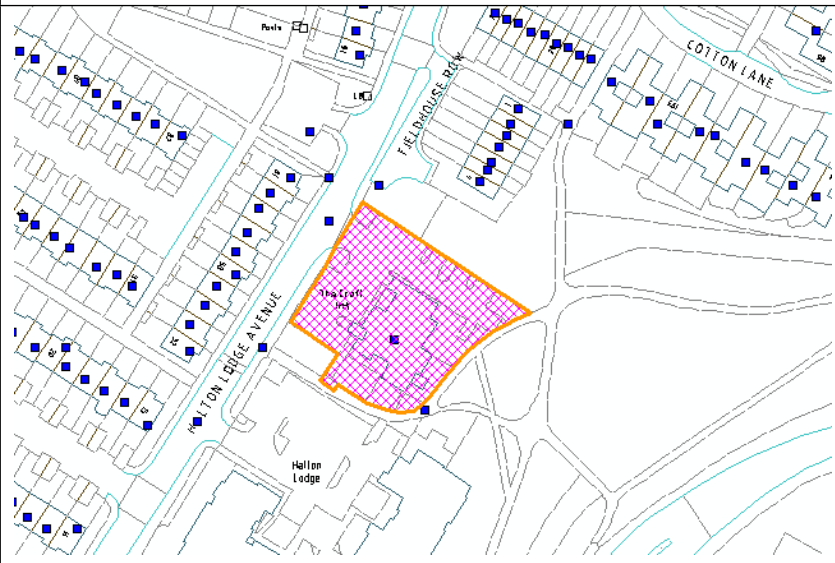


APPLICATION NO:	22/00374/FUL
LOCATION:	The Croft, 1 Halton Lodge Avenue, Runcorn, WA7 5YQ
PROPOSAL:	Proposed construction of 16 no. 1 bed apartments with associated amenity space, car parking, bin and cycle storage
WARD:	Grange
PARISH:	None
APPLICANT:	Mr. Craig Ruane, SJJ contracts Ltd
AGENT:	Mr. Suyeb Ahmed, 1618 Architects
DEVELOPMENT PLAN:	Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	1 representation has been received from the publicity given to the application.
KEY ISSUES:	Principle of development, loss of community facility land; amenity, access and parking, ecology.
RECOMMENDATION:	Grant planning permission subject to conditions
SITE MAP:	

1. APPLICATION SITE

1.1 The Site

The application site is located along Halton Lodge Avenue in Runcorn, measures approximately 0.182Ha in area and has vehicular access directly from Halton Lodge Avenue.

The site previously consisted of a derelict former public house, 'The Croft'. It was a part single, part two storey building that fronted on to Halton Lodge Avenue. The Croft was demolished in 2020, having been closed since November 2014, and since, the site has remained vacant with the former car parking area associated with the public house, used for informal parking. The site has a historic 'Community Facilities' land allocation however is surrounded by Primarily Residential land uses.

1.2 Planning History

The site has a planning history dating back to September 1984 pertaining to its use as a public house. More recent relevant planning history includes:

20/00241/FUL - Proposed construction of 15 no. 1 bed apartments for assisted living (use class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works. **Permitted 05.10.22**

20/00244/FUL - Proposed demolition of the existing part one, part two storey vacant public house and the construction of a two storey mixed-use building accommodating 2 no. retail units at ground floor, with 6 no. 1-bed apartments and 2 no. studios for supported living at first floor. The accommodation is supported by car parking for both residential and retail uses (including accessible bays and electric vehicle charging points), secure cycle parking and landscaped external communal amenity space. **Permitted 08.10.22**

2. THE APPLICATION

2.1 The Proposal

The proposal seeks permission for the construction of 16 no. 1 bed apartments with associated amenity space, car parking, bin and cycle storage.

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement (amended 23/11/22)
- BS5837:2012 Tree Survey, Arboricultural Implications Assessment & Method Statement, Ref: 19446/A3
- BS5837 Tree Survey Assessment, Ref: 19446/A1
- Phase 1: Preliminary Risk Assessment, Job Number: LKC 19 1467
- Preliminary Tree Bat Roost Survey Report

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

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

- 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
- RD4 Greenspace Provision for Residential Development
- C1 Transport Network and Accessibility
- C2 Parking Standards
- HC5 Community Facilities and Services
- HE1 Natural Environment and Nature Conservation
- HE5 Trees and Landscaping
- 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.

3.3 Supplementary Planning Documents

- Design of Residential Development SPD (2012)

MATERIAL CONSIDERATIONS

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

3.4 National Planning Policy Framework

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

3.5 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.

3.6 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

The application has been advertised via the following methods: site notice posted near to the site and on the Council's website. Surrounding residents have also been notified by letter.

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

- **United Utilities**
No objection, suggested conditions
- **Merseyside Environmental Advisory Service**
No objection, see section below
- **Natural England**
No objection
- **HSE**
Do not advise against
- **National Grid**
No objection

Council Services

- **HBC Highways and Transport**
No objection, see section below
- **HBC Environmental Protection**
No comments received
- **HBC Contaminated Land**
No Objection
- **HBC Open Spaces**
No comments received
- **Lead Local Flood Authority**
No objection
- **HBC Grange Ward Councillors**
No comments received

5. REPRESENTATIONS

The application has been advertised by 88 neighbour notification letters sent on 28.07.2022 and a site notice posted on 28.07.2022. One representation has been received from the publicity given to the application. A summary of the points raised is below:

- Concerns regarding the future tenants of the flats.
- Antisocial behaviour already happening in the woods behind the YMCA.

Whilst such concerns regarding the future tenants are capable of being a material planning consideration, no evidence has been provided that such problems would arise or as to the characteristics of future occupiers which may give rise to them. On that basis it is considered that little or no weight can be attributed to such fears.

With regards to the allegations of antisocial behaviour taking place in the area behind the YMCA, it is anticipated that bringing forward the application site to be developed would increase the level of natural surveillance in the area and deter any potential opportunities for antisocial behaviour.

6. ASSESSMENT

6.1 Principle of Development

The site has a historic 'Community Facilities' land allocation, however is surrounded by Primarily Residential land uses.

Policy HC5 of the Halton Delivery and Allocations Local Plan states that proposals involving the loss of community facilities land or buildings will only be permitted where it is demonstrated that:

- a. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality; or
- b. The building or site is no longer suitable or viable to accommodate the current community use, or the use has already ceased, and the building or site cannot viably be retained or sensitively adapted to accommodate other community facilities; or
- c. In the case of commercial community facilities, whether the use is no longer viable (applicants will need to submit evidence to demonstrate that the site is no longer viable for that use.
- d. Marketing of the land/property will be required to indicate that there is no demand for the land/property in its existing use.
- e. Details of the current occupation of the buildings, and where this function would be relocated, will also be required.

The application site previously consisted of a derelict former public house, 'The Croft'. The public house ceased operating in November 2014 and remained vacant until the building was demolished in 2020. No alternative or replacement developments for community facility use have come forward for the site, however past planning permissions have been approved for residential schemes and mixed use residential/retail uses on the site.

It is considered that given the site has been vacant and unused since 2014 (9 years), in addition to the relevant planning history for the site, and with the predominant surrounding land use consisting of residential use, the principle of residential development at the application site is acceptable, subject to acceptable details, and the loss of community facility land in this case would not result in a detrimental impact on the existing community.

6.2 Affordable Housing

Policy CS(R)13 of the Halton Delivery and Allocations Local Plan states that all residential schemes including ten or more dwellings (net gain), or 0.5ha or

more in size, with the exception of brownfield sites are to provide affordable housing at specific rates detailed in the development plan.

The development proposes the construction of 16no. 1 bed apartments, however the site has previously been developed and therefore constitutes brownfield land. There is therefore no policy requirement to provide affordable homes as part of the proposed development.

6.3 Design and Character

The proposed building is located in the approximate position of the former public house. The front elevation would maintain a distance of 36m from the nearest affected residential occupiers directly adjacent to the site on Halton Lodge Avenue. The proposal consists of a two storey building and therefore the Council's minimum interface distance of 21m is more than achieved. There are no residential properties to the rear (east of the site).

To the south of the site is an existing building, which has residents, living in the building as a multi-occupied unit.

The building occupies a similar plot line on this side of the site. There are four windows on the gable elevation of the proposed building. These are secondary, tall windows that will serve the kitchen/living areas to provide light into the new apartments. Given the style and positioning of the windows, restricted outlook would be achieved. It is considered that there would be no significant impact on the occupiers of the adjacent building and the amenity of the occupiers of it would not be significantly or adversely affected.

The nearest affected occupiers to the north are those on the end terrace at 7 Fieldhouse Row. There are no windows on the side elevation of this property which faces the proposal and, given relative separation distances the proposals are not considered to impact unduly on occupiers of those properties.

The proposed design of the two storey building consists of red brickwork with a profiled flat roof. The building is of a modern appearance with a good amount of glazing on the front and rear elevations, with brick detailing features and a name plate on the front elevation.

Boundary treatment is provided to enclose the on-site amenity space in the form of 2m high timber fencing. This is considered to be acceptable. Landscaping is proposed indicatively to the front and rear of the building. Secure bin storage is also provided to the front/side of the proposed building. Secure cycle parking is provided to close to the building and within the enclosed amenity area for security and adequate surveillance. Additional cycle stands are provided for visitors.

It is considered that the proposal meets the design requirements of the Council and is appropriate for its location. On this basis it complies with

Policies CS(R)18, GR1, GR2 and GR3 of the Halton Delivery and Allocations Local Plan.

6.4 Highway Considerations

The Council's Highway Authority initially objected to the original submission highlighting a number of issues and concerns as follows:

The proposed design and layout fails to give priority to pedestrians, cyclists and other non-vehicle users and provide for their safe and convenient access to, and movement and circulation within, the site. The parking provision for all modes is also considered insufficient.

The site is not considered satisfactorily accessible nor connected, especially for pedestrians and other non-motorised users.

Whereas the former vehicular access to the car park remains unaltered, the previous discrete pedestrian access to the site has been removed; meaning no separate pedestrian provision is currently offered.

Access for all site users of the site via the vehicular entrance is not considered safe, convenient nor acceptable. This requires satisfactorily addressing for full support to be given.

It has also not been demonstrated that the site is within 400m of sustainable public transport i.e. bus stops. This is required.

Whilst 16No car parking spaces for 16No 1bed apartments is acceptable, for full compliance with Policy C2 Parking Standards all modes/types need satisfactory provision in terms of type, position and layout.

Standard car parking bays are required to be 2.5m x 5m minimum, in addition 10% of parking bays (therefore 2No. minimum) are required to be accessible sized spaces. The proposal fails to comply with this requirement.

Further, the development should encourage the use of low emission vehicles and therefore detail of a scheme for electric vehicle charging should also be demonstrated.

Parking provision extends to include motorcycle parking, which has not been provided for; a minimum of 2No. motorcycle spaces are required with a ground anchor provided for security.

Further, whilst the secure provision for residents' bikes is welcomed, the detail means the parking provision for cycles is considered insufficient and inappropriate; the bin store is unfit for purpose in terms of accessibility and manoeuvrability for the storage use as intended

The amount of bikes able to be stored is also unsatisfactory; at least one bike space per apartment should be provided ie 16No. bikes, minimum.

An additional 2No. Sheffield stands should be offered for visitors who arrive by (and to further encourage and enable) this sustainable mode, about the front entrance for active surveillance; this is not required to be covered.

In short, the provision of parking offered, for all modes, is deemed insufficient in amount, location, type and detail for the site and proposal and does not comply with Policy C2 Parking Standards, and GR2 Amenity etc.

This needs satisfactorily addressing as insufficient parking provision could lead to displaced parking on the immediate and local network causing capacity and potential safety concerns, as well as not facilitating nor encouraging journeys by alternative and sustainable means.

The applicant has taken the comments made into account and amended the scheme in line with the Highway Officer's Comments. Following a re-consultation, the Highways Officer has confirmed that the shortcomings, concerns and questions raised in their initial response have been overcome with the amended and/or additional information submitted.

The proposal has satisfied the requirements of the Highways Authority and is considered acceptable in compliance with policies CS(R)15, SC(R)19, C1 and C2 of the Halton Delivery and Allocations Local Plan.

6.5 Impact on Trees

The application has been accompanied by a Tree Survey and Method Statement for construction. There are several mature trees that the proposal will affect. There are no Tree Preservation Orders associated with any of the trees on or nearby the site. Given this, and that the site is not Council owned land, comments from the Open Spaces Officer have not been provided. The Ecology section below confirms that the trees on site have been assessed for bats and bat habitats and the submitted report states that no evidence of bat use or presence was found.

Trees within the site are to be retained as far as possible. It is considered that the proposed development and the proposed works to the trees on site would not result in a detrimental impact on the amenity of the area. On that basis the proposal complies with Policy HE5 of the Halton Delivery and Allocations Local Plan.

6.6 Ecology

The Merseyside Environmental Advisory Service has been consulted on the application and have provided the following comments:

The development site is near to the following national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy CS(R)20 applies:

- *Mersey Estuary SPA; and*

- *Mersey Estuary Ramsar site.*

I have considered the proposals and the possibility of likely significant effects on national and international sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment for the following reasons:

- *The proposal can be discounted from contributing construction related impacts due to the separation distance from the Mersey Estuary.*
- *The net gain of 16 residential units in Runcorn will not contribute towards increased recreational pressure either from the development alone or in combination with the quantum of development in Halton and the Liverpool City Region due to limited coastal access from Runcorn. This conclusion is supported by Halton's Recreational Management Interim Approach (Figure 1 of RM IA shows exclusion of Runcorn area from requiring mitigation).*

The applicant has not provided a Preliminary Ecological Appraisal (PEA) in support of the application. In this instance, I advise that a PEA is not required for the following reasons:

- *The small, urban site is of limited ecological value; and*
- *Protected habitat and species likely to be present can be protected by way of specialist survey, e.g. bat survey, and by minimising harm to protected species by way of planning conditions.*

The Arboricultural Implications Assessment states two mature sycamore trees will require removal (T5 and T6), with tree survey finding pruning wounds and hollow sections which may provide bat roost potential.

The existing trees on site may provide potential roost features for bats. Bats are protected species and a material consideration. I advise that a preliminary roost assessment is required prior to determination.

These comments were passed on to the applicant and subsequently a Preliminary Bat Roost Survey was submitted. MEAS provided further comment as follows:

The applicant has submitted a Preliminary Tree Bat Roost Survey Report in accordance with Local Plan policies CS(R)20 and HE1.

Tree 6, a mature sycamore, exhibited a single small cavity at a height of 6 metres. Whilst close up inspection was not possible due to the height or the potential roost feature, the surveyor deemed it "very shallow" but the report recommends aerial inspection. However, paragraph 4.3 states no further surveys are required.

Communication with Mr. S. Brain of Amenity Tree Care (09/02/2023) has clarified the feature as negligible to low bat roost potential and thus no further survey is required.

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

Tree 6 has been identified as having low bat roost potential. In line with best practice, felling of Tree 6 should employ soft felling techniques under supervision of a suitably qualified ecologist. This can be secured by a suitably worded planning condition.

It is considered that the proposal demonstrates compliance with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan, and is acceptable.

6.7 Flood Risk and Drainage

The Council's Lead Local Flood Authority have provided the following comments:

The proposed development is for residential apartments. This would classify as "More Vulnerable" Development with regard to flood risk. The site is shown to have a very low fluvial, surface water and tidal flood risk on the Environment Agency Long Term Flood Risk Maps. It is also, located outside of any critical drainage area (CDA) as recorded in Halton BCs strategic flood risk assessment. No information appears to be presented with regard to flood risk and drainage within the application

As the development it is less than 1ha, within Flood Zone 1 and outside of a critical drainage area. The LLFA is satisfied that the development would be appropriate in terms of flood risk and no flood risk assessment is required. In accordance with policy HE9 a drainage strategy is required to demonstrate how surface water runoff from the development would be managed.

The Lead Local Flood Authority recommended a number of conditions relating to the submission of a drainage strategy and verification report. The applicant has submitted drainage details to avoid the need for pre-commencement conditions, however at the time of writing the report, no comments have been received from the LLFA. Planning conditions requiring the submission of a drainage strategy and verification report are attached but members will be updated orally as required. It is considered that the proposal demonstrates compliance with Policy HE9 of the Halton Delivery and Allocations Local Plan, and is acceptable.

6.8 Contaminated Land

The Council's Contaminated Land Officer has raised no objection to the proposal subject to further detailed phase 2 investigation which can be

secured by appropriately worded planning condition. The applicant has since submitted further site investigation information, in order to avoid the need of attaching a planning condition. However at the time of writing the report, comments have not been received from the Contaminated Land Officer, and the condition is therefore attached. Members will be updated orally as required. It is considered that the proposal satisfied Policy HE8 of the Halton Delivery and Allocations Local Plan, and is acceptable.

6.9 Planning Balance

Based on the above assessment, 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

It is accepted that the principle of the residential use is appropriate for the location and site. The proposed development complies with and is in line with the provisions of the Halton Delivery and Allocations Local Plan and NPPF. Further, the scheme will deliver benefits in bringing a currently vacant site back in to use.

The previous historic use as a public house ceased in 2014 and the building was demolished in 2020. The proposal is considered to offer a number of benefits in providing residential development involving the regeneration of a brownfield site in a sustainable location.

The proposed development is considered to be acceptable and is therefore recommended for approval.

8. RECOMMENDATION

The application is recommended for approval subject to planning conditions.

9. CONDITIONS

1. Time
2. Approved Plans
3. Site levels
4. Material details

5. Landscaping details
6. Boundary treatments
7. Vehicle access, parking, servicing etc. constructed prior to occupation/use
8. Cycle parking details
9. Drainage scheme
10. Drainage verification report
11. Contaminated land
12. Breeding birds
13. RAMs for hedge hogs
14. Tree protection
15. soft tree felling technique

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.