



Development Control Committee

**Tuesday, 14 April 2015 6.30 p.m.
The Board Room - Municipal Building,
Widnes**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Keith Morley (Vice-Chairman)
Councillor Arthur Cole
Councillor Ron Hignett
Councillor Stan Hill
Councillor June Roberts
Councillor Carol Plumpton Walsh
Councillor Christopher Rowe
Councillor John Stockton
Councillor Dave Thompson
Councillor Kevan Wainwright
Councillor Bill Woolfall
Councillor Geoff Zygadlo

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 11 May 2015*

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

Part I

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1. MINUTES	
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2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	14 - 50

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, 2 March 2015 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), Cole, R. Hignett, S. Hill, June Roberts, Rowe, Wainwright, Woolfall and Zygadlo

Apologies for Absence: Councillor C. Plumpton Walsh and J. Stockton

Absence declared on Council business: Councillor Dave Thompson

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, J. Eaton, J. Farmer and R. Wakefield

Also in attendance: Councillors K Loftus, N Plumpton Walsh, A Lowe and Howard and 6 members of the public

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

DEV43 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

Action

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

DEV44 - 15/00034P3JPA - PROPOSED CHANGE OF USE FROM FORMER OFFICE BUILDING (USE CLASS B1A) TO 448 NO. SELF CONTAINED APARTMENTS COMPRISING 54 1 BEDROOM FLATS AND 394 STUDIO FLATS, AT EAST LANE HOUSE, EAST LANE, RUNCORN, CHESHIRE

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

The Committee noted that this application was deferred at the Committee meeting on Monday 9 February, for additional information to be sought in relation to transport and highway impacts of the development and contamination risks on the site. In this regard it was noted that the applicant had submitted: a Transport Statement; an Asbestos Report; and an updated site plan showing 157

parking spaces.

Officers advised the Committee that after consideration of the additional information, the application was considered acceptable and that prior approval was not needed for:

- Transport and highways impact of the development;
- Contamination risks on the site; and
- Flooding risks on the site.

Members were presented with detailed information relating to transport and highways issues surrounding the site. A presentation was made to show:

- A 2km pedestrian catchment;
- Pedestrian access to bus stops;
- Pedestrian access from the development to bus stops and local taxi rank;
- Evening routes to bus stops;
- A 5km cycle catchment;
- Runcorn Shopping Centre Bus Service Timetable;
- Daytime bus routes and off peak bus routes;
- Railway Station services; and
- Traffic flow comparison information.

Members were advised that despite the site being in a sustainable location, there were a number of minor issues identified:

- The amount of disabled parking spaces;
- The usability of some of the parking spaces;
- That the TRICS data was based on averages of selected sites and therefore may not be fully representative; and
- Future parking management issues.

It was reported that one written representation had been received from Committee Member Councillor Thompson, who was unable to attend the meeting, regarding the revision of parking spaces to 157.

The Committee was addressed by local Ward Councillor K Loftus who opposed the proposal due to concerns regarding the parking allocation. She handed Members recent photographs taken of illegally parked cars around East Lane and Crown Gate areas and urged Members to refuse the proposal.

Local Ward Councillor A Lowe then addressed the Committee adding to those comments made previously and included parking issues already existing around the Hospital overflowing onto Earls Way in Hallwood Park. He also commented that the report did not refer to the fact that Halton Lea Shopping Centre closed at 7pm at night thus cutting off the pedestrian access to the building from there. Additionally, he stated that there were no buses past 7pm at night and that these issues were not addressed in the Applicant's Transport Statement. He requested the Committee to reject the proposal.

One Member of the public, Mr Griffin, then addressed the Committee and referred to the 36 objections to the proposal for the reasons already referred to by Members: traffic chaos, too close to Halton Lea; insufficient parking; dangers from asbestos; and limited type of accommodation offered.

Members discussed the application and the additional information supplied by the applicant. Clarifications were made with regards to comments on the proximity of the site to a conservation area and housing policies, in that these were not material conditions. The issues around parking conditions such as the size of the spaces, the lack of the required number of disabled spaces and the future management issues of the parking spaces remained. Members were not in agreement with the technical assessment on transport and highways impact and expressed a view that a number of issues had not been covered within the assessment. Consequently, on the information available the Committee decided that it would be likely that the transport and highways impact of the proposed development would be severe.

Furthermore, the Committee considered that there was some doubt as to whether the application was valid since the previous lawful office use may have been abandoned.

Members moved to refuse the proposal and this was agreed after a show of hands.

RESOLVED: The statutory procedures did not allow the Committee to request further information within the time available. Consequently:

- 1) Assuming that the application was valid, prior approval was required and is refused because, on the information available, the transport and highways

impact of the proposed development would be likely to be severe; and

- 2) Notwithstanding (1) above, there is doubt that the application was valid since the lawful office use may have been abandoned.

Meeting ended at 6.25 p.m.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 9 March 2015 at the Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), Cole, R. Hignett, S. Hill, June Roberts, Rowe, J. Stockton, Thompson, Wainwright, Woolfall and Zygadlo

Apologies for Absence: Councillor C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, G. Henry, P. Shearer and J. Farmer

Also in attendance: Three members of the public

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

DEV45 MINUTES

The Minutes of the meeting held on 9 February 2015, having been circulated, were taken as read and signed as a correct record.

DEV46 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

DEV47 - 14/00613/FUL - PROPOSED DEVELOPMENT OF AN INCINERATOR BOTTOM ASH RECYCLING FACILITY AT JOHNSONS LANE, WIDNES

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

Members were advised that further information had been received with regards to the control of dust. The applicant had submitted a Fugitive Emissions Management

Action

Plan, which demonstrated that through the consideration of risks and implementation of mitigation measures there would be no unacceptable adverse environmental effects arising from fugitive emissions, and no consequential detriment (including airborne dust) reaching any nearby sensitive receptors as a result of the proposed development operations. However, Officers recommended an additional condition for the submission of an amended fugitive emissions management plan that included a monitoring scheme to be agreed and a review mechanism.

Further, it was noted that condition 5 on page 15 of the agenda provided a condition for a management plan to control dust and debris and to prevent it from being tracked into the public highway.

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

1. Time limit on commencement of development;
2. Condition listing approved plans and document – (BE1);
3. Development shall be carried out and operated in accordance with the submitted floor risk assessment (PR16);
4. Development shall be carried out and operated in accordance with the submitted noise risk assessment (PR2);
5. Condition for dust management plan to ensure prevention and control of any mud or debris tracked offsite (PR1);
6. Condition requiring submission of building materials (BE2);
7. Condition requiring the submission of details of drainage condition(s) (BE1);
8. Boundary treatments (BE22);
9. Submission and agreement of finished floor and site levels (BE1);
10. Construction of Traffic Management Plan (BE1);
11. Condition in relation to breeding birds (GE21);
12. Condition requiring the submission of a Construction Management Plan (BE1);
13. Condition requiring the submission of details of secure covered cycle parking (TP6);
14. Condition restricting use to the operation of an Incinerator Bottom Ash Recycling Facility (BE1, WM1 and WM13);
15. Condition limiting stockpile heights to a maximum of 12 m (BE1);
16. Condition stating no substances / material shall be

- burnt on site (PR1);
- 17. Condition controlling hours of operation (BE1); and
- 18. Condition(s) relating to submission of landscaping and habitat mitigation (BE1 and GE1); and
- 19. Amended fugitive emissions management plan.

DEV48 - 14/00658/FUL - PROPOSED CONSTRUCTION OF INDUSTRIAL / STORAGE BUILDING (USE CLASSES B2 AND B8) ASSOCIATED PARKING, SERVICING AREAS, PLANT AND BUNDS, FENCING, LANDSCAPING AND ANCILLARY WORKS ON LAND NORTH OF BOWMANS CHEMICAL WORKS, GORSEY LANE, WIDNES, WA8 0YZ

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

The Committee was advised that with regards to Section 6.3 of the report (Highways), the applicant had now provided acceptable amended plans moving the southern access further north away from the existing office building so as to improve highway visibility. The access had also been widened, and tracking of HGV's provided to demonstrate that it would be acceptable. The Highways Engineer had now confirmed that the proposal was now acceptable.

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

1. Time limit on commencement of development;
2. Approved plans (BE1);
3. Materials (BE2);
4. Drainage condition(s) (BE1);
5. Boundary treatments (BE22);
6. Submission and Agreement of finished floor and site levels (BE1);
7. Construction Traffic Management Plan (BE1);
8. Condition(s) in relation to details of off-site highways works including making good of existing vehicle access crossings, and bus stop relocation;
9. Nesting birds conditions (GE21);
10. Condition to provide details of bird and bug boxes (GE21);
11. Details of secure covered cycle storage (TP6);
12. Condition restricting external storage (E3 and E5); and
13. Condition(s) in relation to contaminated land and remediation (PR14 and CS23).

DEV49 - 14/00665/FUL - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT COMPRISING 18 NO. DWELLINGS, ASSOCIATED ACCESS AND OPEN SPACE AT MANOR FARM, MANOR FARM ROAD, RUNCORN, WA7 1TE

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

The Committee was provided with the following updates since the publication of the agenda:

- Ecology and woodland – Further submissions of the following were received: Preliminary Ecological Appraisal; Bat Scoping Survey and Great Crested Newt Method Statement. The Council's Open Spaces Officer had confirmed that the mitigation measures contained within these reports were acceptable.
- Officers advised that although an ideal buffer between the development and the woodland would be 5m, it was considered, given the previous permission for residential, which did not contain this, and that there was no statutory requirement for any buffer provision, the 2m proposed was considered acceptable. The 2m buffer would be planted with dense spiny native understory mix to maximise the function of the 2m strip. The applicant also provided clarification on the future management of the 2m buffer zone between the site and the wood, which would be a management agreement and was contained within the submitted Landscape Strategy.
- Boundary Treatments – The applicant had provided further drawings which sought to minimise disturbance to existing boundary treatment whilst ensuring that the western end of the site was secure and would result in no significant impact on the privacy of existing residents. Appendix 1 attached to the update list provided drawings and photographs to enable members to understand the arrangement of the boundaries on this part of the site, where it affected in the main, existing residents. It was considered that the applicant had provided a satisfactory form of a mix of boundary treatments which addressed the individual concerns of the existing residents whilst maintaining acceptable visual amenity standards and in doing so complied with

policies BE1, BE2 and BE22 of the Halton UDP. Officers recommended a condition for the maintenance of these approved boundaries throughout the lifetime of the development.

Officers advised that representations had been received from the owners of properties adjacent to the site: numbers 1, 14 and 15 Manor Farm Mews in relation to the treatment of the boundaries. Their comments on the latest amended boundary drawings were summarised for Members.

Mr Tim Sly, the owner of a site opposite the application site, addressed the Committee on behalf of the residents of Manor Farm Mews. He raised concerns around the boundary treatment of the site, the removal of the existing wall and the raising in height of the new wall; concerns that the green screen would be inadequate as a replacement for the wall; responsibility for future maintenance of the green screen; the proximity of the ground works to residents properties; potential for root damage in the future; and loss of privacy for existing residents. Mr Sly also suggested that there would be disruption to local businesses during demolition and that asbestos was in the farmhouse wall; he requested additional conditions with regards to controlling noise and dust. He also queried the Traffic Management Plan for construction traffic at peak times and requested further conditions enforcing the flow of this.

The Committee was then addressed by Alison Freeman, the applicant, who stated that they had worked very closely with the Planning Officer on the boundary treatments. Further she advised that the scheme had been amended to include a 1.5m 'living fence' (green screen). She confirmed that the fence would not touch the boundary of existing residents' properties and that it would be maintained and managed by the applicant as explained in the updates above.

Members discussed the application and were satisfied that the concerns of the residents had been dealt with and were subject to conditions already listed in the report. It was noted that the demolition of the site and related safety matters would be dealt with by the Health and Safety Executive.

An additional condition was requested in relation to tactile crossings and the maintenance of the boundary treatment.

RESOLVED: That the application be approved subject to a Section 106 Agreement for a contribution towards off site open space and the following conditions:

- 1) Time limit – full permission;
- 2) Approved plans (BE1 and BE2);
- 3) Legal agreement with Woodland Trust for tree works in woodland adjacent to the site (BE1 and GE27);
- 4) Submission of existing site levels and proposed site and finished floor levels (BE1);
- 5) Facing materials (BE1 and BE2);
- 6) Landscaping (BE1);
- 7) Boundary Treatments Scheme (BE22);
- 8) Tree protection measures (BE1 and GE27);
- 9) Breeding birds protection (GE21);
- 10) Recording and analysis of farmhouse and buildings (BE1);
- 11) Submission of a revised wildlife mitigation strategy (GE27);
- 12) Removal of Permitted Development Class A and E – Plots 3; 6; and 7 (BE1);
- 13) Hours of construction (BE1);
- 14) Submission of a Construction Management Plan (Highways) (BE1);
- 15) Ground contamination (PR14);
- 16) Provision and retention of parking (BE1);
- 17) Drainage strategy (PR16);
- 18) Submission of details of street lighting (BE1);
- 19) Provision of tactile crossings; and
- 20) Maintenance of the boundary treatment.

DEV50 - 15/00015/FUL - PROPOSED DEVELOPMENT OF 4 NO. THREE BEDROOM HOUSES, 2 NO. TWO BEDROOM BUNGALOWS AND 6 NO. ONE BEDROOM FLATS, ACCESS ROAD, CAR PARKING, CYCLE PARKING AND LANDSCAPING ON LAND AT CROSSWAY, WIDNES

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

Officers referred to the representations made against the proposal, in particular to the 'loss of a public right of way'. It was reported that those referred to were not formally designated as rights of way and therefore did not materially affect the determination of the planning application. However, the designated public right of way to the north connecting eastway to Hale Road was retained.

It was noted that the site was not currently owned by

a registered provider (RSL previously) so in order to secure compliance with Core Strategy Policy CS13, an additional condition securing affordable housing provision was recommended. A condition relating to submission and agreement of cycle shelter details was also recommended.

The Committee was addressed by Mrs Andrea Young, a neighbouring resident who objected to the proposal. She argued that there would be a loss of greenspace; that the proposed flats would overlook the existing houses; and there would be an increase in traffic in the area.

Members considered the application and agreed to approve subject to the conditions listed below.

RESOLVED: That the application be approved subject to:

- a) entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space.
- b) conditions relating to the following:
 - 1) Standard 3 year permission (BE1);
 - 2) Condition specifying plans/amended plans (BE1);
 - 3) Materials condition, requiring the submission and approval of the materials to be used (BE2);
 - 4) Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting (BE2);
 - 5) Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
 - 6) Submission and agreement of a scheme of ecological enhancement features (GE21);
 - 7) Submission and agreement of a Construction Environmental Management Plan (BE1);
 - 8) Wheel cleansing facilities to be submitted and approved in writing (BE1);
 - 9) Submission and agreement of finished floor and site levels (BE1);
 - 10) Construction and delivery hours to be adhered to throughout the course of the development (BE1);
 - 11) Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
 - 12) Conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences etc (BE1);

- 13) Site investigation, including mitigation to be submitted and approved in writing (PR14); and
- 14) Securing replacement tree planting in accordance with a scheme to be submitted and agreed (BE1)

- c) and, that if the Section S106 Agreement or alternative arrangements were not executed within a reasonable period of time, authority be delegated to the Operation Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it failed to comply with Policy S25 (Planning Obligations).

Councillor Cole declared a Disclosable Other Interest in the following item as he is a Board Member of Halton Housing Trust. To avoid any allegation of bias he did not take part in the debate and did not vote on the item.

DEV51 - 15/00028/FUL - PROPOSED DEMOLITION OF EXISTING PCT BUILDING AND DEVELOPMENT OF 10 NO. DWELLINGS CONSISTING OF 6 NO. TWO BEDROOM HOUSES AND 4 NO. ONE BEDROOM FLATS AT CASTLEFIELDS PCT BUILDING, CHESTER CLOSE, CASTLEFIELDS, RUNCORN

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

Officers presented the Committee with an update since the publication of the agenda. One letter of representation had been received commenting on the disruption of the building works and potential for anti-social behaviour and damage to cars. A telephone call had also been received requesting that the construction access be moved to an adjoining close, to minimise noise and dust. It was not considered that refusal of planning permission or additional conditions could be justified on these grounds.

It was noted that the site was not yet owned by the applicant so to secure compliance with Core Strategy Policy CS13, an additional condition was recommended to secure affordable housing provision.

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

- 1) Standard 3 year permission (BE1);
- 2) Condition specifying plans/amended plans (BE1);

- 3) Submission of a detailed asbestos report and demolition method statement prior to demolition (BE1);
- 4) Submission of report of on-site inspection for bats carried out prior to/during demolition (GE21);
- 5) Materials condition, requiring the submission and approval of the materials to be used (BE2);
- 6) Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting (BE2);
- 7) Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
- 8) Submission and agreement of a scheme of ecological enhancement features (GE21);
- 9) Submission and agreement of a Construction Environment Management Plan (BE1);
- 10) Wheel cleansing facilities to be submitted and approved in writing (BE1);
- 11) Submission and agreement of finished floor and site levels (BE1);
- 12) Construction and delivery hours to be adhered to throughout the course of the development (BE1);
- 13) Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
- 14) Conditions relating to the agreement and implement of bin and cycle parking provision (BE1/TP6);
- 15) Conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences etc (BE1);
- 16) Site investigation, including mitigation to be submitted and approved in writing (PR14);
- 17) Conditions relating to tree protection during construction (BE1); and
- 18) Grampian style condition securing replacement tree planting in accordance with a scheme to be submitted and agreed (BE1).

Meeting ended at 7.10 p.m.

REPORT TO: Development Control Committee

DATE: 14 April 2015

REPORTING OFFICER: Strategic Director- Policy and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
<p>15/00013/FUL</p> <p>and</p> <p>15/00100/106MOD</p>	<p>Proposed development of 53 no. dwellings with access from Liverpool Road including open space, landscaping and boundary treatments.</p> <p>Application to discharge clause 5.2 of Section 106 Agreement dated 28/04/1995 between Liverpool roman Catholic Archdiocesan Trustees Incorporatied, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.</p>	<p>Land at Widnes Recreation Ground, Liverpool Road, Widnes, Cheshire</p>
<p>15/00059/FUL</p>	<p>Proposed excavation and earthworks to form development plot including construction of retaining wall; construction of a new vehicular and pedestrian access into and throughout the site including lighting; drainage and soft landscaping works to form extension of site connectivity works approved under previous planning permission.</p>	<p>Daresbury Science Park, Keckwick Lane, Daresbury, Runcorn, WA4 4FS</p>

APPLICATION NO:	15/00013/FUL & 15/00100/106MOD
LOCATION:	Land at Widnes Recreation Ground, Liverpool Road, Widnes, Cheshire.
PROPOSAL:	<p>15/00013/FUL - Proposed development of 53 no. dwellings with access from Liverpool Road including open space, landscaping and boundary treatments.</p> <p>15/00100/106MOD – Application to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.</p>
WARD:	Kingsway
PARISH:	None
CASE OFFICER:	Jeff Eaton
AGENT(S) / APPLICANT(S):	<p>15/00013/FUL – BDW Trading Ltd, 4 Brindley Road, City Park, Manchester.</p> <p>15/00100/106MOD – Mark Reaney, Operational Director, Legal and Democratic Services, Halton Borough Council, Municipal Building, Kingsway, Widnes, Cheshire.</p>
DEVELOPMENT PLAN ALLOCATION:	Greenspace.
National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	<p>15/00013/FUL – 32 independent material planning objections have been received from the publicity given to the application.</p> <p>15/00100/106MOD - 3 representations received from the publicity given to the application.</p>
KEY ISSUES:	Development on a designated Greenspace, Protection of Outdoor Playing Space for Formal Sport and Recreation, Affordable Housing, Open Space, Access, Ground Contamination, Flood Risk, Biodiversity.

RECOMMENDATION:	<p>15/00013/FUL - Grant planning permission subject to conditions</p> <p>15/00100/106MOD – Discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.</p>
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site is located on the southern side of Liverpool Road in Widnes. The site comprises 3no disused bowling greens which are now vacant and overgrown and an area of recreation ground which was originally used as a full size football pitch but has not been used since prior to the 2013/2014 season.

Located to the west of the application site is the sports pavilion site which is currently under construction and was granted planning permission by application 13/00396/HBCFUL. Located to the east of the site is a large residential development which is accessed from Liverpool Road. To the north of the site on the opposite side of Liverpool Road is Widnes Golf Course.

The development of this site for residential purposes seeks to fund the improvements to the overall amenity of the greenspace through the provision of a new Sports Pavilion and a Multi-Use Games Area which are permitted by application 13/00396/HBCFUL.

1.2 Relevant Planning History

In 2013, two planning applications were submitted for the Widnes Recreation Ground.

Application 13/00396/HBCFUL was a full planning application for the development of a sports pavilion, floodlit multi-use games area, hard and soft landscaping and new vehicle access, in addition to the demolition of existing brick buildings. This was on the land directly to the west of the application site. This application was granted planning permission on 11/12/2013 and is currently in the process of being implemented.

Application 13/00397/HBCOUT was an outline planning application which sought to establish the principle of a residential development of up to 50 dwellings with access from Liverpool Road. This application was granted outline planning permission on 11/12/2013. The current application (15/00013/FUL) relates to the same site as that granted by the outline planning permission.

2. THE APPLICATION

2.1 The Proposal – 15/00013/FUL

The application proposes the development of 53 no. dwellings with access from Liverpool Road including open space, landscaping and boundary treatments.

This application takes the form of a full planning application as the access point has moved from the position agreed on the original outline planning permission and the current scheme proposes 3 more residential units than the 50 dwelling threshold proposed by the outline application.

2.2 The Proposal – 15/00100/106MOD

The application proposes to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

The clause 5.2 of the agreement ensures “for the benefit of the County Council and its successors in title and assigns owners from time to time of the remainder of the land comprised in Title number CH379193 and states as follows:

“To use the Blue Land as Greenspace only as defined in the Borough Council’s Local Plan and to use Payment No.2 in maintaining and/or improving the Maintenance Land as such and (for the avoidance of doubt) it is agreed that the Borough Council shall be at liberty to set aside any part of Payment No.2 in order to create or provide an permanent income for the future maintenance and/or improvement of the Maintenance Land provided that no warranty as to the quality or standard of the said maintenance and or improvement is hereby given.”

The application form indicates that Halton Borough Council became the successor to the County Council by virtue of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 on 1st April 1998. On that date both the benefit and the burden of the Obligation became vested in the Council and as a result of that vesting the Obligation became inoperative and therefore unenforceable. This application officially recognises that this clause is now inoperative and unenforceable, and will make this evident on any future land search.

2.3 Documentation – 15/00013/FUL

The planning application is supported by a Design & Access Statement, Soft Landscaping Plan, Boundary Treatment Details, Hard Landscaping Layout, Materials Layout, Street Scenes, Construction Phase, Safety, Health and Environmental Management Plan, Tree Survey, Flood Risk Assessment, Transport Statement, Geo-Environmental Appraisal Report, Ecological Assessment, Topographical Survey and a Cross Sectional Drawing of the Public Open Space.

2.4 Documentation – 15/00100/106MOD

The application to discharge clause 5.2 on the Planning Obligation is accompanied by a copy of the original Planning Obligation for clarity.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government’s planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Greenspace in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- PR2 Noise Nuisance;
- PR4 Light Pollution and Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessments;
- H3 Provision of Recreational Greenspace.

3.3 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS2 Presumption in Favour of Sustainable Development;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

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

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

4. CONSULTATIONS

4.1 Highways and Transportation Development Control

The Highway Officer has not raised an objection to the proposed development.

The site is well located on Liverpool Road which is one of the Council's Quality Transport Corridors and has good public transport, walking and cycle links.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

The proposal is not expected to produce significant traffic movements nor would it have a material impact on the operation of the local highway network. The trip rates obtained from the TRICS database show a.m peak of 20 departures and 8 arrivals and 19 arrivals and 12 departures in the p.m peak. Based on this the development would generate approximately 1 extra movement every two minutes in the peak hours. This is broadly in line with council observations at Foxley Heath based pro rata on the number of dwellings.

The site access and internal road layout demonstrates that it can accommodate the movement of the Council's refuse vehicle.

Sufficient parking provision would be provided to accord with the Council's standards with garages 6m in length and 3m in width and additional visitor parking being incorporated within the width of the carriageway adjacent to the central openspace.

Due to the positioning of the speed camera on Liverpool Road to the front of the application site, its relocation will need to be considered and the implementation of an acceptable scheme can be secured by condition.

4.2 Highways Drainage

No objection to the proposed development, however clarification has been sought as to whether United Utilities will permit an easement through front gardens/private land.

United Utilities has confirmed that an easement will be required through the Council's land to the south of the site and permission will be required from the EA to discharge into Steward's Brook, which is a main river.

If United Utilities is going to adopt the whole surface water system, they will have to deal with any pollution incidents affecting Steward's Brook. The Environment Agency has stated that the risk from these untreated surface water outfalls is acceptable.

4.3 Environmental Health – Contaminated Land

There are no major contamination issues with the site and no objection to the proposed development is raised subject to the attachment of a standard condition which would secure further investigation, remediation and the submission of a completion statement.

4.4 Open Spaces – Trees & Landscape Design

There are no Tree Preservation Orders in force on this site and the area does not fall within a designated Conservation Area.

There are no tree related constraints at the site. The trees on site have been surveyed and are graded C at best and are generally of poor quality or of low significance and can be easily replaced. There appears to be a significant re-planting scheme associated with the proposal that would mitigate for any loss.

The proposed landscaping scheme is considered to be acceptable as is the design of the open space within the scheme.

4.5 Cheshire Wildlife Trust

No objection to the proposed development subject to the attachment of conditions which would cover the following:

- Avoidance of vegetation clearance during the active bird nesting season (March-August inclusive) and/or pre-clearance surveys by a qualified ecologist.
- Implementation of submitted landscaping scheme.
- A scheme for additional biodiversity enhancements e.g. bird nest box and bat box provision and green trellising.
- A bat-friendly lighting scheme for the housing site.

4.6 Sport England

No objection was raised to a previous outline application for up to 50 dwellings on this site in 2013. This application is also considered to comply with Sport England Policy and paragraph 74 of the National Planning Policy Framework.

4.7 Environment Agency

The Environment Agency has no objection in principle to the proposed development. It has advised that it is a statutory consultee for any development of land of 1 hectare or more, however it does not wish to receive a direct consultation on this application and asks the Council to apply the Standing Advice provided.

It has commented that whilst not a planning issue, the applicant would require Land Drainage Consent for any new outfall structure proposed to Stewards

Brook.

5. REPRESENTATIONS

5.1 **15/00013/FUL** - The application has been advertised by a press advert in the Widnes & Runcorn World on 14/01/2015, site notices posted on Liverpool Road and Foxley Heath on 13/01/2015 and 63 neighbour notification letters sent on 08/01/2015. Following the receipt of amended plans, a reconsultation exercise was undertaken with a further 75 neighbour notification letters being sent on 13/02/2015.

5.2 Thirty two independent material planning objections have been received from the publicity given to the application. The issues raised are summarised below:

- The land is a designated Greenfield site and should be kept.
- The land should only be used for recreational purposes and not for commercial purposes as stated in a legal clause.
- The layout will compromise the open aspect of existing properties.
- 2 ½ and 3 storey dwellings are not in keeping with adjacent properties.
- Too many properties would be built on the site.
- There is a lack of infrastructure in the area.
- When considering proximity to existing properties, up to date plans have not been used.
- The proposal will lead to increased traffic accessing / egressing onto the already busy Liverpool Road and is an accident waiting to happen.
- The speed camera located on Liverpool Road is to the front of this site and its removal would be detrimental.
- There is a shortage of playing pitches in the borough.
- Why not develop disused brownfield sites ahead of this site?
- The development of this site would devalue adjacent properties.
- The proposed dwellings would be sited too close to existing properties.
- Disruption would be caused during the works.
- Is the ecology report reliable?
- Contamination report does not extend to the areas where the UU and SW proposals are located.
- Increased footfall in the area would be detrimental.
- Is there going to be a new access from the development into the park.
- Are there any plans to alleviate the flooding that occurs in the area opposite St Raphaels RC Church.
- There has been insufficient consultation with residents.

5.3 **15/00100/106MOD** – The application has been advertised by site notices posted on Liverpool Road and Foxley Heath on 20/02/2015 and 73 neighbour notification letters sent on 19/02/2015.

5.4 Three representations have been received from the publicity given to the application. The issues raised are summarised below:

- Many residents on Foxley Heath did not realise the intention of the application.
- The removal of the clause would result in one of the few green spaces in Halton being destroyed.
- The area is becoming very congested with traffic.

6. ASSESSMENT

6.1 Development on a designated Greenspace and the Protection of Outdoor Playing Space for Formal Sport and Recreation

Paragraph 74 of the National Planning Policy Framework sets out the national planning policy in relation to open spaces and sports and recreational buildings and is set out below.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In terms of local policy, within Policy GE6 of the Halton Unitary Development Plan, there is a presumption against development within a designated greenspace unless it is ancillary to the enjoyment of the greenspace. There are exceptions set out in the policy where the loss of amenity land is adequately compensated for.

The principle of residential development on this site has been established by the granting of outline application 13/00397/HBCOUT. The purpose of developing the site for residential purposes was to fund the improvements to the overall amenity of the greenspace through the provision of a new Sports Pavilion and a Multi-Use Games Area which are permitted by application 13/00396/HBCFUL.

Policy GE12 of the Halton Unitary Development Plan outlines the presumption against the loss of outdoor playing space for formal sport and recreation. This proposal would result in the loss of 13,700sqm of outdoor playing space.

There are exceptions set out in the policy with one of the exceptions being that a carefully quantified documented assessment of current and future needs for the school/educational establishment or local community has demonstrated that there is an excess of playing field provision and the site has no special significance to the interests of sport.

With regard to the loss of 3no bowling greens, it was demonstrated that they are surplus to requirements.

Sport England has been working with the Council on the production of a Playing Pitch Strategy (PPS) which is almost complete. The findings demonstrate that for this site and in this area, juniors playing on inappropriately sized pitches is creating the theoretical deficit in the numbers of junior pitches available shown in the PPS. The PPS also shows there is sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017. For that reason the PPS action plan recommends reconfiguration of pitches with some qualitative improvements to drainage in order to ensure there is sufficient capacity in each pitch to sustain matchplay and training. This has previously been secured.

It is clear that a replacement quantity of playing field would provide no additional benefits. The Recreation Ground cannot be extended and replacement provision of the 7,000sqm elsewhere, within the area, would result in an isolated single pitch with supporting infrastructure. The additional qualitative improvements derived from the proposed pitch improvements, a new 10 team changing room pavilion, and MUGA would provide sporting benefits that outweigh the need to provide a quantitative replacement.

It was previously established that the loss of part of the playing field for housing to enable these improvements is not ideal, and is not a course of action Sport England would normally support. However, the PPS clearly shows there will be no adverse impact on existing or future pitch provision (including the bowling greens) and that the sporting benefits from the site improvements clearly outweigh the loss of playing field.

To conclude, the loss of land would be adequately compensated for from the pitch improvements, a new 10 team changing room pavilion, and MUGA proposed. A condition which secures that the improvements to the playing fields and implementation of the sports facilities prior to the commencement of the residential development was previously suggested by Sport England, however based on the works for the sports pavilion being ongoing, they no longer consider this to be necessary. The proposal is considered to be compliant with both paragraph 74 of the National Planning Policy Framework and Policy GE6 of the Halton Unitary Development Plan.

With regard to the loss of outdoor playing space for formal sport and recreation, there is a sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017. The qualitative pitch improvements have previously been secured through the

granting of application 13/00396/HBCFUL. The proposal is considered to be compliant with both paragraph 74 of the National Planning Policy Framework and Policy GE12 of the Halton Unitary Development Plan.

6.2 Principle of Residential Development

Based on the above considerations which are set out in Paragraph 6.1 above and formed the reasoning behind granting the outline application (13/00397/HBCOUT) for residential development on this site, the proposed development on a designated greenspace which would result in the loss of amenity land would be adequately compensated for from the pitch improvements, a new 10 team changing room pavilion, and MUGA proposed. There would be a sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017.

It is considered that the site is located in a sustainable location within the urban area which is accessible to the facilities and services on offer in Widnes, and would be sympathetic to surrounding land uses.

The principle of developing the site for residential purposes has been established previously and is considered to be acceptable.

6.3 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. There is an exception within this policy where it can be demonstrated that the affordable housing contribution would make the development unviable.

This policy is relevant to the determination of this application. As explained earlier in this report, the purpose of this proposal is to create funds which would be a significant contribution in realising the Sports Pavilion development permitted by planning application 13/00396/HBCFUL which is currently under construction.

If the Local Planning Authority were to seek affordable housing on this site, this would have an impact on the funds which this site would generate to realise the Sports Pavilion development and would compromise the viability of the scheme.

In terms of maintaining the viability of the scheme, the requirement of affordable housing would likely result in a larger parcel of land needing to be developed to generate the funds required.

The delivery of the Sports Pavilion development is important to the borough and can currently be justified in policy terms as is set out in paragraph 6.1.

The loss of further amenity land is not desirable and would require further justification to satisfy the requirements of Policies GE6 and GE12 of the

Halton Unitary Development Plan and paragraph 74 of the National Planning Policy Framework. For these reasons, an affordable housing contribution is not being sought in this instance and this would be compliant with Policy CS 13 of the Halton Core Strategy Local Plan.

6.4 Open Space

The requirement for provision of recreational greenspace within new residential developments is set out in Policy H3 of the Halton Unitary Development Plan.

Exceptions to the provisions of this policy will be made where it can be demonstrated that existing provision in the vicinity exceeds the minimum requirements set out in the policy. The application site is located directly adjacent to a designated greenspace which would provide access to a number of facilities for play including the new Multi-Use Games Area which was granted by application 13/00396/HBCFUL.

It is noted that the applicant intends to provide an area of open space within their scheme which adds to overall quality of the scheme. The applicant intends for this area to be maintained by a management company and the detailing of its future maintenance should be secured by condition.

The conclusion in respect of open space is that there is adequate playing space available in the locality to meet the demand generated by the new development compliant with Policy H3 of the Halton Unitary Development Plan.

6.5 Highway Considerations

The principle of creating a new access point onto Liverpool Road which would serve up to 50 dwellings was established by the granting of outline application 13/00397/HBCOUT.

The key points of consideration with this application is whether the revised positioning of the access is acceptable and if having 53 dwellings served off the proposed access is acceptable.

Firstly considering access position, the Highway Officer is satisfied that there is sufficient junction spacing between the proposed access and Foxley Heath and that this would not be to the detriment of highway safety or traffic movement along Liverpool Road.

Secondly, there would be an additional 3 dwellings over and above that established by the granting of the outline application 13/00397/HBCOUT. This would not have a material impact on traffic movements and the conclusion is that the proposal would not produce significant traffic movements nor would it have a material impact on the operation of the local highway network based on the development generating 1 extra movement every two minutes in the peak hours.

The site is well located on Liverpool Road which is one of the Council's Quality Transport Corridors and has good public transport, walking and cycle links.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

The proposal is not expected to produce significant traffic movements nor would it have a material impact on the operation of the local highway network. The trip rates obtained from the TRICS database show a.m peak of 20 departures and 8 arrivals and 19 arrivals and 12 departures in the p.m peak. Based on this the development would generate approximately 1 extra movement every two minutes in the peak hours. This is broadly in line with council observations at Foxley Heath based pro rata on the number of dwellings.

The site access and internal road layout demonstrates that it can accommodate the movement of the Council's refuse vehicle.

Sufficient parking provision would be provided to accord with the Council's standards with garages 6m in length and 3m in width and additional visitor parking being incorporated within the width of the carriageway adjacent to the central openspace.

Due to the positioning of the speed camera on Liverpool Road to the front of the application site, its relocation will need to be considered and the implementation of an acceptable scheme can be secured by condition.

The proposal is considered to be acceptable from a highway perspective compliant with Policies BE1, TP6 & TP12 of the Halton Unitary Development Plan.

6.6 Layout

The proposed site layout has been amended during the processing of the application to provide improved relationships between dwellings and sufficient parking provision.

The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document. There are some minor shortfalls in separation (distance between 2 ½ storey dwellinghouses) but these are not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit, properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit and houses with 4 or more bedrooms having a minimum private outdoor space of 90sqm.

A proportion of the proposed dwellinghouses meet the guidelines with regard to private outdoor space, however by virtue of the design of some of the properties proposed for this site by virtue of their width and the fact that they have three floors of living accommodation means that achieving the guidelines would be difficult. Whilst it is desirable to achieve the private outdoor spaces set out in the Design of Residential Development Supplementary Planning Document, the thoughts behind the design are understood and it is not considered that the private outdoor spaces proposed would be significantly detrimental to residential amenity which would warrant the refusal of the application.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 2, 3 and 4 bedroom properties which would result in the site being developed at approximately 35 dwellings per hectare which is appropriate. There is considered to be properties to meet a variety of needs on site and for the reasons set out in paragraph 6.3, there is no mix in terms of tenure on this site.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

6.7 Scale

The dwellinghouses hereby proposed are two, two and a half and three storey in height. Some of the representations make reference to two and a half and three storey being out of character with the area, however some of the taller property types have been used to create a design presence within the scheme. It is not considered that the scale of the properties proposed would be significantly detrimental to the character of the area which would warrant the refusal of this application.

The proposal is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

6.8 Appearance

The elevations show that buildings proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. A material layout has been provided to accompany the application which provides some detail on external facing materials; however

the submission of precise external facing materials for approval should be secured by condition.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.9 Landscaping & Trees

There are no Tree Preservation Orders in force at this site, and the area is not situated within a Conservation Area.

The Open Spaces Officer has commented that there are no tree related constraints at the site and that the trees on the site are generally of poor quality or of low significance and can easily be replaced

Detailed landscaping and boundary treatments plans have been provided to accompany the application. In respect of the soft landscaping scheme proposed, the Open Spaces Officer has commented that the landscape shrub and tree planting is acceptable and would mitigate for any loss. A condition securing the implementation and maintenance of the scheme should be attached.

The boundary treatments plan submitted includes a number of different boundary types according to the location within the site and is considered to ensure that satisfactory levels of privacy and appearance. A condition securing the implementation of the approved scheme and implementation thereafter is considered reasonable.

This would ensure compliance with Policies BE 1 and GE 27 of the Halton Unitary Development Plan.

6.10 Ground Contamination

The application is accompanied by a Geo-Environmental Appraisal Report.

This has been reviewed by the Contaminated Land Officer and no objection has been raised subject to the attachment of a full contaminated land condition to ensure that any ground contamination is dealt with appropriately

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

6.11 Flood Risk & Drainage

The application site is located in Flood Zone 1 and is at low risk from flooding, however based on the site area exceeding 1ha, the application is accompanied by a Flood Risk Assessment. This has been reviewed by the Highway Officer dealing with Drainage and whilst no in principle objection, some clarifications have been requested to confirm that the scheme will work before a subsequent Drainage Strategy can be approved. The Drainage

Strategy would need to demonstrate that the impact on both the site and its surroundings is acceptable. The requirement for the submission of an appropriate drainage strategy and its subsequent implementation can be secured by condition. This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.12 Biodiversity

The application is accompanied by an Ecological Assessment. It is recommended that this document is accepted as an accurate assessment of the current ecological content and value of the future housing site. Cheshire Wildlife Trust has not raised an objection to the proposed development subject to the attachment of a number of conditions on the basis that it would not cause unacceptable harm to a species of flora or fauna protected under national or international legislation or its habitat.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan.

6.13 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

6.14 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

One of these principles is Code for Sustainable Homes. It would be desirable for all properties to be built to this standard; however this is something which is encouraged rather than a requirement. It is not considered that the proposal significantly conflicts with Policy CS19 of the Halton Core Strategy Local Plan.

6.15 Discharge clause 5.2 of Section 106 agreement dated 28/04/1995

Application 15/00100/S106MOD seeks to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

The clause 5.2 of the agreement ensures “for the benefit of the County Council and its successors in title and assigns owners from time to time of the

remainder of the land comprised in Title number CH379193 and states as follows:

“To use the Blue Land as Greenspace only as defined in the Borough Council’s Local Plan and to use Payment No.2 in maintaining and/or improving the Maintenance Land as such and (for the avoidance of doubt) it is agreed that the Borough Council shall be at liberty to set aside any part of Payment No.2 in order to create or provide an permanent income for the future maintenance and/or improvement of the Maintenance Land provided that no warranty as to the quality or standard of the said maintenance and or improvement is hereby given.”

A number of representations have been received stating that the site should only be used as Greenspace as set out in the clause. Halton Borough Council became the successor to the County Council by virtue of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 on 1st April 1998. On that date both the benefit and the burden of the Obligation became vested in the Council and as a result of that vesting the Obligation became inoperative and therefore unenforceable.

The granting of this discharge would merely formalise the position with this clause and make this evident on any future land search.

The discharge of the clause is therefore considered to be acceptable.

6.16 Issues raised in representations not addressed above

With regard to the proposal having an adverse effect on property values and affecting saleability, the planning system does not exist to protect the private rights of one individual against another and this issue is not material to the determination of this application.

In response to the question as to why this site should be developed ahead of disused brownfield sites in the borough, this application has to be considered on its merits and whilst the reuse of previously developed sites is desirable, the justification for this development is clearly set out above.

It is acknowledged that most forms of development would inevitably result in some form of disruption whilst works are on-going however a refusal on this basis could not be sustained.

Adequate provision for pedestrians would be provided with the development and it is not considered that the proposal would be to the detriment of pedestrian safety.

No new access from the development into the park is being proposed and given the size of the development, local amenities would be accessible.

In respect of consultation on the application, publicity in excess of the statutory requirements has been undertaken.

7. CONCLUSIONS

In conclusion, the principle of residential development on this site has previously been established on the basis that it would provide significant funding for pitch improvements, a new 10 team changing room pavilion, and proposed MUGA all of which are considered to be adequate compensation for the loss of Greenspace.

With regard to the loss of outdoor playing space for formal sport and recreation, the Council's draft Playing Pitch Strategy demonstrates that there is sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017 to the satisfaction of Sport England.

The discharge of clause 5.2 of Section 106 agreement is considered acceptable as this merely formalises the existing situation with the obligation being inoperative and therefore unenforceable.

This would not have a material impact on traffic movements and the conclusion is that the proposal would not produce significant traffic movements nor would it have a material impact on the operation of the local highway network based on the development generating 1 extra movement every two minutes in the peak hours.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

Sufficient parking provision would be provided to accord with the Council's standards.

The residential layout is considered to be appropriate in terms of separation and private amenity space. The scheme is considered to be of an appropriate design with an active frontage to Liverpool Road. The elevations indicate a mix of materials to add interest and result in well-designed properties.

The application is recommended for approval subject to conditions.

8. RECOMMENDATIONS

15/00013/FUL - Grant planning permission subject to conditions

15/00100/106MOD – Discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees

Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

9. CONDITIONS – 15/00013/FUL

1. Time Limit – Full Permission.
2. Plans Approved.
3. Site Levels (Policy BE1)
4. Facing Materials to be Agreed (Policies BE1 and BE2)
5. Implementation and Maintenance of Landscaping Scheme (Policy BE1)
6. Implementation of Boundary Treatments Scheme (Policy BE1)
7. Implementation and Management of Public Open Space (Policy BE1)
8. Breeding Birds Protection – (Policy GE21)
9. Hours of Construction – (Policy BE1)
10. Dust Suppression During Construction – (Policy BE1)
11. Construction Management Plan (Highways) – (Policy BE1)
12. Visibility Splay (Vehicles) – (Policy BE1)
13. Provision & Retention of Parking for Residential Development – (Policy BE1)
14. Retention of Garages (Policy BE1)
15. Off Site Highway Improvements - (Policy BE1)
16. Construction of Site Access - (Policy BE1)
17. Speed Camera Relocation Scheme – (Policy BE1)
18. Biodiversity Enhancements – (Policy GE21)
19. Bat Friendly Lighting Scheme – (Policy GE 21)
20. Drainage Strategy – (Policy PR16)
21. Ground Contamination - (Policy PR14)

Informatives

1. Water Vole presence where proposed outfall to Stewards Brook is to be constructed.

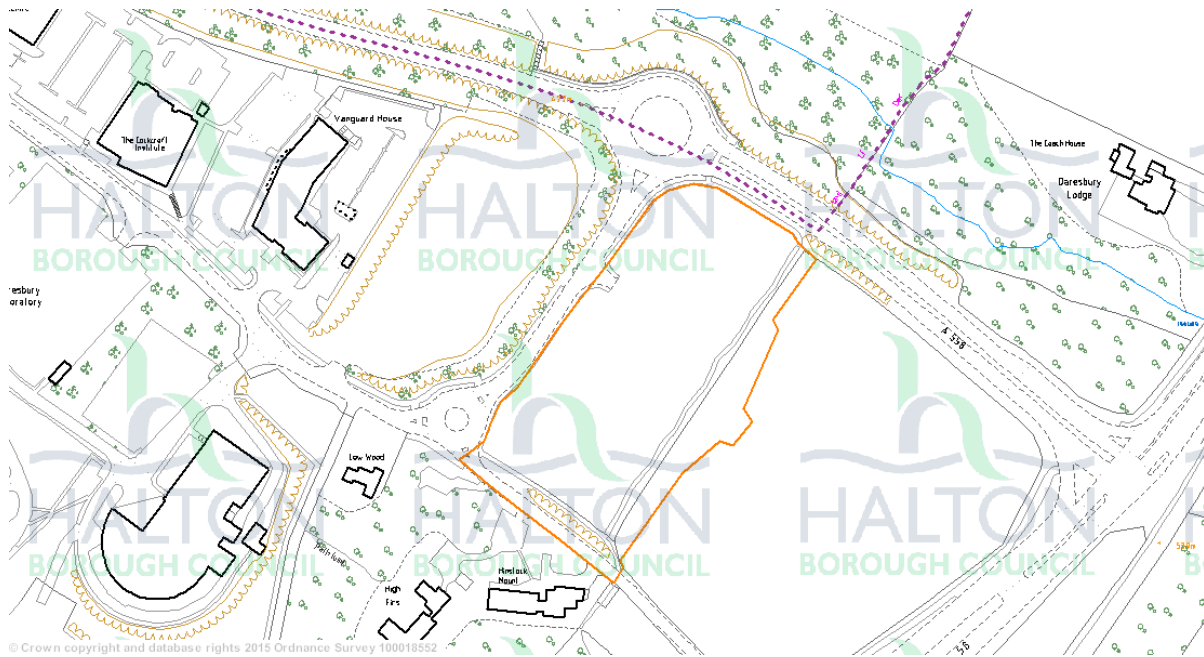
10. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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

APPLICATION NO:	15/00059/FUL
LOCATION:	Daresbury Science Park, Keckwick Lane, Daresbury, Runcorn WA4 4FS
PROPOSAL:	Proposed excavation and earthworks to form development plot including construction of retaining wall; construction of a new vehicular and pedestrian access into and throughout the site including lighting; drainage and; soft landscaping works to form extension of site connectivity works approved under previous planning permission.
WARD:	Daresbury
PARISH:	Daresbury
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Daresbury SIC LLP, Sci-Tech Daresbury, Keckwick Lane, Daresbury, Runcorn WA4 4FS
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	East Runcorn Key Area of Change
DEPARTURE	No
REPRESENTATIONS:	No neighbour responses
KEY ISSUES	Highway Safety, Design and layout, Connectivity, Ecology.
RECOMMENDATION:	Grant planning permission subject to conditions
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is the existing Manor Farm which is located between Innovation Way to the north; Keckwick Lane to the west and; Daresbury Expressway to the east; with remaining undeveloped land to the south between the site and Chester Road. The site is currently vacant aside from the public footpath which crosses it from Keckwick Lane to Daresbury Expressway. The site benefits from an earlier outline planning permission 01/00785/OUTEIA (science park comprising office buildings and incubatory building). The site is designated as the East Runcorn Key Area of Change in the Halton Core Strategy.

The surrounding area is a mix of Green Belt; employment uses and some residential use. The site is served primarily by vehicular access from the A558 Daresbury Expressway.

2. THE APPLICATION

2.1 The Proposal

The application proposes engineering works to an area of land which has previously received outline permission for employment uses. The works include: excavation and earthworks to form a development plot including construction of a retaining wall; construction of new vehicular and pedestrian access into and throughout the site including lighting, drainage and amendments to Keckwick Lane; hard and soft landscaping works to form extension of site connectivity works approved under previous planning permissions.

The detailed scheme includes:

- The re-alignment of Keckwick Lane from the Innovation Way/Keckwick Lane roundabout and widening to 7.3m. This new arrangement will include new landscaping and art features which will create a new gateway to the campus;
- The creation of a new vehicular access from Keckwick Lane into the Eastern plot through the formation of a new three armed priority junction;
- An access stub to the land owned by Lord Daresbury (between the site and A56 Chester Road) is also included;
- The creation of new pedestrian footways within the eastern plot connecting Keckwick Lane and the A558 linking to the existing pedestrian footways throughout the site;
- The construction of a retaining wall between the eastern plot and the plot owned by Lord Daresbury to support and protect the United Utilities water main;
- Earthworks within the plot in line with detailed levels scheme; landscaping works along Innovation Way and Keckwick Lane;
- Relocation of existing utilities on Keckwick Lane (high voltage electricity cables and BT communication cables).

A concurrent planning application has also been submitted for cabling works alongside the A558 Daresbury Expressway. This application has resulted in no objections from the Council's highway engineers providing that the cable is not placed within the highway embankment, and it does not interfere with maintenance of existing or placing of proposed drainage at the toe of the embankment.

2.2 Documentation

The planning application is supported by a Planning Statement, Design and Access Statement, a Contaminated Lane Report, Transport Assessment, Ecology Report, Ecological Appraisal, Tree Assessment Report, Flood Risk Assessment, Technical Note Enabling Works for the Eastern Plot. In addition, the suite of submitted drawings set out the proposed works diagrammatically.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining

development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is allocated as a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE21 Specie Protection;
- PR14 Contaminated Land;
- PR15 Groundwater;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- PR14 Contaminated Land

3.3 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of particular relevance:

- CS2 Presumption in Favour of Sustainable Development;
- CS4 Employment Land Supply and Locational Priorities;
- CS11 East Runcorn;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk.

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

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

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

4. CONSULTATIONS

4.1 Highways and Transportation Development Control

There are no objections, in principle, to the proposal.

4.2 Environmental Health – Ground Contamination

The submitted site investigation is acceptable and there is no objection to the proposed development and no requirement for further conditions.

4.3 Open Spaces Officer – Ecology

The recommendations and mitigation contained in the Ecological Appraisal (ECUS) are acceptable. Conditions to be attached to the planning permission are recommended in relation to this. The applicant has been requested to review the scheme to seek retention of the more mature trees on the site. Clarification is also sought on the composition of the wildflower area were native species offer more ecological value.

4.4 Environment Agency

No objections have been raised, but a condition recommended on the submission and approval of a soakaway drainage system prior to the commencement.

4.5 United Utilities

No objections but suggest the developer outlines the hierarchy to be investigated when considering a surface water drainage strategy.

4.6 Sandymoor Parish Council

No comments received at the time of writing this report.

4.7 Moore Parish Council

No comments received at the time of writing this report.

4.8 Health & Safety Executive

Does not advise against the proposal.

5. REPRESENTATIONS

5.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 11/02/2015, a site notice was posted on the Innovation Way/Keckwick Lane roundabout footway on 09/02/2015 and 22 neighbour notification letters sent on 26/02/2015.

5.2 At the time of writing this report the Council had received no representations resulting from the publicity given to the application.

6. ASSESSMENT

6.1 Design and Layout

The proposal is considered to be acceptable in principle with further detailed requirements for the future buildings on the site to be the subject of a further planning application and the detailed materials and landscaping of this

proposal subject to condition. The proposal is therefore compliant with Policies BE1, BE2 and TP17 of the Halton Unitary Development Plan and CS11 of the Halton Core Strategy.

6.2 Highway Considerations

The principle of the proposal is considered to be acceptable from a highway safety perspective. Further amendments/additional information has been requested from the applicant to ensure that the detail structural arrangements of the site operate successfully. These include the following: levels of roadways; road gritting requirements; clarification of adopted highway areas; improvements in connectivity between the site and the top (south) end of Keckwick Lane.

Members will be updated regarding the submission of these amended and additional details, however, these requirements can be the subject of additional planning conditions if, by the time of the Committee, amendments are not received.

The standard requirement for a construction management plan, including the need for a wheelwash, is also recommended.

On the basis of this and on the assumption that the requested amendments and additional information are provided, the proposal is deemed acceptable and complies with Policies BE1 and TP17 of the Halton Unitary Development Plan and CS11 of the Halton Core Strategy.

6.3 Flood Risk & Drainage

The application site is over 1ha in area in Flood Zone 1 and the application was accompanied by a Flood Risk Assessment.

In relation to drainage, a drainage layout plan accompanies the application. Some further details / clarifications will be needed before the drainage strategy can be agreed. The implementation of the drainage strategy can be secured by condition.

The proposal is considered to be compliant with Policy PR16 of the Halton Unitary Development Plan and Policies CS11 and CS23 of the Halton Core Strategy Local Plan.

6.4 Trees & Ecology

The site has several mature trees around its boundary and the application was accompanied by a Tree Survey and Constraints Report. The report has identified the condition of the trees and that several mature specimens would be lost as a result of the proposal. The applicant is providing further detail on the rationale for the loss of the trees in question, along Keckwick Lane which will be a consequence of the principle of the proposed Keckwick Lane access. Whilst it is not optimum, the loss of these trees is an inevitable consequence of the proposal to access the site from Keckwick Lane and this route has been proposed as the most favourable in terms of the future

development of the site. The applicant will provide a robust landscaping scheme which will incorporate trees with significant maturity.

The application was accompanied by an ecological appraisal. The Council's ecological advisor has agreed with the report recommendations which relate to the species identified on the site and installation of bat and bird boxes in retained trees and future control over the direction of site lighting. Although habitat has not been identified on the site, preventative actions are recommended in relation to potential badger or hedgehog visits.

The conditions to be attached to the proposal ensure that the existing habitat is not severely compromised. The loss of the mature trees on the site boundary on Keckwick Lane is justified by the wider aims of the policy CS11 and the East Runcorn Area of Change and the need for this site to be successfully incorporated into the wider highway network. The scheme is supported by a landscaping proposal which will provide connectivity to the previously approved linear corridor and enhance the appearance of Innovation Way. The proposal therefore complies with policies BE1 and GE21 of the Halton UDP.

7. CONCLUSIONS

In conclusion, the principle of the enabling works is acceptable and will enable further commercial development of the Sci-Tech Daresbury site in accordance with the aims of policy CS11 of the Halton Core Strategy. The application facilitates the delivery of the development of a prominent plot within the wider Daresbury Science and Innovation Centre site which will generate significant benefits for the Borough including providing quality employment opportunities; opening up a regionally important employment site; creating a further plot for science and innovation. Although the proposal will impact on several existing mature trees on Keckwick lane, through replacement planting and a robust landscaping scheme, it will provide a green connectivity to the linear corridor already approved that will serve to enhance the area overall.

On this basis the proposal is acceptable and complies with policies BE1, BE2, TP17 and PR16 of the Halton UDP and policies CS11 and CS23 of the Core Strategy.

The application is recommended for approval subject to conditions.

8. RECOMMENDATIONS

Grant planning permission subject to the following conditions and a S.106 Agreement for a highway improvements.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans (Policies BE1 and BE2).

3. Details of improvements of connectivity to Keckwick Lane south (BE1 and TP17)
4. Facing Retaining Wall Materials - (Policies BE1 and BE2)
5. Landscaping Scheme and Implementation – (Policy BE1)
6. Boundary Treatments Scheme – (Policy BE22)
7. Tree Protection measures (BE1 and GE27)
8. Breeding Birds Protection – (Policy GE21)
9. Details of Bat and Bird Boxes – (Policy GE21)
10. Hours of Construction – (Policy BE1)
11. Submission of a Construction Management Plan (Highways) – (Policy BE1)
12. Drainage Strategy – (Policy PR16)
13. Submission of details of future lighting (Policy BE1 and GE21)

Informatives

1. United Utilities Informative.
2. Environment Agency standing advice

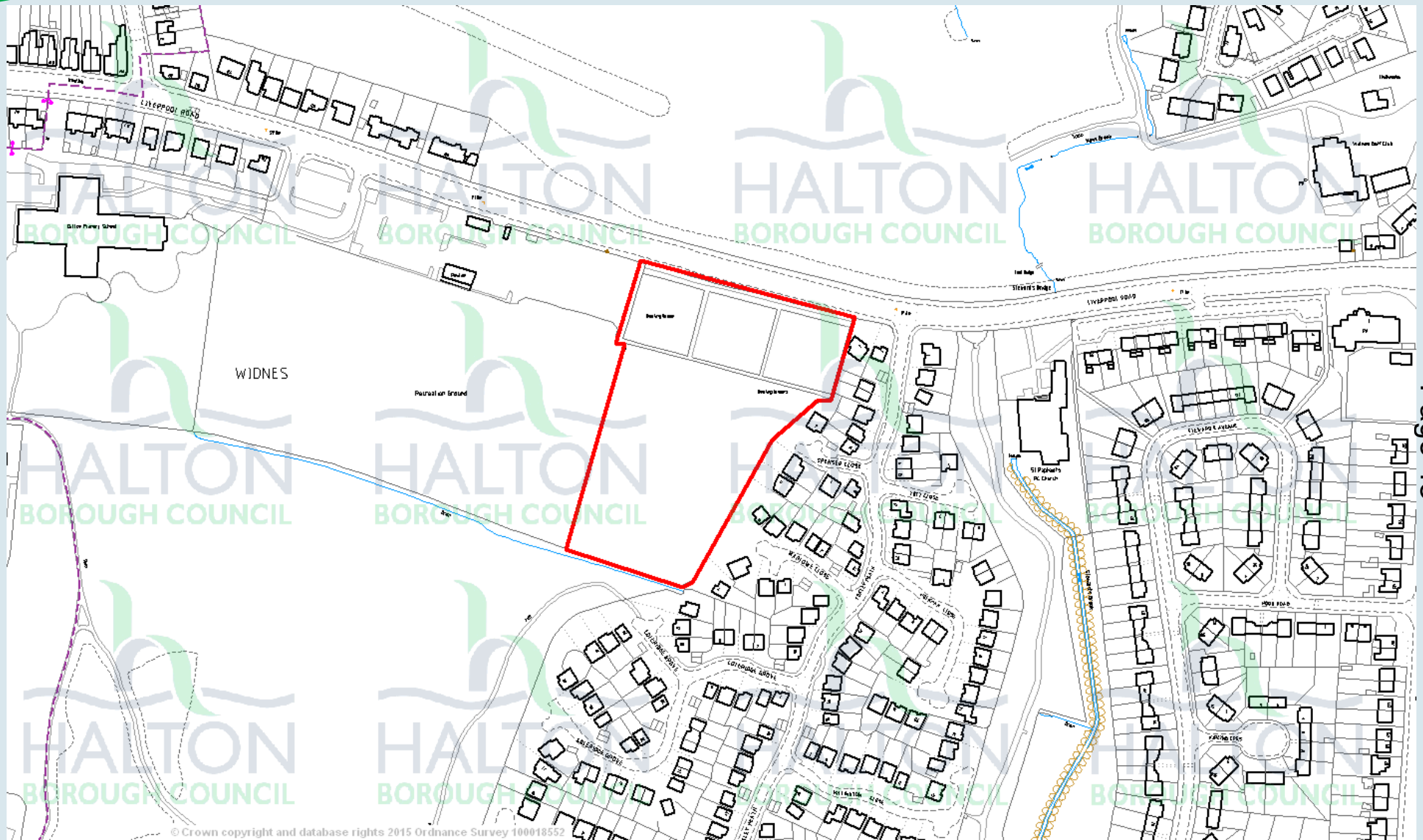
10. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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



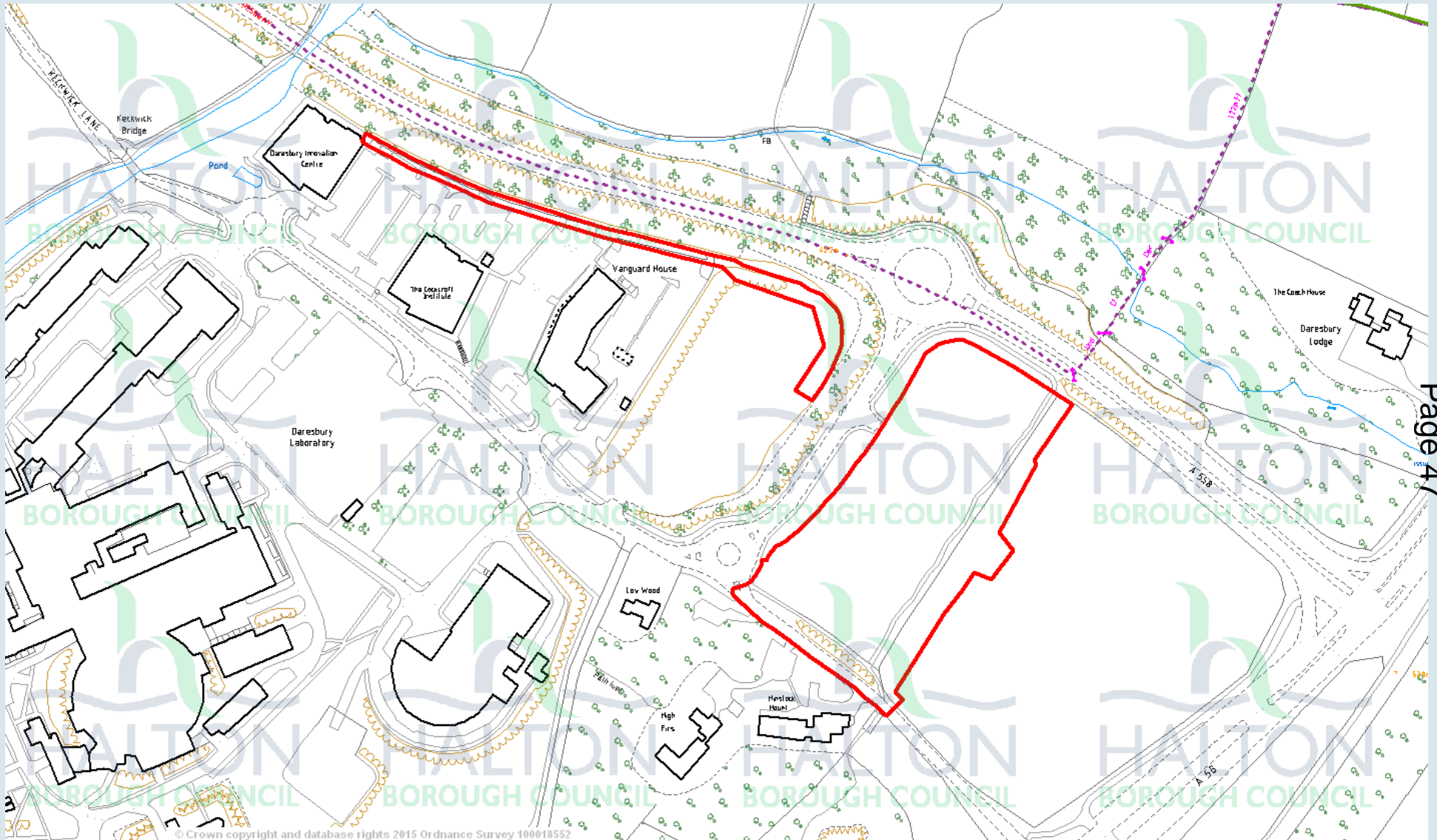


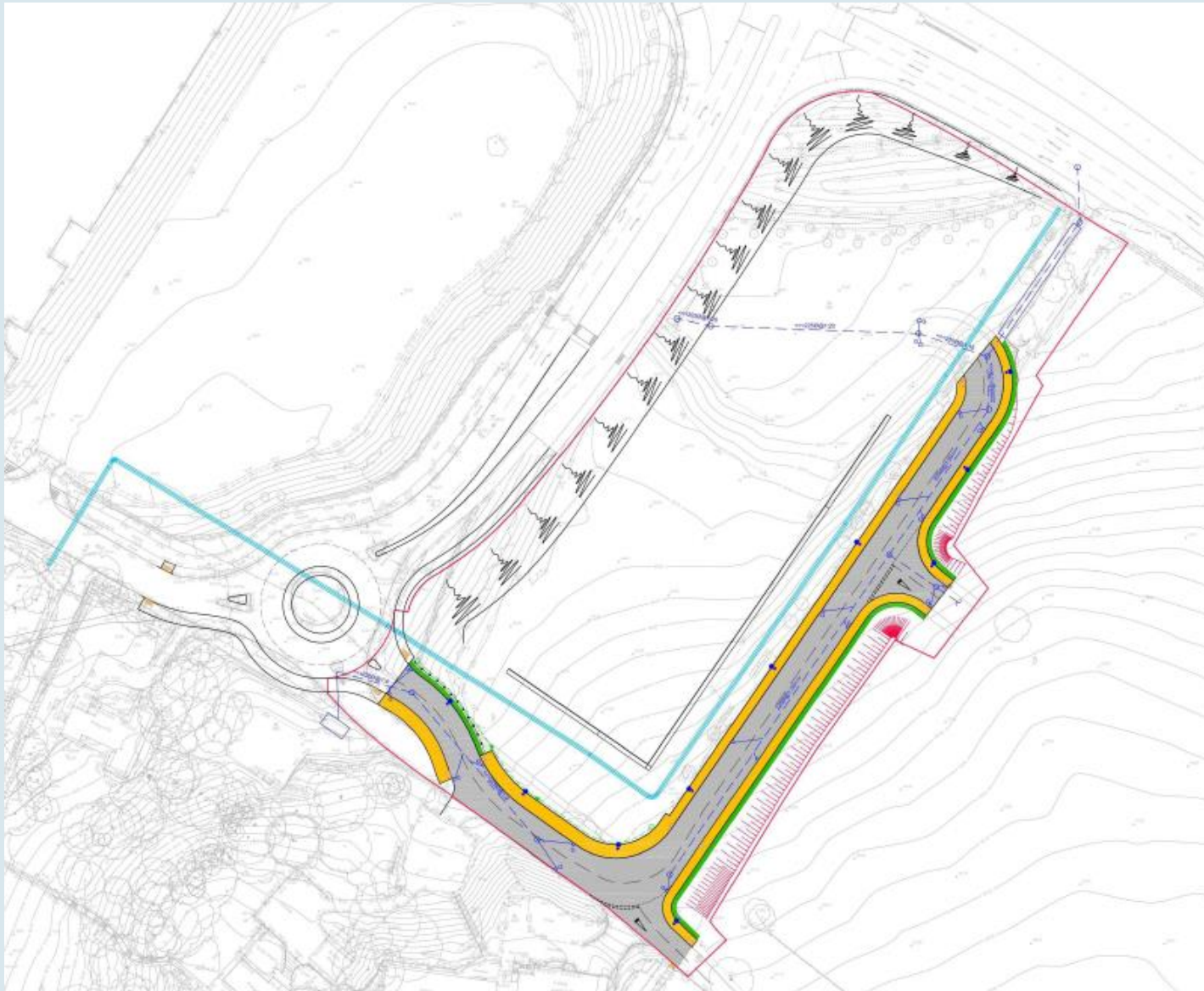
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