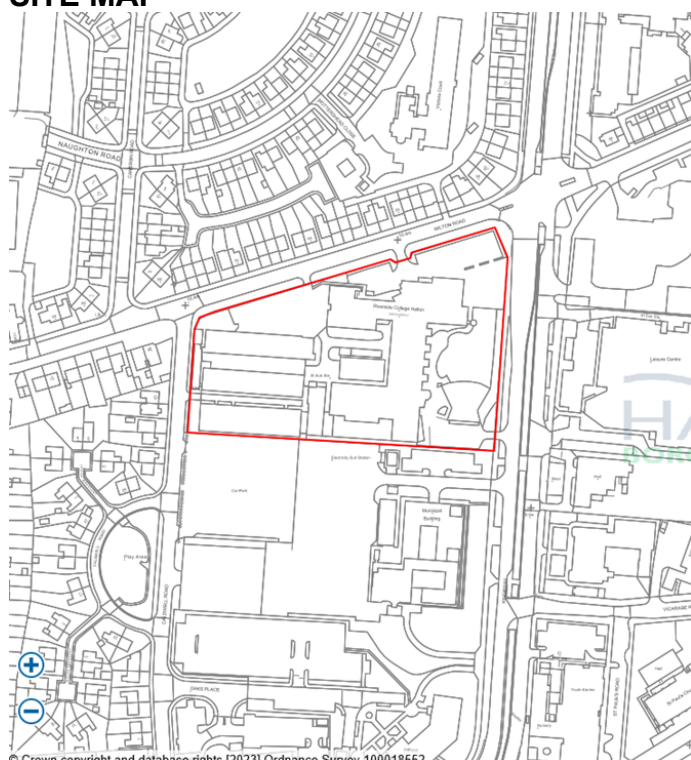


APPLICATION NO:	23/00234/FUL
LOCATION:	Riverside College, Kingsway, Widnes
PROPOSAL:	Proposed re fenestration of existing façade to main college building and new four storey building housing engineering workshops and classrooms, plus new substation and switch room to west of the site
WARD:	
PARISH:	
APPLICANT:	Gordon Holmes – Riverside College
AGENT:	FCH Architects
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	MUA01 – Mixed Use Area 1 HC9 – Mixed Use Areas
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No
REPRESENTATIONS:	Yes
KEY ISSUES:	Intensification of use on campus, Drainage and Flood Risk, Highways and Parking, Contaminated Land
RECOMMENDATION:	Approve subject to conditions

SITE MAP



1. APPLICATION SITE

1.1 The Site

The site is located at Riverside College, Kingsway, Widnes. The proposal is for alterations to the fenestration of existing façade to the main college building and a new four storey building housing engineering workshops and classrooms, plus new substation and switch room to west of the site.

1.2 Planning History

The site has a recent permission for a very similar development. Permission 22/00101/FUL was approved on 12th October 2022. In that application the new engineering block was attached as an extension to the existing adjacent building, allowing shared circulation. The application also included recladding works to the main building.

The current application is for the engineering block to be a stand-alone building as a result of the applicants changing requirements. The recladding is still part of the application but will be in a phased delivery.

1.3 Documentation

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

Phase 1 Desk Study and Preliminary Geoenvironmental Assessment
Geoenvironmental Report Investigation and Assessment
Drainage Strategy
Flood Risk Assessment
Technical Note
Design and Access Statement
Drainage Strategy
Drainage Layout
Updated Ground Gas Risk Assessment

2. 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

2.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The site is designated as a Mixed Use Area the Halton Delivery and Allocations Proposals Map. The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)18 – High Quality Design

- CS(R)19 - Sustainable Development and Climate Change
- GR1 - Design of Development
- GR2 - Amenity
- C2 - Car Parking
- HC5 – Community Facilities
- HC9 – Mixed Use Areas
- CS23 - Managing Pollution and Risk
- HE8 – Land Contamination
- HE9 – Water Management and Flood Risk

2.2 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.

2.3 National Planning Policy Framework

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

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.

2.4 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.

3. CONSULTATIONS

Highways and Transportation Development Control (Highways)

No objection to the proposed development, subject to conditions regarding travel plan, details of disabled and EV parking spaces, structural details of walls close to the highway, Construction Management Plan, and a formal agreement regarding site access and re-positioned footway.

Environment Agency

No objection in principle to the proposed development but took the opportunity to provide advice to applicant regarding Ground Source Heat Pumps.

Lead Local Flood Authority

After reviewing 23/00234/FUL planning application the LLFA has found the following:

- The overall site is described as 1.52ha and is considered to be a Brownfield site.
- The proposed development covers an area of approximately 320m².
- The proposed development is classified as more vulnerable to flood risk as defined within Planning Practice Guidance.
- A Flood Risk Assessment and Drainage Strategy has been prepared in support of the application.

The LLFAs comments on the Flood Risk Assessment are:

- Fluvial flood risk

- o There are no existing watercourses within or in close proximity to the site. The site is wholly located within Flood Zone 1.
- o The proposed development includes the demolition of an existing college building and the development of a new college building in its place. This development is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.

- Surface water flood risk

- o This assessment indicates the majority of the site is at very low risk from flooding due to surface water, with small areas of low surface water flood risk.
- o The LLFA agrees with this assessment.

- Groundwater

- o An assessment of groundwater flooding indicates the risk to the site to be low.
- o The LLFA is satisfied that the proposed buildings will likely not be at risk of groundwater flooding.

- Flooding from artificial sources.

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

Drainage Strategy

- Discharge location

- o The site comprises a Brownfield land classification.
- o It is stated that infiltration is not suitable on this site due to the presence of made ground and clay. In addition, the proposed building is in close proximity to existing structures which would limit the potential use of soakaways.
- o There are no existing watercourses within or in close proximity to the site. Therefore, the proposal to discharge surface water runoff into the private on-site surface water network, which in turn connects to the public sewer network is acceptable. This approach mimics how the existing building on the site is currently drained.

- Assessment of SuDS

- o The potential use of a number of different SuDS systems have been considered for the site however due to the proposed development being a replacement for an existing building within an existing college site there are special constraints which limits the potential use of SuDS.
- o The likely ground conditions limit the potential use of filtration based SuDS systems.
- o drainage strategy proposes to attenuate flows using the geocellular attenuation system.
- o The geocellular storage is sized to store 4.56m³, to contain flows on site up to and including the 1 in 100 year +40% climate change event.
- o The LLFA is supportive of this system, however would note the Governments guidance Flood Risk Assessments: Climate Change Allowances (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>) has been updated requiring developments to retain flows in the region up to and including the 1 in 100year +45% CC event. Therefore the LLFA would request the design principals of the post-development surface water drainage system to be updated to ensure surface water flows remain on site up to a 1 in 100 year +45% CC storm event.

- Runoff Rates

- o It is stated that for the 1 in 100 year storm event the pre-development runoff rate is 13.8l/s with the proposed post-development discharge rate being 5.0l/s.
- o For the 1 in 1 year storm event it is stated that there is a pre development run-off rate of 4.6l/s with the post-development runoff rate shown to be 4.0l/s.
- o The LLFA notes that the pre and post development runoff rates have been stated within the report for the 1, 30 and 100 year flood events, however no calculations have been provided in order to support the runoff rates provided.

- Drainage Performance

- o The proposed geocellular system has been sized for the 1 in 100 year plus 40% CC event.
- o Calculations have not been supplied as part of the drainage strategy to indicate no flooding would occur during the 1% AEP +45% rainfall event. The LLFA would request that they be provided to support this application.
- o The LLFA would also require a plan showing exceedance route should the surface water system be overwhelmed or fail.

- Maintenance and management

- o The proposed system will be managed and maintained by the client or an appointed maintenance company on their behalf, and that it will not be offered up for adoption by United Utilities.
- o There is a clear management and maintenance plan for this development. In summary, the LLFA agrees with the assessment of flood risk to and from the site and the applicant has provided a clear drainage strategy. Therefore, the LLFA would recommend the following conditions:

- No development shall take place until details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- o Calculations are to be provided for the pre and post development runoff rates stated within the drainage strategy.

- o Calculations are to be provided in order to prove that the current drainage design doesn't have any flooding for the 1 in 100 year +45% climate change storm event.

- o The LLFA would also require a plan showing exceedance route should the surface water system be overwhelmed or fail.

- No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:

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

- o An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.

- o Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

Contaminated Land

This application is supported by a preliminary risk assessment and a phase 2 investigation and assessment.

The Council's Contaminated Land Officer has advised that this initial review identified a number of possible pollutant linkages associated with the boiler house, electrical sub-station and general development of the site over time (with particular reference to the use of asbestos containing materials in previous development phases). The site investigation targeted the key areas, as far as practicable prior to any site clearance taking place, with soil sampling and analysis and ground gas monitoring. It is further advised that the ground gas monitoring was incomplete at the time of issue of the report and that the full set of data needs to be submitted to inform any potential mitigation requirements. It is considered that this can be secured by planning condition.

On this basis the Council's Contaminated Land Officer raises no objection. The proposals are considered to demonstrate accordance with policies CS23 and HE8 of the Halton Delivery and Allocations Plan subject to conditions to cover post-clearance investigation, assessment and, if required, remediation and securing and asbestos management plan.

United Utilities (UU)

UU requested a drawing of the drainage layout which was sent and no further comments received.

Councillors

No objections.

4. REPRESENTATIONS

4.1 39 neighbour notifications and site notices were sent out on 15th June 2023. A press notice was released on 22nd June 2023.

1 neighbour made representations relating to student inappropriate behaviour, loss of daylight and parking issues.

5. ASSESSMENT

5.1 Principle and Development

The site is located within the MUA01 mixed use area as shown on the DALP map. Policy HC9 supports development in the mixed use areas providing it enhances the vitality and viability of the area, enhances the character and appearance of the local environment and contributes to the provision of community facilities. HC5 also supports the retention and enhancement of community facilities which the application is proposing. With the proposal enhancing an existing educational facility the application is policy compliant with HC5 and HC9.

5.2 Scale, Layout and Appearance

The application proposes a 4 storey detached engineering block. The other buildings on the site range from single to four storeys.

The proposed new building is set within the southern part of the campus surrounded by existing campus buildings. Residential areas are located to the north and west of the site and the proposal would be screened in part by existing buildings. Any slight view of this new building would be seen in context with the surrounding existing college buildings, car parking areas and the Council's Municipal Building, located to the south of the site.

It is noted that a resident from Caldwell Road has objected due to concerns of loss of daylight. However, the proposed building is more than 77m away from the property and seen in context with the existing campus. It is considered that the objector is mostly frustrated by students parking close to the property and their antisocial behaviour. Whilst antisocial behaviour and fear of crime are capable of being a material consideration, it is not considered that refusal of planning permission or conditions could be sustained in this case. Whilst Cheshire Constabulary have provided advice with respect to designing out crime which can be attached to any planning permission by way of informative

they have raised no objection. The objectors concerns have been passed on to the applicant for them to address internally.

It is considered that the proposal in relation to design, scale, and massing satisfied Policy GR1. The improvements to the fenestration are necessary and would improve and modernise the college and the surrounding area.

Parking

5.3 Highways

The college has had previous issues relating to car parking provision on site. The creation of additional teaching space would increase the provision required in accordance with Policy C2. The applicant has detailed that the proposal would generate 5 additional staff (3 full time and 2 part time). It is not anticipated that an increase in student numbers would occur as the facilities are proposed to cater for the existing student body.

The Highways Officer had no objections subject to conditions. The main areas of concern are as follows:

There has been an issue for a number of years at the Council office car park adjacent to the main building for the college that the short fall in available parking has led to an ongoing increase in the number of students and staff parking here at the Municipal Buildings. There are plans to install a barrier on this car park which would likely lead to an increase in displacement of vehicles to other areas.

The Highway Authority would like to see a solution to the parking and transport issues. As such it will be necessary to condition the creation of a Travel Plan to be operated by the college. At present few details are considered in regard to the travel choices undertaken by staff and pupils at the campus. There do not appear to be any incentives to making sustainable travel choices. Objectives for the Travel Plan should relate to reducing carbon emissions, reducing congestion and improving staff health and wellbeing through encouraging active travel such as walking and cycling. Targets should be related to the objectives of reducing localised congestion, and reducing the number of staff car commuters by a certain percentage. Targets should reflect the measures being introduced such as an increase cycling by a given percentage. All targets should be 'SMART', which means that they are Specific, Measurable, Achievable, Relevant and Time-bound. The Travel Plan would be monitored every six months for the first twelve months and then one follow up report after twenty four months from completion of the works.

Additionally, we would require further details of the colleges described 'shared' spaces. It is assumed these relate to parking spaces dedicated to those who car share.

Pick Up Drop off

This is one of the areas of concern at the college. As previously stated the disabled parking bays take up all of the provision at the main entrance to the

college. Many delivery vehicles use sat-nav to find the campus and are directed here despite there being no facility to park and unload without taking away disabled parking spaces. This is equally true of parents dropping off and picking up students. We would like to see an arrangement where a pick up and drop off area can be created to accommodate this without the necessity to block the main access.

CYCLE PARKING PROVISION

The college's commitment to providing quality cycle parking is noted and is to be commended upon.

Whilst concerns have been raised regarding a dedicated pick up and drop off Point, on planning balance, it is considered that the colleges existing arrangements and layout can provide an opportunity for drop off and deliveries can be undertaken separately through the proposal via Caldwell Road without resulting in unacceptable highway impact to justify refusal of planning permission on highway grounds.

The Council's Highways Officer has recommended conditions relating to the following:

Travel Plan including details of shared spaces and pick up and drop off.

Disabled and EV spaces

Structural details of all retaining walls within 4m of the highway

Boundary treatment details

Construction Management Plan

Formal agreement entered with the Highway Authority in regard to the site access and re-positioned footway.

Subject to those conditions it is considered that the proposals are able to demonstrate compliance with policy CS2 of the Halton Delivery and Allocations Plan.

5.4 Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Drainage Strategy. The Officer for the Lead Local Flood Authority (LLFA) has confirmed that they agree with the assessment of flood risk to and from the site and considers that the applicant has provided a clear drainage strategy. United Utilities has raised no objection. The LLFA has no objections subject to conditions relating to implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with details to be submitted to and agreed by the planning authority and verification report confirming that the SuDS system has been constructed in accordance with the approved design. On that basis it is considered that the proposals are in accordance with policies CS23 and HE9 of the Halton Delivery and Allocations Plan.

5.5 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.

5.6 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 to be secured by condition.

In terms of on-going waste management, there is sufficient space within the development to deal with this. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

6. CONCLUSIONS

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 considered 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.

The proposal would enhance an existing educational facility within the Borough, in accordance with the Delivery and Allocations Local Plan. The development would have a positive impact on the Widnes Civic Quarter mixed use area through the promotion of a well-designed attractive building, improving the aesthetics through the recladding and retaining a community/educational facility on the site. Considering the above the proposal complies with Policies CS(R)18, CS(R)19, GR1, GR2, C2, HC5, HC9, CS23, HE8 and HE9 of the Halton Delivery and Allocations Local Plan and is recommended for approval subject to conditions.

7. RECOMMENDATION

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

1. Standard time limits condition
2. Plans condition listing approved drawings (GR1)
3. External facing materials (GR1)

4. Site Waste Management Plan (WM8)
5. Post-clearance investigation, assessment and, if required, remediation. (HE8)
6. Asbestos management plan. (HE8)
7. Construction Environmental Management Plan (HE1,HE9)
8. Travel Plan (CS(R)15)
9. Parking and Servicing Provision – (Policies C1 and C2)
10. Sustainable Development and Climate Change Scheme (CS(R)19)
11. SuDS including implementation, maintenance and management of a SuDS scheme in accordance with details to be submitted and verification report(HE9)
12. Details of Disabled and EV spaces (C2)
13. Structural details of all retaining walls within 4m of the highway (C1)
14. Boundary treatment details (GR1)

Informatives – Requiring formal agreement to be entered with the Highway Authority in regard to the site access and re-positioned footway and relating to Cheshire Constabulary advice

8. BACKGROUND PAPERS

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

9. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- 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.