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Development Management Committee

Monday, 5 August 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 Chris Loftus
Councillor Ged Philbin
Councillor Carol Plumpton Walsh
Councillor Rob Polhill
Councillor Christopher Rowe
Councillor Dave Thompson
Councillor Bill Woolfall

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The next meeting of the Committee is on Monday, 2 September 2024*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 10
2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
(A) 24/00097/FUL - Erection of two drive through units with 'drive thru' facilities together with associated car parking, servicing and landscaped areas at Green Oaks Centre, Green Oaks Way, Widnes.	11 - 41
4. MISCELLANEOUS ITEMS	42

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, 20 May 2024 at Civic Suite, Town Hall, Runcorn

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

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

Absence declared on Council business: None

Officers present: T. Gibbs, A. Plant, A. Evans, G. Henry and L. Crampton, J. Farmer, A. Blackburn, A. Strickland, G. Ferguson and K. Butler

Also in attendance: Councillors Ratcliffe, N. Plumpton-Walsh, T. McInerney and Lowe, 50 members of the public and 1 member of the press.

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

	<i>Action</i>
DEV50 MINUTES	
<p>The Minutes of the meeting held on 8 April 2024, having been circulated, were taken as read and signed as a correct record.</p>	
DEV51 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> <p><i>Councillors Carlin and Rowe had both previously submitted their objections and therefore did not take part in any debate or vote on the on the following item.</i></p>	
DEV52 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 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 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 TEC, AT HEATH BUSINESS AND TECHNICAL PARK AND LAND NORTH OF HEATH ROAD SOUTH

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. Members were updated on the latest correspondence from the Health & Safety Executive (HSE) and Inovyn.

The Committee was addressed by Mr Morris, who opposed the application. He argued the following, *inter alia*:

- Suggested that the application was inconsistent, confusing, non-compliant to several Council policies and bias towards the applicant;
- Suggested that public concerns had been ignored;
- The proposals were removed from the Local Plan by the Planning Inspectorate as they stated there was significant risk to human life; and
- Urged the Committee to reject the application.

The Committee was addressed by Councillor Ratcliffe, Ward Councillor for Beechwood and Heath who spoke on behalf of residents. She stated the following *inter alia*:

- Residents found out about the proposals in October 2021 but there was no formal public consultation and many communications to SOG Ltd have not been responded to;
- In December 2021, trees were cut down by SOG Ltd and in October 2022, they cut down protected trees without permission. Hedges were also cut down during nesting season;

- In November 2022, Ward Councillors were invited to meet with SOG Ltd, however, they did not provide any documentation prior to the meeting;
- If the application was approved, the plans would change the area forever and not for the good;
- The proposal is to build 545 properties in an area half the size of Beechwood;
- There is no mention of how new residents of the area would be supported by schools, doctors etc.;
- Article 8 and the First Protocol of the European Convention of Human Rights states that people should be able to enjoy peaceful enjoyment of their property;
- The HSE raised concerns over proximity of a COMAH site;
- SDP planning is inconsistent with planning policy;
- Requested the Committee to reject the application on a point of law;
- Urged the Committee to request a re-submission of definite plans, not one that could be changed once approved; and
- Acknowledged that a call-in could be made within 21 days.

The Committee was also addressed by Councillor N. Plumpton-Walsh , Ward Councillor for Mersey and Weston, who spoke on behalf of residents. He stated the following *inter alia*:

- He requested a meeting with SOG Ltd on two occasions and was refused both times;
- Referred to concerns regarding the COMAH site and referenced the Planning Inspectorate report from 2022;
- Expressed concerns regarding the sewage plant and road infrastructure; and
- Urged the Committee to reject the application.

On behalf of the applicant, Councillor T. McInerney read out a letter of support from Professor Rachel Cooper, Lancaster University, in support of the application.

Also on behalf of the applicant, Mr. Teague read out a statement in support of the application.

Committee Members acknowledged the concerns of the residents that it was an emotive application. Members were disappointed that the HSE had continued to express concerns late in the process rather than providing all of the

information upfront as per the planning process. The Chair of the Committee had arranged a site visit for Committee Members which they stated was useful. Councillor Thompson stated the two main issues were loss of green space and the approach of the HSE. It was implied that the HSE model was 30 years old and out of date compared to the COMAH site. Councillor Thompson also mentioned that the sustainability of the site depended on this development.

Officers advised the Committee to weigh the elements of non-compliance with the Development Plan against the benefits of the proposals of the scheme. Members gave significant weight to the advice of the HSE and their public safety concerns and gave it the most careful consideration.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to approve the application. It was noted that the Committee requested that any future submissions in relation to reserved matters be brought before the Committee.

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

a) Section 106 Agreement as set out below:

1. Highway phasing plan;
2. Cycle route improvements;
3. Crossing improvements;
4. Bus infrastructure improvements;
5. Enhanced bus service provision;
6. Moughland Lane / Heath Road South / Clifton Road signalised junction improvements;
7. Recreational pressure mitigation for Runcorn Hill;
8. Affordable housing provision;
9. Social value strategy for the training and recruitment of local people.

b) Schedule of conditions set out below:

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 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 and implementation 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 of 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; and
- 34. Submission and implementation of a health management plan.

- c) That, if the S106 Agreement is not signed within a reasonable period of time, authority be given to the Operational Director – Policy, Planning and Transportation, to refuse this planning application.

DEV53 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

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

The application sought permission to erect a building for ancillary storage (partially retrospective) as the steel frame of the building was erected following the grant permission 18/00285/WST. However, the planning permission was subsequently overturned and dismissed at a planning appeal, construction works ceased and the building frame remained in situ. The land and buildings remain within the extant use and the applicant proposed completion of the building to allow its use for storage of materials and equipment in connection with the occupier's operations.

There would be no intention for the building to be used for the storage or processing of any 'waste' materials and the applicant 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 stated their intention to surrender the Environmental Permit for the site, but that would remain outside the control of the planning system.

The Committee considered the above and voted to approve the application.

RESOLVED: 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; and
7. Restricting hours of construction.

DEV54 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) ON LAND TO THE WEST OF SHELL GREEN, WIDNES, WA8 0GW

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

Members were advised to disregard paragraph 6.1.1 and the typing error in section 7 which read "residential", should have read "employment". It was confirmed that the Clear Drainage Strategy had been identified and the only outstanding consultation was from MEAS. The Bat and Birds Survey would be available in the next 4 weeks.

The Committee was addressed by Mr. Gee who spoke on behalf of the applicant in favour of the application.

Members of the Committee sought some reassurance about traffic movement. Officers confirmed that the use class would be sufficient and parameters had been set in the application. There would be no impediment to the highway/entry access off Bennetts Lane.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to delegate authority to the Local Planning Authority.

RESOLVED: That the application be determined by the Local Planning Authority subject to:

- a) authority being 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;
- b) recommended conditions as follows, with any additional conditions recommended through the resolution of the MEAS comments to be added to the list below:

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 (Policies 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); and
16. MEAS – Potential conditions - lighting scheme, bird/bat boxes.

Councillors Loftus and Thompson did not take part in any debate or vote on the following item as they had previously attended meetings with residents.

DEV55 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

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

It was noted that there was a correction to the report on page 158 of the printed agenda at the second paragraph stated Policy CS(R)13 requires affordable housing to be delivered with a tenure split of 76% social rent and 24% intermediary. This should read, Policy CS(R)13 requires affordable housing to be delivered with a tenure split of 74% affordable or social rent and 26% intermediary.

Members were referred to the AB list which outlined clarifications and corrections that applied to the published report.

Two further matters were also reported:

- 1) MP Mike Amesbury had emailed the Council to set out concerns over the development and copies of the email were provided to Members of the Committee;
- 2) Two further objections had been received that set out the following additional points of note in addition to those submitted:
 - Impact on wildlife;
 - Loss of trees; and
 - Loss of privacy

The Committee was addressed by Mr. Davidson, who spoke on behalf of residents who opposed the application. He stated the following, *inter alia*:

- The properties on the estate were a mix of owned and rented, some of which had been adapted to suit the needs of those living in them;
- Demolition of the houses would cause dust, hazardous to residents;
- Wildlife would be affected;
- The proposals was impacting on the mental health of residents;
- The Community Centre was the heart of the community; and
- The loss of the green space would mean the nearest park would be 1.1 miles away – a 23 minute walk.

The Committee was addressed by Councillor A. Lowe who read out a statement on behalf of MP Mike Amesbury and this outlined his concerns of the application.

The Committee was addressed by Miss. Long, who read out a statement on behalf of the applicant in support of the application.

Committee Members acknowledged the concerns of residents with regards to any proposed Compulsory Purchase Order (CPO), however this was not a valid reason in planning terms to refuse the application that was under consideration by the Committee. Members also referred to the proposals set out by Riverside to help residents and the investment that would benefit the area economically.

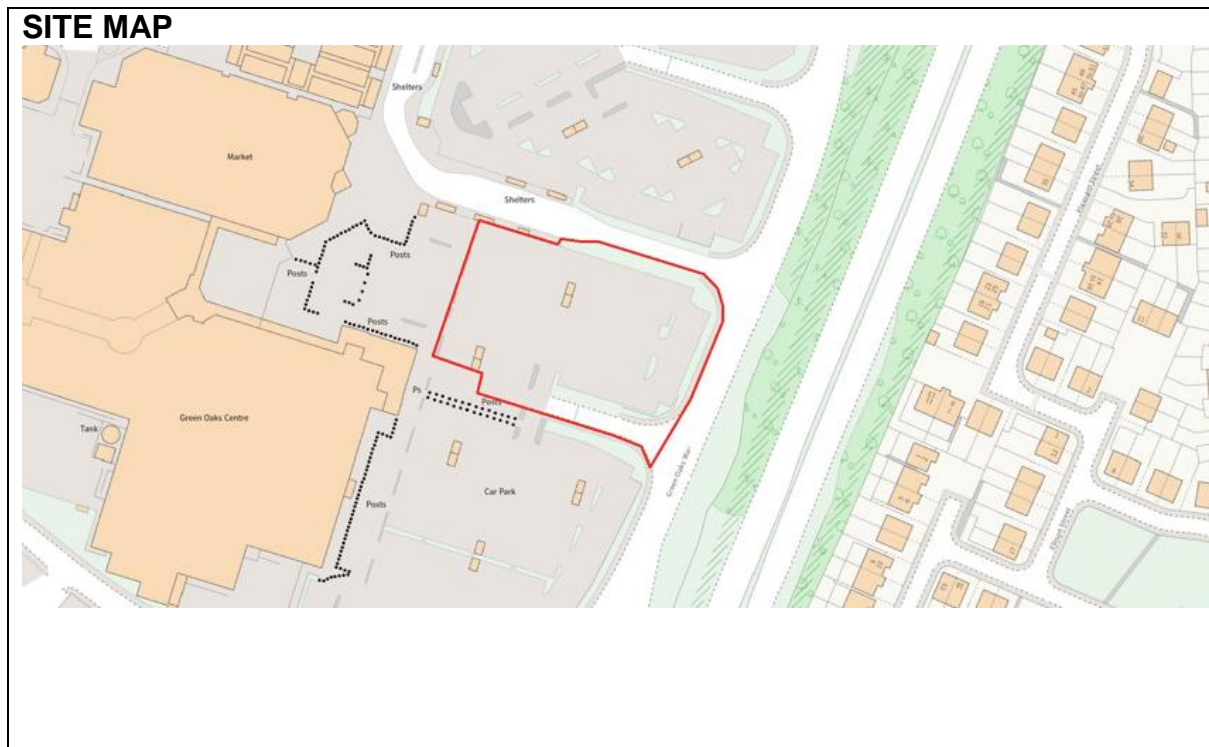
It was noted that if the planning application was granted, any CPO process would be an entirely separate procedure, which would require a compelling case in the public interest to be made out before any CPO was confirmed by the Secretary of State, and the process would allow for relevant objections to be made. The process was outlined by the Legal Adviser.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to approve the application.

RESOLVED: That the application be approved subject to the schedule of conditions set out in the Officer report and update list.

Meeting ended at 8.50 p.m.

APPLICATION NO:	24/00097/FUL
LOCATION:	Green Oaks Centre, Green Oaks Way, Widnes
PROPOSAL:	Erection of two drive-thru units with 'drive-thru' facilities together with associated car parking, servicing and landscaped areas at
WARD:	Appleton
PARISH:	None
APPLICANT:	AIM Land Limited C/o Agent
AGENT:	Miss Francesca Opoku-Gyamfi Savills (UK) Limited Belvedere 12 Booth Street Manchester M2 4AW
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Town Centre Boundary – CS(R)1, CS(R)20, HE1
Joint Merseyside and Halton Waste Local Plan (2013)	Unallocated Land in Urban Areas – CS(N)26
DEPARTURE	No
REPRESENTATIONS:	1
KEY ISSUES:	Traffic generation, Road safety
RECOMMENDATION:	Grant planning permission subject to conditions



THE APPLICATION IS BEING CONSIDERED BY THE DEVELOPMENT MANAGEMENT COMMITTEE FOLLOWING AGREEMENT BY THE CHAIR FOLLOWING A REQUEST RECEIVED FROM WARD COUNCILLOR ANGELA TEELING

1. APPLICATION SITE

1.1 The Site

The site subject of the application is the car park at the Green Oaks Centre located on Green Oaks Way in Widnes. The site is unallocated land in the urban area and within the defined Widnes Town Centre on the Policies Map accompanying the Halton Delivery and Allocations Local Plan (DALP).

1.2 Planning History

An outline planning application with all matters reserved except access was submitted for the erection of a drive thru restaurant with associated car parking, servicing and landscaped areas. The application was approved on 29th March 2023 and as such is still extant.

Later that year, the applicant sought pre-application advice for the erection of two drive thru units with associated car parking, servicing and landscaped areas (23/08060/PREAPP). The advice given at that time was that the proposed development is likely to be considered acceptable in principle.

2. The Application

2.1 The Proposal

The proposed development seeks permission for the erection of two 'drive-thru' facilities together with car parking, servicing and landscaped areas.

The proposed 'drive-thru' units, identified as Units A and Unit B on the submitted plan, will measure 167 sq. m (GIA) and 171 sq. m (GIA) respectively, and are proposed to be occupied by Starbucks and Burger King. The remaining areas of the site are ascribed to parking, loading areas and landscaping, with soft landscaping proposed around the boundaries of the Site.

Provision is sought to operate Unit A (Starbucks) within Class E and Unit B (Burger King) as a 'Sui Generis' hot food takeaway.

Access and egress of the site will be gained via the existing access into the shopping centre from Green Oaks Way. The proposed development will result in a net loss of 207 car parking spaces to the wider Green Oaks Shopping Centre car park, which is assessed in detail in the submitted Transport Statement.

Eight cycle spaces, four disabled parking spaces and two electric vehicle ('EV') spaces will be made available for use of the proposed development.

2.2 Documentation

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

Planning Statement (Cover Letter)
Design and Access Statement
Transport Statement
Drainage Strategy
Landscape Strategy
Contaminated Land Phase One Desk Study

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

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

- CS(R)1 – Halton's Spatial Strategy

- CS(R)15 – Sustainable Transport
- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- CS23 – Managing Pollution and Risk
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking
- HC1 – Vital and Viable Centres
- HC8 – Food and Drink
- HE4 – Greenspace and Green Infrastructure
- HE5 – Trees and Landscaping
- HE7 – Pollution and Nuisance
- HE8 – Land Contamination

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

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

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

MATERIAL CONSIDERATIONS

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

3.34 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government’s planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the

needs of the present without compromising the ability of future generations to meet their own needs.

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

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

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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

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

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

The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

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

Determining Applications

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

3.5 Other Considerations

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

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

4. CONSULTATIONS

The consultation responses are summarised below:

Appleton Ward Councillors

Councillor Angela Teeling:

I object to the building of these:-

The impact of traffic in the area, the road is only a single lane either way, currently it gets congested on a regular basis and the added traffic joining the roads will only impact this. The roundabouts at either 2nd of this stretch of road are not large enough to take added traffic, more so when you consider that this is a major bus route.

Litter, even though these premises will provide bins and litter picks in their car parks, the wind will blow the litter and unfortunately customers will drop litter.

The added bins and litter will attract vermin and other pests: rats, seagulls and pigeons to name but a few.

Being close to the market, high street and other local businesses if built these will have a detriment impact on the finances and footfall of the other establishments in the area.

Highways

The Highway Authority has raised concerns throughout the application process mainly due to the loss of 207 car parking spaces in the central car parking area. Given the outline permission granted in 2023 and the applicants suggestion that significant capacity remains in Green Oaks car park as a whole, albeit largely due to the introduction of car parking charges, an objection on this ground could not be sustained.

The Highway Officer did not agree with the trip rate data but the applicant provided an update concluding that the proposal would not have any adverse impacts. It was considered that an objection on this ground could not be sustained.

Regarding tracking, it appears that service vehicles overrun parking areas. The Highway Authority would wish to condition delivery times to non-peak days and times.

Regarding cycle parking, an under provision is shown on proposed plans. The Highway Authority would condition cycle parking for each individual unit which was covered, secure and located in a prominent overlooked location. This would need to be substantial enough to cater for both staff and customers.

Lead Local Flood Authority

The LLFA is satisfied that the site is located within an area of low flood risk and the applicant has provided a clear drainage strategy. However, there are some

updates required to the hydraulic calculations which are likely to impact the volume of attenuation required and as such conditions are recommended.

Environmental Protection

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

Contaminated Land

The Contaminated Land Officer does not object to the development, in that it is likely that the site can be demonstrated to be suitable for the proposed use. However, any approval should be conditioned to require the investigation and assessment of the site to fully characterise ground conditions and enable a detailed risk assessment in terms of the foundation requirements, management of arisings and the cover system and potential controlled waters issues.

Environment Agency

The Environment Agency also consider that subject to an appropriate site investigation / remediation strategy / verification being secured by condition, no objection to the proposed development is raised.

Open Spaces

No Open Space implications.

United Utilities

United Utilities considered that they have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. As such they recommend a condition relating to the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Public Health

Public Health object to the proposals due to:

- car idling leading to negative impacts on air quality;
- car emissions impacting on climate change;
- Halton, especially Appleton, adults and children having severe obesity problems;
- A profusion of coffee shops in the area crating an obesogenic environment;
- Drive thru's not only provides poorly balanced food options but creates an environment that supports reduced levels of physical activity.

5. REPRESENTATIONS

5.1 The application was publicised by 211 neighbour notification letters and site notices posted in the vicinity of the site on 21st March 2023.

One representation was received which was concerned about the proposal being within an area of the car park that is currently subject to ANPR car parking charges.

6. ASSESSMENT

6.1 Principle of Development

The site is unallocated land in the urban area on the Policies Map accompanying the DALP. Policy CS(N)26 states that on land not coloured on the policies map which is currently in urban use, it is assumed that present uses will continue as this land is not subject to any site specific policies which propose a change of use. Any proposals for changes of use will be judged in accordance with the relevant policies of the Plan. This proposal would result in the existing car park being used for another use and needs to be considered on its merits.

The key considerations with this application in terms of the principle of development is the suitability of the proposed 'drive-thru' restaurants in this location and also the loss of the existing car parking provision within the town centre.

Firstly considering the use proposed, a drive thru restaurant would operate both as a restaurant where people would eat in and as a drive thru offering takeaway provision. A restaurant would fall within Use Class E, however a hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) is a sui generis use. A Burger King drive thru restaurant is considered to be a mixed use and therefore a sui generis use. A Starbucks coffee shop with drive thru is Use Class E.

As already noted, the site subject of the application is located within the Widnes Town Centre boundary. The National Planning Policy Framework defines Main Town Centre Uses as including drive-through restaurants. This proposal therefore constitutes a Main Town Centre Use in a Town Centre location in line with national and local planning policy (Policy HC1 of the DALP), which looks to ensure the vitality of town centres.

The Council has an adopted Supplementary Planning Document (SPD) relating to Hot Food Takeaways. At the time of adoption, the SPD was clear that it specifically applies to hot food takeaways, designated in planning terms as Use Class A5 under the Town and Country (Use Classes) Order 1987 as amended. More recently, the Council has adopted the DALP which has Policy HC8 relating to food and drink uses.

This proposal is not specifically a hot food takeaway and both units would function as a restaurant where people could eat in and the application of part 2 of Policy HC8 and also the policies in the SPD is not considered to be justified in this instance.

Even if the proposal were to be considered on part 2 of Policy HC8 and the policies contained in the SPD, there is provision for hot food takeaways within a defined Town Centre. In Widnes, the Town Centre is split into North and South with the application site falling within the North. Outside of the Primary Shopping Area (which is the case with this site), there is provision within the policy for up to 10% of the commercial units being hot food takeaways. Currently well below 10% of the commercial units in Widnes Town Centre North are being used as a hot food takeaway so an increase by two units would not result in more than 10% of the commercial units being hot food takeaways in line with the policy requirement.

In relation to part 1 of Policy HC8, it states the following:

Development of food and drink uses including restaurants, late night bars or pubs and Hot Food Takeaways (subject to the additional criteria in part 2 already referenced), will be acceptable provided that they would not harm the character of the area, residential amenity and / or public safety, either individually or cumulatively. The following impacts will be taken into consideration:

- a. noise, fumes, smells, litter and late night activity;
- b. the availability of public transport and parking;
- c. highway safety;
- d. access for servicing;
- e. storage for refuse and recycling;
- f. the appearance of the building, frontage, flues and other installations;
- g. the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs;
- h. potential for crime and anti-social behaviour;
- i. impact on the promotion of healthy lifestyles.

A consideration of the impacts of the proposed development are below:

In relation to noise, fumes, smells, litter and late night activity, the application site is not located in close proximity to residential properties and it is not considered that the proposed development would be to the significant detriment of the locality.

The site is located adjacent to bus stop providing access to public transport along with direct pedestrian links to the town centre. The application site is within an existing town centre car park and therefore there is sufficient parking available within the site and directly adjacent to the proposed drive thru restaurants.

The proposed development would result in the loss of 207 parking spaces, however parking within Widnes Town Centre is well provided for with Albert

Square, Morrison's car park and Widnes Shopping Park offering free (or a minimum of 2 hours free) car parking with direct access to the town centre.

Although the Highway Authority have some concerns over the submitted data it can reasonably be considered that a large proportion of the journeys associated with the proposed use could reasonably be assumed to be linked trips associated with town centre journeys and would not likely represent a significant overall impact upon the highway network and no unacceptable highway safety impact would result.

The Highway Officer notes that the applicant's tracking details indicate the some overlapping problems of manoeuvrability for service vehicles to the sites location. The Highway Officer considers that a condition be placed upon delivery servicing times to ensure these take place where the car park is less busy. It is concluded that a suitable servicing arrangement for the proposed development can be achieved through the suggested condition.

It is considered that given the site dimension that there is sufficient space for the storage of refuse and recycling.

In respect of appearance, the units would look use the standard corporate design used by Starbucks and Burger King which is a typical sight in town centres.

With regard to the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs, the proposed location of the drive thru restaurant is fairly typical location for such a use within the town centre boundary. There are other drive thru restaurants in the locality however it is not considered that a refusal based on numbers / over concentration / no demand for the proposal can be sustained.

No evidence has been presented to demonstrate that the proposed development would demonstrably increase the potential for crime and anti-social behaviour in order that a refusal could be sustained on this basis.

In relation to the impact on the promotion of healthy lifestyles, there is no evidence to suggest that the proposal would be unduly detrimental to the promotion of healthy lifestyles to warrant the refusal of the application on this basis. This topic is discussed further in the sections below.

Based on the above, it is considered that the proposal would deliver a Main Town Centre use in a Town Centre location and is compliant with Policy HC8 (1) of the DALP.

6.2 Amenity

Noise and Odour

The nearest neighbouring residential properties are located approximately 80m to the east on Pleasant Street. This area is separated from the site by Watkinson Way which is lined either side by a band of mature trees/hedges.

The Environmental Protection Officer assessed the application and does not consider potential noise and odour to have an adverse impact on the nearest properties.

Lighting

Given the proximity of Watkinson Way which is well lit, and the distance of the nearest receptors, it is considered that the additional lighting from the proposal would not give rise to any amenity concerns.

Litter

Many of the objections received referred to a fear of increased litter. The applicant has submitted Litter Management Plans for both Starbucks and Burger King which details patrols spanning 150m from the restaurant if necessary.

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

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

6.3 Highway Implications

Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Policies C1 and C2 of the DALP are of particular relevance.

As already set out above in the consideration of Policy HC8, the site is located in a sustainable location accessible by a variety of means. The proposal may result in the loss of parking spaces, however the Town Centre is reasonably well provided for in respect of car parking. It is considered that a large proportion of the journeys associated with the proposed use could reasonably be assumed to be linked trips associated with town centre journeys and would not likely represent a significant overall impact upon the highway network and no unacceptable highway safety impact would result. In addition, suitable servicing arrangements can be achieved.

In relation to car parking, the Highway Officer has raised no objection to the amount shown for the proposed use. The implementation of the proposed car parking along with servicing and access provision and its future maintenance should be secured by condition. A condition restricting servicing hours to avoid peak car park usage is also suggested.

Policy C2 of the Halton Delivery and Allocations Local Plan set out an overall need to encourage the use of ultra-low emissions vehicles. It is considered reasonable to secure the provision of 2no electric vehicle charging point by condition.

Provision is shown for cyclists in the form of cycle stands. however precise numbers and details of cycle parking provision can be secured by condition.

Based on all the above subject to the suggested conditions, it is considered that from a highway perspective, the proposal is compliant with Policies C1 and C2 of the DALP and the National Planning Policy Framework.

6.4 External Appearance and Site Layout

The drive thru restaurants are laid out to make best use of the site following nationally adopted operational models. The proposed buildings are single storey in height and sufficiently distant from neighbouring land uses. The elevations shows buildings which use a variety of materials and add interest. The submission of final details and their subsequent implementation should be secured by condition.

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

6.5 Public Health

Public Health has submitted a comprehensive objection which can be broken down into two points; air quality and negative health impacts of unhealthy food.

Air Quality:

There is no evidence submitted that demonstrates that cars queuing for a drive thru have a demonstrably more negative effect on air quality than cars in a car park slowly driving whilst looking for a car parking space. Given this lack of evidence and from research into similar schemes that have been dealt with by the Planning Inspectorate it is considered that the proposal would not materially add to air pollution in the locality and in Widnes as a whole. It should be noted that Halton does not have any Air Quality Management Areas and it is considered that a refusal on this basis could not be sustained.

Unhealthy Food:

Public Health have concerns over child obesity, density of outlets and life expectancy. Much of this evidence did inform the preparation of Hot Food Takeaway SPD and Policy HC8 of the DALP and is set out in the supporting text to the policy. As such, it is already inherent with how the policy deals with hot food takeaways. Such evidence does not preclude the proposal.

It is accepted that evidence continues to demonstrate that these areas of public health remain a concern in Halton and that fast food outlets are a contributory factor towards obesity, amongst other factors.

Whilst the end users offers healthier options, customers still have the option of meal choices which may run contrary to the public health agenda. However, the causes of obesity are complex and multifaceted and include numerous social, economic, biological and environmental factors, not just the presence of drive thru restaurants in the town.

The site is within the town centre rather than in the heart of a residential community. From the nearest property (as the crow flies) on Pleasant Street, visitors would have a 12 minute walk which is likely to dissuade people from using the units on a regular daily basis. If driving, residents from this area would have a 4 minute trip. However, these residents also have a 4 minute trip to the existing KFC at Widnes Shopping Park and a 5 minute trip to the McDonalds in Asda.

Similarly, whilst further away (as the crow flies) the next nearest residential area is Denton Street with a 7 minute walk to the site. Closer food options exist in this location. From a map search 6 establishments are closer not including the range of options based in the indoor market.

This proposal would not significantly increase access to unhealthier food options for local residents.

With regard to the density of outlets, Widnes attracts customers from a wide locality and the proposal would commonly be visited as part of linked trips.

Whilst the proposal would increase the total number of food options in the locality, many of the existing options are relatively well dispersed across the various areas of Widnes Town Centre. It is considered that the proposed addition of two further units would not materially compound the existing health challenges of residents in the wider area.

As stated earlier in this report A Burger King drive thru restaurant is considered to be a mixed use and therefore a sui generis use. A Starbucks coffee shop with drive thru is Use Class E. This proposal is not specifically a hot food takeaway and both units would function as a restaurant where people could eat in and the application of part 2 of Policy HC8 and also the policies in the SPD are not considered to be justified in this instance.

The planning system is plan led and policy HC8 sets out a clear path as regards how proposals food and drink are to be dealt with as a result of public health

issues. Policy HC8 has been prepared in the context of national policy, namely the Framework (NPPF). This includes with regard to paragraphs 96c) and 97b) which set out to enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, and take into account and support the delivery of local strategies to improve health. The proposal is in compliance with the Framework in this respect.

In taking these factors together, this is not a situation that indicates that a determination should be made other than in accordance with the development plan and it is not considered that a refusal on health and air quality grounds would be sustained at appeal.

6.6 Impact on Existing Businesses

Ward Councillors have raised concerns about the adverse impacts the proposal may have on existing businesses in terms of finances and footfall.

However, the preamble to Policy HC8 of the DALP at paragraph 11.33 states:

“The nature and role of town centres is changing, with retailing declining in relative importance and the role of leisure uses including food and drink increasing. Dwell time, the length of time people spend in a centre per visit is an important contributor to vitality and viability. The food and drink economy is a fundamental part of this, from coffee shops and cafes that allow people to meet and socialise in town, or restaurants that can extend activity in a centre beyond normal trading hours.”

Policy HC1 of the DALP which concerns Vitality and Viability of Centres states at 2(c);

Within Halton’s centres, development proposals for retail and other main town centres uses will be supported where they:

c. Sustain or enhance diverse town centre uses and customer choice

No evidence has been presented to support any impact on existing businesses and without any material consideration to indicate otherwise, the primacy of the recently adopted Halton Development and Allocations Local Plan is key to providing certainty for communities and developers, regarding the type and of development that will be permitted in this authority. The application is located within the defined town centre and as such does not conflict with Policy HC8 or Policy HC1.

6.7 Ground Contamination

The Contaminated Land Officer has reviewed the Contaminated Land Phase One Desk Study and considers that it is likely that the site can be demonstrated to be suitable for the proposed use, however, any approval should be conditioned to require the investigation and assessment of the site to fully characterise ground conditions and enable a detailed risk assessment in terms

of the foundation requirements, management of arisings and the cover system and potential controlled waters issues.

The Environment Agency also consider that subject to an appropriate site investigation / remediation strategy / verification being secured by condition, no objection to the proposed development is raised.

Subject to a suitably worded condition which covers the points raised by the Contaminated Land Officer and the Environment Agency in relation to ground contamination, the proposal is considered to accord with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

6.8 Flood Risk and Drainage

The site is located within Flood Zone 1 and is also outside of Halton Borough Council's Critical Drainage Areas as shown in the Strategic Flood Risk Assessment. Based on this and site being 0.53ha, there is no requirement for a Flood Risk Assessment in this instance.

The applicant has designed the proposal and associated access arrangement to avoid any building being in the easement of Bowers Brook (culvert). The Environment Agency have commented that they consider this to be acceptable in principle.

The Lead Local Flood Authority have stated that the applicant will need to carry out some updates to the hydraulic calculations which are likely to impact the volume of attenuation required.

Subject to the suggested condition, in respect of flood risk and drainage, the proposal is considered compliant with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan and the National Planning Policy Framework.

6.9 Waste Management

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

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

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

6.10 Sustainable Development and Climate Change

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

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

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

7 CONCLUSIONS

The proposal accords with the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan.

Considering all the above, the proposal is acceptable and complies with Policies CS23, CS24, C1, C2, GR1, HC1, HC8, HE8 and HE9 of the DALP and Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

8 RECOMMENDATION

Grant planning permission subject to conditions:

1. Time Limit
2. Approved Plans (GR1)
3. Submission of Precise External Facing Materials (GR1)
4. Submission of a Signage Detail Scheme (C1)
5. Implementation and Maintenance of Parking and Servicing Provision – (C1 and C2)
6. Submission, Implementation and Maintenance of Cycle Parking Scheme (C2)
7. Restriction to non-peak times for service/delivery vehicles Scheme (C1)
8. Secure EV charging facilities (CS(R))
9. Submission of a Sustainable Development and Climate Change Scheme (CS(R)19)
10. Submission of drainage calculations and verification reporting (CS23 and HE9)
11. Implementation and Maintenance of a Landscaping Scheme (HE5)

12. Implementation and Maintenance of a Lighting Scheme (HE1 and HE7)

13. Contamination investigation / remediation strategy / verification reporting (HE8)

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:

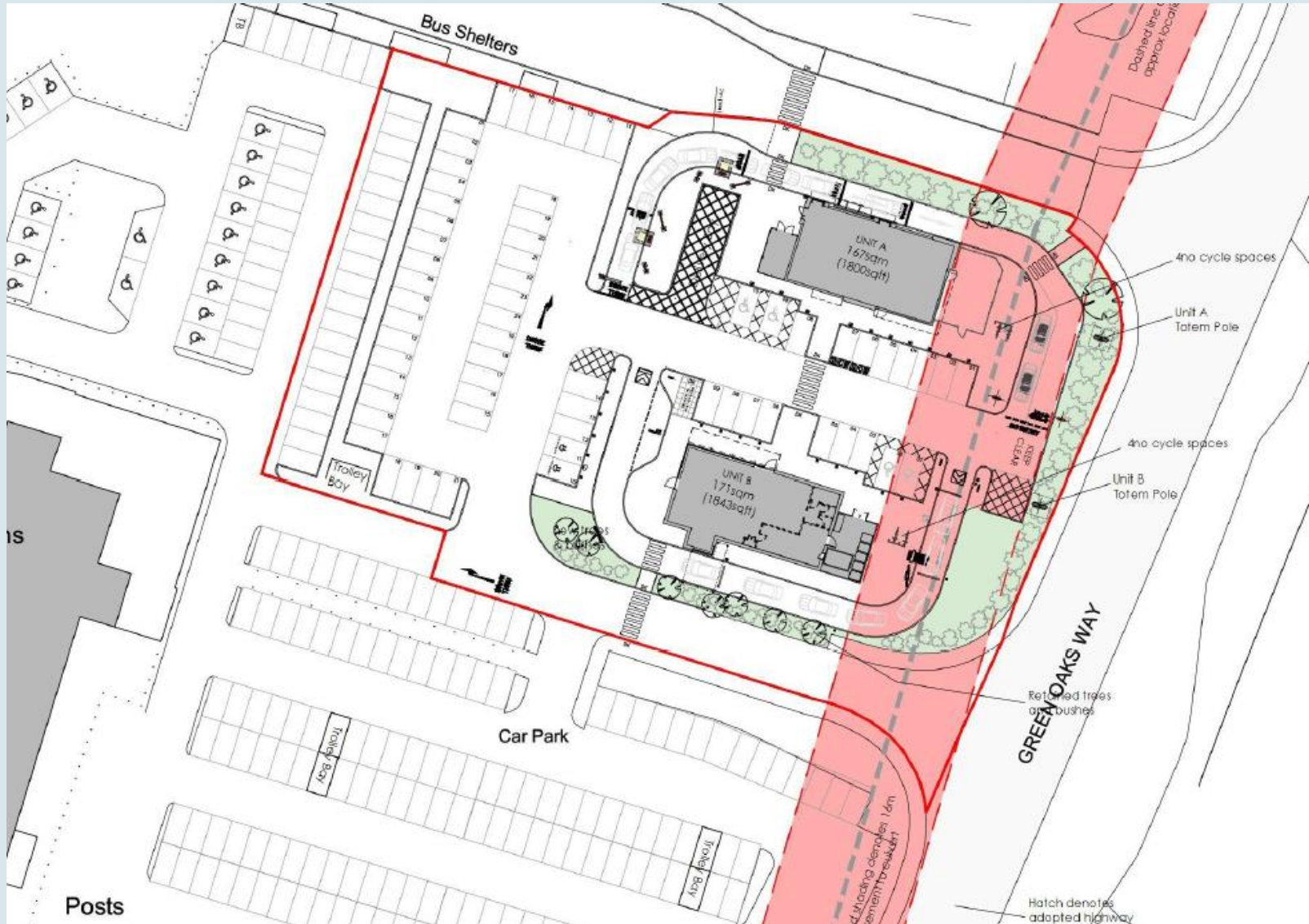
- The National Planning Policy Framework (2023);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

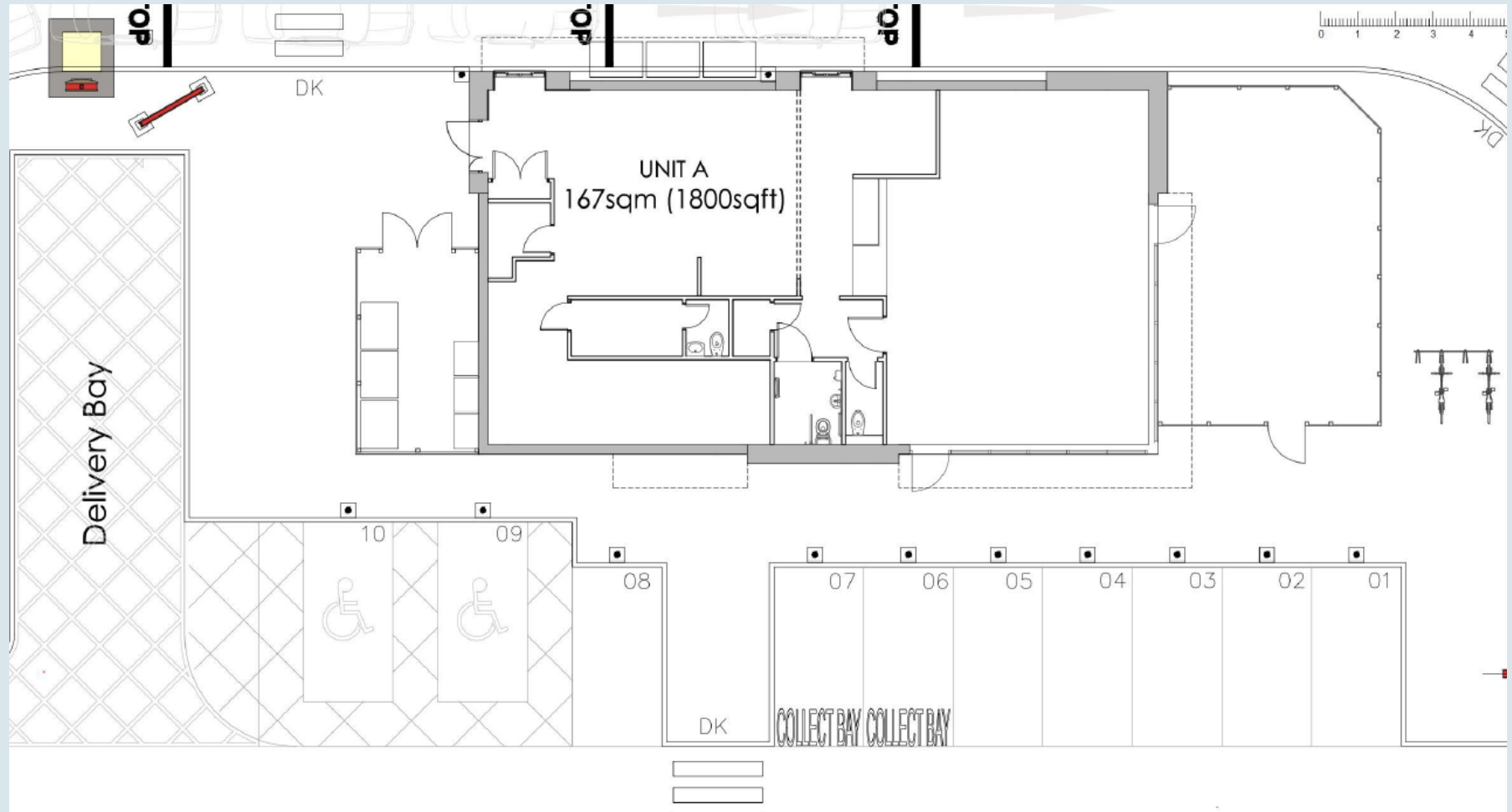
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

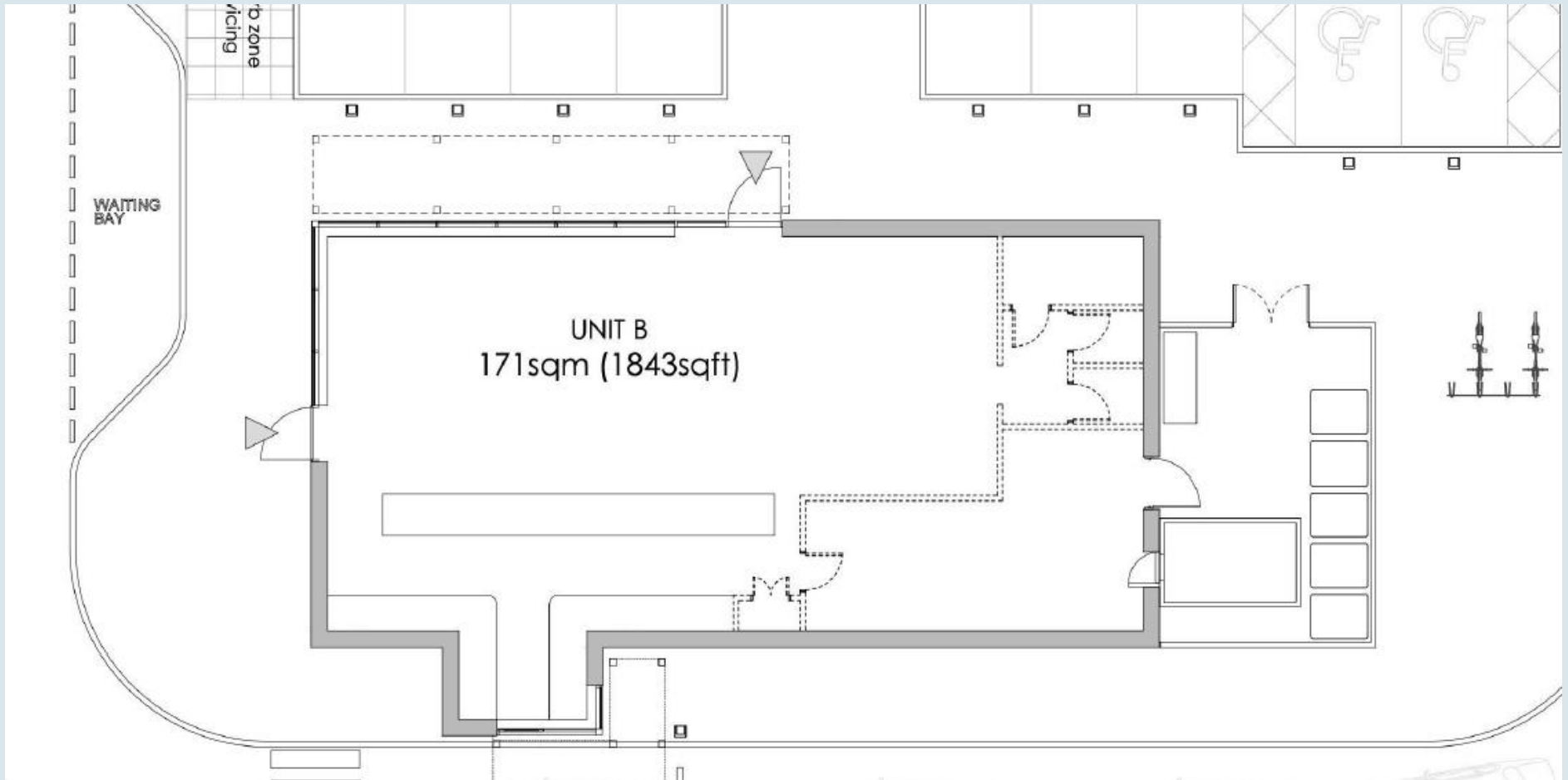


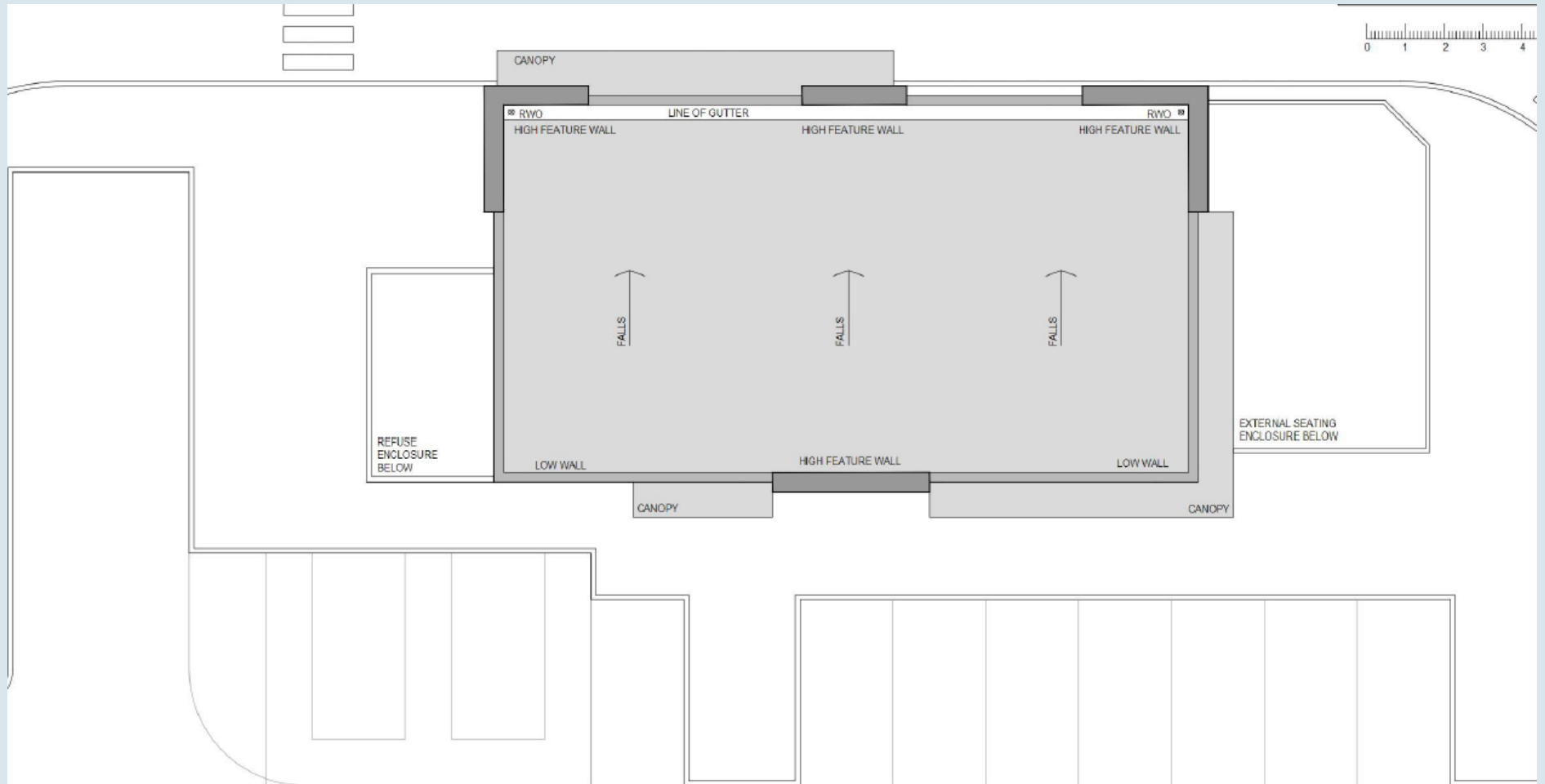


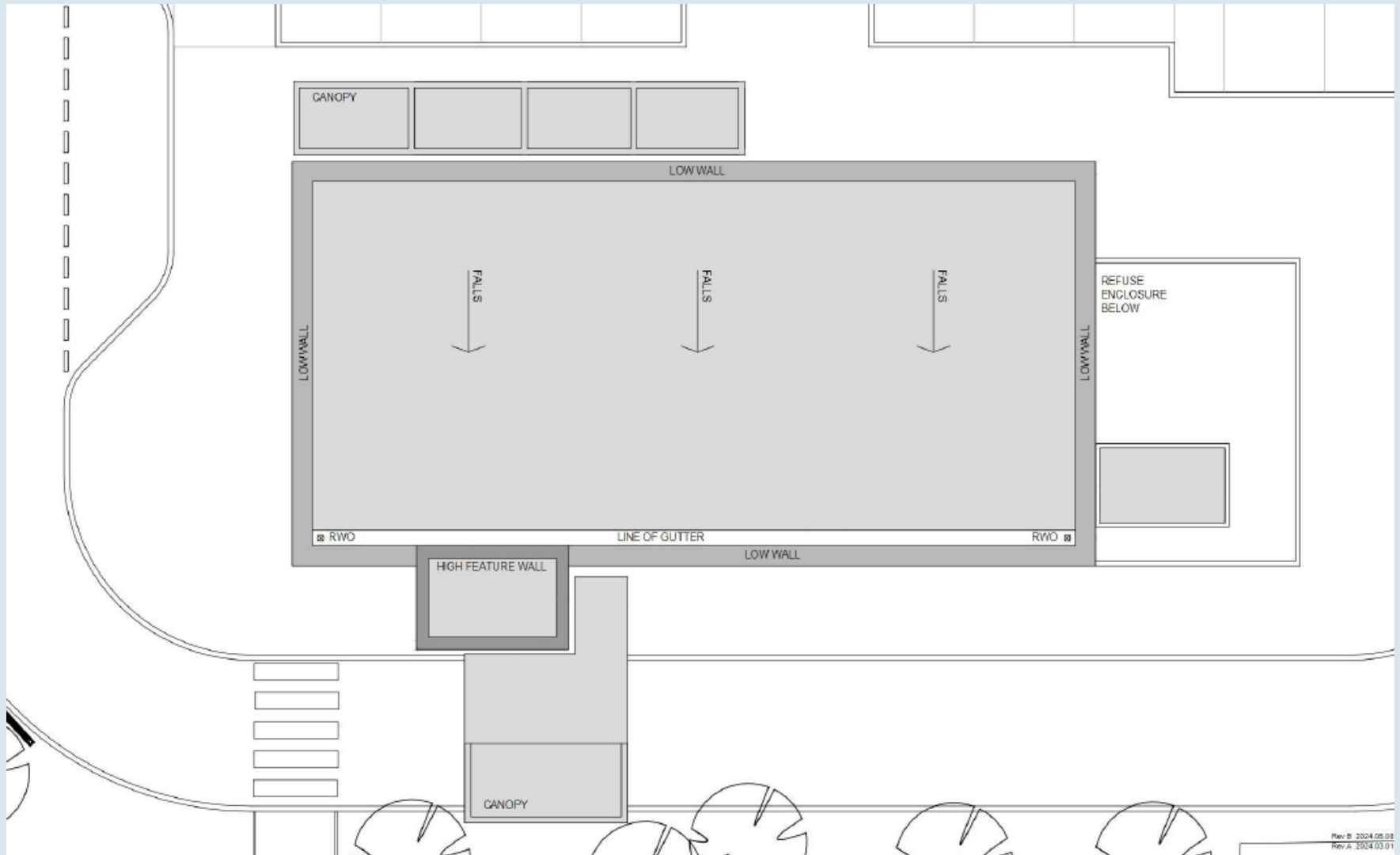




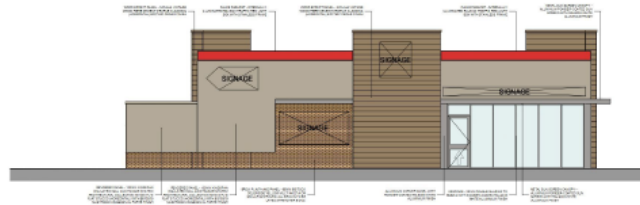








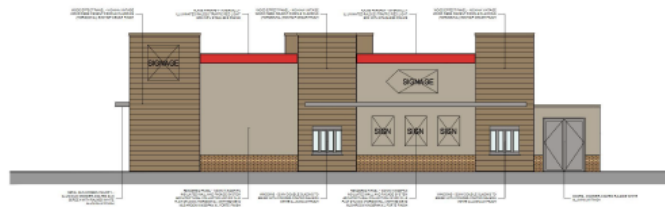




ELEVATION 01



ELEVATION 02



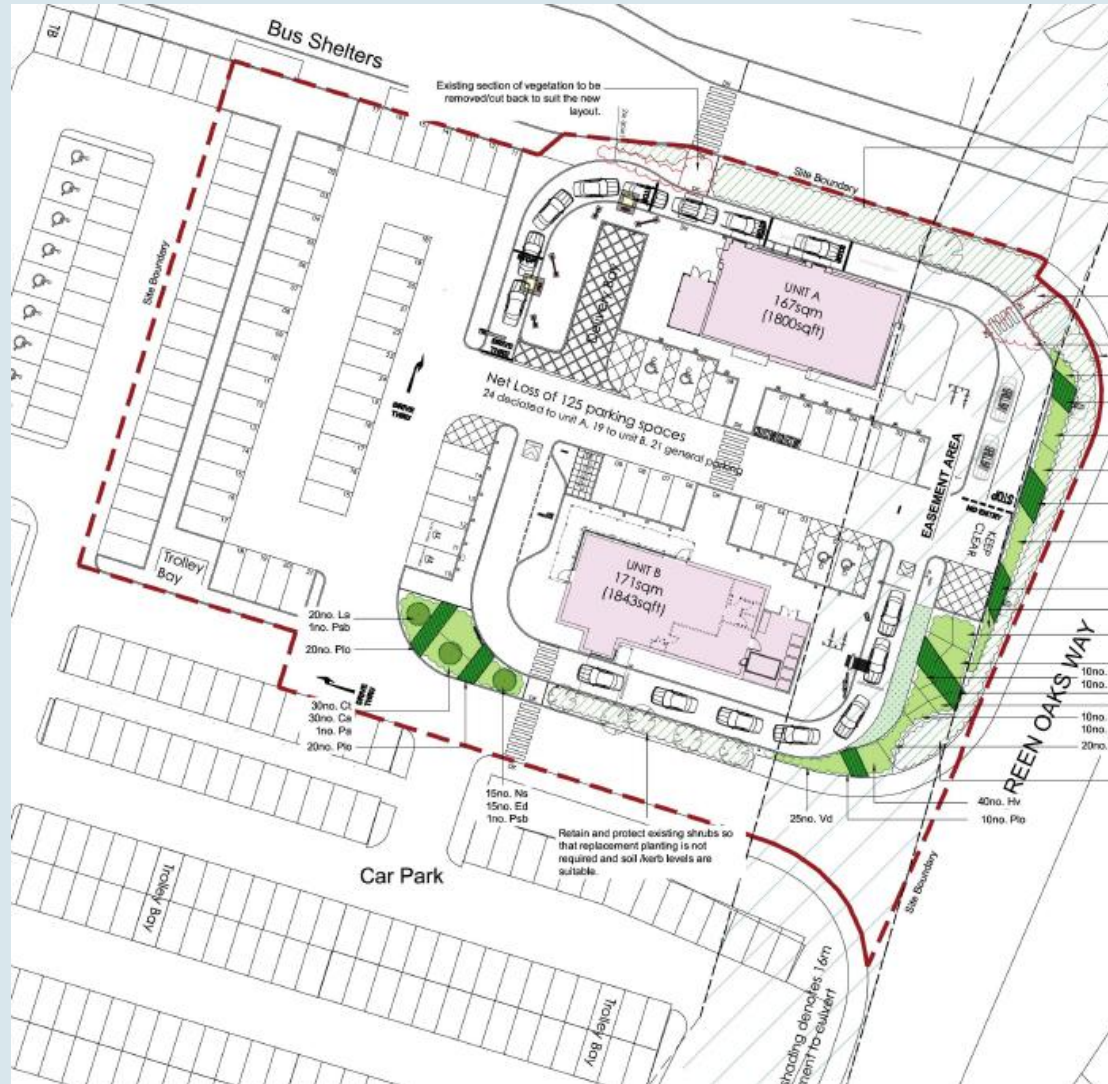
ELEVATION 03



ELEVATION 04









REPORT TO: Development Management Committee

DATE: 5 August 2024

REPORTING OFFICER: Executive Director – Environment & Regeneration

SUBJECT: Miscellaneous Information

WARD(S): Boroughwide

The following Appeals have been received / are in progress:

- 23/00136/FUL** Proposed pair of semi-detached dwellings at 132 Halton Road, Runcorn.
- 23/00200/FUL** Proposed removal of existing conservatory and construction of single storey rear extension at Sexton Cottage, Daresbury.
- 24/00053/ADV** Advertisement consent for 1no. internally lit LED digital display at 85-87 Victoria Road, Widnes.

The following appeals have been determined:

- 23/00166/FUL** Proposed new dwelling on land adjacent to 19 Lilac Crescent, Runcorn – **Dismissed**
- 23/00289/FUL** Proposed two storey rear extension at 31 Cypress Avenue, Widnes – **Allowed**
- 23/00066/FUL** Proposed first floor side extension at 17 Woodland Avenue, Widnes – **Allowed**
- 22/00157/FUL** Proposed phase 2 extension to approved planning application 20/00607/FUL comprising an additional 10 mixed-use light industrial units (totalling 1180sqm), 24 parking spaces, associated refuse and cycle storage, and landscaping with access to site via existing crossover at Land to the East of Canalside Court, Runcorn – **Dismissed**
- 23/00351/FUL** Proposed part single and part two storey side extension at 288 Liverpool Road, Widnes – **Dismissed**