significant impact on the appearance of the local area, it is considered that the design and appearance of the development is in line with the expectations of DALP policies GR1 and GR2.

Greenspace Provision for Residential Development

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision and protection of open space, green infrastructure and trees 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 the table presented at policy RD4. The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy. The application site is located in the Halton Lea Ward which forms part of 'Neighbourhood Area 5 (NA5) within the (OSS). With regard to the open space provision within NA5, the OSS demonstrates a deficit in parks and gardens, natural and semi natural open space and allotments. However, the OSS presents a surplus for children's play space and amenity green space.

The proposed development is not providing semi natural open space or

allotments. As identified above the Council has a deficit in the locality. Ordinarily, this assessed level of deficit would require an off site financial contribution to improve existing areas of open space. However, in this instance the development proposal details a net loss of residential units. Therefore, the quantum of development does not create additional pressure upon existing green space provision and prima facie case that it would reduce deficit. The exception to this approach concerns the loss of existing amenity green space, designated parkland green space and area of equipped play adjacent to the PCC that will be built upon as a result of the implementation of the proposed development.

Amenity Green Space – The development proposal does not include development of new amenity green space. The OSS has confirmed an existing over supply of amenity green space (AGS) of 18.2 hectares. Implementation of the development proposal will result in a loss of 0.013 hectares, on this basis it is considered that the loss of AGS would not result in a significant loss to Neighbourhood 5 for this open space typology and can therefore be justified to be in compliance with the above identified DALP policies.

Equipped Play - No equipped play is required as part of this development proposal due to the net loss of residential dwellings. However, due to the development resulting in a loss of existing equipped play, the Council has requested that the Applicant give consideration to a replacement of this provision. The Applicant has confirmed that a replacement provision will be delivered at Woodland Walk located approximately 509m distance away in line with the accessibility criteria within policy RD4. It is accepted that the displacement of the existing provision will result in a negative impact for some users and a benefit for others owing to the change in proximity. The new location will still be located centrally within the wider residential area of Palacefields and is therefore on balance it is considered to comply with paragraph 4b of DALP policy HE4. The replacement provision will be secured by a suitably worded planning condition that will prohibit the development from taking place upon the existing area of equipped play until the alternative provision has been delivered.

Parks and Gardens - The planning application proposes to develop 28 residential units occupying 1.06hectare of Town Park (TP). This is contrary to the development plan. The OSS has identified a surplus of 0.38 hectare for the Parks and Gardens typology for Neighbourhood 5. It is of note that this measurement concerns the area of Town Park located within Neighbourhood 5. Anyone familiar with Runcorn will be aware that Runcorn Town Park is a significant area of parkland provision, the latest Council survey confirmed that it occupied an overall area of 184 hectares. The reported surplus of 0.38 hectare for Neighbourhood 5 is derived from the Neighbourhood boundary exercise that apportioned 9.5 hectare of Town Park to Neighbourhood 5. However, this does not represent a fair reflection upon the suitable area of parkland that is accessible by local residents. It is of note that the development site is located at the northern border of Neighbourhood 5. By contrast the adjoining Neighbourhood 4 has been assessed by the OSS to have a surplus of 64.3 hectares. Due to the proximity between these two neighbourhoods, it is considered that residents of

Neighbourhood 5 will retain sufficient access to parkland in line with DALP policies HE4 and RD4. On this basis it is considered that upon implementation of the proposed development there would not be a shortfall with regard to the parks and gardens typologies of open space. The planning application is compliant with planning policy HE4.

As part of the consideration of the planning application, the Council's Open Spaces Department have raised concerns. Discussions about the appropriate mitigation are ongoing. However, this mitigation would be a condition of the permission. An update will be made orally.

The Applicant submitted an arboricultural impact assessment (AIA) and tree survey and constraints report in support of the application which surveyed 160 individual trees and one group within the site boundary. The report finds that the majority of the trees are category B trees and therefore deemed to be of moderate quality with a smaller proportion being categorised as category C or less. In order to address this loss, the Applicant has proposed to undertake significant tree planting at the Town Park interface incorporating new areas of woodland and understorey planting. Despite the proposed loss of trees it is considered that the Applicant has sought to retain as many trees as possible, an example of which is the mature trees located along the application sites boundary with Palacefields Avenue. The AIA concludes that the retention of significant arboricultural assets has been achieved where possible. Whilst it is acknowledged that the immediate loss of mature trees regardless of measured quality will be a negative impact to local residents, it is considered that the establishment of the replacement trees will deliver a long term improvement to the local amenity once establishment. On this basis it is therefore considered that the proposed scheme complies with policy HE5

Having regard for the assessment of DALP Policies HE4 and RD4, it is considered that the benefits of the scheme outweigh any areas of policy non compliance with regard to Policies RD4 and HE4.

Ecology

The proposed development site is located within the Natural England SSSI Impact Risk Zone. The proposals do not specifically trigger consultation with NE in terms of residential development. However, NE advise that residential developments in this area should consider recreational disturbance impacts on the coastal designated sites. With reference to Halton Council's Interim Approach to recreational disturbance the site is located outside the zones where recreational disturbance is considered an issue due to the distance from the coast and the difficulty in accessing the coast from this location. It is important to note that the application concerns an urban renewal development. Of the 462 dwellings within the application site boundary, 317 are proposed to be demolished, with 257 dwellings being developed in their place. This results in an overall net loss of 60 units within the application site boundary. Therefore the proposed development when implemented will result in less harm than the

current baseline. On this basis it is considered highly unlikely that the development will result in a significant disturbance to the coastal sites, therefore a Habitats Regulations Assessment is not considered necessary. Notwithstanding this assessment, the Council consulted Natural England (NE) as a precaution. NE responded with no objection.

As noted above, the Council's retained ecology advisor has issued a response of no objection. This opinion is dependent upon the use of a schedule of recommended planning conditions that will contribute toward off site mitigation to compensate on site losses. The following comments are of note:

Biodiversity Net Gain/ No Net Loss – The Applicant has submitted outline details of a scheme for compensating for the loss of the existing habitat and ensuring that there will be a net biodiversity gain on the site which involves planting of native species, meadow and grassland and hedgerow planting. The delivery of this scheme will result in an increase of 19.95 habitats units (81.88%) which is welcomed. Delivery of the BNG scheme will be secured by a suitably worded planning condition.

Biodiversity enhancements – Pursuant to the new biodiversity duty and paragraph 186 of the NPPF, the Applicant should provide biodiversity enhancements such as bat roosting boxes and bird nesting boxes. This will be secured by a suitably worded planning condition.

LEMP – The Applicant has proposed an acceptable landscaping strategy. The production of a full and detailed landscape and Ecological Management Plan which details the management of the site for the lifetime of the development is required to be submitted. This will be secured by way of a suitably worded planning condition.

Bats - Bats are a protected species. Therefore DALP policy CS(R)20 applies. The Applicant has undertaken an extended phase 1 habitat survey, bat roost assessment, emergence surveys reporting exercises in support of the planning application. These documents have been assessed by the Council's retained ecology provider who has made the following comments:

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).

The applicant states that delivery of the Uplands parcel (to which this application relates) will not likely start until mid 2025. If demolition of the buildings and tree removal is not completed by the end of 2024 updated bat surveys of all buildings and trees to be affected by the proposals must be carried out prior to the start of any demolition and clearance works. This can be secured by a suitably worded planning condition.

Habitats adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, in line with NPPF

(paragraph 186). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to the 'Bats and Artificial Lighting at Night' guidance which has been produced by the Institute of Lighting Professionals in conjunction with the Bat Conservation Trust.

The Applicant has undertaken a robust examination of the development proposal with regard to its potential impact upon a protected species. The subsequent reporting exercise has been reviewed by the Council's retained ecology advisor who has confirmed that the Council does not need to consider the proposal against the three tests of the habitats regulations.

Terrestrial Mammals - In addition the Council's advisor has given consideration to terrestrial Mammals. The habitats on site are suitable for badger and hedgehog. These are protected species, therefore Policy CS(R)20 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

- A pre-commencement check for badger and 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; and
- Appropriate storage of materials to ensure that mammals do not use them.

These measures can be addressed by way of a Construction Environmental Management Plan (CEMP). A CEMP can be secured by way of a suitably worded planning condition.

Birds – Built features and vegetation on site offer the potential for nesting opportunities for breeding birds which are protected. Therefore Policy CS(R)20 applies. In order to ensure sufficient avoidance measures are implemented the following condition is recommended:

No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work 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 all buildings, 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.

The proposed development will result in the loss of breeding bird habitat. Therefore, DALP Policy CS(R)20 applies. To mitigate for this loss, details of bird boxes that are to be erected on site are to be provided to the Council for agreement. The following condition is recommended:

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. Evidence of implementation (i.e. photographs) will need to be provided to the Local Planning Authority to enable discharge of the condition.

Core Biodiversity Area

There are four areas within the planning application site boundary that are designated as core biodiversity woodland by the Liverpool City Region. This designation is carried through to the DALP Allocations Map. The four areas are each considered to be a core biodiversity area (CBA) and are denoted by the hatching in figure 1 of this report. It is of note that the four areas are shown as washed over residential land on the Halton DALP Policies Map. The four areas are:

- CBA1 - Land opposite 198-205 and 262-267 the Uplands
- CBA2 – Land opposite 293-295 and 337-340 the Uplands
- CBA3 – Land to rear of 321 the Uplands adjacent to Palacefields Avenue
- CBA4 – Land adjacent to 16 the Uplands and land adjacent to 25 the Uplands. This also includes 16-25 the Uplands.

Policy HE1 states '*any development which may affect a designated natural asset will be considered in line with the mitigation hierarchy*'. For the avoidance of doubt the hierarchy is as follows, avoidance, minimization mitigation compensation. Paragraph 5 of Policy HE1 confirms that where significant harm cannot be avoided, adequately mitigated or compensated, planning permission should be refused.

The Applicant has identified the interface with Town Park as an area of improvement. There are detailed landscape plans that show improvements to the area. The CBA set out in the application site feature a range of appearances. CBA1 is an area of mown incidental open space devoid of any trees. CBA2 is an area of incidental open space featuring an amenity square of mown grass and 5 semi mature- mature trees. CBA3 11 is an area of incidental open space that faces out on to Palacefields avenue and appears as an extension of the highway verge featuring an area of mown grass and 11 mature tree specimens and a number of smaller self seeded trees that are semi mature. CBA4 consists of a car park with 4 mature trees, the private gardens of 16-25 the Uplands as well as the physical fabric of the dwellings and an area of incidental open space featuring 4 semi mature trees and one mature tree.

The Applicant submits that the number of trees lost will be compensated for by replacement planting elsewhere in the scheme. Notwithstanding, the loss of the trees will form part of the no net loss/BNG measures set out earlier in the ecology section of the report. On this basis it is considered that the development has been designed to avoid any adverse impacts resulting to this designated priority habitat, by appropriate forms of mitigation. The Council considers that the

scheme complies with DALP Policy HE1.

In summary, the Applicant has given due consideration to the ecological impacts brought on as a result of this development, having measured the impacts in terms of the loss of biodiversity, including impacts on habitats and impacts on terrestrial species. These losses are to a certain extent inevitable due to development taking place upon undeveloped areas of green space. Where loss and impact has been identified the Applicant is prepared to provide suitable mitigation. It is considered that the development complies with DALP policies CSR20 and HE1.

Highways

The development proposal has been reviewed by a highway engineer on behalf of the Local Highway Authority. The comments from whom are set out in full below.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework for sufficient housing in a sustainable manner.

The NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties, and further that good quality discussion enables better coordination between public and private resources and improved outcomes for the community.

Collaboration with the applicant's design team had begun in earnest at the first opportunity application 22/08039/PREAPP.

Following approval of the Local Centre, application 23/00128/FUL, all parties and personnel remained for this portion of the scheme with advantageous continuity.

Also, within the NPPF it is stated that local planning authorities should approach decisions on proposed development in a positive and creative way and this portion of the overall redevelopment offered an innovative and community-focused fundamental feature, a central "green avenue", or linear park; a sustainable and innovative design for the housing estate, which was a challenging proposition given the retention of certain areas and renewal of others.

Periodic, round-table, design reviews and ongoing conversations were central to reaching a design that was acceptable.

In an unprecedented step, the applicant's team took the opportunity to have an independent third party undertake a Quality Audit of the design, involving various reviews (below), to ensure the novel, in local terms, design, and elements within, would meet all considerations for all users e.g. safe, legible, functional and user-friendly.

The extensive and lengthy, cooperative and iterative process has enabled Highway to determine that full support can be offered, with conditions and informatives, below. 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, layout, adequacy of parking and servicing arrangements, and impact on Highway safety.

Traffic generation, distribution and capacity impact: Given the like for like proposition of residential dwelling replacement, with a reduced overall total of dwellings compared to current quantum, no significant nor detrimental, impact is considered likely on the highway network due to the development proposal. The demolition and construction phases will require a condition (Demolition and Construction Management Condition(s)) to understand the management of site traffic such that remaining residents and lock highway users are not detrimentally affected by operations or associated vehicles.

Access to the site for all modes: Ensuring that the site connects with its existing surroundings and highway network, for all modes, was an inherent consideration. The relationship with and impact to the Town Green open space area, to the north of the site, was vital. Therefore, the design progress was predicated on approval, by the Green Spaces Team, of any impact to this area, which was forthcoming. This included off-site highway works with improved connectivity and routes (Off-Site Highway Works Condition – linkage to woodland walk and connections to Town Green).

The existing vehicular access arrangements, on Palace Fields Avenue, and associated footways will be improved, as well as further upgrades to sustainable links about the site i.e. walking and cycling provision, and bus infrastructure. Enhancement and rationalisation of the network of pedestrian and cycle accesses and routes into the site will offer active surveillance, flat and level surfaces, and legible, connected links based on desire lines improving connection between the site and external environment.

Routes will be more attractive, practical and well-connected, accompanied with the existing subways being closed off and at-grade crossing routes installed in their place; observing principles and guidance of Manual for Streets (MfS) and LTN 1/20 - fundamental to active travel design and use. A condition regarding agreed structural detail of the subway closure proposals and associated works is required (Subway Closure Condition). The Development Management Committee is requested to approve the Stopping-Up plan to expedite and facilitate matters under the Stopping Up Orders Under the Town and Country Planning Act 1990; Sections 247 and 248. Applications for Section 247/248 Orders can be submitted in advance of planning decisions being made or when the planning permission has been granted.

Connection to bus infrastructure was also integral to design, with bus operators canvassed for their input on proposed amendments about the south of the site on, and about, the busway. The link and arrangement about the busway between the site and the hospital will require a condition for detailed design (Busway Infrastructure Condition).

Layout: The layout and arrangement was designed to create a well-connected neighbourhood with clear orientation through a logical hierarchy of streets with the promotion of sustainable travel alternatives. Widths of carriageways, footways and other elements, geometry e.g. radii at junctions and bends were informed by swept path with localised widening or amendment offered accordingly.

Whilst incorporating retained blocks of dwellings, the designing out of considered ASB issues, and following principles and best practices of placemaking e.g. Secured by Design, the design offers overlooked streets and spaces and removes barriers to movement e.g. the subways. Further, the central green spine and linkages within the site and to the external environment, e.g. Town Green, Shopping City and Local Centre, creates a connected sustainable site.

The layout design proposed follows the prescribed user hierarchy with access, circulation and route choice for all modes; with cycling and walking foremost. Externally, the site connects satisfactorily into existing development or transport networks and offer linkage to active travel routes.

The layout and design of footways, and shared spaces, with regards to internal site accessibility provides convenient, appealing, overlooked, and safe routes for pedestrians and cyclists taking into account of the type and function of adjacent carriageways, location of apparatus for statutory and other services, street furniture as well as pedestrian movements (desire lines) and requirements for vulnerable road users.

The provision of streets, footways, footpaths and cycle provision were designed in accordance with MfS and LTN 1/20, and the DfT published guidance on how to design for [‘Inclusive Mobility’](#), so that all modes are accommodated safely within the highway network. A looped internal layout, around perimeter blocks of dwellings, offer permeability, connectivity and route choice, for all modes.

The highway arrangement deters speeds in excess of 20mph. These features are primarily, as is preferable, horizontal features, e.g. straights with a maximum 60m unrestrained, with vertical speed calming features such as traffic (t)humps where necessary. Detailed design under a s38 agreement will ensure the optimum arrangement. The shared private drives and cul-de-sacs within the estate are acceptable; necessary where topography, or other constraints dictate. The Green Avenue offers a

central thoroughfare where priority is accordingly given to pedestrians and cyclists, and in sections vehicular movement is directed and controlled (i.e. one way) and its design occupied much of the process to determine an acceptable scheme. This spine, running north/south, links to east west routes giving a permeable layout or route choice and circulation for all modes.

Signing and lining of the highway arrangement will be conditioned, supporting the layout as the best use of the available space and safe highway design (Signage and Lining Condition). The voluntary, but highly agreeable, submission of the designs for scrutiny by an independent third party (PJA) further highlighted the applicants desire to ensure an innovative and acceptable layout.

The following audits were conducted under the coverall title of Quality Audit:

- Road Safety Audit (RSA), Stage 1,*
- Accessibility Audit,*
- Walking, Cycling and Horse Riding Assessment & Review (WCHAR), and*
- Functionality and Visual Appearance Audit.*

The findings and recommendations, and acceptable incorporation of their findings into the design, were the final step of the Highway design process. Periodic review by the s38 officer was offered to ensure that the design would not alter significantly at detailed design stage i.e. buildability issues were resolved downstream where such issues are accommodated more readily; typically with such a complex and major development minor changes occur at construction phase. Highway long or cross sections will be required to be provided to show that proposed levels and gradients are acceptable and demonstrated in a vertical plane, as well as the horizontal plans offered, at the detailed design phase/s38 Agreement (alternatively a Ground Level including Sections Condition is suggested).

Adequacy of parking, servicing arrangements: There is currently a large amount of unallocated and informal parking within the site. This situation is considered to be improved upon by the proposal with in-curtilage parking and formalised parking areas, and additional visitor parking provision. The total of 381 private parking spaces offered, as well as 30 visitor spaces, is deemed satisfactory to complement the 139 spaces that remain with the existing properties. Whilst the total amount falls short of the adopted standards (>10%), in accordance with Policy C2 Parking Standards of the Halton Delivery and Allocations Local Plan point 3., justification and mitigation was required and satisfactorily offered. The residences will be managed by Riverside, with parking information forming part of the tenancy agreement. Further, the applicant has extensive experience

regarding the type and mix of tenure and of managing such sites. A suitably worded condition for controlling, monitoring and managing parking provision will be required (Car Park Management Policy Condition).

Consideration to existing levels of parking was also taken into account, with site visits showing spare parking capacity, reflecting recorded census car ownership levels in Runcorn. The design/layout also allows for a certain level of informal parking as typically occurs within such estates. In the round, the provision of in-curtilage, courtyard, off-street and additional visitor parking provision is considered sufficient and acceptable against Policy C2 Parking Standards.

A Framework Travel Plan submitted to date further enables, supports and promotes modal shift from car use to sustainable travel alternatives. A condition for a full travel plan is required (Residential Travel Plan Condition). EV charging, for the site, will be required to meet policy and standards (EV Charging Condition) .

Parking standards extend to cycle provision to enable and encourage sustainable journeys; long-term residential cycle parking was duly factored onto design evolution and demonstrated on the plans. Detail will be secured by way of a suitably worded condition (Cycle Parking Condition).

Safe and acceptable circulation and flow within the site i.e. the ability of the site to be adequately serviced by waste and tracking vehicles, as well as delivery and other servicing vehicles, has been demonstrated with swept path of the largest vehicles anticipated to regularly utilise the site, including at the site access. Further, a suggested efficient route to service the site, minimising repetition of sections and/or manoeuvres is also offered.

Highway Safety: Collision Stats, within the site and adjacent network, show no concerning patterns, clusters or number of incidences over the last 5 years. Visibility splays from junctions and each driveway, and forward visibility and visibility to the back of footway are provided, where appropriate, in line with MfS and supported by associated front boundary treatment design. Details of soft landscaping and planting will similarly ensure intervisibility is protected and potential highway encroaching issues are designed out.

Intervisibility at all access junctions will be conditioned to preserve safe sight lines. (Vehicular, and Pedestrian, Visibility Splay Conditions, Boundary Treatment and Landscaping Conditions).

As above mentioned the design speed, within the site, is 20mph, with horizontal and vertical design measures accordingly. Therefore, the proposed design is considered to present a safe layout and arrangement for all modes; the additional audits and reviews offering a level of scrutiny and feedback not typically afforded with such applications.

Summary: The proposed development site comprises a mixture of existing and proposed residential plots. As part of the site masterplan, a north-south 'green avenue' route is proposed which contains planting, play, cycle, and pedestrian infrastructure. Vehicles can access the proposed development via two all modes accesses located on Palace Fields Avenue. Pedestrians and cycles can also access the site via multiple modal filtered accesses around the perimeter of the site.

The proposal provides safe and convenient site access and links through, and within, the site enabling connectivity to adjoining routes and services, for all users. The design of the layout gives priority to pedestrians, cyclists and other non-motorised users and provides for safe and convenient movement, circulation, parking and manoeuvring, including the accommodation of larger, e.g. waste servicing, vehicles.

From early engagement and continued design evolution and collaboration, internally and with external agents, the design presented is considered acceptable and has full Highway Support, with conditions to ensure it meets policies, standards and aspirations within, but not limited to, all relevant Halton Borough Council Delivery and Allocations Local Plan (DALP) Policies e.g. C1 Transport Network and Accessibility, C2 Parking Standards, GR1 Design of Development, GR2 Amenity, GR3 Boundary Fences and Walls, CS24 Waste, CS(R)7 Infrastructure Provision, CS(R)15 Sustainable Travel, CS(R)18 High Quality Design, the SPD Design of Residential Development, Vehicle Crossing Guidance, NPPF, Manual for Streets (MfS) and LTN 1/20.

Informatives

- *It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This grant of planning permission does not negate the need for the submission and approval of highway engineering details for inclusion in an agreement under s38 and/or s278 of the Highways Act 1980 (for roads proposed for adoption and off site highway works respectively).*
- *This permission does not entitle the developer to obstruct or carry out works within the Adopted Highway or across a Public Right of Way whatsoever. Any proposed temporary closure or works affecting either will require consent which must be obtained from the Streetworks team. Please contact the NRSWA team for further information.*
- *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.*

- *Where private accesses/drives fall towards the highway, final levels are to be such and gullies are to be installed to prevent surface water discharging onto the highway. Where possible avoid ACO drains at back of footway, dish channels may be acceptable subject to prior written approval from the Highway Authority.*
- *Any new, or extended, areas of hardstanding are required to be constructed of porous materials or provision made to allow for direct run-off water from a hard surface to a permeable or porous area or surface within the curtilage of the dwelling to prevent surface water runoff onto the highway. Driveways shall be hard surfaced. Additional information can be found within;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf*
- *Gradients shall be a maximum of 1:20, with DDA compliance. Levels will be required to be presented.*
- *The developer will be responsible for paying for the installation and/or relocation of any existing signs/columns, which must be agreed in advance.*
- *Where special materials or products with shorter life expectancies are used, or high-maintenance designs that will necessitate increased levels of care are implemented (such as drainage attenuation and/or landscaping), payment of appropriate commuted sums will be required by the Highway Authority and addressed in an Agreement to cover the additional costs of future maintenance.*
 - *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.

Conditions List:

- *Construction Management Condition*
- *Off-Site Highway Works Condition – linkage to woodland walk and connections to Town Green*
- *Subway Closure Condition*
- *Signage and Lining Condition*
- *Ground Level including Sections Condition*
- *Car Park Management Policy Condition*
- *EV Charging Condition*
- *Cycle Parking Condition*

- *Residential Travel Plan*
- *Vehicular, and Pedestrian, Visibility Splay Conditions*
- *Boundary Treatment/Landscaping Condition(s)*

The Council's Highways officer has presented a detailed set of comments that set out the comprehensive overview of the considerations that have been undertaken with regard to highway safety and matters concerning access and active travel improvements. Having reviewed the advice of the Highways Officer it is considered that the proposed development complies with DALP policies C1 and C2.

Drainage and Flood Risk

The application site is located entirely within flood zone 1. The planning application is supported by a Flood Risk Assessment (FRA) and drainage strategy site. This documentation has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA have confirmed the following:

Fluvial risk: The nearest watercourse to the site is an unnamed watercourse to the northeast of the development site boundary which discharges to Phoenix Park Lane approximately 1.3km north of the development. The proposed quantum of development is appropriate within Flood Zone 1.

Surface water flood risk: The submitted FRA indicates a very low to medium risk of surface water flooding occurring within the site boundary. Following the implementation of mitigation measures the risk of surface waterflooding to the stie can be considered to be low.

Groundwater: The submitted FRA indicates the risk to the stie to be low. The LLFA is satisfied that the proposed buildings will likely note be at risk of groundwater flooding.

Drainage strategy: The site comprises a brownfield land classification. Preliminary ground investigation work carried out by Sutcliffe in January 2021 confirmed the soil strata to be very stiff clay overlying mudstone. Therefore, the natural soil strata is unlikely to support infiltration. The LLFA requests infiltration tests to demonstrate if soakaways are feasible. In the absence of a soakaway, a feasibility study or justification is required to demonstrate why it is not feasible to discharge to a nearby watercourse.

SUDS: The Applicant has proposed to attenuation in oversized pipework, cellular attenuation and permeable paving. The attenuation is sized to store 865cubic metres to contain flows on sites up to and including 1 in 100 year +45% climate change event. The LLFA has a preference for above ground SUDs systems and would require further justification for the use of below ground components.

Runoff rates: It is stated that the runoff rates form the site will be restricted to 50% reduction of the existing 1 in 2 year peak flows, this has been calculated to

be 217.4 and 63.4l/s for the northern and southern networks. The LLFA agree to flows being limited to these rates.

Drainage performance: The proposed attenuation has been designed to accommodate a 1 in 100 year plus climate change event. The Applicant has submitted microdrainage calculations in support of the design to demonstrate that there would be no flooding for the critical design storm event. LLFA agrees with the provided calculation in principle. However, would note that the proposed northern network has a flow rate higher than that was agreed above and request that the S25 surface water attenuation polystorm cell is updated to reflect the volume used in the calculations. It is also requested that attenuation crates are modelled with a porosity of 95% unless a higher porosity attenuation crate can be justified. The LLFA require a plan showing exceedance routes should the surface water system be overwhelmed or fail.

Maintenance and management: The piped network and flow controls will be offered for adoption via S38 of the a S104 agreement to be managed and maintained in accordance with their in-house maintenance process. The SUDS features within public spaces will be managed and maintained by the management company in accordance with their in house maintenance process.

The LLFA has assessed the Applicant's drainage proposals as part of the planning application and agrees that the assessment of flood risk to and from the site has been undertaken sufficiently. The Applicant has provided a clear drainage strategy. The LLFA support the drainage strategy subject to the use of the following conditions:

- No development shall take place until details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy 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. Those details shall include:
 - o Infiltration testing, soakaway design and/or attenuation and filtration structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield rates for new roof/hardstanding areas.
 - o Justification as to why discharging the surface water runoff, from at least some of the site, to the watercourse near the northeastern boundary is not feasible.
 - o Justification of why more sustainable drainage cannot be included to reduce the runoff from the site.
 - o Consideration of water quality with water treatment included as appropriate.
 - o The LLFA would also require a plan showing exceedance route should the surface water system be overwhelmed or fail.
 - o MicroDrainage calculations are updated to ensure consistency between

the drainage strategy, general arrangement and calculations, with the attenuation crate porosity updated.

o The LLFA would request an impermeable areas plan to accompany the hydraulic 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 has been submitted to and approved by the local planning authority. This shall include:

o 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.

o 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.

o Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

The flood risks have been assessed by the Lead Local Flood Authority. Planning conditions have been recommended. These have been agreed by the Applicant and form part of the schedule of planning conditions below. It is considered that the development proposal complies with DALP Policy HE9.

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.

Proposed demolition of some of the existing buildings (including 317 existing dwellings and the Palace Fields Community Centre), the closure of two existing subways, and the erection of 257 replacement dwellings, together with associated new roads, footways and cycleways, new and improved open space including a new linear park, hard and soft landscaping works, and other associated infrastructure and works at Land Comprising The Uplands Palace Fields Runcorn

I have considered the land contamination implication for the above scheme and have the following comments.

The application is supported by two documents.

- *Phase 1 preliminary risk assessment at Uplands Runcorn. Ref*

31465-SUT-ZZ-00-RP-G-701-0001. Sutcliffe Ltd. February 2021.

- Ground investigation datasheet report, *The Knoll and The Uplands, Runcorn*. Ref 31465-SUT-ZZ-00-RP-G-702-0002. Sutcliffe Ltd, June 2021.

The above reports document the findings of a preliminary risk assessment, based upon a desk study and site visit, and a site investigation. The datasheet report presents only the 'headline' details of the site investigation and risk assessment, and does not contain the full interpretation and risk assessment details.

The reporting indicates that there is a very low potential for land contamination based upon the site history (open agricultural land prior to the construction of the current residential estate), and the site investigation confirmed that with very little by way of potentially significant contamination, either in terms of soils or ground gases.

The report does mention one location where a fragment of asbestos board was identified, and the ground gas assessment needs to be refined to consider the significance or otherwise of the elevated carbon dioxide concentrations (only moderately elevated, with no significant gas flows or likely ongoing source).

The scope of the site investigation was a little limited and there are two areas that should be considered for further investigation.

The preliminary assessment identified an area of a least one former pond (in the gap between 315 and 316 The Uplands – poor ground conditions may be the reason for that gap in the original housing layout). This should be targeted for further investigation.

Consideration should be given to additional site investigation post-demolition, with particular focus on the community centre (there is no reference in the preliminary review as to whether there is the potential for heating oil storage and use).

Broadly, I have no objection to the scheme, but would make recommendation for a condition to require the additional investigations, a refinement of the ground gas risk assessment and a plan to mitigate against the potential for asbestos containing materials to be encountered.

The Council's Contaminated Land Officer (CLO) has examined the accompanying ground investigation reporting data submitted in support of the application. A concern has been raised that requires further examination of ground conditions prior to development taking place. The Applicant's advisor has considered this and raises no objection to the recommendation made. The additional ground condition survey work will be secured by way of a suitably worded planning condition. In addition, a further condition will be added that in the event of unforeseen contamination being discovered, development ceasing until such time that testing. A final condition will be added concerning a

The Applicant has undertaken an appropriate level of assessment with regard to potential noise impacts upon the proposed developments future occupants The assessment has been reviewed by the Council's Environmental Health Officer who accepts the conclusions. The EHO has recommended that the hours of construction are appropriately controlled. A suitably worded planning condition will be used to control the hours of development and appropriately safeguard the amenity of existing residents during the development of the site.

Air Quality

The applicant has submitted an Air Quality Assessment in support of the application. This has been reviewed by the Council's Environmental Health Officer, their comments are set out below.

The applicant has submitted an Air Quality Assessment reference 6393-1r1, dated 23 June 2023 in support of the application. The potential negative impacts from dust emissions during the construction phase of the development has been assessed, in accordance with The Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. This an agreed assessment methodology.

Due to the nearby Halton Hospital and the presence of occupied residential units on the development site, the effect on human health without any form of mitigation is determined to be high during the demolition phase, and medium for the remaining construction phases. It is therefore imperative a scheme of dust mitigation is implemented.

A model dust management plan is proposed in table 18 on pages 28-30 of the air quality report. The application will need to develop this into a site specific dust management plan.

The Air Quality Assessment goes on to consider the increase in Annual Average Daily Traffic from the site once operational, and whether this increase is significant in terms of air quality, based on criteria taken from Land-Use Planning & Development Control: Planning for Air Quality produced by Environmental Protection UK and The Institute of Air Quality. It is found that the impact from the operational phase is not significant. This methodology and conclusion are accepted.

The development proposal has been reviewed by the Council's EHO has reviewed the scheme and raised a concern regarding the resultant dust born from the proposed demolition. A dust management plan is proposed within the Applicants Air quality report, the EHO has recommended that this is developed into a specific dust management plan. The EHO comments have been reviewed

by the Applicant's advisor who raises no objection to the recommendation. A dust management plan can be secured by a suitably worded planning condition. The wider conclusions of the air quality impact assessment have been accepted by the Council's EHO. It is considered that the Applicant has undertaken a suitable assessment of the proposed developments air quality impacts.

Sustainable Development and Climate Change

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

Policy GR1 states all major development proposals must demonstrate how sustainable design and construction methods will be incorporated to achieve efficiency and resilience to climate change in accordance with CSR19 taking into account the site-specific viability of the development where appropriate.

The Applicant submits that the development has been designed to meet or exceed the energy performance requirements of the building regulations current at the time, which will be dependent on phasing and the timing of delivery of each respective phase of development. This is likely to encompass the transition to the Future Homes Standard, which is expected to apply to all homes built from 2025.

The applicant is yet to undertake a cost-analysis exercise on the package of measures that will optimise achieving the carbon reductions required under the standard for the best value for money. As a result, the exact measures to be implemented cannot be confirmed at this stage and will be determined on a case-by-case basis to achieve the maximum benefit to users and residents, factoring in a number of considerations including building orientation and likely energy usage. However, a fabric first approach will be adopted as a baseline, including improved insulation levels throughout and improved air-tightness. Other technological measures, including mechanical ventilation heat-recovery [MVHR], PV and Solar Panels, waste water heat recovery [WWHR] and Air Source Heat Pumps, will be considered either singularly or in combination to suit each property following detailed design. This will account for meeting the new Part L energy performance and Part O overheating requirements.

It is considered that an appropriate scheme can be secured by appropriately worded planning condition sufficient to demonstrate compliance with DALP Policy CS(R)19

Health Impacts

A health impact assessment (HIA) has been submitted by the Applicant in support of the planning application. This has been reviewed by the Council's Public Health Department who has confirmed a position of no objection.

The findings from the HIA note that the proposed development will have beneficial effects to human health. Examples include:

- The provision of replacement modern high-quality affordable and energy efficient homes.
- The scheme will provide a mix of house types and sizes to cater for the needs of both families and young professionals.
- The scheme will address long established concerns regarding anti-social behaviour and the perception and fear of crime by creating new and improved safe, overlooked and accessible routes through the site and to the surrounding area in line with designing out crime guidelines. This will result in the removal of existing crime hotspots which will deter anti-social behavior and increase the likelihood of residents taking up provided opportunities to participate in active travel.
- The scheme has also been designed to better integrate the application site into Town Park. It is anticipated that such connection will lead to increased use of the park for mental wellbeing and exercise.
- The proposals will result in the loss of Palacefields Community Centre. It is understood to not be fully utilised on a daily basis at present. This HIA acknowledges the range of existing community facilities within the vicinity of the site considered to be suitable to accommodate existing services held at the facility. These will also be complemented by the creation of a new community hub. Riverside remain committed to ensuring the needs of both Four Estates and the wider community can continue to be met and will continue to work with Four Estates, as well as the external organisations that currently hire the space going forward to ensure no shortfall in the provision, nor the quality of the existing provision, reduces as a result of the proposals. Consequently, through these mitigation measures, it is not considered that the proposals will not have a detrimental impact on the health and welfare of existing and future community members.
- The overall health impact of the development would be positive, with no negative effects found. Of the fifteen determinants assessed, the proposed development was considered to have a positive effect on all but three, which scored neutral. Health and wellbeing are vital factors in the planning balance and as such the positive effects associated with the development should be afforded considerable weight in the determination of this planning application.

Conclusion

The application site is predominantly an existing area of primary residential land as allocated by the Halton DALP Policies Map. The loss of 317 residential dwellings as a result of the development proposal will cause disruption to those

affected inhabitants. Notwithstanding, the Applicant is undertaking efforts to provide alternative accommodation solutions to enable the development to take place upon a grant of planning permission. The replacement of existing housing with proposed modern high-quality housing is acceptable. A modern energy efficient housing stock that is better suited to local need will be able to better serve the local housing needs.

Development upon green space has been assessed and is considered appropriate given the wider benefits of the scheme and the compensatory measures put forward regarding the use of Town Park and the compensatory area of equipped play at Woodland Walk.

It is recognised that the proposed development will result in the loss of the Palacefields Community Centre. However, the Applicant has put forward a larger alternative provision which will be secured prior to demolition of PCC to ensure continuity of community services. The provision of a new community centre with improved facilities in a more sustainable location representing a betterment for the local community.

Having assessed the impacts of the scheme upon the locality and having undertaken an assessment of the relevant policies it is the recommendation of the Council that the planning application be approved subject to conditions.

RECOMMENDATION

Subject to the application be approved subject to the following:

- a) Schedule of conditions set out below

CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans
3. EV charge parking spaces to be detailed
4. Construction management plan including avoidance measures re habitat/ mammal/ bird nesting/ amphibians
5. Construction waste audit
6. Landscape and environmental management plan
7. Hedgehog highway network measures
8. Lighting scheme to limit impact on nocturnal species
9. Ecological protection strategy
10. Ecological habitat management plan
11. Bat license
12. Bat mitigation
13. Bird and bat boxes details
14. Domestic refuse storage details
15. Suds verification report

16. Removal of GPDO Schedule 2, Part 1, Class F – no fences forward of front elevation.
17. LLFA – Sustainable drainage details
18. LLFA – validation report
19. Prior to development a noise impact assessment
20. Contaminated Land survey
21. Contaminated Land validation report
22. Contaminated land unforeseen contamination strategy
23. Landscape management plan
24. Demolition strategy
25. Construction operating hours
26. Dust mitigation strategy
27. BNG no net loss off site delivery
28. Boundary treatment details
29. Restriction on the demolition of Palacefields Community Centre until such time that alternative accommodation provision is made available.

BACKGROUND PAPERS

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

SUSTAINABILITY STATEMENT

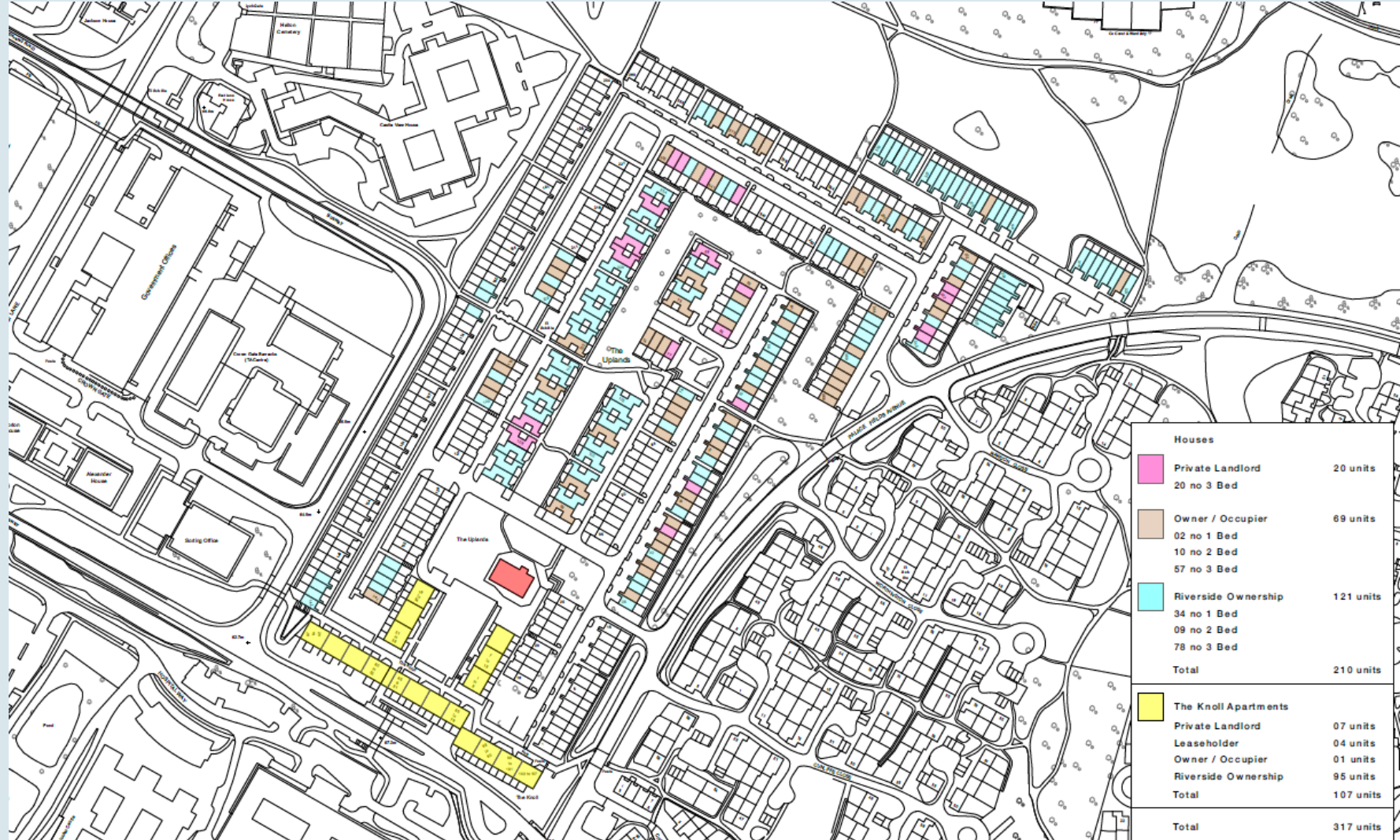
As required by:

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

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











Character Area 01: Green Avenue



CGI rendering of a residential street scene in Character Area 01: Green Avenue.



Architectural elevation rendering of a row of modern, multi-story brick residential buildings.

Character Area 02: Southern Edge



CGI rendering of the proposed development in Character Area 02: Southern Edge.



Architectural elevation drawing of the proposed development.

Character Area 05: Town Park Edge

The connection between the new central Green Avenue and the Town Park will act to extend the park into the Uplands and reintegrate the estate into the wider context.

The junction between the park and the green avenue has been designed in accordance with other local park entrance points with consistent sandstone walls, pillars and wayfinding detailing employed.

The new park edge street sympathetically faces over the Town Park, with a seamless interface detail which looks to soften the transition between park and street whilst still defining an edge to both. Please refer to the public realm section for further detail.

New housing overlooking the park is generally designed to be low key with the exception of the gateway housing which is increased to 3 storey town houses with the repeating gable feature consistent with the other character areas in order to continue building a new strong identity.



CGI 00000 0000 0000 000000000000 0000000000 0000 0000 0000 0000000000 0000 0000 0000

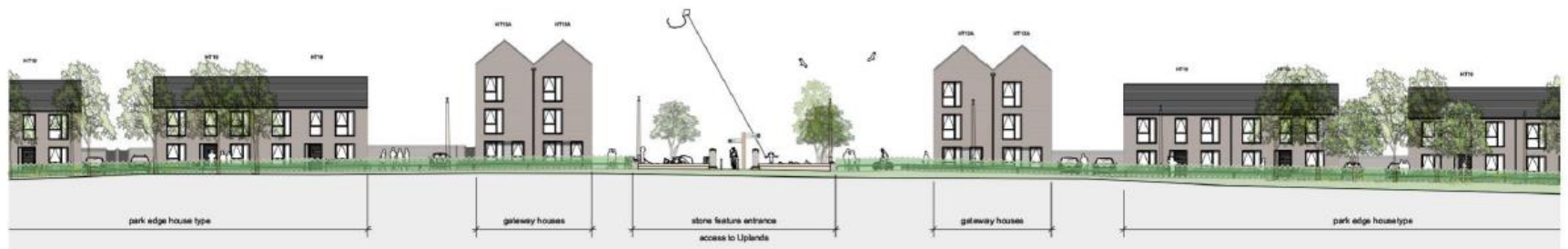


FIGURE 00000 00000 00000 - THE PARK EDGE

Character Area 05: Town Park Edge

The design of the Town Park boundary has evolved through wider stakeholder engagement and conversations with Halton Borough Council.

01. As the northern most road in the Uplands is required to be retained due to services constraints, the resulting parcel width where no extension into the Town Park occurs would prevent the introduction of a perimeter block facing both into the site and into the Town Park. This would result in the retention of the existing condition of exposed rear boundaries facing into the park being retained.

02. Our initial proposals therefore suggested an expansion into the Town Park to allow the creation of full perimeter blocks, which in turn generates

new housing facing into the park to provide natural surveillance and eliminate the exposed boundaries.

03. Following further consultation with Halton Borough Council's Environment Team, we have developed bespoke house types that work with a reduced rear to rear interface with the existing properties to enable the extent of Town Park land included within the proposed development to be reduced whilst still retaining the urban design benefits of the perimeter block.

The landscaping treatment of the Town Park interface will be further discussed in 10 Public Realm section of this Design section.



01. PHOTO OF EXISTING TERRACED HOUSES ON THE UPLANDS



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02. PHOTO OF EXISTING TERRACED HOUSES ON THE UPLANDS



03. PHOTO OF EXISTING TERRACED HOUSES ON THE UPLANDS



03. PHOTO OF EXISTING TERRACED HOUSES ON THE UPLANDS

The Green Avenue - Heart

The 'Heart' is the intersection of the main East / West route through the Uplands and The Green Avenue. Vehicle space is intentionally pinched down, and the Green Avenue pushes through in to the centre to prioritise pedestrians and cyclists. The surface materiality is used to demarcate pedestrian and vehicle routes.

Both ends of the Green Avenue includes items of furniture to encourage the space to be a meeting point for the community. The whole space even has potential to hold community events, if shut off to vehicles.



The Green Avenue - Gateway

The northern area of the Green Avenue is the gateway to Town Park. This connection provides a strong new sustainable travel link to the wider green infrastructure network.

The Gateway is marked by sandstone walling, matching the design of the Holt Lane entrance, as agreed with the Landscape officers this entrance is a 'primary' route to the park. The entrance itself is a clear 3.7m wide to allow emergency vehicle access with demountable bollards.

Within the Green Avenue is the start of a trim trail, which will connect to the Towns Park proposed 'leisure route'. Surrounded by rain gardens and planting users will feel immersed in greenery. Cycle storage is provided here for users and wayfinding totems to ensure natural movements around the estate.

