



Development Control Committee

**Monday, 15 August 2011 6.30 p.m.
Civic Suite, Town Hall, Runcorn**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Dave Thompson (Vice-Chairman)
Councillor Philip Balmer
Councillor John Bradshaw
Councillor Arthur Cole
Councillor Robert Gilligan
Councillor Ron Hignett
Councillor Mike Hodgkinson
Councillor Dave Leadbetter
Councillor Tom McInerney
Councillor Shaun Osborne

*Please contact Ann Jones on 0303 333 4300 Ext. 1179 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Tuesday, 30 August 2011*

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

Part I

Item No.		Page No.
1. MINUTES		1 - 6
2. DECLARATIONS OF INTEREST		
	Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached, and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE		7 - 51
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 4 July 2011 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), J. Bradshaw, A.Cole, Gilligan, Hignett, Hodgkinson, Leadbetter, McInerney and Osborne

Apologies for Absence: Councillor Balmer

Absence declared on Council business: None

Officers present: A. Jones, G. Cook, J. Tully, T. Gibbs, M. Noone, G. Henry, A. Plant, J. Farmer, R. Wakefield and R. Cooper

Also in attendance: Councillors Rowe and Gerrard and 76 Members of the Public.

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

	<i>Action</i>
DEV7 MINUTES	
<p>The Minutes of the meeting held on 6 June 2011, having been printed and circulated, were taken as read and signed as a correct record.</p>	
DEV8 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV9 - 11/00078/FUL - PROPOSED EXTENSION TO EXISTING PHARMACEUTICAL MANUFACTURING FACILITY (USE CLASS B2) WITH ANCILLARY WAREHOUSE AND DISTRIBUTION, EXTENDED LOADING AREA AND HARD STANDING AT TEVA PHARMACEUTICALS RUNCORN, ASTON LANE NORTH, RUNCORN	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	

It was reported that in response to the additional drainage details requested, the Environment Agency had confirmed that the two pre-commencement conditions for surface water regulation and management of overland flow were no longer required, subject to a condition relating to the development being carried out in accordance with the submitted drainage details.

RESOLVED: That the application be approved subject to conditions relating to the following:

1. Specifying amended plans (BE1);
2. Restrict use to pharmaceutical manufacture, storage and distribution (E3);
3. Materials condition, requiring materials to match existing/ accord with submitted details unless otherwise approved (BE2);
4. Submission and agreement of detailed noise attenuation scheme (PR2);
5. Submission, agreement and implementation of scheme for regulation of surface water (PR16);
6. Submission, agreement and implementation of scheme for management of overland flow (PR16);
7. Wheel cleansing facilities to be submitted and approved in writing and used during construction (BE1);
8. Submission, agreement and implementation of site and finished floor levels and requiring minimum floor levels (BE1/ PR16);
9. Construction and delivery hours to be adhered to throughout the course of the development. (BE1);
10. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use (BE1);
11. Requiring submission / agreement / implementation of Travel Plan (TP16);
12. Restricting external lighting (BE1); and
13. Submission and agreement of additional details relating to location and screening to refuse and recycling areas.

DEV10 - 11/00122/HBCFUL - PROPOSED ERECTION OF 2M HIGH ALLEY GATES AND 2.4M HIGH FENCING AT ALLEYWAY BOUNDED BY 17 AND 19 BATHERTON CLOSE, WIDNES (11/00122/HBCFUL)

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

It was reported that an additional letter had been received from the resident of number 11 Batherton. They stated that they had concerns about the possible gating of Barherton Close and that they understood why it had been requested but believed that this was a policing issue and that this should not mean social isolation by the gating.

RESOLVED: That the application be approved subject to the following conditions:

1. Standard time limit for implementation; and
2. Required colour coating Dark Green BE22.

DEV11 - 11/00186/COND - APPLICATION PURSUANT TO CONDITION 57 (PERMISSION GRANTED BY SECRETARY OF STATE) ASKING HALTON BOROUGH COUNCIL FOR AGREEMENT IN WRITING, TO INCREASE THE QUANTITY OF REFUSE DERIVED FUEL DELIVERED TO THE ENERGY FROM WASTE POWER STATION BY ROAD FROM 85,000 TONNES TO 480,000 TONNES PER ANNUM AT LAND OFF PICOW FARM ROAD AT INEOS CHLOR

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

Clarification was made in relation to the statement on page 19 of the agenda, as set out in the update list.

The update list also included correspondence relevant to the agenda which was either not included in the printed agenda or which had arisen after the preparation of the printed agenda.

Objections had been received from Cheshire West and Chester Council. The objections were:

- They objected to the relaxation of the limits placed upon road transportation of RDF;
- They felt that sustainability principles or policies should not be abandoned for perceived fuel shortages or potential transportation difficulties; and
- They felt that the Carbon Transport Assessment used a set of flawed assumptions.

It was noted that the above issues were covered in the report which stated that the supporting information did not demonstrate that by agreeing to the changes this would lead to a reduction in green house gas emissions.

Further objections had been received from GVA on behalf of Covanta Energy Ltd, raising the following issues:

- They questioned whether the Council had jurisdiction to determine the application;
- They claimed that the application was deficient as the likely significant effects of a material change to an EIA development had not been fully assessed or presented;
- They stated that the application was not sufficiently justified;
- Stated that caution must be applied when considering carbon savings;
- That there was no restriction to source the fuel from within the North West region; and
- The relevant policy framework had not been taken into consideration;

It was noted that these issues were addressed in the report and in response, the Council considered that it was in a position to determine the request. Responses to GVA's letters had been provided to Members.

A further objection had been received from The Wildlife Trusts, Cheshire. They objected to the application on the grounds that it would impact on the heathland on Runcorn Hill. It was noted that following receipt of this letter the Nature Conservation Officer that had dealt with the original consultation had stated that the issue raised by Cheshire Wildlife Trust should be addressed through monitoring the effects on the Heathland on Runcorn Hill, and a management plan to address any issues should be funded through the environmental fund. It was also stated that the Mersey Gateway project was likely to reduce emissions of NOx in the area, through the more efficient movement of traffic and through the use of the central expressway.

It was reported that further discussion had taken place with Cheshire Wildlife Trust since they made their objection and they had now withdrawn their objection on the basis that the environmental fund was used to monitor and manage the heathland. Underlining this was that the Mersey Gateway would decrease the traffic flow in this area.

Further to the above objections, the following comments were also noted:

- Natural England had confirmed that it was unlikely to have a significant affect on the natural environment;
- Graham Evans MP had objected on the grounds that

the proposal would be highly detrimental to local residents and impact on the local highway infrastructure;

- The Highways Agency had no objection to the proposal; and
- The following Councillors had objected on the grounds already outlined in the report and in addition, that the traffic counter installed on Picow Farm Road was not being used correctly: Councillors Ellen Cargill, Kath Loftus, Martha Lloyd Jones, Peter Lloyd Jones and Margaret Ratcliffe.

It was reported that Ineos Chlor had provided their response to the issues raised by Cheshire West and Chester Council and Covanta Energy Ltd in a letter dated 20 June 2011. A copy of this was provided to the Committee together with the letters of objection from Cheshire West and Chester Council, GVA and the Wildlife Trust Cheshire, as mentioned above.

Officers reported that since the publication of the update list, a further 17 letters of objection had been received from local residents and a further three Councillors; Carlin, Zygadlo and C Plumpton Walsh, had also submitted their objections.

It was also reported that the applicant had, immediately prior to the meeting, submitted a unilateral 106 relating to routing. The specific undertakings were explained to the Committee.

The Committee was then addressed by Mr Jeff Meehan, who spoke against the application.

Mr Chris Tane, a representative of the applicant, then addressed the Committee in support of the application.

Councillors Rowe and Gerrard then addressed the Committee opposing the application.

Members debated the issues presented before them and raised a number of queries including:

- The level of carbon emissions implied from the application;
- Doubts over the scenarios referred to;
- The lack of information supplied by Ineos with regard to their investigations on the use of rail as a means of transportation; and

- The lack of any information from Network Rail on the issue.

Following debate it was concluded that there was insufficient information presented to the Committee to enable them to make an informed decision on the application.

RESOLVED: That the item be deferred to the August meeting of the Development Control Committee to enable additional information to be provided.

Meeting ended at 8.15 p.m.

REPORT TO: Development Control Committee
DATE: 15 August 2011
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Planning Applications to be determined by the Committee
WARD(S): Boroughwide

PLAN NUMBER: 11/00044/FUL
APPLICANT: Fordgate Group
PROPOSAL: Proposed demolition of East Lane House and Territorial Army Centre and the development of a Retail Store (Use Class A1), car parking, servicing a petrol filling station and associated landscaping
ADDRESS OF SITE: East Lane, Runcorn WA7
WARD: Halton Lea

SUMMARY RECOMMENDATION:

Approve subject to conditions and S.106 Agreement

SUMMARY

It is considered that this scheme, because of its scale, has the potential to generate a significant number of new trips to the wider centre, a proportion of which could be translated into linked trips to the town centre. The pedestrian connection to the town centre will be strengthened via the replacement of the footbridge which links the site directly to a town centre store car park. The site will provide the potential for substantial employment creation opportunities and provide a regeneration scheme for this part of the wider Halton Lea area.

SITE/LOCATION:

The site covers 3.75 hectares in size and is located at the eastern end of Halton Lea Shopping Centre. It is enclosed to the north and east by the Runcorn Busway, to the south by Crowngate, with the Halton Lea Shopping Centre immediately to the west across the East Lane roadway.

CONSULTATION AND REPRESENTATION:

The application was advertised as a departure in the local press and by a site

notice displayed near to the site. The nearest affected occupiers of the adjacent and nearby residential and commercial properties were notified by letter. United Utilities, Environment Agency, the Fire Service, Cheshire Wildlife Trust, the Council's Highway Engineers, Environmental Health Officers and Open Spaces Officers have all been consulted.

United Utilities have raised no objection to the proposal but have advised on easement issues and matters relating to the separation of foul and surface waters.

The Environment Agency have raised no objection to the proposal on the basis of recommended conditions as follows; provision of a scheme for surface water regulation; provision of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system.

Cheshire Wildlife Trust have recommended conditions relating to the cessation of development if any bats or birds are discovered on the site; the requirement for the presence of an ecologist on site if work is undertaken during the bird nesting season; provision of an appropriate tree replacement planting scheme; provision of bird and bat nesting boxes; retention of and filling in of the existing hedgerow on the northern and eastern boundaries of the site. These will be the subject of planning conditions.

A representation has been made by Cheshire Police, through it's Partnership Inspector for Halton, who are receiving continuing complaints relating to the vacant office building concerning; crime, disorder, trespass and anti-social behaviour with associated fire and safety risks. They continue to make resources available to minimise these issues at the site, but would welcome any redevelopment or regeneration of what is currently an unoccupied and derelict site.

The Fire Service have recommended the fitting of sprinklers throughout the proposed development.

A representation has been received from agents acting for 'Runcorn One Ltd', the current owners of Halton Lea Shopping Centre making an objection to the proposal which is discussed in the main body of this report.

Objections have been received from 2 local residents. One from a resident living in a property immediately adjacent to the site on the basis of the following; impact on the value of his property; resulting noise, litter, eye sore, smells and fumes; potential increase in vandalism, litter, trolley dumping, noise creation, which has been evident since Asda has been operating in this area; increase in crime and anti-social behaviour; human right to request that the development does not go ahead as he does not want to live next to a petrol station and supermarket; in the process of petitioning local residents who would be affected.

(It should be noted that the Council has not received a petition in relation to this planning application).

Another resident from the area commented that the area does not need more retail, but does need a proper sports and leisure centre for people nearby, sited in an accessible area like this.

A letter of support has been received from the site manager at the adjacent Castle View House, adjacent welcoming the proposed demolition of East Lane House.

RELEVANT HISTORY:

Planning Application 2/22341/P by Government Department (Ministry of Defence) under Circular 18/84 for details of new TAVR Centre (including Battalion HQ); 05/00289/OUT Outline permission granted 2nd April 2008 for the erection of a 13,006sqm gross retail store, including integration into existing shopping centre, together with parking, servicing, landscaping and petrol filling station. A further planning application 10/00493/OUT for the extension of the time limit for implementation of this approved scheme was approved at the Development Control Committee in February 2011. This decision has not yet been issued as it was subject to a Section106 Agreement which is still in production.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The majority of the site is within the designated site for Primarily Employment in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

- S16: Retail Hierarchy.
- S17: Retail Development
- BE1: General Requirements for Development
- BE2: Quality of Design
- TC1: Retail & Leisure Allocations
- TC2: Retail Development to the edge of designated shopping centres
- TC4: Retail Development within Designated Shopping Areas
- TC5: Design of Retail Development
- E3: Primarily Employment Areas
- PR2: Noise Nuisance
- TP1: Public Transport Provision as Part of New Development.
- TP6: Cycle Provision as Part of New Development
- TP7: Pedestrian Provision as Part of New Development.
- TP12: Car Parking.
- TP14: Transport Assessments.
- TP15: Accessibility to New Development
- TP16: Green Travel Plan
- TP17: Safe Travel for All
- TP18: Traffic Management

The following national policy guidance contained within Planning Policy Statement 4: Planning for Sustainable Economic Growth is of particular relevance:-

EC10: Determining Planning Applications for Economic Growth

EC14: Supporting Evidence for Main Town Centre Uses

EC15: The consideration of sequential assessments for planning application for main town centre uses that are not in a centre and not in accordance with an up to date development plan

EC16: The Impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan

EC17: The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan.

OBSERVATIONS AND ISSUES:

The Proposal

Members will be aware that an application, Ref: 10/00493/OUT, was presented to and approved by this Committee for the erection of a 13,006 sqm gross retail store, including integration into existing shopping mall, together with parking, servicing, landscaping and petrol filling station, subject to the applicant entering into a Section 106 Agreement to provide a financial contribution towards highway and environmental improvements, and to the demolition of the existing building within an agreed timescale.

The proposal now before members differs from this in one important aspect and is an essential area for consideration, in that this will now be a stand alone development and would not provide the direct built on linkage into the Halton Lea shopping centre as originally envisaged. Instead, the existing footbridge which will be replaced and be re-directed to lead in from the proposed retail unit.

This proposal now consists of a 13,782 sqm retail unit with ancillary petrol filling station, associated car parking and landscaping. The retail unit is proposed to operation on a 24 hour basis (Sunday and Bank Holiday restrictions apply) with the petrol filling station restricted. The proposal will create an estimated 350 full time equivalent jobs.

The main issues arising as a result of the proposal are:- retail policy; visual appearance; highway matters; noise and disturbance;

Policy

The application proposes an alternative solution to that considered by Members (application 10/00493/OUT) on the 14th February 2011.

This scheme primarily differs from the previously approved and extant development by being a more stand alone development albeit with an enhanced footbridge connection via Meadow Car Park. As such this should now be considered as an edge-of-centre site unlike the previous proposal which linked directly into the main shopping mall of Halton Lea and was therefore considered to be a town centre development.

As an edge of centre development, the application has been supported by a Retail Assessment including a sequential test and a retail impact assessment as required by UDP policies, S17 (*Retail development*) and TC2 (*Retail developments to the edge of designated shopping centres*) and PPS4 Policies EC14 (*Supporting evidence for planning applications for main town centre uses*), Policy EC15 (*The consideration of sequential assessments for planning applications for main town centre uses that are not in centre and not in accordance with an up to date development plan*), EC16 (*The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan*) and EC17 (*The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan*).

The Sequential Test

The proposed development has been tested against the following 8 alternative sites:

Halton Lea

1. Halton Lea Shopping Centre / Trident Retail Park (vacant units)
2. Car park adjacent to Cineworld, Trident Retail Park
3. Vestric House site

Runcorn Old Town

4. High Street bus station
5. Land west of bus station
6. Land south of 59-69 High Street
7. Former Crosville bus depot site
8. Land to north of Brindley Arts Centre

The testing concludes that these sites are not capable of accommodating the proposed development or are not sequentially preferable, which is accepted.

The applicant has chosen not to assess their own alternate previously approved proposal, which being a town centre scheme would be sequentially preferable. They note, that "*The proposed development [this application] is an alternative to the permitted scheme. The proposed development represents an enhancement to the permitted scheme with revisions made to increase its attractiveness to potential retailers and the prospects of bringing forward this important piece of regeneration for Halton Lea*".

On the basis that it is now accepted that the previously consented scheme is not deliverable (available / viable) within a reasonable timeframe because of the fracture of land ownerships and other matters, and as assessed against

the identified sites in the Retail Impact Assessment (RIA) this current application can still be considered to have passed the sequential test. This is challenged by the new owners of Halton Lea (Runcorn One) as detailed below.

The Impact Test:

The applicant has provided an assessment utilising the findings of the Halton Retail and Leisure Study 2009, taking figures for the two main study zones south of the river covering Runcorn (Zone 3) and Frodsham (Zone 4) which is considered to be an appropriate and proportionate approach.

As the application is in outline and there is no retailer currently committed to the scheme, the applicant has provided two impact assessments on the basis of a) the store being taken by Tesco with the resultant closure of the current Tesco Metro, and b) the store being taken by another major foodstore operator not presently represented in Halton Lea.

The proposed store is some 13,782 SqM (Gross) with a net floorspace of 9,290 SqM split evenly between convenience and comparison goods. The West Lane Asda by comparison has a net floorspace of approximately 4,800SqM.

The proposed store is forecast to turnover at £74.66m if taken by Tesco or £67.56m if taken by another operator, based on company averages.

The applicant assesses potential impact on retail turnover, if a Tesco, on competing centres / stores as being; Tesco Metro -100% (replaced); Asda -25%; Aldi -14%; Other Halton Lea -5.7%. If the proposed store was a Tesco the total impact on Halton Lea (excluding Asda) would be -20%.

The applicant assesses potential retail impact, if the store were taken by another operator on competing centres / stores as being; Tesco Metro -31%; Asda -28%; Aldi -14%; Other Halton Lea -6.5%. If the proposed store was not a Tesco the total impact on Halton Lea (excluding Asda) would be -19%.

The cumulative effect of the Lidl proposal on the Vestric House site adds about 1% to these figures.

In addition, the applicant assesses impact of 5% on Runcorn Old Town centre, of up to £0.62m or 10% falling on 'local traders' with no defined impact on the Co-Operative supermarket identified, which the applicant concludes "*is not of a significant adverse magnitude and would not adversely impact on its vitality and viability*"

These figures are calculated on the basis of 60% of the proposal's turnover being derived from Runcorn (Zone 3), 10% from Frodsham (Zone 4) and 30% from outside the Retail Study area, these figures being derived from the Retail Study consultants' assumption (Table 7b) that the 2005 permission would draw 60% of its turnover from Zone 3. This predicts that between 37% and 45% of the proposals convenience trade will be drawn (either as inflow or

clawback of expenditure) from facilities outside of the study area (covering Halton / Warrington) with the figure for comparison goods being between 48% and 52%.

This trade draw profile seems improbable. Survey results from the same study show Asda West Lane drawing 93% of its Main Food and 94% of its top-up convenience trade from Runcorn / Frodsham (Zones 3 and 4), whilst the figure for comparison goods trade going through food stores at Halton Lea from this area is 97%. The applicant contests this view.

Assuming a more localised trade draw for the proposed store with 90% derived from Runcorn / Frodsham, this would predict impacts in the region of Tesco Metro -40%; Asda -36%; Aldi -18%; Other Halton Lea -8.3%, giving an overall impact on Halton Lea (excluding Asda) of around -25% and the Runcorn Old Town independent traders of -18%.

It should be noted that the West Lane Asda is believed to be significantly overtrading and as such the predicted impacts are unlikely to prejudice the continued operation of the store. In addition, the definition of the Primary Shopping Area in the UDP encompassing the Asda site does not easily fit with the new PPS4 and as such the store may more reasonably be considered as being edge-of-centre meaning impact is merely a matter of commercial competition between competing edge-of-centre sites.

Similarly, the Aldi store is believed to be overtrading, though the operators agents have previously suggested the retail study overestimates its performance. As such it is difficult to draw a firm conclusion on the effects of the trade diversion beyond saying there is no evidence available to suggest the impact would threaten the future of the store.

Whilst there is no universal threshold impact percentage that would warrant a refusal, the potential impacts calculated must be considered significant and material.

Against the predicted impacts of Halton Lea as a whole, two mitigating but difficult to quantify factors arise. Firstly, the proposal would undoubtedly result in new trips to the centre, be they new trips from outside Halton or clawback of trips / expenditure from Halton that currently 'leak' elsewhere, as noted above however, the proportion of such trips is uncertain, although the applicant's figures of between 37% and 52% (of turnover) seem to overstate the potential proportion. Figures in the range of 20% to 30% are more normal for a foodstore of this scale. Notwithstanding, this will undoubtedly provide the potential for linked trips from which the main covered shopping mall may seek to benefit, though the quality and visibility of the physical linkages between the developments will be crucial to maximise this potential.

Secondly, should the proposal be developed and taken by Tesco, this would see the closure of the current Tesco Metro within Halton Lea that would free-up a large floorplate unit that may be more appropriately occupied by comparison goods trader(s) improving the centre's overall offer, though the

prospect of securing such in a reasonable timeframe is questioned by the centre's owners.

An objection to the proposal has been submitted on behalf of Runcorn One Ltd, the new owners of the Halton Lea Shopping Mall, stating that the application should be refused on a number of grounds.

- 1) It fails the Sequential Test (Runcorn One being in the process of putting together a reconfiguration of the SW corner of Halton Lea to create a unit with similar characteristics to the edge-of-centre East Lane application).
- 2) It fails a number of the Impact tests
 - a) Trade diversion will impact on the vitality and viability of the existing centre
 - b) The potential for linked trips is overstated and not supported by any evidence
 - c) The development would compete for a trader with Runcorn One's own in-centre proposal and if allowed would deter significant investment in the current centre.

Furthermore, they state that any reference to the previous 2008 permission lending support the current application is spurious as this scheme was considered to be a town centre scheme due to the physical integration into the centre and as it is no longer implementable due to fracturing of ownerships.

This latter point confirms the view stated previously that the 2008 scheme cannot realistically be included within the sequential analysis of the current proposal.

With regard to the potential in-centre solution, this has been raised previously with officers of the Council, but has not yet resulted in an application, though Runcorn One Ltd now state that they intend to submit within three to six months, and discussions are at an advanced stage with current leaseholders affected. No other specifics have been supplied at this time. Similarly, with regard to this application being a disincentive to investment, no specific detail has been supplied beyond that the expenditure capacity does not exist to support both competing schemes.

In drawing a conclusion it is considered that this scheme, because of its scale, has the potential to generate a significant number of new trips to the wider centre, a proportion of which could be translated into linked trips to the town centre. The site will have a strengthened pedestrian connection to the town centre with the replacement of the footbridge which links the site directly to a town centre multi-storey car park. The site will provide the potential for substantial employment opportunities, which Members have given significant weight to in granting previous planning permissions for edge of centre retail proposals. The impact on the town centres is difficult to quantify precisely, although it is agreed that material impact is likely to result. However, the recommendation is based on a balance of weight between this and the other potential advantages of the generation of employment opportunities and

regeneration of this part of the wider Halton Lea area and the Borough as a whole.

Visual Appearance

The proposed scheme will be located adjacent to the existing Halton Lea shopping centre, close to the Trident Retail Park development and has a main road frontage. However the main entry points into the store would be from the car park on the eastern side of the building. As such there is no door frontage facing onto East Lane.

The building's orientation means that it would be more legible to passing traffic, as well as providing a focal point to the Fourth & Fifth Avenue vista. This arrangement also maximises the distance between the existing residential area, to the east, and the Retail Store service yard. The Retail Store could then be orientated so that the store frontage faces this residential area, providing a distant view of an active store front, softened by landscaping, rather than a closer view of the store's side or rear elevation.

Attention has been paid to the treatment of the footbridge link from the proposed store into the Halton Lea shopping area as this provides the main route on foot between the two sites. The current bridge consists of a concrete with painted, solid metal side panels running its full length on both sides and is elevated from the road below on supporting stanchions. The Council has discussed this fully with the applicant who has agreed to the provision of a new footbridge. This will provide an improvement with the replacement of the metal side panels with a more open, grill type of material. The final detail for this can be the subject of a planning condition given that the applicant has control over the footbridge connections at both ends of the footbridge.

Attention has also been paid to the proposed treatment of the boundary adjacent to the service yard to the north side of the building which if not successfully treated could result in an unattractive area with potential for vandal abuse. Further discussions are taking place to ensure the best form of treatment of this boundary and members will be updated verbally on this particular aspect.

The scheme provides a substantial landscaping proposal and provision of a frontage walkway along East Lane with existing trees retained alongside new tree planting. Along this elevation and around the corner into Crowngate, a landscaped gabion wall is proposed which in the form identified on the submitted drawings, will contribute positively to the street scene whilst being of a style to minimise any potential graffiti/vandalism issues.

The retail building is situated over 130m from the nearest residential properties on The Uplands and is considered to result in no material harm to either the privacy or the outlook of the occupiers of these properties. The petrol filling station building and forecourt are 30m from these properties. Between the application site boundary and the rear fences of The Uplands properties, there is the Busway and landscaping in the form of an existing

hedge and proposed planting. There is a difference in land levels between the petrol filling station and the Busway above of 6m. The upper level car park is situated 30m from the nearest dwellings and is just below the level of the intervening Busway. There is a landscaping scheme proposed around this edge of the site.

On the basis of what has been submitted to date it is considered that the proposal provides an overall improvement to the buildings currently on the East Lane frontage which will provide a positive impact on the locality without causing significant material harm to the existing residential occupiers.

Highway Matters

The principle of a retail outlet of this scale has been accepted in the grant of planning permissions for earlier similar schemes on this site. Lengthy discussions have taken place between the Council's highway engineers and the applicant to explore the options for access in and out of the site and improvements to the local highway network. The applicant has provided additional and amended details and is continuing discussions to finalise technical highway matters. Discussions to date have included a single lane working of East Lane and a two way working of Northway, the latter similar to that approved on the previously approved permission. The conclusions of these ongoing discussions including any recommended conditions will be reported verbally to Members.

Noise And Disturbance

The site is already in use as a TA Centre, closest to the nearest residential properties on The Uplands and the East Lane House building could be brought back into use without planning permission, therefore it is an operational site as it is. An objection has been received from one resident living on The Uplands, adjacent, who is concerned about noise, smells and litter. The nearest dwellings are 30m from the nearest part of the proposal, the petrol filling station.

It is recommended therefore that the opening hours of the petrol filling station be restricted to 07:00 – 23:00 Monday to Friday; 08:00 -18:00 Saturdays, Sundays and Bank Holidays; Deliveries to the petrol filling station permitted only between 07:00-23:00 Monday to Friday; 08:00-18:00 Saturdays, Sundays and Bank Holidays.

On this basis and given the difference in land levels and the intervening Busway, the proposal is deemed to be acceptable and impact on the nearest residential properties minimised sufficiently.

Conclusion

It is considered that this scheme, because of its scale, has the potential to generate a significant number of new trips to the wider centre, a proportion of which could be translated into linked trips to the town centre. It will provide a

strengthened pedestrian link to the existing town centre car park, will generate employment and regenerate a problematic derelict site. Whilst it is accepted that the scheme does not wholly comply with Policy TC2, significant weight has been attached to the employment and regeneration benefits that the scheme would bring to the area and it is on this basis that it is recommended for approval.

RECOMMENDATION:-

Delegated authority is given to the Operational Director Planning, Policy & Transportation, in consultation with the Chair and Vice Chair, to approve subject to conditions and legal agreement* and the application not being called in by the Secretary of State.

*Section 106 for the submission of financial contributions towards highway, environmental and regeneration improvements and demolition of the existing office building within 12 months of the decision.

And the following conditions:-

1. 3 year implementation (BE1)
2. Amended plans (BE1 + BE2)
3. Provision of full details of a replacement footbridge located at the north west of the site. Such details to be implemented within an agreed timescale with the Local Planning Authority (BE1, BE22, TP12, TP6, TP7)
4. Materials submission prior to development beginning (BE2)
5. Boundary treatment details, including the gabion wall on the East Lane and Crowngate frontage, submission prior to development beginning (BE22)
6. Tree Protection measures during construction (BE1)
7. Landscaping Scheme including retention of hedgerow on northern and eastern boundaries of the site and replacement of missing sections, submission prior to development beginning (BE1)
8. Ecological and bat protection (BE1)
9. Provision of bat and bird boxes as part of the development (BE1)
10. Ground Investigation submission prior to development beginning (PF14)
11. Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning (BE1)
12. Submission of scheme for the management of overland flow from surcharging of the on-site surface water drainage system (BE1)
13. Submission of details of cycle parking prior to development beginning (TP6)
14. Submission of details of disabled parking spaces prior to development beginning (TP12)
15. Submission of structural calculations for all retaining walls adjacent to the adopted highway prior to development beginning (BE1)
16. Submission of a Travel Plan prior to development beginning (TP16)
17. Submission of a Construction Management Plan, including a phasing strategy, prior to development beginning (BE1)

18. Submission of details of wheel cleansing facilities, including a method statement and site plan identify the facility location, prior to development beginning (BE1)
 19. Hours of construction (BE1)
 20. Submission of details of on site parking for during construction, prior to development beginning (BE1)
 21. Restricted hours for Petrol Filling Station 07:00 – 23:00 Monday to Friday; 08:00 -18:00 Saturdays, Sundays and Bank Holidays; Deliveries to the petrol filling station permitted only between 07:00-23:00 Monday to Friday; 08:00-18:00 Saturdays, Sundays and Bank Holidays (BE1)
-

PLAN NUMBER: 11/00156/FUL

APPLICANT: Ladson Construction and Greene King Plc

PROPOSAL: Proposed new district centre including 1no convenience store, 5no retail units with office space to first floor, and construction of Public House with manager's accommodation at 1st floor with associated access, service area and parking at

ADDRESS OF SITE: Land Opposite Lanark Gardens, Queensbury Way, Widnes

WARD: Birchfield

SUMMARY RECOMMENDATION:

Approve with Conditions

CONSULTATION AND REPRESENTATION:

The application has been advertised by means of a site notice, press notice and the neighbouring properties have been consulted. United Utilities, the Environment Agency, the Council's Open Spaces, Environmental Health and Highways Officers and Cheshire Wildlife Trust have also been consulted.

The Environment Agency has confirmed that they have no objections subject to conditions relating to surface water runoff, overland flow, scheme to remove suspended solids and a scheme for foul drainage, oil and petrol separators and installation of trapped gullies.

United Utilities raise no objections subject to drainage on a separate system with foul drainage connected into the foul sewer.

95 letters of objection and one petition of objection with 62 names have been received on the following grounds:

- Increased traffic from proposal
- Inappropriate use of Falkirk Avenue as a cut through
- Highway safety and increased risk of accidents
- A new road should be built to take traffic away from Falkirk Avenue
- Inappropriate scale of the convenience store
- No need for such facilities due to other facilities being within walking and driving distance.
- Anti-social behaviour that would be caused by proposal.
- Noise impacts caused by proposed uses and additional traffic
- Concerns over the hours of opening and the sale of alcohol
- Residents require facilities such as a school and a health centre not a pub, convenience store and take away establishments
- Anti-social behaviour, vandalism, litter, and encouragement of vermin
- Loss of view
- Loss of light
- Light pollution from the development
- Loss of privacy
- Loss of amenity
- Impacts on property values

Derek Twigg MP has sent in 7 letters forwarding on residents' concerns and confirming that he supports his constituents' objections.

SITE/LOCATION:

The site is currently vacant land located on the corner of Lanark Gardens and Queensbury Way. There is also vacant land to the east of the site designated for use as a school.

RELEVANT HISTORY:

An outline application (ref: 04/01078/OUT) for 15 no. residential units was withdrawn. An application (ref:04/01085/FUL) for a district centre development, including a public house, nursery, two retail units and 2 no. class A3 hot food units was approved in March 2005, and renewed for a further 5 years in 2010 (10/00129/S73). This permission superseded application 04/00002/FUL which was for a district centre proposal 4 no. retail units, nursery, public house and a health centre.

A further application (05/00473/FUL) was received for a proposed health centre (ground floor) with residential accommodation above (comprising 12 No. units in two bedroom apartments on the first and second floors) but was subsequently withdrawn. In 2006 outline permission was granted (06/00540/OUT) for a two storey health centre/childrens nursery.

In September 2006 application 06/00502/FUL was granted permission for district centre, consisting of 1 No. single storey convenience store, 5 No. two storey retail units, 1 No. two storey public house and 1 No. three storey apartment block.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as a Proposed Local Centre where policy TC1 Retail and Leisure Allocations in the Halton Unitary Development Plan (UDP) is of relevance.

The other key policies of relevance are BE1 General Requirements for Development, BE2 Quality of Design, TC5 Design of Retail Development, TP12 Car Parking, PR16 Development and Flood Risk.

The Upton Rocks Local Centre Planning Brief and the Council's New Residential Guidance Note are also of relevance.

The Halton Borough Council Core Strategy Revised Submission Document May 2011 is now also a material consideration, the most relevant Policy being CS5 'A Network of Centres'.

OBSERVATIONS AND ISSUES:

The application is for a proposed new district centre including 1no convenience store, 5no retail units with office space to first floor, and construction of public house with manager's accommodation at 1st floor with associated access, service area and parking on land off Lanark Gardens/Queensbury Way.

Policy

The various uses expected to be found in the proposed district centre are set out in Policy TC1 Retail and Leisure Allocations and in the Local Centre Planning Brief. TC1 allocates the site for local shops and community facilities. The Local Centre Planning Brief identifies the site for a convenience store, retail, pub/ restaurant and a health centre. The proposed uses are, therefore, acceptable in principle.

Policy CS5 of the Core Strategy Revised Proposed Submission Document (May 2011), identifies the need for new retail development to serve local need in Upton Rocks.

Design and Character

The proposal involves the construction of three separate buildings. These include a single storey convenience store, a two storey public house/restaurant (with staff accommodation to first floor) and a two storey building consisting of 5 retail units on the ground floor and one office unit on the first floor.

The design of the proposed buildings is similar and complements those in the surrounding area. The external materials would be sympathetic with the adjoining residential development. Conditions would also be added to ensure

no external extraction flues and no external shutters are added without approval from the local planning authority, this is to ensure a good design and maintain the appearance.

The convenience store is considered to be an essential part of the local centre, providing a sustainable community use. This would reduce the need for car use in the local area. The proposed public house would ensure that the local centre maintains some vitality in the evenings.

Amenity

A number of concerns have been raised in relation to the hours of opening of the convenience store and associated noise and disturbance, the sale of alcohol, potential for anti-social behaviour and litter.

The proposed opening hours are as follows:

Retail uses including convenience store (A1) - 7am to 10.30pm

Public house/restaurant (A4) - 9am to midnight

Take away use (A5) - 7am to 11pm

Office use (B1a) - 7am to 10pm

Non-residential institution use class (D1) - 7am to 10.30pm

The Environmental Health Officer has been consulted and has no objection to these opening hours. With regards to litter, the site layout shows the provision of litter bins outside of the convenience store, shops and the pub.

Highway Safety

The Council's Highway Engineer has looked at the proposal and the previous approvals and has concluded that the differences are not significant and therefore a refusal on this basis could not be justified. The Engineer considers the layout and parking numbers to be acceptable.

Ecology

The application has been submitted with an ecological appraisal which outlines a number of mitigation measures. The Council's ecological advisor (Cheshire Wildlife Trust) has been consulted and has no objections to the proposal subject to conditions being attached which will ensure that the recommended mitigation measures are carried out.

Flood Risk

The application has been submitted with a flood risk assessment. The Environment Agency has been consulted and has confirmed that it has no objections subject to conditions relating to surface water runoff, overland flow, provision of a scheme to remove suspended solids and a scheme for foul drainage, oil and petrol separators and the installation of trapped gullies.

United Utilities have also been consulted and they have confirmed that they have no objections.

Summary and Conclusions

It can be seen from the above planning history and policy section of this report, that the local centre is allocated in the adopted Halton Unitary Development Plan and indeed the Council as landowner have been marketing the site for many years. Members will also be aware that the proposals have received an element of local opposition in the past and to this current application.

The objections to this application have focussed on anti-social behaviour and public safety, noise from the uses and increased traffic and highway safety issues.

The site has been carefully selected because of its position on the Queensbury Way distributor road, there are good accessibility and transport links. It is central to the 'Upton Rocks' development area and is considered as an essential component to the sustainable development of this large housing area.

The design and detail of the scheme is of a high standard and will result in not only a development which will visually add to the quality of area, but also provide for a number of essential amenities for a sustainable community.

RECOMMENDATION:

Approve subject to the following conditions listed below: -

1. Standard condition relating to timescale and duration of the permission
2. Condition listing all plans and amended plans (BE1)
3. Wheelwash condition required for construction phase (BE1)
4. Parking conditions (2 separate conditions) to ensure parking and servicing areas is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12 & E5)
5. Condition(s) in relation to details of hard and soft landscaping (BE2)
6. Condition in relation to boundary treatment details (BE2)
7. Details of the design of the bin storage (BE2)
8. Condition that the development is carried out in accordance with the submitted ecological reports and mitigation measures (GE21 and GE25)
9. Condition that no clearance works shall be carried out during bird nesting season (GE21)
10. Condition that site is checked for amphibians prior to commencement
11. Condition for protective fencing around adjacent pond (GE1 and GE25)
12. Condition for a wildlife protection plan for the terrestrial habitat and ditch system associated with the adjacent pond (GE25)
13. Four Environment Agency conditions relating to submission of details of surface water runoff, overland flow, scheme to remove suspended solids and

a scheme for foul drainage, oil and petrol separators and installation of trapped gullies (BE1 and PR16)

14. Construction hours to be adhered to throughout the course of the development. (BE1)
15. Delivery hours to be adhered to throughout the life of the permission (BE1)
16. Opening hours to be adhered to throughout the life of the permission (BE1)
17. Condition stating that there shall be no external flues on any units. (BE2)
18. Condition stating that there shall be no external shutters on any units (BE2)
18. Materials condition(s) one for the development to be carried out in accordance with submitted details and a second requiring the submission and approval of those materials not yet submitted (BE2)
19. Details of equipment to control the emissions of fumes shall be submitted and agreed in writing. (BE1 & PR3)
20. Condition that construction traffic is to use Queensbury Way (BE1)
21. Condition identifying use class restrictions

PLAN NUMBER: 11/00186/COND

APPLICANT: INEOS Chlor

PROPOSAL: Application pursuant to condition 57 (permission granted by Secretary of State) asking Halton Borough Council for agreement in writing, to increase the quantity of refuse derived fuel delivered to the energy from waste power station by road from 85,000 tonnes to 480,000 tonnes per annum at

ADDRESS OF SITE: Land off Picow Farm Road at INEOS Chlor

WARD: Heath

SUMMARY :

This item was deferred at the last meeting of the Committee for further consideration in light of additional information which was requested to be provided to the Committee.

The following questions have been put to INEOS:

- 1) INEOS transport report considers four transport scenarios. Are other delivery scenarios available to inform this application?
- 2) What relevance (if any) has water transport to this application?

The whole item will be considered afresh in the light of all the information available to the Committee.

The site is located to the west of Runcorn within the INEOS Runcorn Site that occupies much of the area west of the A557 Weston Point Expressway. INEOS have requested that the tonnage of fuel delivered to the Runcorn Energy from Waste and Combined Heat and Power Station by road be allowed to increase from 85,000 tonnes per annum to 480,000 tonnes - an increase of 395,000 tonnes.

731 individual households and properties within the vicinity of the site were notified by letter and site notices were also placed on highways around the site. 240 letters of objection were received from residents.

The upper throughput figure of the plant is 850,000 tonnes of refuse derived fuel (RDF) per year. The calculation set out in the Transport Assessment assumes that a total of 480,000 tonnes of waste are transported by road to the site. This represents the worst case amount based on the assumption that all waste that does not come from Manchester or Cheshire comes by road. All of the fuel from the Greater Manchester Waste Disposal Authority (285,000tpa) will be delivered by rail and the Viridor/INEOS bid for the Cheshire waste contract (approx. 85,000tpa) is based on delivery of fuel by rail (total 370,000tpa / 43.5%).

The main issues and considerations raised during consultation are as follows:

Highway Capacity, Safety and Noise Issues

The proposal to increase the amount of waste delivered by road by 395,000 tonnes per annum, would result in an additional 170 daily HGV movements. All deliveries are to be routed from the expressways along Picow Farm Road onto a new access road into the site, taking HGV movements from Salt Union away from Weston Village. INEOS have signed a unilateral undertaking to make all reasonable endeavours to direct traffic along the preferred route (Picow Farm Road). The Highways Agency and Highway Authority consider that the increased movement is not considered significant in overall terms and is considered to be an acceptable variation. The traffic assessment, which accompanies the application, supports this conclusion.

Waste Policy

There is significant waste policy at European (EU Waste Framework Directive), national (Planning Policy Statement 10 – PPS10), regional (Regional Spatial Strategy - RSS) and local levels (Unitary Development Plan – UDP and Joint Merseyside and Halton Waste Development Plan Document) in favour of agreeing the request. The three key areas are the waste hierarchy, the proximity principle and regional self sufficiency. Energy from waste counts as ‘other recovery’ in the waste hierarchy and waste has a significant role to play in the generation of renewable energy. Policies in the emerging Joint Waste DPD require that reliance is placed on the current planning consents in Merseyside and Halton to meet future need. Policy seeks waste management facilities close to waste sources and it is imperative that facilities in the region are accessible to regional waste streams.

Social Impact

The impact on the locality from increased traffic utilising routes through the residential areas can be mitigated by the use of the preferred route along Picow Farm Road.

CO₂

The submitted transport carbon assessment looks in more detail at what impact the current authorised modal split would have on green house gas emissions. The assessment estimates that significant GHG emissions reductions of up to 2,043 tCO₂e/annum could be achieved if they were able to deliver 480,000 tonnes per annum by road. Although this figure is the upper limit the assessment does demonstrate that there would be a reduction in CO₂ on the most likely scenarios.

Landscape

In relation to the impact on the environment in the local area, Natural England have confirmed that from the information provided with this application that the proposal is unlikely to significantly affect the natural environment. The original environmental statement assessed the impact of the Energy from Waste Facility including the transport assessment (delivery of 480,000 tonnes per annum delivered by road) and was not considered to have a significant affect on the natural environment.

Prudent Use of Natural Resources

An overall objective of Planning Policy Statement 10 (PPS10) on waste is to use it as a resource wherever possible. Moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort is essential. The INEOS facility is one of the most sustainable ways of utilising waste that cannot be recycled as it generates both heat and power for INEOS's processes. Ensuring that waste from the surrounding local area can be used as fuel is essential to achieving this national policy aim.

Economic Factors

Ensuring the energy generation facility can run at full capacity protects local jobs / and allows predicted reduction in energy costs. The alternative energy supply for INEOS is electricity generated primarily from fossil fuels.

Recommendation

Taking account of the elements of sustainability – social, economic and environmental – the most sustainable approach is to agree the request.

The social and environmental impact issues have been considered and can all be mitigated.

Economic impacts are positive through promotion of decreased energy costs and the need to secure fuel supplies. These impacts are linked to economic growth and employment.

The need to pursue key policy objectives of sustainable waste management should carry significant material weight.

To refuse the application would mean more waste may be sourced elsewhere in the UK. Our local commercial and industrial waste would end up being processed outside the region, which would not accord with the proximity principle of dealing with waste locally . This plant represents the most sustainable way of recovering value from waste, utilising both the heat and power generated.

It is recommended that the Committee agree to the request.

At the time of compiling this report the additional information requested by the Committee at its last meeting was not yet available. The conclusions in this report may have to be revised depending on any information which is to be provided to the Committee. The recommendation is therefore provisional at this time.

INTRODUCTION:

A request has been received from INEOS to vary the terms of their, currently being implemented, planning permission for the Energy from Waste Combined Heat and Power Station on their Runcorn site. Specifically, it is requested that the tonnage of fuel delivered to the site by road be allowed to increase from 85,000 tonnes per annum to 480,000 tonnes.

The currently permitted limit of 85,000 tonnes is set by condition 57 ("Condition 57") of the existing permission issued by the Department for Business, Enterprise and Regulatory Reform, under the Electricity Act 1989, in 2008.

Condition 57 states:

"(57) Unless agreed in writing with the Council, the quantity of refuse derived fuel imported for use in the operation of the Development by road shall not exceed 85,000 tonnes in any twelve month period and the Company shall record the date and volume of waste delivered to the site and where requested by the Council shall copy records to the Council within five working days."

The reason given by the Secretary of State for imposing Condition 57 was:

"To Minimise road traffic movements in the locality and to ensure that the most sustainable modes of transportation are considered for the delivery of refused derived fuel"

It should be noted that this request is made independently from the earlier Section 73 application (App No; 11/00013/S73), previously subjected to wide ranging consultation. That application has now been withdrawn.

Notwithstanding, that the currently requested change to the delivery arrangements is made independently from that application, it is still thought to be of benefit to bring to the attention of Members the responses received in respect of that application, as they may well help to inform consideration of the current request.

Legal Agreement

A unilateral planning obligation dated 4th July 2011 was tabled by the Applicant at the last meeting of the Committee. Copies have been forwarded to members of the Committee. The planning obligation was made under section 106 of the 1990 Act and provides for various measures to control the routes to be taken by heavy goods vehicles in connection with the development.

Supporting Information from the Applicant

To help support and justify their present request, Ineos, has also provided additional explanation and justification for the current request. This can be summarised as follows:-

INEOS Chlor and its partner Viridor have tried to maximise the quantity of fuel delivered by rail. All of the fuel from the Greater Manchester Waste Disposal Authority (285,000tpa) will be delivered by rail and the Viridor/INEOS bid for the Cheshire waste contract (approx. 85,000tpa) is based on delivery of fuel by rail. However, INEOS state that it is clear that there is a limit to the quantity of fuel that can be practicably and economically delivered by rail from the North West region.

The practical limit is set by the absence of necessary rail infrastructure at sites that are suitable for Mechanical and Biological Treatment (MBT) plants (which process waste to produce the fuel). Installation of the necessary rail infrastructure is likely to either be impossible or be assessed by the MBT operators as commercially prohibitively expensive and such works are beyond the control of the applicant. For such sites, the only rail solution would be to tranship the fuel by first loading HGVs that would then transport it to the nearest railhead, which could be tens of kilometres away with secondary loading on to a freight train. This would almost always result in a 'double handling' charge and a longer total travel distance. The cost of transhipping is assessed to be so high that it would never be competitive when compared to single shipment by road for deliveries within the North West.

It is unlikely that there will be further MBT sites developed in the North West with rail connection. The consequence of this is that the consented scheme may not operate at or near to maximum capacity and not fully serve the waste requirements of the North West region. This will result in the development of

further waste disposal facilities designed and located to take fuel delivered by road.

The calculation set out in the Transport Assessment assumes that 480,000 tonnes of waste are transported by road to the site. This represents the worst case amount based on the assumption that all waste that does not come from Manchester or Cheshire comes by road and that the upper throughput figure is 850,000 tonnes of waste per year. In addition to the waste being transported to the site, a number of other HGV movements will be required to transport materials to the site and remove residual waste from the site.

The current consent would result in 214 HGV movements to and from the site per day. This takes into account the delivery of the 85,000 tonnes by road, and the HGV movements of those removing by-products of the operation including removal of lime, ammonia water, bottom ash, and fly ash. The proposal to increase the amount of waste delivered by road, to 480,000 tonnes per annum, would result in an additional 170 HGV movements, bringing a total of 384 a day.

The proposal does not alter the access arrangements previously considered. All deliveries are to be routed from the expressways along Picow Farm Road onto a new access road into the site, taking away HGV movements from Salt Union away from Weston Village. The TA indicates that the proposal would result in 384 HGV movements a day. This is 192 in and the same number out over a 12 hour period i.e. an average of 32 HGV movements (in and out) per hour over a twelve hour period. This will then distribute onto the expressways either North or South. This gives a daily impact on the expressways of 3% or less dependent on the north /south split.

In 2013 with the proposed development and all other developments (current) traffic flow on Picow Farm Road is estimated to be 372 and 335 in the a.m, p.m peak hour respectively. The capacity of this road which is a 7.3m wide single carriageway is 1,900 vehicles per hour. It follows that even with the proposed additional movements this road would still be operating well below capacity.

In terms of employee travel demands these remain unchanged from the previously considered application. The assessment indicates that staffing level at the plant will be 50 employees providing 24-hour cover. This poses no significant impact on the highway network.

It is estimated by the applicant that significant Green House Gas (GHG) emissions reductions of up to 2,043 tCO₂e/annum could be delivered from the current proposals compared to the currently-permitted rail delivery. This represents up to a 61 % reduction in emissions over the most conservative rail delivery scenario.

Seven transport scenarios have been assessed. These are comprised of two scenario's, one for the currently permitted and one for proposed delivery of waste by road, four scenarios encompassing different options for potential

railheads for rail delivery of waste proposed for change to road, and a single scenario for the fixed rail delivery of waste.

The location of railheads for the currently-permitted delivery of 395,000 tpa (excluding the 370,000 to come from Manchester and Cheshire via rail) of RDF by rail is uncertain, and four potential railhead scenarios have been assessed. All require transshipment of RDF from source to the railhead by road. The proposed direct road delivery of RDF to Runcorn performs significantly better than the two conservative railhead scenarios, and slightly better to slightly worse than the two optimistic scenarios. The maximum estimated increase in GHG emissions from transporting RDF by road against the most optimistic rail scenario is 286tCO₂e/annum. This is equivalent to approximately 1% of the Council's CO₂ output in a year.

The two optimistic rail delivery scenarios would likely face significant financial and other barriers to implementation as they would require the construction or regeneration of a railhead in Shotton. In the light of this, it is therefore concluded overall that the proposed road delivery of RDF is likely to be associated with significant GHG emissions reductions when compared to the most plausible rail delivery scenarios.

Although rail freight transport might typically be expected to be associated with lower GHG emissions than road transport, the necessity of multiple handling waste via road delivery to railhead(s) and railhead loading/unloading operations significantly increases the total GHG emissions associated with rail transport of RDF. In addition, limitations to train length imposed by siding space available at the Runcorn site dictates a relatively lightly-loaded RDF train, requiring more rail journeys and greater emissions to move a given amount of RDF compared to typical bulk rail freight. Return of empty RDF containers also mandate an unloaded return journey for every train, in contrast with typical (more efficient) rail sector routing and utilisation. This means that typical rail freight GHG emissions factors are likely to underestimate the GHG emissions associated with rail delivery of RDF to the Runcorn site.

Bulk transport of RDF by HGV allows a direct delivery route and avoids multiple-handling of RDF, with consequent reductions in the overall distance RDF is transported and therefore GHG emissions could be reduced. RPS (Ineos's consultant) state that "The potential effects on ground level concentrations of NO₂ and PM₁₀ due to changes in traffic have been assessed. The effects have been assessed for the opening year of the project and compared to the relevant air quality objectives" "The effect on air quality due to the additional emissions from operational traffic is considered as being neutral".

The Transport Assessment provided predicts future traffic flows between 2011 and 2026 and reviews the cumulative affect of this the project and other anticipated developments. This indicates that there would be no significant noise affect as a result of increased traffic flows."

CONSULTATION AND REPRESENTATION:

Those consulted and responses received in respect of application 11/00013/S73, can be summarised as follows:-

620 individual households and properties within the vicinity of the site were notified by letter and site notices were also placed on highways around the site.

The following individual bodies/individuals were also consulted, the:-

Environment Agency
Natural England
The Coal Authority
United Utilities
Highways Agency
British Waterways
Peel Holdings
Cheshire West and Cheshire Council
Fire Safety Officer
Government Office North West
Department of Business Innovation and Skills
Halton Action Group against the Incinerator
Ward Councillors
Derek Twigg MP
Graham Evans MP
Daresbury Parish Council
The Highway Authority
Environmental Health Division

In response to this process the following representations were received:

The Environment Agency - no observations, as the proposals fall outside of the scope of referrals.

Natural England - no comments to make on the application, but from the information provided they do not feel that the proposals are likely to significantly affect the natural environment.

United Utilities – no objection to the planning application
Highways Agency – no objections to the application being granted consent, as the development would result in minimal impact on the highways network.

The Highway Authority – the increased movement is not considered significant in overall terms and is considered to be an acceptable variation. The traffic assessment, which accompanies the application, supports this conclusion.

The Coal Authority – no observations or specific comments due to the site being outside the defined coal field.

British Waterways – note that the original application expressed an aspiration to transport solid recovery fuel to the site via the Runcorn and Western Canal and surrounding waterway network. They support this aspiration, as it would comply with Policy MW1 and MW14. They ask that the alternative be still considered.

Peel Holdings - no observations in respect of the highway network. However, they do emphasise that the Manchester Ship Canal is ideally located to the site for the use of transportation by ship/barge.

Halton Action Group against the Incinerator – raises concerns in relation to the additional HGV traffic on the roads, over and above that consented and state that the proposal would result in 384 HGV movements from the site alone adding to congestion.

Halton Green Party (Derek Mellor) – object on the grounds of increased traffic and increased pollution.

In addition 136 letters of objection and one petition containing 22 names were received from residents, which raised the following objections:

- The variation of condition would increase the vehicle movements by almost 6 times.
- The extra traffic would cause congestion in the area.
- Impact of traffic on Sandy Lane.
- Noise caused by additional traffic.
- Impact of additional traffic on air quality and health.
- Highways safety.
- Suitability of the existing road network.
- Would have a negative impact on the carbon footprint of Ineos Chlor.
- Loss in value to properties and not being able to sell on property.
- They (Ineos) should comply with all original conditions. If the application is allowed then they will want to change others.
- Council do not consider residents views.
- Increase in pollution affecting Runcorn Hill.
- Should not have to suffer waste from other areas.
- Environmental impact.
- Incinerator impact on air pollution.
- Against the incinerator.
- Site is an eyesore.
- Noise from existing operations.
- Increase would mean taller chimney.
- Increase of tonnage to be disposed.
- Proximity to schools.
- Condition imposed to protect residents.
- Affect access to residential areas.
- Set a precedent to amend other conditions.
- Not adequate consultation.
- Should be a reduction in Council tax.

A representation was also received from GVA Grimley, consultants representing Covanta, a large waste operator. This questions whether or not Halton Borough Council should be the determining authority on such an application, or whether it should be the Infrastructure Planning Authority or the Secretary of State.

Both Derek Twigg and Graham Evans MP confirmed their support of the local residents' views and concerns.

With regards to this request (11/00186/COND) those consulted and responses received, can be summarised as follows:-

731 individual households and properties within the vicinity of the site were notified by letter and site notices were also placed on highways around the site.

The same statutory bodies, consultees and organisations were consulted again for application 11/00186/COND. The responses were as follows:-

British Waterways – note that the original application expressed, an aspiration to transport solid recovery fuel to the site via the Runcorn and Western Canal and surrounding waterway network. They support this aspiration, as it would comply with Policy MW1 and MW14. They ask that the alternative be still considered.

The Coal Authority – no observations or specific comments due to the site being outside the defined coal field.

Peel Holdings – confirm that their previous comments still apply in that they have no observations in respect of the highway network. However, they do emphasise that the Manchester Ship Canal is ideally located to the site for the use of transportation by ship/barge.

Halton Action Group against the Incinerator – raises concerns in relation to the additional HGV traffic on the roads, over and above that consented and state that the proposal would result in 384 HGV movements from the site alone adding to congestion, Impact on Runcorn Hill, that there is no valid sustainability benefit.

Cheshire West and Chester Council have objected to the request on the following grounds. The objections can be summarised as follows:

- They object to the relaxation of the Limits, and that the cost of providing rail sidings at MBT facilities is prohibitively expensive.
- They feel that the sustainability principles or policies should not be abandoned for perceived fuel shortages or potential transportation difficulties.

- They feel that the Carbon Transport Assessment uses a set of flawed assumptions.

An objection has been received from GVA on behalf of Covanta Energy Ltd, raising the following issues:

1. Whether the Council has jurisdiction to determine the application.
2. Application is deficient as the likely significant effects of a material change to an EIA development have not been fully assessed or presented.
3. Application is not sufficiently justified
4. Caution must be applied when considering carbon savings
5. There is no restriction to source the fuel from within the NW region.
6. Relevant policy framework has not been taken into consideration.

Natural England have confirmed that there is unlikely to have a significant affect on the natural environment.

Graham Evans MP has objected on the grounds that the proposal would be highly detrimental to local residents and impact on the local highway infrastructure.

The Highways Agency has no objection to the proposal.

The Highway Authority – the increased movement is not considered significant in overall terms and is considered to be an acceptable variation. The traffic assessment, which accompanies the application, supports this conclusion.

Cheshire Wildlife Trust initially put in an objection. They object on the grounds of impacts on the heathland on Runcorn Hill. Following receipt of this letter the Nature Conservation Officer that dealt with the original consultation has made the following comments:

The issue raised by Cheshire Wildlife Trust should be addressed through monitoring the effects on the Heathland on Runcorn Hill and a management plan to address any issues, this should be funded through the environmental fund. The Officer also states that the Mersey Gateway project is likely to reduce emissions of NOx in the area, through the more efficient movement of traffic and through the use of the central expressway.

The Wildlife Trust have now withdrawn their objection on the basis that the environmental fund is used to monitor and manage the heathland. Underlining this is that the Mersey Gateway will decrease the traffic flow in this area.

Derek Twigg MP confirmed that he objects to this second application (11/00186/COND). The MP has also forwarded on six objections from local residents raising issues which he has asked to be considered by the Development Control Committee. These have been included in the summary of objections below.

In addition 257 letters of objection were received from residents, which raised the following objections:

- The increase in the amount of RDF to be delivered to the site is unacceptable
- The variation of condition 57 would increase the number of vehicle movements to the site
- Impact of additional traffic on local road network causing congestion in particular on Picow Farm Road, Sandy Lane and Weston Village and on the Silver Jubilee Bridge
- Noise caused by additional traffic
- Impact of additional traffic on air quality and health
- Highways safety in the area
- Construction traffic has already caused damage to roads
- Loss in value to properties and not being able to sell on property
- Existing poor health problems in the area attributed to the existing site operations
- The incinerator is a blot on the landscape and considered to be an eyesore
- The incinerator will have an impact on air quality
- Impacts on the economy of the town
- Noise caused by the construction works at the site
- Serious consideration should be given to rail
- Impact on wildlife and people's health
- Traffic congestion and potential to affect minor roads
- Should be dealt with by full Council
- Environmental affects as air pollution is exceeded on Runcorn Hill
- Shouldn't even consider application
- Should be refused as in the Derby case
- Toxins from incinerator unknown
- Questionable practices of Ineos
- Council are less than fair minded when it comes to addressing issues in the borough to the detriment of Runcorn
- Set precedent to vary other conditions
- Not adequately advertised
- Canal should be used
- Damage peoples human rights and the link to mental health, crime and community spirit
- Use of Randle Island
- Impact on pedestrian safety
- Close to schools and will impact on them.
- that the traffic counter installed on Picow Farm Road is not being used correctly.

The following Councillors have objected to the proposal:

Cllr M Dennett
Cllr J Gerrard
Cllr C Loftus

Cllr A Lowe
Cllr J Lowe
Cllr S Nelson
Cllr N Plumpton Walsh
Cllr C Rowe
Cllr E Cargill
Cllr K Loftus
Cllr M Lloyd Jones
Cllr P Lloyd Jones
Cllr M Ratcliffe
Cllr Carlin
Cllr C Plumpton Walsh
Cllr Zygadlo

The above bullet points include the subjected matter of the objections raised by the named Councillors.

SITE/LOCATION:

The site is located to the west of Runcorn within the INEOS Runcorn Site that occupies much of the area west of the A557 Weston Point Expressway. The River Mersey lies some 500m to the west of the centre of the site and the Manchester Ship Canal is located on the eastern side of the Mersey at this point.

PLANNING HISTORY:

In 2008 the Department of Business Enterprise and Regulatory Reform (BERR) granted planning permission under the Electricity Act 1989 for the Energy from Waste Plant at INEOS Chlor off Picow Farm Road, Runcorn. When completed the facility will have the capacity to receive up to 850,000 tonnes of refuse derived fuel per year.

The original application sought to deliver 480,000 tonnes per annum by road, the remainder would have been by rail or potentially by water. Members previously resolved at Committee to request that the amount of waste delivered to the site by road be limited to 90% by rail, a request that the Secretary of State agreed with and attached a subsequent condition.

Members will be aware that commencement of the development began last year.

BACKGROUND TO THE CONDITION 57 APPLICATIONS

Introduction

It is apparent from the debate which took place at the meeting of the Committee on 4th July 2011 that there was some disagreement and confusion over what was decided by the Committee on 13th September 2010.

It was therefore appropriate to investigate the relevant documentation and report back on this matter.

To put the documents in context members are reminded that Condition 57 is of a type which is expressed to apply “unless agreed in writing” with the Council. There are two ways that a developer may seek to change what is set out in such a condition. The first is simply to apply to the Council for such agreement. This does not vary the condition itself since any agreement would be in accordance with the condition. Essentially, the request is to substitute quantity Y for quantity X. The second way of approaching the matter is for a developer to apply to vary the condition. This would require a formal application under section 73 of the 1990 Act. Put another way, the first option is an application for agreement and the second option is an application for variation.

The current application is an application for agreement under Condition 57. The previous application (now withdrawn) was an application to vary Condition 57.

The following seeks to clarify the status of the original request which was considered by the Committee on 13th September 2010.

Note that all three applications/requests were seeking exactly the same outcome.

The documents which have been checked since the meeting held on 4th July (together with Minute 26 of 13th September 2010) are set out below:

1. A request was made by INEOS to vary Condition 57 in their letter dated 22nd July 2010 “ in accordance with the provisions of Condition 57 ...seeking agreement to increase the maximum tonnage of RDF that may be delivered to the facility by road”. The detailed request accompanying that letter was described as “application to vary Condition 57”
2. The request was reported by the Council’s planning services to members of the local liaison panel on 6th August 2010. It was stated that INEOS “ have requested that the ceiling on road imported fuel be increased”.
3. The request was reported to the Development Control Committee on 13th September 2010. It was introduced as an urgent item and consequently no details had been circulated prior to the meeting. Minute 26 states:

Urgent Item
Minutes:

Details of a letter which had been received from INEOS was shared with the Committee. The letter sought permission to vary Condition 57 of their permission to construct and operate a Combined Heat and Power Energy Generating Station, by

increasing the permissible amount of imported fuel to be delivered by road.

RESOLVED: The Members considered the request and unanimously voted against agreeing to it.

4. The Energy From Waste CHP Plant Local Liaison Panel discussed the decision of the Committee on 15th September 2010. The minute states that it was reported that the Development Control Committee “had voted unanimously not to support the request from INEOS”.
5. INEOS was informed of the decision of the Committee by a letter dated 16th September 2010. That letter states that “your request to change the terms of Condition No 57 by increasing the amount of RDF to be delivered by road was considered by the Development Control Committee on the 13th September.” It was further reported that “it was the view of the Committee that the request not be agreed to, as they considered that it was inappropriate to set aside the underlying sustainability objectives which underpinned the original justification for the condition.”
6. By a letter dated 21st December 2010 to the Council’s planning services INEOS made an application under section 73 of the 1990 Act to vary condition 57. This application (11/00013/S73) was subsequently withdrawn.
7. By a letter dated 24th February 2011 to the Council’s planning services INEOS made an application “pursuant to the Town and Country Planning (Development Management Procedure) Order 2010, Regulation 30 (sic) for the Council’s agreement in writing to increase the quantity of refuse derived fuel which may be imported for use in the operation...” This is the application which is to be determined by the Committee as Application Number 11/000186/COND

Matters arising from the above

1. What was the nature of the application before the Committee on 13th September 2010? This was the application made on 22nd July 2010. Although there are inconsistencies in the description of the request it is clear that it was an application for agreement under Condition 57 and not a request to vary a condition which would have to be made under section 73 procedures.
2. What did the Committee actually decide on 13th September 2010?
3. The Committee was informed that, normally, requests for the agreement of the Council under this type of condition are dealt with under delegated powers. However, in view of the background to this development the matter was being reported to the Committee to establish whether officers or the Committee should determine the application.
4. The Committee did not allow the use of delegated powers but did it go further?

5. Three of the documents listed above make it clear that so far as planning services were concerned (and this is confirmed in the minute) the request to 'vary' the condition had been refused.
6. If this conclusion is accepted the question arises whether the decision to refuse was a proper decision. It must be conceded that it was not a proper decision for the following reasons:
 - The matter was introduced as an urgent item and there was no adequate time to consider the background and reasons for the application;
 - The minute does not give reasons for the decision (let alone adequate reasons).
7. What should have happened, when the decision not to use delegated powers was taken was that the matter be referred to the next meeting of the Committee for full consideration of the merits of the application.
8. Despite the deficiencies in the September 2010 decision, consideration of its validity is now academic in view of the subsequent application.
9. However, one matter does have to be considered. This is the question of predetermination.

Predetermination

Condition 57 has now been the subject of two resolutions of the Committee: on 13th September 2010 and 4th July 2011. Does either or both of these compromise the ability of members to finally determine the application?

The short answer is 'no'. The final decision on the application will be based on considerably more information than was available to the Committee in September 2010 and on additional information not available to the Committee on 4th July.

Consequently, the issue of predetermination does not turn on the previous decisions of the Committee but on the commitment of members to reach a final decision based on the totality of the information available.

Any predisposition which members may have must not cross over the boundary of predetermination.

SCREENING REQUEST

A screening request for this application has been undertaken and it has been determined that the proposal does not constitute EIA development.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

National Planning Policy

PPS1 Delivering Sustainable Development
PPS 10 Sustainable Waste Management

PPS 22 Renewable Energy
PPG 13 Transport
PPG 24 Planning and Noise

Regional Planning Policy (“RSS”)

DP9 Reduce Emissions and Adapt to Climate Change
EM10 A Regional Approach to Waste Management
EM11 Waste Management Principles
EM12 Locational Principles
EM13 Provision of National, Regional and Sub-Regionally Significant Waste Management Facilities
EM15 A Framework for Sustainable Energy in the North West
EM17 Renewable Energy
EM18 Decentralised Energy Supply

The Secretary of State has outlined his intention to revoke RSS. But it is clear from recent case law that significant weight should still be given to RSS.

Unitary Development Plan Policy

S8 Sustainable Waste Management Facilities
S11 Renewable Energy Sources
TP14 Transport Assessments
TP18 Traffic Management
TP19 Air Quality
MW2 Requirements for all Applications
MW13 Energy Recovery
MW14 Incineration
MW18 Energy from Non-Fossil Sources

Draft Joint Waste Development Plan Document

Waste Policy

There is significant waste policy at European, national, regional (Regional Spatial Strategy - RSS) and local levels (Unitary Development Plan – UDP and Joint Merseyside and Halton Waste Development Plan Document). The three key areas are the waste hierarchy, the proximity principle and regional self sufficiency.

The waste hierarchy embodies the principle of minimising waste production and using waste as a resource. This involves managing waste in the following order; waste prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort. Energy from waste counts as ‘other recovery’ as waste has a significant role to play in the generation of renewable energy. Policy EM11 of the RSS and UDP Policy S8 seek to move waste management further up the waste hierarchy, with disposal of residual wastes by landfill as the least desirable method. A major disadvantage of landfill is landfill gas production resulting from chemical and biological reactions acting

upon the waste as the materials begin to break down. Landfill gas is approximately forty to sixty percent methane. Methane is a relatively potent greenhouse gas. Compared with carbon dioxide (which has a value of 1), it has a high global warming potential of 72. Global-warming potential (GWP) is a relative measure of how much heat a greenhouse gas traps in the atmosphere. It compares the amount of heat trapped by a certain mass of the gas in question to the amount of heat trapped by a similar mass of carbon dioxide. A GWP is calculated over a specific time interval, commonly 20, 100 or 500 years. GWP is expressed as a factor of carbon dioxide (whose GWP is standardized to 1).

The proximity principle evolved from the first EU Waste Framework Directive in 1975. The duty contained in the most recent 2008 Waste Framework Directive, which came into effect in December 2010 states “waste to be disposed of or to be recovered in one of the nearest appropriate installations”. This rigid application of the proximity principle resulted in a shortfall of alternative (to landfill) waste management facilities. In response, the government issued Planning Policy Statement 10 (PPS10), the Companion Guide to PPS10 and Waste Strategy 2007, none of which refer to the proximity principle, but endorses Regional and Local Policies and has a general statement that all locations need to be considered in terms of the best practicable environmental option. Despite the shift in national guidance, many local development plans contain policies that refer to the proximity principle. The UDP Policy S8 takes account of the proximity principle seeking waste management facilities close to waste sources. Policy EM12 states ‘the final residue, following treatment, of municipal, commercial and industrial waste should be disposed of in one of the nearest appropriate installations. Local authorities should ensure that waste management facilities are sited in such a way as to avoid the unnecessary carriage of waste over long distances.’

UDP Policy S8 seeks to achieve regional self-sufficiency in terms of waste management facilities. This means that waste produced in the region is dealt with by facilities in the region. The emerging Joint Merseyside and Halton Waste Development Plan Document (DPD) has two policies on energy from waste (EfW), one dealing with municipal solid waste and the other with commercial and industrial waste. Neither policy seeks any new EfW facilities as reliance is placed on the current planning consents in Merseyside and Halton to meet future need. It is therefore imperative that existing and consented facilities, such as INEOS, are accessible to regional waste streams.

Sustainability

The meaning of the word sustainability depends on the context of its use. A number of PPG’s and PPS’s refer to sustainability.

For example, Planning Policy Statement 1: Delivering Sustainable Development describes how the pursuit of sustainable development involves the consideration of social, environmental and economic impacts. Paragraph 4 of PPS 1 describes the four aims for sustainable development as:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment.

The matters that have been raised during consultation for consideration in the context of sustainability are considered below:

OBSERVATIONS AND ASSESSMENT

Background

In considering this request Members of the Committee need to have regard to the relevant background and history, which led to the current limit being set by the Department of Business Enterprise and Regulatory Reform, when it granted the original consent.

The originally submitted application to BERR, upon which Halton was consulted, sought to deliver 480,000 tonnes of fuel per annum by road to the facility with the remainder being transported by rail or potentially by water.

The Development Control Committee, following their consideration of the proposal, recommended to BERR that a reduced road transport ceiling figure of 85,000 tonnes per annum be imposed, as they believed that the alternative methods of delivery should be used as this would result in a more sustainable development.

The Secretary of State, when subsequently considering the application agreed with this recommendation and imposed that limitation.

Members should also note that whilst this condition was imposed, there were at the time of the Committee's consideration, no technical/ highway capacity objections to the transportation arrangements suggested within the original application. This was to bring in 480,000 tonnes of Refuse Derived Fuel (RDF) by road.

In support of the current request to increase the maximum tonnage of fuel delivered to the site by road from 85,000 tonnes to 480,000 tonnes per annum, Ineos, within their accompanying documentation remind Members that it was originally proposed to bring in 480,000 tonnes by road and that all supporting information originally accompanying the application to BERR was based on that assumption.

Issues with the transportation by rail

The applicant has indicated within the information that supports the present request, that there is a limit to the quantity of fuel that can be practicably and economically delivered by rail from the North West region.

It is explained that this limit is set by the absence of necessary rail connectivity at the sites that are suitable for use as Mechanical and Biological Treatment (MBT) plants. They add to this by stating that, some sites are unable to be served by rail, whilst for others it would be prohibitively expensive to make suitable for use or in any event such changes are beyond the control of the site owners. The result of this lack of infrastructure would be the double handling of waste and a longer total travel distance, which defeats the sustainability objectives which underpin the objective of the presently restricted modal split.

Extra HGV movements implied by the application

It is agreed that the current consent would result in 214 HGV movements to and from the site per day. This takes into account the delivery of the 85,000 tonnes by road, and the HGV movements of those removing by-products of the operation including removal of lime, ammonia water, bottom ash, and fly ash. The proposal to increase the amount of waste delivered by road, to 480,000 tonnes per annum, would result in an additional 170 HGV movements, bringing a total of 384 a day.

The proposal does not alter the access arrangements previously considered. All deliveries are to be routed from the expressways along Picow Farm Road onto a new access road into the site, taking away HGV movements from Salt Union away from Weston Village. The TA indicates that the proposal would result in 384 HGV movements a day. This is 192 in and the same number out over a 12 hour period i.e. an average of 32 HGV movements (in and out) per hour over a twelve hour period. This will then distribute onto the expressways either North or South. This gives a daily impact on the expressways of 3% or less dependent on the north /south split.

Impact of HGV's on the local community

The evidence provided also demonstrates that the proposed increase in road transportation movements would not significantly affect the surrounding road network or have any adverse impact under major routes in and out of the Borough. This evidence re-affirms that which was originally submitted when BERR made their earlier decision.

The access to the plant from the expressway is designed that the vehicles do not travel past residents' properties which will significantly reduce the disturbance to residents from vehicle noise. The noise report submitted as part of the Environmental Impact Assessment in 2007 indicates that the noise impact on residents will be no more than 1dB increase on top of the general increase in noise anticipated should there be no development. This difference will be imperceptible to the human ear and therefore the traffic noise should have no impact on the residential amenity of the area. Environmental Health will not therefore be objecting to the application on the basis of noise.

The above conclusion that an increase in vehicle movements would not significantly affect the surrounding road demands further clarification. The

strategy of the applicant is to route vehicles away from the local population by utilising the expressway system. Concerns have been expressed that HGV's will not access the site directly from the expressway system but will utilise local residential roads to the detriment of the local population.

One element of the reason given by the Secretary of State for imposing Condition 57 was to minimise road traffic in the locality. There is no definition of locality within the reason however, it is clear that the Secretary of States decision that this part of Condition 57 was designed to assist in minimising the impact of construction and operational traffic on the local population. It is obvious that the request will impact on levels of transport by road the question is what would be the impact on the local population.

A unilateral planning obligation dated 4th July 2011 was tabled by the Applicant at the last meeting of the Committee. Copies have been forwarded to members of the Committee. The planning obligation was made under section 106 of the 1990 Act and provides for various measures to control the routes to be taken by heavy goods vehicles in connection with the development.

In order to ease the problems with HGV movements on South Parade and Sandy Lane the Council will soon be consulting on a proposed weight limit and enhanced waiting restrictions on these roads.

In conclusion and notwithstanding the increase in road traffic movements, the impact on the local population should be minimal on the basis that the traffic is likely to use the expressway system.

Impact on CO2

The submitted transport carbon assessment looks in more detail at what impact the current authorised modal split would have on green house gas emissions. It is estimated, within this assessment, that significant GHG emissions reductions of up to 2,043 tCO₂e/annum could be achieved if they were able to deliver 480,000 tonnes per annum by road. Although this figure is the upper limit the assessment does demonstrate that there would be a reduction in CO₂ on the most likely scenarios.

What is clear, in the Company's view, is that the restriction imposed by the existing condition, will impose significant obstacles to the operational ability of the plant and may well undermine the very purpose behind its development. They have confirmed that if maintained, the condition will necessitate double handling of material, which would be required and as such work against the sustainability objectives, which sat behind the original reason for the condition.

Cheshire West and Chester comments have been provided to members via the updates list. The objection from Cheshire West and Chester makes assertions without a reasoned break down of the evidence. The central assertion is that the condition is to ensure the most sustainable mode of transportation of waste and to approve the request would amount to

abandoning the sustainable principles and policies. The issues of sustainability are not being ignored and are the basis of the recommendation.

In relation to the existing 85,000 tonnes that is consented by road INEOS have informed the Council that this is already taken up within an existing contract.

Condition 57 as currently worded would not restrict fuel from being transported from outside of the North West region. If the request is not approved then this is likely to lead to the fuel being transported over greater distances, potentially from sources outside of the North West region, which would be in conflict policies that state that proposals should meet the needs of the region/ sub region.

Council officers have sort advice from the Merseyside Environmental Advisory Service and have asked them to provide advice on the assumptions of RDF. It has advised that assumptions made may still require RDF being sourced from further afield than has been assessed. They have suggested the routes are checked and any recalculations in the distances should be reassessed. INEOS have since confirmed that the routes assessed are suitable for HGV's and the distances are valid and therefore a reassessment would not be required.

The assumptions of the MSW (Municipal Solid Waste) is higher than MEAS estimates. INEOS have confirmed that these estimates are based on the information they had at the time of producing these reports.

MEAS go on to state RPS should test a further scenario from the Merseyside and /or Greater Manchester commercial and industrial sector and using rail at Garston and 3MG. Based on this MEAS have indicated that the waste can be taken from within the region and based on the assumption on the carbon savings from the scenario assessed it seems likely that an assessment of Waste from Merseyside would conclude that there would be a saving in terms of carbon. On the basis that the distance to Mold is likely to be the same or less to a facility in Merseyside and due to the location of the railheads are unlikely to provide a sustainable mode of transport as the train would need to go south through the Borough in order to enter the INEOS site.

MEAS-stated that the broad thrust of the RPS approach is reasonable. That is to say, for waste arising reasonably close to a management facility it is very unlikely that finding a railhead and trans-shipping from road to rail will ever provide carbon benefits. In fact doing so could, in many cases, (as they illustrate) actually provide an overall dis-benefit. The fact the RPS report chooses some rather extreme illustrations of this principle does not completely negate its validity.

Impacts on Nox

In relation to the impact on the environment in the local area, Natural England has confirmed that from the information provided with this application that the proposal is unlikely to significantly affect the natural environment. In addition,

the original environmental statement assessed the impact of the Energy from Waste Facility including the transport assessment which included 480,000 tonnes per annum delivered by road and it was not considered to have a significant affect on the natural environment.

Cheshire Wildlife Trust comments have been outlined above. INEOS have replied to the original objection of the Wildlife Trust and have stated that they do not agree and that the impact was assessed in the original environmental statement and its conclusions where that there would be a negligible effect and that the objection is not backed up by any technical assessment. The Wildlife Trust have now withdrawn their objection on the basis that the environmental fund is used to monitor and manage the heathland. Underlining this is that the Mersey Gateway will decrease the traffic flow in this area.

The Biodiversity Officer has looked at the proposal again and has looked at the impacts on the basis of the Mersey Gateway not proceeding.

He has reviewed the documents and notes that the data put forward in the Environmental statement in 2007 is the same as that forming part of the Permit Decision Document from 2011. Tables in the Permit Decision Document for both the long term impact of emissions to air (Table 5.2.1) and the short term impact of emissions to air (Table 5.2.2) are based on data supplied in the original Environmental Statement from 2007, chapter 10, Tables 10.5, and 10.7. In an earlier chapter in the 2007 Environmental Statement, it is stated "that for the purposes of the ES, it is assumed that..... up to 480,000 tonnes of fuel would be delivered by road (Chapter 2, section 2.70). This is the traffic figure referred to in the request to alter Condition 57.

He has also noted the following section on page 116 of the Decision document (DD) which is the Environment Agency's response to a number of issues that have been raised about nitrogen deposition at Runcorn Hill:

"Protection criteria (PC) for non-statutory conservation sites, such as Local Nature Reserves, are not the same as for Habitats or SSSI in that we are required to ensure there is no significant pollution (described in section 5.4 of the DD). The evidence for NO_x ambient level indicates that we cannot rule out the background being already above the ecological air quality critical load (CL) of 30 ug/m³. The predicted PC is 0.82 ug/m³ which is 2.7% of the CL. This is considered to be insignificant for non-statutory conservation sites, being less than 100% of the critical level [as agreed with Natural England]. We therefore consider a further assessment is not required."

In his opinion, the issue of existing and predicted levels has already been recently reviewed by the EA who is best placed to interpret the figures and I do not disagree with its findings.

In relation to the situation where the Mersey Gateway is not operational, and therefore the predicted decrease in traffic numbers on the A557 Weston Point Expressway does not occur, the Biodiversity Officer has stated that the impact

of the Energy From Waste application remains the same as stated in the EfW Environmental Statement, 2007.

MEAS have questioned whether the Council should, if the increase is above that originally assessed, undertake a Habitat Regulation Assessment. Based on advice from the Biodiversity Officer who has stated that a HRA was not required as part of the original environmental statement as the vehicle movements are the same then he does not believe that the HRA process needs to be carried out again.

Impact on air quality and the Derby case

Objectors have questioned whether a refusal of a waste facility in Derby is pertinent to this application. This case is not directly comparable as the Derby application was based within a declared air quality management area. This is not the case in Runcorn.

The Environmental Health Officer has stated with regard to air quality that the number of HGVs refers back to those assessed in the application submitted in 2007. The air quality assessment submitted at that time indicates a 5% increase in HGVs on the approach to the plant.

The Environmental Impact Assessment provided with the original application in 2007 does not identify any breaches of the National Air Quality Standards either prior to or after the construction of the new plant at any location. Therefore Environmental Health would have no objection to amendment to Condition 57 on the grounds of air quality.

CONCLUSIONS

The supporting information does demonstrate that by agreeing to the change requested a significant reduction of green house gas emissions from transport could result and that there is not a significant impact on the local highway network. As such, the request to vary the level of fuel tonnage delivered by road can be seen as being supportive of policy.

Members should note that the condition requires that the most sustainable modes are considered and providing that the sustainability of the request is no worse than the sustainability in the condition as originally drafted then the request should be granted.

It is considered that in sustainability terms the tonnages in the request are no worse than the tonnages in the condition currently drafted therefore the request should be granted. The request is therefore considered to comply with national planning policy PPS10, RSS Policy DP9 and UDP policies BE1, TP14 and TP19 and is recommended for approval.

At the time of compiling this report the additional information requested by the Committee at its last meeting was not yet available. The conclusions in this report may have to be revised depending on any information which is provided

prior to the Committee meeting. The recommendation is therefore provisional at this time.

Recommendation

It is recommended that the Committee agree to the request.

PLAN NUMBER: 11/00240/FUL

APPLICANT: Opus Land (North) Ltd, 35 Brook Street, Leeds, LS29 8AG

PROPOSAL: Redevelopment of site for the erection of an A1 food store (1710sqm GEA), an A4 Family Pub/Restaurant (683 sqm GEA), Car Dealership (1,445sqm GEA) comprising new and used sales display forecourt and showroom/offices, workshop (servicing, MOT testing), with associated parking, vehicular and pedestrian access and landscaping

ADDRESS OF SITE: Vestric House, West Lane, Halton Lea, Runcorn, WA7 2PE

WARD: Halton Lea

SUMMARY RECOMMENDATION:

Approve subject to conditions and S.106 Agreement

SUMMARY

As the proposal does not significantly alter the previous approval for A1 retail and public house it is not considered necessary to raise issues that have been dealt with through the previous approval. The proposal is considered to offer a high quality development that is compatible with its surroundings, provides a regeneration of the site and provide employment opportunities to the Borough. Therefore, the application is recommended for approval subject to conditions and a legal agreement relating to highways and environmental initiatives and the endeavours by the developer to deliver the site in its entirety.

SITE/LOCATION:

The site is a prominent island site at the junction of West Lane, Halton Link Road and Central Expressway (A533), 2 miles north of Junction 12 of the M56 Motorway. The existing site is approx 1.49ha and is bounded by West Lane to the east, Halton Link Road to the north and west and the Busway to the south and west.

CONSULTATION AND REPRESENTATION:

The amended proposal was advertised as a departure by a site notice displayed near to the site, a press notice and the nearest affected occupiers of the adjacent residential properties were notified by letter, as too were Asda, Millbank House and the management of both Halton Lea and Trident Retail Park.

RELEVANT HISTORY:

The site, now vacant, was recently occupied by an office building known as Vestric House. It is believed that Vestric House was developed around the late 1970s, early 1980s. Vestric House has previously been occupied by both Brakes Food and AAH Pharmaceuticals.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

PPS1 Delivering sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

Designing for Community Safety Supplementary Planning Document

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
E3 Primarily Employment Uses
TC2 Retail Development to the Edge of Designated Shopping Centres
PR8 Noise Sensitive Developments
PR14 Contaminated Land
TP6 Cycling Provision as part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP17 Safe Travel for All

OBSERVATIONS AND ISSUES:

The Proposal

Members will be aware that an application was presented to and approved at the December 2010 Development Control Committee for the erection of an A1 foodstore (1,710 sqm), 2 No. A1 non-food retail units (1,784 sqm) and an A3/A4 Family Pub/Restaurant (697 sqm) with associated parking, reconfigured vehicular site and pedestrian access and landscaping, subject to the applicant entering into a Section 106 Agreement to deliver the whole of the site as a comprehensive development and to provide a financial

contribution towards highway and environmental improvement (Reference 10/00254/FUL).

This current proposal seeks to amend one area of the site by replacing the 2 No. A1 non-food retail units (1,784 sqm) with a Car Dealership (1,445 sqm), located in the same part of the site. In other regards the scheme is not significantly different from that previously approved.

Matters relating to the site as an edge of centre retail proposal were dealt with in the consideration of planning application 10/00254/FUL when Members, in the balance of their decision, gave considerable weight to the regeneration of the site particularly for its employment generation potential. As such it is not intended to revisit these issues for this current proposal, given that members agree that in these circumstances retail development is acceptable on this site. As such the main issues arising from this proposal are;- design of car dealership; boundary treatment; highway matters.

Design of Car Dealership

The Car Dealership consists of two buildings, one two storey and a smaller 'used car office' which is single storey. The orientation of the building, to be used for a car dealership, is for it have a several glazed walled elevations, to the north towards the Halton Link Road and to the east towards the car park and to the west corner. The remainder of the building will have silver profiled cladding in a horizontal format. The building is single storey and has a raised advertising structure at the north elevation. Although the building is functional in its design, it complements the main retail store which is a modern clad design and the wider contemporary character of the Halton Lea area. As such the building design is considered acceptable.

The main new car dealership building is two storey, and is situated at the most westerly part of the site. The orientation of the building to enable it to have several glazed walled aspects, to the north towards the Halton Link Road and to the east towards the car park and to the west corner. The remainder of the building being silver profiled cladding in a horizontal format. The east elevation fronting the car park contains large door accesses into the service areas of the building. Given that this elevation will be visible from the main car park the applicant has been asked to review the door design to achieve the most visually appealing appearance. Members will be updated verbally of any further proposals relating to this.

The nearest residential occupiers directly affected by the proposed development are those at the lower, western end of Lodge Lane, located across the Halton Link Road, the main access into the town centre from the north. The nearest property is 35m from the northern boundary of the site. Given the significant landscaping and main link road which lies between the proposed development and these properties, it is considered that the proposal would not result in additional harm to amenity.

Boundary Treatment

The boundary treatment around the car dealership area consists of bow topped low fencing on the boundary alongside Halton Link Road and palisade to the rear (west). The applicant has been asked to provide amendments to the proposal to replace this with a more visually acceptable fence type in the form of paladin, mesh fencing. Members will be updated verbally of any amendments received.

Highway Matters

The scheme proposed is acceptable in principle in terms of its impact on the wider highway network and the terms of the previous Section 106 Agreement to provide a financial highway contribution towards off-site pedestrian and cycle links is recommended to be carried forward to this scheme. Members will be updated verbally on the requirement for conditions in relation to detailed highway matters.

Conclusion

The principle of the redevelopment of this site for the purposes of A1 Retail and A4 Family Pub/Restaurant has been accepted and approved by members on the previous scheme 10/00254/ful. This application, proposing an alternate use to the west of the site, does not conflict with this principle. It forms a mixture of car sales and workshop use that has retail as well as workshop/employment characteristics. A fundamental issue in the Development Control Committee's previous decision was that the site in its entirety should be developed, not merely the A1 retail unit in isolation. Members should be aware that there is a concurrent application for advertising for the car sales element submitted by Polar Ford. This expresses a degree of commitment at this stage, however it is proposed that as part of the Section 106 Agreement a clause is included for the car sales buildings to be practically completed within 6 months from commencement of trading of the A1 retail unit, which the applicant has agreed to. In addition, also as part of the Section 106, it is proposed that the applicant make reasonable endeavours to market the A4 Family Pub/Restaurant for a period of 12 months beginning with the granting of the planning permission. On this basis it is considered that the proposal is acceptable and compatible with the previous decision of the Development Committee and therefore recommended for approval.

RECOMMENDATION:-

Approval subject to Section 106 for the submission of financial contributions towards highway improvements (including pedestrian and cycle route improvements within the area) and environmental improvements (to open spaces within the area of the site) and that the applicant make reasonable endeavours to market the A4 Family Pub/Restaurant for a period of 12 months beginning with the granting of the planning permission and for the car

sales buildings to be practically completed within 6 months from commencement of trading of the A1 retail unit.

And the following conditions:-

1. 3 year implementation (BE1)
 2. Amended plans (BE1 + BE2)
 3. Materials submission prior to development beginning (BE2)
 4. Boundary treatment details submission prior to development beginning (BE22)
 5. Tree Protection measures during construction (BE1)
 6. Landscaping Scheme submission prior to development beginning (BE1)
 7. Ground Investigation submission prior to development beginning (PF14)
 8. Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning (BE1)
 9. Entering into the Council's proposed parking partnership group prior to the first occupation of the any of the premises (T12)
 10. Submission of details of cycle parking prior to development beginning (TP6)
 11. Submission of details of disabled parking spaces prior to development beginning (TP12)
 12. Submission of Highway Safety Audits prior to development beginning (BE1)
 13. Submission of structural calculations for all retaining walls adjacent to the adopted highway prior to development beginning (BE1)
 14. Submission of a Travel Plan prior to development beginning (TP16)
 15. Submission of a Construction Management Plan, including a phasing strategy, prior to development beginning (BE1)
 16. Submission of details of wheel cleansing facilities, including a method statement and site plan identify the facility location, prior to development beginning (BE1)
 17. Hours of construction (BE1)
 18. Submission of details of on site parking for during construction, prior to development beginning (BE1)
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REPORT TO: Development Control Committee
DATE: 15 August 2011
REPORTING OFFICER: Strategic Director – Policy & Resources
SUBJECT: Miscellaneous Items

The following applications have been withdrawn :-

08/00274/HSC Application for continuation of consent under Planning (Hazardous Substances Consent) Regulations 1992, as amended 1999, following change of control of part of the land at Ineos Chlor Ltd, Runcorn Site HQ, Runcorn, Cheshire

08/00275/HSC Application for continuation of consent under Planning (Hazardous Substances Consent) Regulations 1992, as amended 1999, following change of control of part of the land at Ineos Chlor Ltd, Runcorn Site HQ, Runcorn, Cheshire

11/00104/FUL Proposed two storey extension to existing unit to provide reception and offices at Midas Engineering Supplies Ltd, Faraday Road, Runcorn, Cheshire

11/00214/ADV Proposed temporary directional advertisement sign at Land to the East of 8 Norlands Lane, Widnes, Cheshire

11/00224/FUL Proposed single storey rear extension at 2 The Square Chester Road, Daresbury, Warrington

The following applications have gone to appeal:-

10/00496/FUL Proposed replacement of flat roof of front dormer to a pitched roof at 4 Bandon Close, Hale, Liverpool, L24 5RZ

11/00100/OUT Proposed erection of one dwelling on Land behind 33 Lilac Avenue, Widnes, Cheshire

11/00135/OUT Retrospective application to change flat roof dormer window to pitched roof dormer window at 8 Bandon Close, Hale, Liverpool, L24 5RZ

Planning Appeal Decisions:-

10/00385/FUL Proposed two storey and single storey rear extension at 16 Main Street, Runcorn, Cheshire

DISMISSED