

<b>APPLICATION NO:</b>	22/00020/FUL
<b>LOCATION:</b>	The Castle, 194 Warrington Road, Widnes, Cheshire, WA8 0AP.
<b>PROPOSAL:</b>	Proposed change of use to Use Class C2, extensions and adaptations of former public house to provide temporary accommodation comprising 5 No. houses, 5No. apartments and 3No. studio's and welfare facilities for individuals and families.
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Casamount Development Ltd, 23 Goose Lane, Hatton, Warrington, WA4 5PA.
<b>AGENT:</b>	Whiteley Eaves Ltd, Hollinwood Business Centre, Albert Street, Oldham, OL8 3QL.
<b>DEVELOPMENT PLAN:</b>  Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Unallocated land in the Urban Area.
<b>DEPARTURE REPRESENTATIONS:</b>	No.
<b>KEY ISSUES:</b>	Suitability of Use, Design, Impact on Amenity, Parking and Ecology.
<b>RECOMMENDATION:</b>	That Delegated Authority is sought for the Operational Director – Planning, Policy and Transportation to determine the application in consultation with the Chair following the satisfactory consideration of ecology issues including the adding of any additional conditions required.
<b>SITE MAP</b>	



## 1. **APPLICATION SITE**

### 1.1 The Site

The site subject of the application is the Castle Public House located on Warrington Road in Widnes. The site is unallocated in the Halton Delivery and Allocations Local Plan. The surrounding area is predominantly residential in nature, however there are other land uses including shops, a school and church.

The site is triangular in shape and is also bounded by Castle Street and Edward Street in addition to Warrington Road. The existing two storey building is located on the junction of Warrington Road and Edward Street. There is also a smaller building adjacent to Castle Street which is referenced as being a coach house. There are a number of trees located on the site currently, however these are not subject to Tree Preservation Order. The site is currently enclosed by brick boundary walls.

## 1.2 Planning History

There is no recent relevant planning history.

## 2. **THE APPLICATION**

### 2.1 The Proposal

The application proposes a change of use to Use Class C2, extensions and adaptations of former public house to provide temporary accommodation comprising 5 No. houses, 5No. apartments and 3No. studio's and welfare facilities for individuals and families.

### 2.2 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Bat Report, Drainage Strategy, Drain Survey and a Preliminary Risk Assessment (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)

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

- 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;
- CS23 Managing Pollution and Risk;
- CS(N)26 Unallocated Land in Urban Areas;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC5 Community Facilities and Services;
- HE1 Natural Environment and Nature Conservation;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;

- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

### 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 – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.**

##### 4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

##### 4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

##### 4.3 Contaminated Land Officer

No objection to the proposed development.

##### 4.4 Environmental Protection

No objection to the proposed development.

##### 4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

Subject to an emergence and re-entry bat survey being required prior to determination, no objection to the proposed development in relation to other ecological matters subject to the suggested conditions.

##### 4.6 Natural England

No objection to the proposed development subject to a condition.

##### 4.7 Cheshire Police

They initially raised no objection to the proposed development, however they have since expressed some concerns regarding the development's proximity to a school and resultant parking issues.

#### **5. REPRESENTATIONS**

5.1 The application was publicised by twenty one neighbour notification letters sent on 13<sup>th</sup> January, two site notices posted in the vicinity of the site on 13<sup>th</sup> January and a press advert in the Widnes and Runcorn Weekly News on 20<sup>th</sup> January.

5.2 Representations have been received from twenty four contributors, twenty one of which were in objection. A summary of the issues raised are below:

- It is acknowledged that homeless people in Halton do need more accommodation;
- Increased parking issues in the area;
- Will there be provision for off road parking?
- Building work would put added pressure on already over congested streets;
- Increased anti-social behaviour / burglary / thefts in the area;
- What type of people would live there?
- Concerns over the safety and welfare of young children;
- Reduction in house values;
- Although not detailed on the application, it is understood that a one stop shop is to be located on this site at a later date.

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The site is unallocated land in the urban area and Policy CS(N)26 of the Halton Delivery and Allocations Local Plan is applicable. This policy assumes that present uses will continue and that any changes of use will be judged on the relevant policies in the Plan.

The site is now vacant and was last used as a public house. This site is not identified as a Community Facility on the Policies Map which accompanies the Halton Delivery and Allocations Local Plan, however this does not mean that it does not have value in this regard. It is also noted that other public houses are identified in this manner.

Policy HC5 of the Halton Delivery and Allocations Local Plan relates to Community Facilities and Services. In terms of public houses, there are a number within the town including the Eight Towers and Crows Nest within relative close proximity to this site. It is not considered that the loss of this public house would create / add to a shortfall in provision in the locality nor could a refusal on the basis of the loss of a Community Facility be sustained.

As noted in the site description, the surrounding area is predominantly residential in nature. The proposed development is for temporary accommodation comprising 5 No. houses, 5No. apartments and 3No. studio's and welfare facilities for individuals and families.

Policy CS(R)12 of the Halton Delivery and Allocations Local Plan states that proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations, particularly

those providing easy access to local services and community facilities. This proposal would provide supported residential accommodation in a sustainable location as encouraged by the policy.

This proposal comprises thirteen residential units as part of this supported residential accommodation. This exceeds the threshold for affordable housing set out in Policy CS(R)13, however based on the site being brownfield, there is no policy requirement for affordable housing in this instance.

There is an acknowledgement in the representations that homeless people in Halton do need more accommodation; however, they question the suitability of this location. They question who would live there and raise concerns over increased anti-social behaviour / burglary / thefts in the area and the safety and welfare of young children. This is a proposal for residential accommodation in a predominantly residential area and a refusal on the grounds set out in this paragraph cannot be sustained.

In conclusion, the proposed residential use is considered to be sympathetic to surrounding land uses subject to a condition restricting hours of construction in the interests of the amenity of the locality. The Environmental Health Officer also raises no objection to the proposed development.

The proposed development is considered to be acceptable in principle in compliance with Policies CS(R)12, CS(R)13, CS(N)26, GR2 and HC5 of the Halton Delivery and Allocations Local Plan.

## 6.2 Highways, Transportation and Accessibility

The site is located in a sustainable location with good access to local bus services and local amenities.

Safe vehicular access is proposed via Castle Street with the existing access from Warrington Road removed as part of the development.

The site layout proposes three on site car parking spaces including one disabled bay and shows cycle parking to an acceptable level.

The recommended car parking standard for a sheltered accommodation development (Use Class C2) in a none town centre location is 1 space per 2 dwellings which equates to seven off street car parking spaces for this proposal.

It is noted that a number of the representations received raised concerns over increased parking issues in the area. The Highway Officer was aware of these concerns and has undertaken a number of site visits at various times of the day to assess on street car parking availability.

The Highway Officer considers that whilst onsite provision is below the recommended standard for the proposed use, the wider area would absorb the likely shortfall without impacting detrimentally on availability of on street parking

and a refusal on the grounds of car parking could not be sustained. Conditions securing implementation / subsequent maintenance of the parking and servicing provision as well as necessary off-site highway works are recommended.

There is a requirement for the proposal to make provision for ultra low emission vehicles. The proposed block plan indicates such provision for one space along with future provision. It is considered that a condition requiring the submission of an electric vehicle charging point scheme and its subsequent implementation and maintenance can satisfactorily deal with this.

The applicant indicates that the provision of secure cycle storage is to be made in the form of a 6 cycle shelter which is considered appropriate. Its implementation and subsequent maintenance should be secured by condition.

Based on the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies CS(R)15, C1 and C2 of the Halton Delivery and Allocations Local Plan.

### 6.3 Flood Risk and Drainage

The site is located in Flood Zone 1, which is an area deemed to be at less than 0.1% chance of flooding in any year which is a low risk.

Based on the site's location in Flood Zone 1 and the site's size, a Flood Risk Assessment is not required in this instance

The Lead Local Flood Authority note that the development is considered to be appropriate in terms of flood risk and the applicant has developed a drainage strategy based on SuDS to manage surface water runoff. This drainage system considers the potential impact of climate change and would help to reduce the risk of flooding elsewhere. A condition securing verification reporting is suggested.

The attachment of the suggested condition would ensure that the proposal is acceptable from a flood risk and drainage perspective in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

### 6.4 Ground Contamination

The application is supported by a Preliminary Risk Assessment (Desk Study).

The Contaminated Land Officer has stated that there are no likely sources of significant land contamination identified and the proposed development would be of low sensitivity given the lack of a viable route of exposure (no soft landscaping is proposed). The report does make a recommendation for some site investigation, however, with the result of the initial assessment and the nature of the development, the Contaminated Land Officer does not believe that such is necessary. No objection is raised on the grounds of Ground Contamination.



The proposal is considered to comply with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

## 6.5 Ecology

The development site is accessible by car and public transport to the following national and international sites listed below:

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

Given the number of residential units proposed, this will likely result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species for which these sites have been designated.

Based on the above, an Appropriate Assessment is required in accordance with Regulation 63 (Habitats Regulations 2017). The Ecology and Waste Advisor has undertaken an Appropriate Assessment report on the Council's behalf which concludes that, with mitigation/preventative measures (information packs for residents) secured by condition, there will be no adverse effect upon the integrity of the national sites network and Ramsar sites. Natural England have been consulted on the Appropriate Assessment and raise no objection subject to the suggested condition.

The Ecology and Waste Advisor accepts the Preliminary Roost Assessment report, however based on the buildings having low and moderate bat roost suitability respectively, a further bat survey (an emergence and re-entry survey) in line with best practice guidelines is required. This has been requested and is currently awaited.

The survey and report are essential to determine if bats are present. If present the Local Planning Authority is required to assess the proposals against the three tests (Habitats Regulations) and determine whether an EPS licence is likely to be granted.

The Ecology and Waste Advisor has suggested a breeding birds protection condition as set out within their consultation response.

Subject to the necessary bat survey being undertaken and Natural England not objecting to the proposed development after reviewing the Appropriate Assessment, the proposal is considered acceptable from an Ecology perspective compliant with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan as set out.

## 6.6 Layout

The proposal ensures the retention of the existing buildings with extensions proposed to both. The location of the extensions and their relationship with their surroundings in terms of light, privacy and design are considered appropriate. The existing site layout whilst allowing access from Warrington Road, does not allow a large space for parking and servicing. The proposal would improve parking and servicing arrangements over the current arrangements. The existing public house has a beer garden to the rear which includes a grassed area and some trees. This area would be lost as a result of the proposed development. The loss of trees is not desirable, however the trees are not protected. It is however considered appropriate to attach a landscaping condition to ensure appropriate planting on the site.

The proposal relates to the conversion of the existing building and extensions to the existing building. It is noted that outside space on site would be limited and a higher level of provision would be desirable. Some outdoor seating would be provided in addition to bin and cycle storage. Given the temporary nature of the use and also the site constraints, it is not considered that a refusal on the grounds of private amenity space can be sustained in this instance.

The site is currently enclosed by a boundary brick wall which would be largely retained and result in the site external appearance being acceptable

Overall, the approach taken to site layout is considered appropriate and ensures active frontages would be provided where appropriate.

The layout of the proposed development is considered to be acceptable and compliant with Policies CS(R)18, GR1 and GR3 of the Halton Delivery and Allocations Local Plan.

## 6.7 Scale

The proposed extensions would be subservient to the existing buildings and are considered acceptable in terms of scale, compliant with Policy GR1 of the Halton Delivery and Allocations Local Plan.

## 6.8 Appearance

The elevations show that the extensions proposed would be of an appropriate appearance respecting the existing buildings in terms of window design. Detail on the external facing materials to be used is provided and are considered acceptable. Implementation in accordance with the approved details should be secured by condition.

This would ensure compliance with Policies CS(R)18 and GR1 of the Halton Delivery and Allocations Local Plan.

#### 6.9 Trees and Landscaping

As noted in the layout section, there are some trees which would be lost as a result of the proposed development. This is not desirable; however, the trees are not protected. There is limited space on site, however it is considered that there is some potential and it is appropriate to attach a landscaping condition to ensure appropriate planting on the site.

This would ensure compliance with Policies GR1 and HE5 of the Halton Delivery and Allocations 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 attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

#### 6.11 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 and based on the nature of the proposed development, significant volumes of waste are unlikely to be generated.

In terms of on-going waste management, there is sufficient space within the development to deal with this and the necessary detail can be secured by condition.

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

#### 6.12 Issues raised in the representations not addressed above

Concerns have been raised that building work would put added pressure on already over congested streets. It is inevitable that some disruption will result from most forms of development and this is not a reason on which a refusal could be sustained. In the interests of the amenity of the locality, it is considered reasonable to attach a condition, which restricts the hours of construction.

In respect of potential reduction in house values, this is not a reason on which a refusal could be sustained.

One contributor understands that a one stop shop (convenience store) is to be located on this site at a later date. This application does not seek permission for any retail use and the application has to be considered on the basis of which the application has been made.

#### 6.13 Planning Balance

Based on the above assessment subject to the satisfactory resolution of the ecology issues, the proposed development would bring a vacant site back into use for a supported residential use in a sustainable location.

The proposal would result in well-designed extensions to the building, however the resultant outdoor amenity space on site would be limited. Based on the type of accommodation for which permission is sought and also its temporary nature, this is not considered to be seriously detrimental in this instance.

Onsite provision is below the recommended standard for the proposed use; however, the wider area would absorb the likely shortfall without impacting detrimentally on availability of on street parking.

The proposal is considered to be in accordance with the Development Plan.

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

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

### 7. CONCLUSIONS

In conclusion subject to the satisfactory resolution of the ecology issues, the proposal would bring back into use a vacant site and provide supported residential accommodation in a sustainable location with good access to local bus services and local amenities.

The surrounding area is predominately residential in nature and the proposal is therefore considered sympathetic to surrounding land uses.

In terms of on-site parking provision, this is below the recommended standard for the proposed use, however the wider area would absorb the likely shortfall without impacting detrimentally on availability of on street parking.

The location of the extensions and their relationship with their surroundings in terms of light, privacy and design are considered appropriate.

## **8. RECOMMENDATION**

That Delegated Authority is sought for the Operational Director – Planning, Policy and Transportation to determine the application in consultation with the Chair following the satisfactory consideration of ecology issues including adding any additional conditions required.

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Restriction on Use.
4. Construction Hours (Policy GR2)
5. Implementation of External Facing Materials (Policies CS(R)18 and GR1)
6. Submission of Landscaping Scheme and subsequent maintenance (Policy GR1)
7. Information Packs for Residents – (Policies HE1 and CS(R)20)
8. Breeding Birds Protection – (Policies HE1 and CS(R)20)
9. Electric Vehicle Charging Points Scheme (Policy C2)
10. Parking and Servicing Provision – (Policies C1 and C2)
11. Off Site Highway Works – (Policy C1)
12. Implementation of Cycle Parking Scheme – (Policy C2)
13. Implementation of Drainage Strategy – (Policies CS23 and HE9)
14. Sustainable Development and Climate Change Scheme – (Policy CS(R)19)
15. On Site Waste Management Scheme – Policy WM9)

### Informatives

1. Considerate Constructors Informative.
2. Cheshire Police Informative.
3. Landscaping Informative.

## **10. BACKGROUND PAPERS**

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

## **11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);

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

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

## **APPENDIX 1 – FULL CONSULTATION RESPONSES**

### **1.1 Highways and Transportation Development Control**

Further to your consultation we have considered the proposed application as the Highway Authority and would make the following representation;

It is noted that the applicant entered into pre-application discussion prior to submission with advice being sought from the Highway Authority.

The site is considered to be in a sustainable location with good access to local bus services and local amenities.

Safe vehicular access is proposed via Castle Street with the existing access from Warrington Road removed as part of the development.

The site layout proposes 3 on site car parking spaces including one disabled bay and shows cycle parking to an acceptable level.

The recommended car parking standard for a sheltered accommodation development (C2a) in a none town centre location is 1 space per 2 dwellings. If this were to be applied the proposal would be required to deliver 7 off street car parking spaces.

The policy document states that “The Council will require parking provision according to the standards set out in Appendix D. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking”.

As part of pre-application advice a request was made by the Highway Officer for the applicant to provide additional information to demonstrate that there would be no harmful impact by the under provision of onsite car parking. No further detail were provided therefore additional site visits were undertaken by the Highway Officer at various times of day to assess on street car parking availability in the area.

The application form states that the development would generate 18 full time equivalent posts which following a request for clarification the applicant confirmed the maximum number of staff on site at any one time would be 8.

This number of staff is considered to be appropriate given the site layout and available office space.

The applicant also clarified that due to the personal circumstance's beneficiaries are not allowed visitors and this is written within their licence agreement.

Following consideration it is Highway Officers opinion that although the onsite provision is below the recommended standard the wider area would absorb the likely shortfall without impacting detrimentally on availability of on street parking and therefore a Highway objection under policy C2 would not be sustainable.

With regards to bin storage a suitable location is shown on the plans we would however question the practicality of collection day arrangements given the distance that bins would need to be moved. There appears to be scope to include an additional gate onto Castle Street which may simplify kerbside collection. Any additional gate must open inwards and not onto the adopted footway.

A scheme of offsite highway works will be required to form the new vehicular access onto Castle Street and to close up the redundant access crossing to Warrington Road, including raising kerbs and footway reconstruction. A suitable condition should be included for detailed plans to be submitted for approval prior to commencement and implemented prior to first occupation.

Given the sites location close to a school and within the residential area we would recommend that a pre-commencement CEMP condition be placed on any decision.

## 1.2 Lead Local Flood Authority

After reviewing 22/00022/FUL planning application the LLFA has found the following:

- The site is approximately 0.07ha and is brownfield.
- The proposed development is for residential dwellings with associated parking and site improvements. This is considered to be 'More Vulnerable' development with regard to flood risk by Planning Practice Guidance.
- The site is currently existing buildings and hardstanding and the development would not increase the hardstanding area currently on site.
- The applicant has provided the following document as a flood risk assessment and drainage for the site 'OTH\_Castle Inn Drainage Strategy.pdf
- The application has also provided a drainage layout drawing ref 21-500

The LLFAs comments on the drainage strategy area

- Whilst no assessment of existing flood risk is made within the drainage strategy, it is noted that the site is located within flood zone 1. This is consistent with the development of “More vulnerable” land use.
- The drainage strategy does not acknowledge that Environment Agency mapping identifies that the site is located within an area with a “medium” 1% AEP probability of flooding from surface water.
- The drainage strategy has applied the SuDS hierarchy. Whilst infiltration testing has not been undertaken, the LLFA accepts that on site constraints including the limited open space and underlying geology would make infiltration drainage unfeasible. With no watercourse running through, or adjacent to the site, the LLFA accepts that discharge of surface water runoff to public sewer is the only available option.
- In line with local and national planning policy, the use of sustainable drainage (SuDS) has been considered and based on the limited available space, a design based on below ground geo-cellular storage has been proposed.
- Existing runoff rates have been calculated and consideration has been given to the potential impacts of climate change. The strategy report uses superseded guidance which identifies that rainfall intensities will increase by up to 30% over the next 100 years. Whilst the LLFA generally recommends that an uplift of 40% should be considered in line with the upper end projection detailed within current EA guidance, the 30% uplift that has been used is greater than the 20% increase predicted for the central climate change scenario. Based on the betterment that the proposed drainage system would provide and the sit constraints, the LLFA accepts the 30% allowance for climate change.
- Calculations have been presented which identify that a storage volume of 34m<sup>3</sup> and a vortex flow control from Crown water systems is proposed to attenuate surface water flow.
- It is understood that peak discharge to the United Utilities sewer would be restricted to 3.6l/s representing a betterment of 30% over the existing situation. However, it is not clear what type of flow control device would be used to achieve this reduction in flow rate.
- A maintenance management plan has been prepared which confirms that the drainage system would remain in private ownership and identifies routine maintenance activities.

In summary, the development is considered to be appropriate in terms of flood risk and the applicant has developed a drainage strategy based on SuDS to manage surface water runoff. This drainage system considers the potential impact of climate change and would help to reduce the risk of flooding elsewhere.

The LLFA would recommend the following conditions should the planning authority be minded to approve on this basis:



- No development shall be occupied until a verification report confirming that the SUDS system and treatment system has been constructed in accordance with the approved design drawings and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:
  - o Evidence that the treatment plant and 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 treatment plant and 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.

### 1.3 Contaminated Land Officer

I have considered the application and the support information and have the following comments in relation to land contamination.

The application is supported by the following document;

- Castle Inn, Warrington Road, Widnes. Preliminary risk assessment (desk study), doc ref Warrington Road/WA8 0AT/2021, Worms Eye Ltd, December 2021

The above document details the findings of a desk study and site visit, and presents a preliminary conceptual model and risk assessment.

In general there are no likely sources of significant land contamination identified and the proposed development would be of low sensitivity given the lack of a viable route of exposure (no soft landscaping is proposed). The report does make a recommendation for some site investigation, however, with the result of the initial assessment and the nature of the development I do not believe that such is necessary.

Therefore, I do not have any objection to the scheme and have no requirements for conditions if the scheme is to be approved.

### 1.4 Environmental Protection

The application is for self-contained housing units rather than an HMO with shared facilities and therefore Environmental Health would have no reason to license the premises or comment on the layout. there are no noise or air quality implications and therefore we would have no further comments or objections to make.

## 1.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

### Ecology

#### Habitats Regulation Assessment

1. The development site is accessible by car and public transport to the following national and international sites listed below and Core Strategy Local Plan policy CS20 applies:

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

2. The proposal is for 13 net residential units, this will result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species for which these sites have been designated.

3. Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans<sup>1&2</sup>. as Medium-High risk to qualifying features of the national and international sites.

4. In line with Sweetman (2018), I have undertaken the assessment of likely significant effects, using the Source-Pathway-Receptor model, which is based upon the essential features and characteristics of the project only (Appendix 1). This concludes that, without mitigation/preventative measures, that there will be likely significant effects on the following international and national sites:

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

5. Appropriate Assessment is therefore required in accordance with Regulation 63 (Habitats Regulations 2017). I have completed the Appropriate Assessment report (Appendix 2, table 2) which concludes that, with mitigation/preventative measures secured through the appropriate planning mechanisms, there will be no adverse effect upon the integrity of the national sites network and Ramsar sites.

6. An Appropriate Assessment will therefore be required in accordance with Regulation 63 (Habitats Regulations 2017). I have therefore attached an Appropriate Assessment report which concludes that, with mitigation/preventative measures, there will be no adverse effect

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<sup>1</sup> <https://www.sefton.gov.uk/media/1536807/nature-spd-20170814.pdf>

<sup>2</sup> <https://www.sefton.gov.uk/media/1301382/Nature-SPD-20170814.pdf> <https://www.sthelens.gov.uk/media/3177/biodiversity.pdf>

upon the integrity of the international and national sites network and Ramsar sites. I advise that Natural England is consulted on the outcome of the Appropriate Assessment **prior to determination and any points which may arise should be addressed**. Its views, together with the outcome of the Appropriate Assessment, are required to be included within the Planning Committee/Delegated report.

7. To ensure that the conclusions of the Appropriate Assessment remain valid, I advise that the following should be secured by a suitably worded planning condition:
  - a. Provision and implementation of information in sales packs, informing residents of the importance of the national and international sites, and responsible user code and the location of SANGs. This leaflet can be downloaded from:

[http://www.meas.org.uk/media/11044/lcr\\_leaflet\\_halton.pdf](http://www.meas.org.uk/media/11044/lcr_leaflet_halton.pdf)

#### Bats

8. The applicant has submitted a Preliminary Roost Assessment report in accordance with Core Strategy Local Plan policy CS20 (*Bat Surveys, HB Bat Surveys, November 2021*) which is accepted with limitations.
9. The Preliminary Roost Assessment categorised the public house and coach house as having low and moderate bat roost suitability respectively. I concur with these findings. Given the public house loft space was not accessed during the survey, both public house and coach house will require further bat survey in line with best practice guidelines<sup>3</sup>.
10. An emergence and re-entry survey are required **prior to determination**. Bats are protected species and Core Strategy Local Plan policy CS20 applies. Protected Species are a material consideration.
11. The survey and report are essential to determine if bats are present. If present the Local Planning Authority is required to assess the proposals against the three tests (Habitats Regulations) and determine whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance. Any deviation from these guidelines must be fully justified. The applicant should note that timing for this survey is May to August inclusive.

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<sup>3</sup> Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

### Breeding birds

12. Built features on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy Local Plan policy CS20 applies. The following planning condition is required.

### CONDITION

No building works 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 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.

### **Waste Local Plan**

#### Policy WM9

13. 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). I advise that information relating to household waste storage and collection is required and can be secured by a suitably worded condition. Further information is provided in Part Two below.

### **Part Two**

#### Landscaping

14. Any landscaping on site should be with suitable native tree species, which include:
  - Willow (*Salix* spp.);
  - Rowan (*Sorbus aucuparia*);
  - Birch (*Betula pendula* or *B. pubescens*);
  - Hawthorn (*Crataegus monogyna*);
  - Blackthorn (*Prunus spinosa*);
  - Alder (*Alnus glutinosa*); and
  - Holly (*Ilex aquifolium*).

#### Biodiversity Enhancements

15. In line with Core Strategy Local Plan policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that provision of bat and bird boxes should be provided on site to achieve a biodiversity net gain.
16. In line with Core Strategy Local Plan policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that provision of hedgehog highways (13cm x 13cm gaps) in order to maintain habitat connectivity for hedgehogs which should be installed into any closeboard fences on site.

### **Waste Local Plan**

#### Policy WM8

17. The proposals comprise minor development which is unlikely to generate significant volumes of waste. The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. I advise the use of waste audits or a similar mechanism such as a demolition method statement a site waste management plan to monitor waste minimisation, recycling, management and disposal.

#### Policy WM9

18. Guidance on design and access to accommodate sustainable household waste management is available for Halton in the following documents:

- Halton – [Design of Residential Development SPD \(May 2012\)](#)

Other useful sources of guidance include:

- NHBC Foundation – [Avoiding Rubbish Design \(2015\)](#)
- Building for Life Partnership – [The Sign of a Good Place to Live: Building for Life 12 \(2014\)](#)

#### 1.6 Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Mersey Estuary Special Protection Area (SPA) and Mersey Estuary Ramsar.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Homeowner Packs to be provided to the new dwellings.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

## **Internationally and nationally designated sites**

The application site is within 3.3km of the Mersey Estuary Special Protection Area (SPA) and Mersey Estuary Ramsar.

## **Habitats Regulations**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measure proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

## **Further advice on mitigation**

- An advisory Homeowner Pack should be secured by a suitably worded planning condition to mitigate any increased recreational pressure on nearby designated sites. Please see below our further advice below regarding content for information packs.

## **Homeowner packs**

Natural England guidance on contents for homeowner information packs is as follows:

The packs should comprise, but are not limited to;

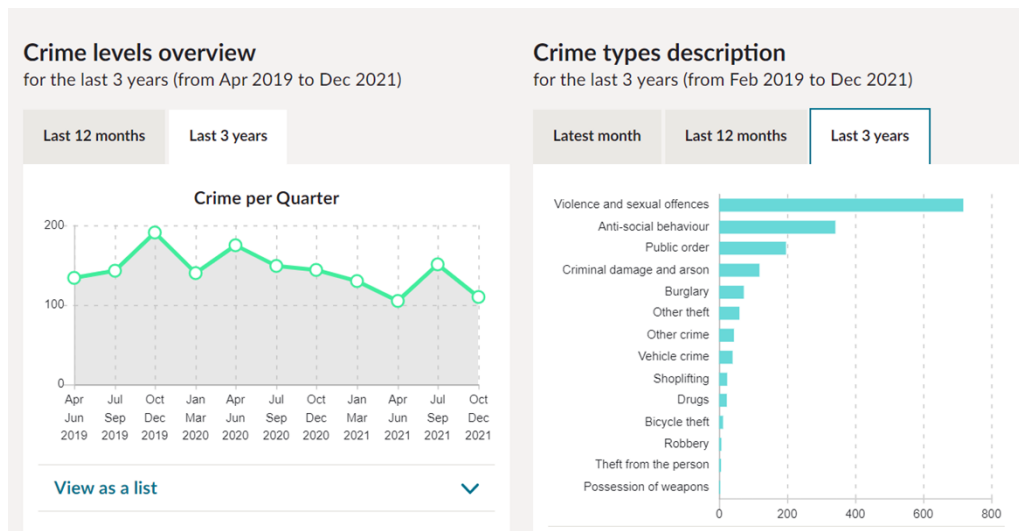
Natural England would also expect the following principles to be followed for the packs;

- Introduction section, setting out the issue.
- Description of the designated sites and their features, this should include a map explaining the boundaries of designated sites.
- An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the designated sites.
- List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).

- Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).
- The packs are tailored to the location of the development and the designated sites in the area.
- Tailored to the audience using clear and easy to understand language.
- An appropriate format is used to present and share the information packs (i.e. print, size).

## 1.7 Cheshire Police

Please find below a summary of crime levels in the Halton View Beat area over the last three years.



I wish to make the following points for consideration by the applicant:

- 24 hour lighting (switched using a photoelectrical cell) should be fitted to all internal communal areas.
- Ground floor windows should also be fitted with locks and limiters.
- The main external doors should comply with PAS 24:2016, LPS 2081 or equivalent. Each individual apartment door should comply with PAS 24:2016 even if accessed from the inside shell of the building.
- Due to the location and proposed nature of the accommodation, I appreciate the lack of vehicle parking provision. I would however recommend the site needs secure bicycle storage. The design of the stands within the secure locked cycle store should enable the cycle to be secured at two separate parts of the

cycle, for example a 'Sheffield Bar'. It should be appropriately illuminated and located to enable it to be seen from the nearby building if possible.

- External lighting should be in place in the central external area and where appropriate all elevations containing a doorset should also be well lit. All lighting should comply to BS5480:1-2020 and provide a uniform coverage without any pools or shadows.
- All door hardware should be securely fixed to the fabric of the building.
- The walls of the building should be designed to be resistant to attack and consideration should be given to the use of welded steel mesh or insulated steel cladding to reinforce the walls. Consideration should be given to access controlled doors for private staff areas. Any glazing in the building should be certified to BS356:2000 and a minimum of 6.4mm.
- Access control complying with UL 293 should be installed within the building. It is potentially a concern that apartment 1 and 2 can only be accessed via the same corridor as staff areas / counselling room as this could reduce the security of both areas unless there is 24 hour staffing on site.
- The Design and Access statement refers to a hard landscaped area on the corner of Castle Street and Edward Street, which will provide a seating area for parents while waiting for school collection. Good natural surveillance of this area is required so it does not become a gathering area for people who may go on to commit antisocial behaviour outside of school collection times.

### **General Information for Applicants**

A design objective of the National Planning Policy Framework [NPPF], - Section 8, paragraph 92b states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas;*

I recommend that all developments are designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued. I would however welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com). A summary of the Bronze award taken from the Design Guide is shown below.



## *'Bronze*

*This award is issued by Secured by Design in recognition of the level of physical security achieved in new bespoke developments or refurbishments that utilise bespoke, security enhanced door and window products to reduce the opportunity for crime and anti-social behaviour within and against the buildings only. The award may also provide evidence of compliance for Building regulations for domestic security in England, Scotland and Wales.*