

REPORT TO: Development Control Committee

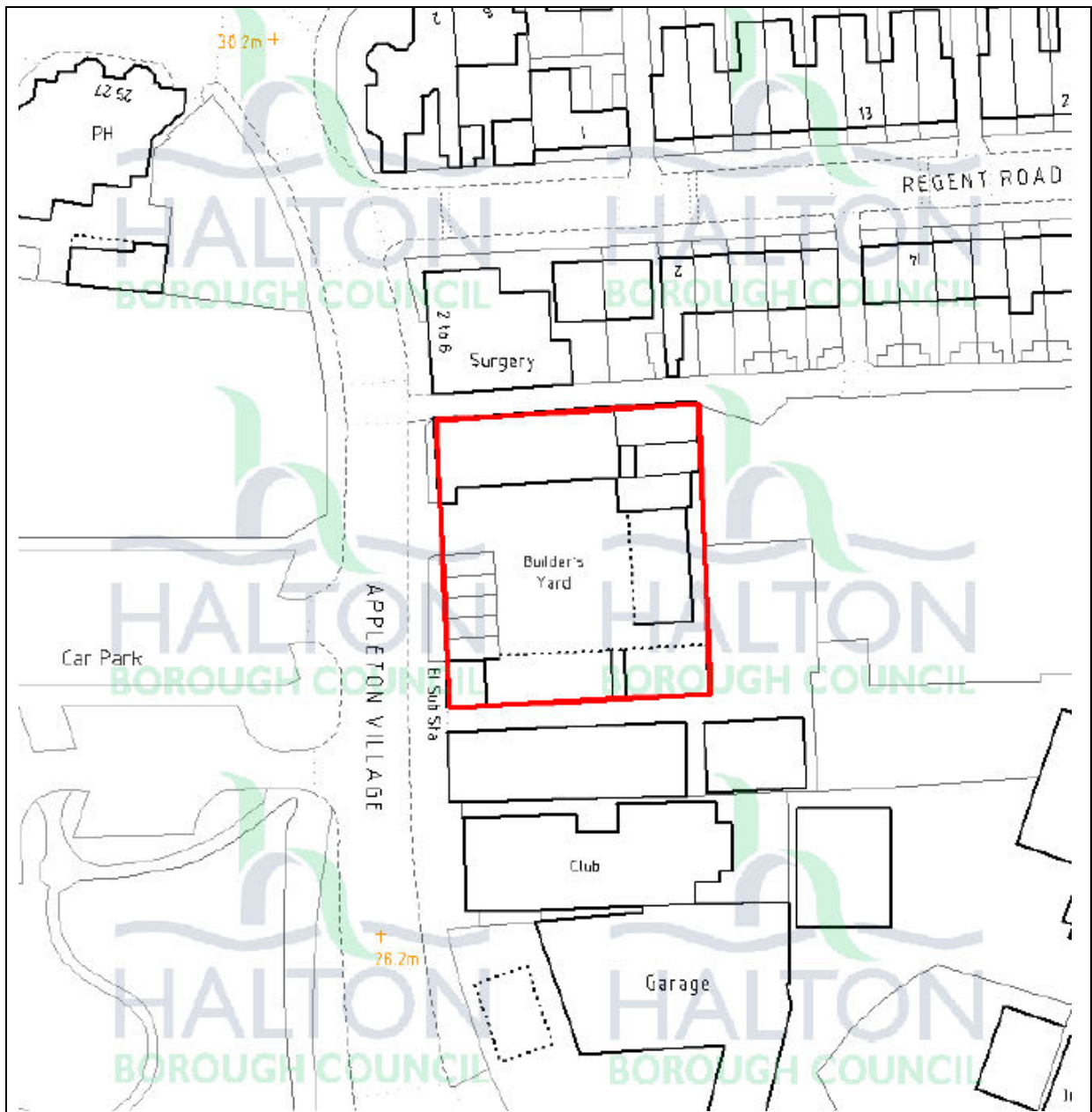
DATE: 1 July 2013

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

APPLICATION NO:	12/00370/COU
LOCATION:	Whitfield & Brown, Appleton Village, Widnes
PROPOSAL:	Proposed change of use from Offices (B1) to chemist/pharmacy and new shop, including stepped and ramped accesses, shop front and car parking
WARD:	Appleton
PARISH:	NA
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Mr Nabil Nasr
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential
DEPARTURE	No
REPRESENTATIONS:	40 objections and Petition of 586 signatories
RECOMMENDATION:	Approve
SITE MAP	



MEMBERS UPDATE:-

Members will be aware that this application was presented at the February Committee at which it was approved subject to conditions and a Section 106 volunteered by the applicant to restrict the site being used for the purposes of a needle exchange.

Since that time the applicant has had further consultations with the NHS which has culminated in a request for the proposal to be approved without the S.106. This is due to the NHS requirement for pharmacies to provide a full range of dispensing operations including dispensing treatments for illnesses such as cancer and diabetes, which can often rely upon needle application of drugs and the need for the pharmacy to dispense them and receipt used treatments.

Whilst the S.106 was recommended in the previous report to members, this was on the basis that the applicant had volunteered it. It is the officers' view that the application can be recommended for approval without the S.106 as there is only limited weight to be attached to the public perception that a pharmacy will result in an increase in crime and anti-social behaviour in an area. It should be noted that other pharmacies have no such restriction in any event and are equally close to residential areas. Members in approving the application at the February Committee understood that full breadth of services that a pharmacy could provide and that the dispensing of methadone for example could still take place under the terms of the previous S.106 as amended.

It is recommended that Members approve the application, in accordance with the details as agreed through the Committee's decision in February, albeit without the need for the applicant to enter into a S.106 agreement to prevent its use as a needle exchange.

1. APPLICATION SITE

1.1 The Site and Surroundings

The site consists of former offices and buildings used by a development and construction company, Whitfield and Brown. The proposal relates to an existing building fronting the site and includes an area to the side/rear for car parking. The site is within an allocated primarily residential area which has a mix of character being residential; commercial; leisure; service and education. The site is accessed directly from Appleton Village west.

1.2 Planning History

The site has benefited from the following previous planning permissions:

- Ref:07/00271/Ful – Demolition of offices and erection of 1 No. three storey and 1 No. two storey apartment block of 36 units;
- Ref:04/00522/Ful -Redevelopment of doctors surgery and builders yard with replacement 2 storey offices and 18 No. flats in a three storey building;
- Ref; 13573F – Extension and alteration to retail sales area.

2. THE APPLICATION

2.1 Proposal Description

Full planning permission is sought for the change of use of the existing office building which fronts Appleton Village to a use as a pharmacy/chemist with retail. The change of use relates to the front part of the building approximately 186 square metres of floorspace. The application includes the provision of 9 car parking spaces within the site; provision of a stepped and ramped access; new shop front and the agreement from the applicant to control the use of the building and secure the surrounding site buildings.

The main issues arising as a result of the application are: Retail impact; highway safety; impact on residential amenity; public perception of crime and anti-social behaviour resulting from the use.

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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Regional Spatial Strategy (RSS)

North West RSS Policies of relevance include:

Policies within Section 3 Sustainable Development (Policy DP1 Spatial Principles)

Policy LC3 The Outer Part of the Liverpool City Region

Policy EM17 Renewable Energy Policy

3.3 Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE16 Alterations and New Shop Fronts
- BE22 Boundary Walls and Fences
- PR2 Noise Nuisance
- TP6 Cycling Provision as part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All
- TC6 Out of Centre Retail Development
- H8 Non Dwelling House Uses

3.4 Halton Core Strategy (2012)

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

- CS2 Presumption in Favour of Sustainable Development
- CS5 A Network of Centres
- CS7 Infrastructure Provision
- CS15 Sustainable Transport
- CS18 High Quality Design

3.5 Relevant SPDs

Designing for Community Safety SPD and Shop Fronts and Advertising SPD are of particular relevance.

4. CONSULTATIONS

4.1 HBC Highways – No objections in principle and on the basis that the remaining buildings are to be secured closed in order to prevent interference with the proposed car parking.

4.2 HBC Open Spaces – No objection as no trees affected.

4.3 HBC Environmental Health Officer – No objection in principle.

5. REPRESENTATIONS

5.1 The application was advertised by a site notice displayed near to the site. The nearest affected occupiers of the adjacent residential and commercial properties were notified by letter. The Council's Highway Engineers and Open Space Officers have been consulted.

40 objections have been received from local residents and occupiers relating to:- Inappropriate and insufficient car parking; increase in traffic congestion; loss of outlook; and light; chemist not needed; availability of drugs will lead to anti-social behaviour; length of opening hours; needle exchange cause problems; proximity of proposal to primary school and nursery with vulnerable occupants; will add to existing on street car parking problems especially at school drop off and pick up times; already a litter problem experienced by Rushworth Auto Repairs – needle exchange would lead to discarded needles in the area; fear of burglary, muggings and harassment; affects changes of Appleton surgery being moved and upgraded; would increase an existing small drug addict problem in Victoria Park; existing cruising cars in area at night – this proposal would attract unsavoury characters; loss of custom to Ditton pharmacy; already have to put up with drunks from the social club and alcoholics in the town; does not comply with policy H8, LTC4 and TC6 of the UDP.

A petition, accessed at Cookes Chemist between 3-12 September 2012, has been received objecting to the proposal with 586 signatories objecting to the proposal on the grounds of noise, disturbance and light pollution to nearest residents; parking difficulties; provision of a needle exchange resulting in increased anti-social behaviour; block future development and possible move for Appleton Surgery; not needed; take business away from town centre.

The Council has also received correspondence from, Charles Russell, the solicitors representing a local pharmacy, members have also been sent this letter. The letter refers to 'failings' and threatens the Council with an application for Judicial Review should the matters raised not be dealt with properly. The follow is a summary of the 'failings' referred to in this letter and a response from Officers. A full response to this letter will be provided to Charles Russell under the Council's procedures:-

"1 The Councillors have not been informed properly about the proposed opening hours under this planning application..."

The original committee report explicitly informed members that the comments from the Environmental Health Officer would be reported orally to committee. The application form stated hours of opening of 07:00 to 23:00 Mon-Fri; 08:00 to 22:00 Sat; 10:00 to 16:00 Sun and Bank Holidays. Members were informed by the case officer at the committee meeting that the Council's Environmental Health Officer agreed with these hours of opening. Members were also presented with a hand-out relating to 100 hour pharmacy opening prior to the committee meeting. Members were fully aware of this document. This issue is not an issue that should be dealt with through the planning process, other than agreeing the hours of opening of the unit and any assessment of need would be dealt with through the appropriate licencing legislation.

"2 Hours of deliveries...."

The Council's Environmental Health Officer and Highways Officer have agreed that by restricting deliveries to the proposed opening hours there will be no significant impact on the amenity of residents or highway safety.

"3 Highways issues and parking..."

The solicitors have asked for evidence to support the views of the Council's Highway Officer that the addition of the pharmacy would not be likely to result in significant vehicle movements at peak times. Highway Officers have undertaken a full assessment of the application and have concluded, as is stated in the report, that although there will be some additional traffic and footfall, that this will not be significant. The applicant, at the request of the Highway Officer, has provided 9 on site car parking spaces and improvements to the access which will provide for an acceptable level of car parking and make safer the current access. Members should note that this is a previously developed site, with an existing use as offices and workshops and has several buildings within the site that could be brought back fully into these uses without reference to or control from the planning process.

The letter refers to the consideration of the planning application relating to the change of use of the Appleton Arms to a day nursery ref:11/00311/COU. This application is in a different situation and was determined under its own merits. The Council adopts a consistent approach to the assessment of planning applications, however each application is dealt with on its own merits and the Highway Officer in this case has made a complete assessment of the merits of the proposal, given its particular circumstances and has advised on these grounds and on the basis of planning policy.

“4 The updated Design and Access statement does not appear on the public register...”

The initial comments related to the shortfall in the submitted Design and Access statement. No further Design and Access statement was submitted, although the plans have been amended at the request of the Highways Officer. It is not essential that Design and Access statements be amended through the course of negotiations and they are rarely referred to in decision notices.

“5 Please supply evidence that the applicant does have control of the other buildings on the site...”

The applicant has included the buildings within the site edged red and signed Certificate A. He has also declared interest in the adjacent land by outlining this area blue. This is sufficient for the purposes of the planning application and the Council can include conditions which involve land controlled by the applicant.

“6 Councils mistakes regarding notification letters...”

The error in the acknowledgement letters and subsequent apology was not in relation to this scheme. In relation to notification of the previous committee, all objectors had been notified.

“7 There was apparently a muddle at the planning committee on 7th January....”

The matter in relation to the S.106 is clarified through this current report and the S.106 to restrict any use of the unit as a needle exchange was being drafted –However since then the applicant has stated that they are unable to enter into the agreement.

“8 Differences between the Planning Application and the PCT Licence Application”

The applicant has agreed to the terms of the S.106 as above which they are entering into voluntarily. The point raised here is irrelevant and is undertaken under a separate regime.

“9 A1- the planning report to committee states ... that the pharmacy would be a small scale retail unit”

This point is further clarified through this current committee report and its size being determined through the application of policies CS5 and TC6 as small

scale and there is no requirement for the applicant to provide details of likely turnover or profit.

“10 ...the application proposal would be a serious breach of the town centre protection policies...”

As stated at point 9 above, the proposal is small in scale and has been assessed against the appropriate national and local policies.

All further comments from neighbours or consultees will be reported orally to Committee.

6. ASSESSMENT

6.1 Assessment against Planning Policy

In relation to National Planning Policy, the National Planning Policy Framework (NPPF) is of relevance. The key theme running through NPPF is a presumption in favour of sustainable development, which should then run through the plan-making process and be carried through when making a decision. The introduction of NPPF, does not change the decision making process in that the development should still accord with the development plan unless material considerations indicate otherwise. NPPF is a material consideration in relation to this development.

6.2 Retail Impact - The proposal is for a small retail/pharmacy outlet of approximately 186 square metres, of which it is proposed 110 square metres would be given over to retail and the remainder to the dispensary. Comments received include potential impact on the town centre and other similar commercial outlets in the wider area. Due to the small scale of the proposal and its location outside of a Neighbourhood Centre, there is no requirement for a retail impact assessment or demonstration of need and the application of Policy TC6, 2, of the Halton UDP is appropriate in this instance. This allows for small scale retail development in Primarily Residential Area, some distance from existing retail facilities that serve a local need, is of a size to serve only local need and would not damage the vitality and viability of nearby Neighbourhood Centres. This proposal serves the locality and is adjacent to an existing surgery, with the nearest Neighbourhood Centres being Derby Road and Liverpool Road, likely not to have trade drawn from them to this location. The scale of the retail element can be controlled through a planning condition.

On this basis it is considered that the proposal complies with Policy TC6 of the Halton UDP and is acceptable.

Alongside UDP policy TC6, the proposal is assessed against the criteria within the Halton Core Strategy, CS5. This policy sets out the requirements for proposals for new retail and leisure development not within or adjacent to a defined or allocated centre. In cases where the gross retail floorspace is in excess of 200 square metres, the proposal would be subject to a sequential

assessment. By definition, retail and leisure proposals less than 200 square metres is small scale. In this case, the applicant has clarified the gross retail floor area and has provided an amended plan to identify the precise gross retail area involved which includes:- consulting room; dispensary; WC; store area. This total gross retail space is 186 square metres and as such, is small scale and does not result in the need for a sequential assessment. This amended plan and updated information is currently out to consultation and any additional representations that are received will be reported to the Committee. However, given that the plan does not show any significant change it is not considered to alter the application substantially and is not envisaged that this would alter representations already made.

In addition to this, Members should note that commercial competition between individual outlets is not the concern of planning which must restrict itself to the impact on defined town and neighbourhood centres. There is no requirement for an assessment of need or a sequential assessment in relation to the provision of an additional pharmacy of this scale in this location. Nor is there a requirement to provide details of the prospective turnover and profit for the unit. The proposal complies with the relevant UDP policy TC6 and policy CS5 of the Core Strategy.

6.3 Highway Safety – Although a number of the objections relate to additional traffic and parking being a problem, it is not felt that the addition of a pharmacy at this location will attract significant new vehicle movements in the peak times. Where pharmacies have been included adjacent to doctors' surgeries they have not been seen to act as significant additional attractors.

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With reference to objections made, the new pharmacy will be have a requirement of 6 car parking spaces. The Council will permit vehicles to cross an existing footway crossing and accept the spaces as legitimate car parking provision.

A planning condition is recommended to ensure that the remaining buildings are securely closed and not used in order to prevent interference with the agreed car parking layout.

The Highways Engineer has re-assessed the access since the last committee following Members' requests. Whilst the site does have an existing use which needs to be considered in determining the impact of this proposal, it is felt that there is an opportunity with this application to improve this existing access to enable a safer use of the site.

The applicant has provided an amended plan showing the provision of 9 car parking spaces; removal of one lleylandi tree; access improvement and; pedestrian crossing. The applicant has been requested to make a further amendment to the layout to include improvements to the kerb radii. This is acceptable and will enable safe access in and out of the site as well as providing appropriate levels of car parking.

On this basis the proposal satisfies highway safety requirements and complies with Policies BE1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan in this regard.

6.4 Amenity of Existing Residents - The nearest residential occupiers affected by the proposal are those on Regent Road. 'Raymede' is the closest to the unit for which change of use is being proposed. Some initial comments from the occupier of this property related to the loss of outlook and light. However, the applicant clarified the proposal was purely to change the use of the existing building and not for the originally advertised extension. A further consultation exercise was undertaken as a result. Given that there is no alteration to the back of the building, the outlook of the occupier of 'Raymede' will not be affected.

The properties which adjoin the site are in commercial use, with Appleton Surgery to the north. Facing the site is the car park serving St Bede's church and school.

The applicant has agreed to control the use of the other buildings on site, which are not included in this proposal and the remainder of the land to east, also in the applicant's control. Through a Section 106 Legal Agreement, these areas will be secured to minimise potential misuse and prevent their usage undermining this proposal.

Although it is acknowledged that residential may experience some additional footfall and vehicle activity resulting from the use, that on balance, it is considered, given the existing commercial use of the site, that the proposed use in itself will not result in significant impact on the amenity of the surrounding residential occupiers by virtue of noise and disturbance. It should be noted that an existing pharmacy on Peel House Lane is also located within a residential designation with no control over opening times and offers no serious source of complaints from the residential occupiers. The remainder of the development site in this case is identified for residential use.

Members had requested further assessment to be undertaken with regard to the impact of noise and lighting on the adjacent residential occupiers.

Lighting:- The applicant has submitted details of the location and design of lighting within the site and the lighting levels will be controlled through the requirements of a planning condition. Given that the entrance and car parking area is approximately 20m from the nearest residents on Regent Road, and that the application site building will screen the majority of lighting, from the residential that the lighting of the site will not cause significant harm to residential amenity. The requirement for a lighting plan and control of lighting can be appropriately dealt with through the attachment of a relevant planning condition.

Noise:- The proposed pharmacy building is approximately 12m from the rear facades of the properties on Regent Road. In considering the application, the nature of the development and the history of noise problems from similar such

developments have been reviewed to identify any common issues. In considering the application the following have been taken into account:

- The plans do not show any large chillers or freezers or associated plant which would suggest result in tonal noise emanating from the site and in the experience of Environmental Health is the most common complaint from residents in relation to small retail units.
- There is no indication from the plans that deliveries are expected outside of the opening hours. Similarly, early morning deliveries (before 7am) from small scale retail units can cause disturbance to residents. As the date and times for deliveries are not explicit within the application they could be the subject of a planning condition to ensure that deliveries of supplies do not take place outside of the opening hours.

Noise from vehicles using the small car park is not an issue Environmental Health would usually consider in relation to small retail developments as the level of vehicle activity is unlikely to be of any great significance. However, it should be noted that in this case the retail unit itself offers screening between the cars and the properties on Regent Street. The applicant has agreed to retain the existing out buildings on the site and this will further assist in mitigating the noise levels from vehicles parking by the unit. Environmental Health does not therefore consider that noise from vehicles on the site will give rise to noise disturbance, taking into account the hours of opening requested by the applicant.

The Council's Environmental Health Officer has considered in this case, that there would be minimal disturbance to existing residential occupiers and as such the proposal satisfies Policies BE1, H8, PR2 and PR4 of the Halton Unitary Development Plan.

- 6.5 Perception of Crime and Anti-Social Behaviour - Many of the comments received and the volume of objections appear to emanate from the potential and likely use of the proposed pharmacy as a methadone and needle dispensary. This is a use associated with that of a pharmacy and if the Council is considering allowing such a use it must bear in mind the breadth of the ancillary and associated activities that accompany such a use.

Officers have given considerable weight to the potential for the site to engage in this element of pharmacy use and the resulting public perception that this use would result in a rise in crime and anti-social behaviour in this area. Given that this is a Primarily Residential area with a school, nursery and church in very close proximity, the applicant was requested to review this element of the use. The applicant has encountered difficulties with the NHS in the spectrum of services it would be able to provide that would rely on needle application of treatments. These include dispensing drugs for cancer and diabetes. It is considered that the public perception that the site would give rise to an increase in crime and anti-social behaviour is an insufficient reason to refuse planning permission. Members should note the existence of other pharmacies permitted by the Council which provide a full and complete dispensing service and where no increased incidents have arisen as a result.

It is considered given its location, adjacent to Appleton Surgery, that the site can be seen to support this use and serve a local requirement and that within its controlled dispensing capacity, there is no evidence to suggest that it would result in an increase in crime and/or anti-social behaviour in this area.

Members should be aware that a pharmacy is obliged to dispense methadone if a valid prescription is presented. However, given that the Borough already has several pharmacies all able to do this, the Council is not in receipt of any evidence to suggest that this directly results in anti-social behaviour. The dispensing of methadone is not suggested to be a restricted part of the normal operations of a pharmacy. Members should note that the Council's Development Control committee has previously approved of pharmacies with unrestricted use, in or adjacent to the existing residential areas of Peel House Lane and Moor Lane.

7. CONCLUSIONS

The application proposes a modestly sized change of use development, comprising alteration of the existing Whitfield & Brown office building to form a pharmacy with retail, including provision of on-site car parking. Given the scale of the development, it is considered that the development will not result in any significantly harmful effects on the existing residents and users of other facilities in this area. It is considered that acceptable provision can be made for highways and servicing and securing the amenity and safety of users of the facility and the surrounding residents. The proposal- is not considered to impact on the viability of other retailers given its limited size and it is in accordance with policies of the National Planning Policy Framework, Halton Unitary Development Plan, Halton's Core Strategy, the Designing for Community Safety SPD, Shop Fronts & Advertising SPD.

8. RECOMMENDATIONS

That the application be approved.

9. CONDITIONS

- 1 Amended Plans (BE1)
- 2 Statutory three year period for implementation (BE1)
- 3 Materials (BE2)
- 4 Hours of opening (BE1)
- 5 Amended plans to show provision of access and car parking and defined gross retail area (BE1, TP6, TC6 and CS5)
- 6 Provision of plans showing a lighting scheme (BE1)
- 7 Lighting details shall be installed to comply with the recommendations of the Institute of Lighting Engineers (BE1)
- 8 Details of emergency access on to alleyway to ensure it does not open outwards (BE1)
- 9 Details of improvements to vehicle access to be approved (BE1)
- 10 Restriction of retail area to 110 square metres with a gross area no greater than 190 square metres (BE1, H8, TC6 and CS5)

- 11 Boundary treatment details to include colour coating (BE22)
- 12 Installation of boundary to rear of the site within an agreed timescale (BE1)
- 13 Details of provision of cycle parking (TP7)
- 14 Details of refuse storage (BE1)
- 15 Details of security shutters to be approved (BE2)
- 16 No deliveries to the site shall take place outside the permitted opening hours of 07:00 to 23:00 Mon to Fri; 08:00 to 22:00 Sat; 10:00 to 16:00 Sun (BE1)
- 17 Details of alarm and cctv system to be submitted (BE1 and BE2)
- 18 All external lighting shall be compliant with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light (BE1 and PR4)

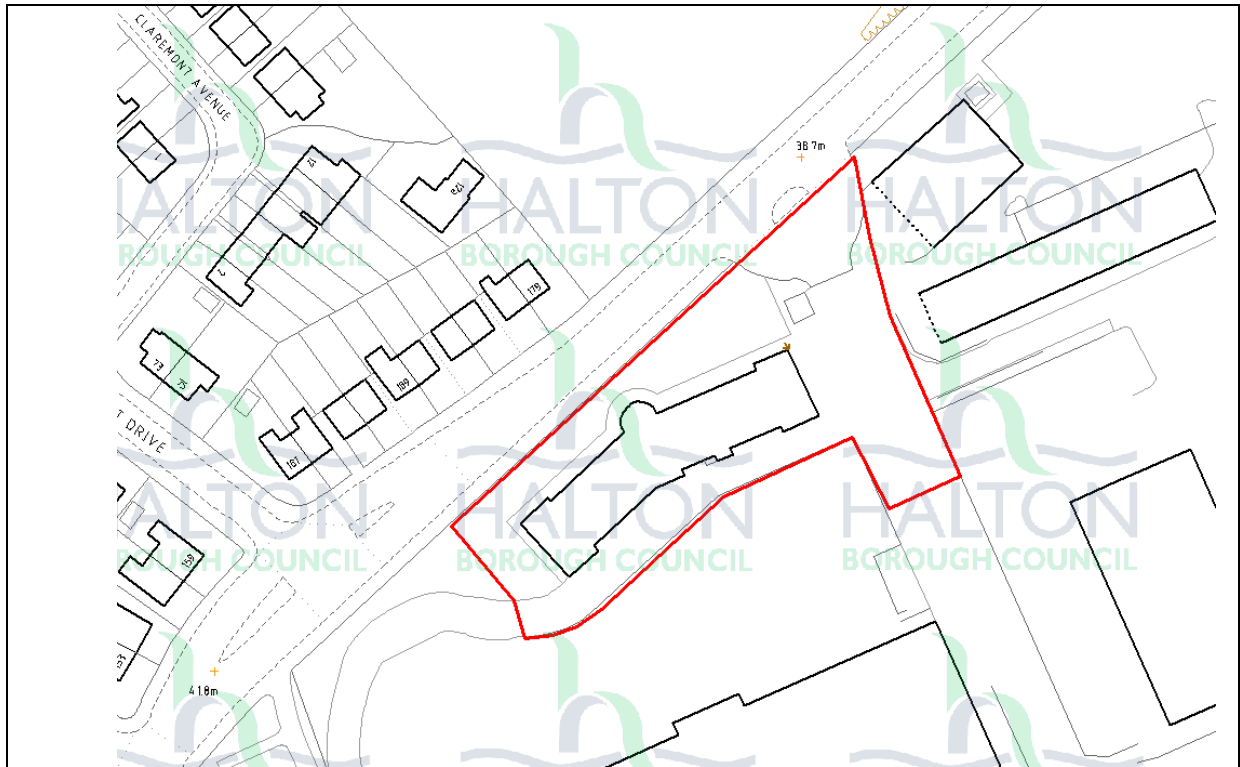
10. SUSTAINABILITY STATEMENT

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:	12/00517/FUL
LOCATION:	Eternit UK, Everite Works, Derby Road, Widnes.
PROPOSAL:	Proposed development of two retail units, a 375 m2 unit for A1 use class and a 93 m2 unit for A1, A2 or A3, use class, together with associated parking, servicing and site access
WARD:	Farnworth
PARISH:	
CASE OFFICER:	Andrew Evans
AGENT(S) / APPLICANT(S):	<p>Mr David Vokes Hulme Upright Suite 202 Barclay House 35 Whitworth Street West Manchester M1 5NG</p> <p>Mr Tom Loomes Pochin Developments Ltd & Eternit UK Ltd Brooks Lane Middlewich Cheshire CW10 0JQ</p>
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005) Halton Core Strategy April (2013)	Site is designated as primarily employment land.
DEPARTURE	Yes
REPRESENTATIONS:	9
RECOMMENDATION:	Approve
SITE MAP	



APPLICATION SITE

The Site and Surroundings

The application site forms part of the Eternit, Everite Works site on Derby Rd. The development site is allocated as Primary Employment Land in the Halton 2005 Unitary Development Plan proposals map.

Planning History

Application Ref: 13/00158/OUT – Renewal of Planning Approval 09/00406/OUT

Application Ref: 09/00407/FUL – Development of 116 No. Dwellings

Application Ref: 09/00406/OUT - Outline application (with all matters reserved) for proposed construction of industrial units (use class B1 & B2) and hotel (use class C1) up to 9350 sq.m. total floor space with associated roads, parking and service areas and landscaping (on land fronting Derby Rd)

THE APPLICATION

Proposal Description

This application details the development proposal of two retail units, a 375m² unit for A1 use class and a 93m² unit for A1, A2 or A3 use class, together with associated parking, servicing and site access at the Eternit UK Everite Works on Derby Road.

POLICY CONTEXT

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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

10.1 **Halton Unitary Development Plan (UDP) (2005)**

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

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
PR14 Contaminated Land
TP12 Car Parking
TC6 Out of Centre Retail Development

10.2 **Halton Core Strategy (2013)**

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

CS2 Presumption in Favour of Sustainable Development
CS5 Network of Local Centres
CS15 Sustainable Transport
CS18 High Quality Design

CONSULTATIONS

The application has been advertised by way of a press notice and the display of a site notice. In addition, two consultation exercises were undertaken, 88 properties in

the local vicinity and, in addition, all businesses found in the allocated Farnworth Local Centre, making for a total of 112 properties being consulted directly.

In terms of internal Council consultees, the following service areas were consulted: Highways, Contaminated Land and Environmental Health.

Highways have raised no objection to the scheme; a proposal has been agreed in principle regarding a modification to the existing access currently used by the Eternit factory. The proposal detailed in the planning application seeks to share this access with the existing eternity works, as a result the junction will be modified to an improved standard. Details of the modification have been agreed between Council Highways officers and the Applicant's highways engineer. The modifications required will be secured by way of a Grampian style planning condition. The proposed parking arrangements are considered acceptable complying with UDP policy TP12. In addition to the Derby Road access arrangements, there is the consideration of the developments impact upon the junction of Derby Road and Peelhouse Lane. A scheme of improvements to this junction has been discussed under previous planning applications for the Eternit factory campus. The Council's Highways team has requested that this scheme contribute a fee to the junction improvements. This has been agreed with the developer and will be secured by S106 agreement. The Contaminated Land team has requested a standard condition be used in order to secure that the development is carried out in line with a specified programme of remediation.

Environmental Health officers have responded that they have no objection to the scheme.

External Consultees

Due to the size of the scheme there is no need to consult the Environment Agency. United Utilities have not objected to the scheme but have requested that a condition be attached to deal with surface water drainage.

Cheshire Police have raised no objection to the scheme.

REPRESENTATIONS

Of the 112 properties that were directly consulted and those who have had sight of the site notice and press notice, a total of 9 responses were received objecting to the proposal, including an objection from Derek Twigg MP for Halton. One response was received in support. The details of the responses are outlined below.

Summary of points raised in objection

- Bright illumination directly into bedroom/living room
- Increase in noise levels to an already noisy environment
- Takeaway litter issues (takeaway removed from scheme).
- Access points from Derby Rd will encourage passing trade
- Increased parking/congestion issues on main road
- Anti Social Behaviour issues
- Known flood area
- Reduction of property values

- Impact on existing provision of mini markets and takeaways in Farnworth Local Centre
- Disturbance of asbestos contaminated land
- No need or requirement of retail of this sort from local residents
- Interference with privacy of nearby residences
- Units are unsightly
- Development does not comply with Policy TC6 part 1 and part 2
- Local stores have been omitted from the Applicants supporting documents
- Other recently approved alternative site location at Glebe garage
- Reduction in local bus services
- Increase in competition

In support of the application

- The scheme will bring improved shopping opportunity to the local area and improve the local environment.

SUMMARY

This application details the development proposal of two retail units, a 375m² unit for A1 use class and a 93m² unit for A1, A2 or A3 use class, together with associated parking, servicing and site access at the Eternit UK Everite Works on Derby Road.

On 17th December 2012, the Applicant's representative contacted the Council to instruct the change in the application proposal removing the A5 use class (takeaway) from the development proposal description. As a result of this change a follow up consultation exercise was undertaken.

The proposed development will create a new local convenience retail provision. Such a development would present an alternative to the nearby local centre in Farnworth and the recently approved but not delivered Glebe Garage retail unit on Lunts Heath Rd ref:12/00296/COU.

Policy Framework
NPPF

The National Planning Policy Framework sets out the national policy for determining this policy. The relevant paragraphs of the NPPF are 24, 25, 26, 27. The NPPF lists 'retail' as a town centre use in its list of definitions.

The relevant local policies for the determination of this application are policy CS5 'Network of Centres' of the Halton Core Strategy 2013 and TC6 TP12 of the Halton UDP 2005. The application site is designated as 'primarily employment land' on the Council's Unitary Development Plan land allocations map.

Land Designation

The site is identified as a Primarily Employment Area in the Halton Unitary Development Plan, which seeks to reflect its current use. The proposal for retail units on this site is considered not to accord with the development plan, the application

has therefore been advertised as a departure. Notwithstanding this, the proposal is not a 'notifiable departure' and, as such, is not required to be referred to the Secretary of State.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, it is argued that the proposed retail development would result in a number of wider benefits, which would outweigh the loss of potential employment land. The proposed development would bring investment to the local community and in the process offer convenience services, upon an area of employment land formerly occupied by a factory office.

Since the factory office has been demolished the application site has been devoid of use and presents no immediate use for the Eternit factory site. The development proposal presents an opportunity to bring improvement to the area bringing back into beneficial use an area of under-used, and potentially contaminated, brownfield site in line with ambitions of sustainable development found within both national, and local policy.

Given the residential nature of surrounding land uses, particularly those on the opposing Derby Road frontage, the opportunity exists to enhance the character of the area through the development of a quality modern single storey building common to a local neighbourhood centre. Such an outlook would have less impact on an opposing residential street scene than a typical employment shed development. It is therefore considered that the development proposal complies with Policy BE1 of the UDP.

Through careful attention to layout and design, the use of landscaping and improvements to existing access arrangements, the proposed development will bring an opportunity to secure a better relationship between adjoining uses.

There is also the benefit that this investment will bring a small number of jobs to an area of an employment site that currently provides none. This is particularly pertinent given the recent announcement that the Eternit site is to close this year.

The wider benefits of the overall development must be balanced as material considerations in determining applications against the designated land use.

Policy TC6 of the Halton UDP is divided into two parts; part 2 of this policy applies;

'small scale retail proposals designed to serve purely local needs.....will be permitted providing all the following criteria are satisfied'.

A – The local need that is to be addressed by the proposed development has been clearly demonstrated

B – The size of the store proposed is of an appropriate scale and nature to address local need.

C – The proposal would not either individually or in combination with other recent or proposed developments damage the vitality and viability of nearby neighbourhood centres listed in Policy TC9 through diversion of trade or deterrence of investment

Paragraph 26 of the NPPF states 'When assessing applications for retail, leisure and office with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500sq m).

Policy CS5 of the Halton Core Strategy sets a locally set threshold target of 2000sq m above which proposals will be subject to an impact assessment. It goes on to state that proposals above 200 sq m (but below 2000 sq m) will be subject to a sequential test only.

The Applicant has submitted all the necessary supporting documentation for the proposed development. The development is above the 200m² threshold requiring a sequential assessment but significantly below the 2000m² threshold requiring an impact assessment. The Council as a result, is left without a means to measure the impact of the proposed retail development on existing provision. On this basis it would appear that the development plan is silent.

The Applicant has submitted a Planning Statement and a Design and Access statement in support of the planning application. The planning statement contains a sequential assessment of available out of centre sites. Three alternative sites were identified; the car park adjacent to the Saffron restaurant, the car park adjacent to the Griffin public house, and the former essexgarage site. The assessment found no sequentially preferable alternatives to the proposed development site.

It is accepted that there is no requirement to demonstrate 'need' in the NPPF. Part 2A of UDP policy TC6 is inconsistent with the NPPF, as such it is not relevant to the consideration of this application.

It is accepted that the size of the development is appropriate for the proposed use as a convenience outlet. The proposed net floor space of the larger retail unit has been designed to conform with Sunday Trading Law limits of 280m² which is consistent with Policy CS5 of the Core Strategy.

TC6 part 2C outlines a requirement to assess the impact of proposed development; either individually or in combination with other recently approved schemes, on existing local centres. Its purpose is to prevent harm to existing local centres.

A notable observation is the existence of retail provision in Farnworth. This provision is found to be outside of the 400m zone, the measure of a 10 minute walk customers will take to a local convenience store. The catchment of the Farnworth local centre and the proposed development's catchment will overlap. As a result there will inevitably be a degree of impact on existing provision. However, under paragraph 14 of the NPPF it is not sufficient reason to refuse an application based on the existence of impact alone. The NPPF is quite clear in the language used, local authorities are to grant planning permission unless;

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'

The supporting statements submitted with the planning application indicate that there is sufficient headroom in the local catchment to support the proposal without impacting on the local centre of Farnworth.

'The presence of expenditure arising locally to support the proposals provides a clear indication that there is unlikely to be any significant impact on existing local shopping facilities'.

The Council's policy team raised issue with the methodology used to extrapolate findings from the supporting data. A further issue is that the supporting data was submitted before the approval of the nearby Glebe Garage retail scheme and so does not take account of a potential combined impact.

Post submission discussions have taken place on this area of concern, both the Applicant and the Policy Officer are in agreement that there is not sufficient headroom in the local catchment to support both the proposed development and the recently approved Glebe Garage site ref:12/00296/COU without having some form of impact on the Farnworth Local Centre. However, without a means to measure this impact the Council is left in a position where it cannot prove whether any such impact will be detrimental and therefore a refusal could not be sustained on this basis.

The Council's information on retail matters is drawn from the Halton Retail and Leisure Study, which sought to identify the need for additional town centre development. This does not provide a level of detail necessary to aid the assessment of small scale local centre developments in rebuttal to planning proposals.

The Glebe Garage site was approved earlier this year under delegated powers; it proposed to change the use of a vacant unit to an A1 retail unit. The application site is within 400m of the Glebe Garage site which has not yet been delivered despite being marketed.

Returning to paragraph 14 of the NPPF, it states that where a development plan is absent or silent, planning permission should be granted unless its impact would be significant and demonstrable. There is no means by which to demonstrate impact by quantifiable means upon the existing local centre provision of Farnworth.

The final test of policy TC6 2C concerns the 'deterrence of investment'. Paragraph 26 of NPPF states the assessment should be of 'the impact of the proposal on existing planned and committed public and private investment in the centre'. We have no information on any planned or committed investment in the Farnworth centre. As such this policy test is passed.

Wider Consideration.

The Eternit factory is a well-known land use in the local community, once a large facility, today the factory is a significantly smaller operation. A large portion of the site has been given over to a recent housing development scheme.

In addition, outline planning permission has been granted for the development of part of this site into a hotel and number of small business start up units.

The redline of the proposal is relatively confined being limited to the former footprint of the factory office. The demolition of the office building has left a site devoid of interest. The proposal presents an opportunity for further modern investment into an ageing employment site.

It has recently been reported that the remnants of the Eternit factory are to close this summer leaving the site empty of investment. The regeneration of part of this industrial site is a consideration that weighs in favour of the application.

CONCLUSIONS

Despite the proposed retail use being in an out-of-centre location it is felt that the applicant has adequately undertaken a sequential assessment of suitable sites in nearby centres. No suitable or available sites were identified and the application site has good links via sustainable transport.

The proposal is of an appropriate scale to meet local convenience shopping need for the surrounding residential and employment areas and there is no evidence available to quantify and demonstrate harm to existing centres. The presumption in favour of sustainable development found in the NPPF prevails.

The highway engineers have agreed in principle with the Applicant on an improved arrangement to the existing access of the Eternit site. This will be secured by condition.

The Environmental Health officer has not objected to the proposal. Officers are still awaiting written confirmation of this Any further requirements will be reported to the Development Control Committee in an update.

Cheshire Police have not objected to the scheme.

The design of the building is of modest proportions with a form that is common amongst most local centre uses and is found to be in compliance with policy BE1 of the UDP and CS18 of the Core Strategy.

Having assessed the planning proposal it is the Council's opinion that the proposal does not conflict with the unitary development plan and is found to be in accordance with the NPPF and the Halton Core Strategy. There is no material harmful adverse impact that would significantly outweigh the benefits of the scheme, including the existing amenity of neighbours, the character of the area and highway safety.

The scheme is therefore recommended for approval.

RECOMMENDATIONS

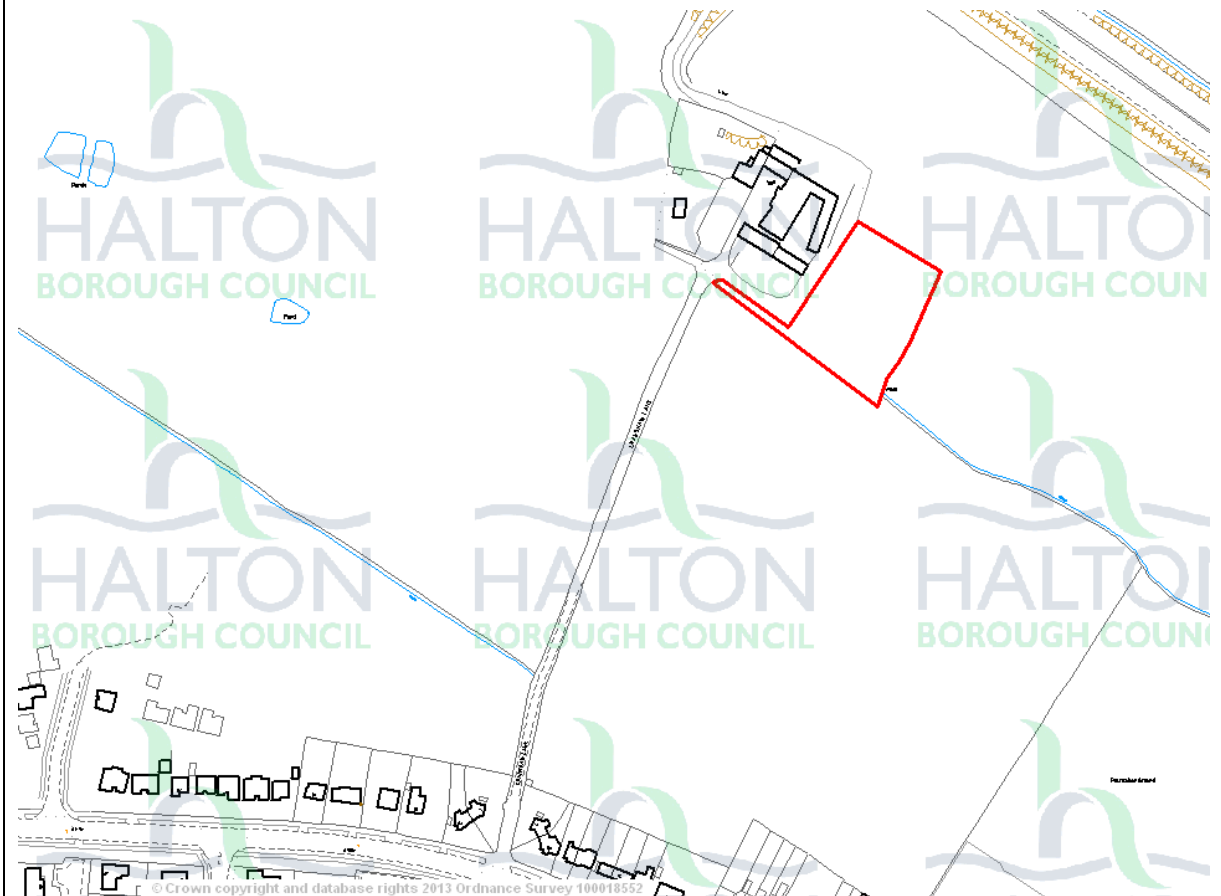
Approval subject to conditions:

Conditions

1. 3 Year
2. Material details/samples - BE2
3. External lighting details - PR4
4. Levels existing/proposed - BE1
5. Finished floor levels - BE1
6. Hard and soft landscaping - BE1
7. Ground Investigation and implementation of measures required in risk identification - PR14
8. External servicing details - BE1
9. Waste details – inc provision of waste bins prior to occupation- commercial and customers bins – BE1
10. Boundary Treatment – BE22
11. Drainage – BE1
12. Surface water drainage and discharge - BE1
13. Parking layout prior to occupation – BE1
14. Construction management plan including the commissioning of an as built survey to be submitted on completion of development – BE1
15. Noise emanating from shop limit – PR2
16. Shop opening times – PR2
17. Roller shutter details– BE1
18. Restriction on use of the units A1 A2 A3 - BE1

APPLICATION NO:	12/00542/FUL
LOCATION:	Cranshaw Hall Farm, Cranshaw Lane, Widnes
PROPOSAL:	Proposed demolition of existing steel framed, block walled, asbestos roofed buildings and replacement with 1 detached and 4 semidetached houses
WARD:	Farnworth
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Mr Richard Davies, Bold Projects NW td
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Green Belt (GE1) Scheduled Ancient Monuments (BE4)
DEPARTURE REPRESENTATIONS:	Yes
REPRESENTATIONS:	2
RECOMMENDATION:	Approve with Conditions

SITE MAP



1. APPLICATION SITE

The Site and Surroundings

Site of approximately 0.29 hectare. The site directly adjoins the former farm house and redundant agricultural barns (currently under conversion to residential use) which is a Scheduled Ancient Monument. The site is accessed from Lunts Heath Road, Widnes via Cranshaw Lane. Watkinson Way passes the site to the North.

Planning History

Planning permission was originally approved for conversion of existing adjoining brick built barns to 4 residential dwellings (05/00885/COU) with retention of an existing farm house. Subsequent planning permissions have been approved to convert barns a and c into 4 dwellings (11/00126/COU) and proposed conversion and extension of a brick built agricultural barn (formerly with approval for 1 dwelling) into 2 dwellings (12/00541/FUL). The site currently has permission (part implemented) for conversion/ extension of existing brick built barns to 6 dwellings together with retention of the existing farmhouse.

2. THE APPLICATION

Proposal Description

The application proposes to replace the current asbestos sheet and block construction agricultural sheds with a residential development of 5 dwellings with associated car parking and landscaping. All dwellings are intended to be new-build construction but in a style of barn conversions taking reference from the existing adjacent barns currently being converted.

3. POLICY CONTEXT

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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should

be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Halton Unitary Development Plan (UDP) (2005)

BE2	Quality of Design
BE4	Scheduled Ancient Monuments
GE1	Control Of Development in the Green Belt
GE4	Re-Use of Buildings in the Green Belt
GE23	Area of Special Landscape Value
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

Halton Core Strategy (2013)

CS6	Green Belt
CS13	Affordable Housing
CS18	High Quality of Design
CS20	Natural and Historic Environment
CS21	Green Infrastructure

Relevant SPD's

New Residential Development SPD; Affordable Housing SPD; Draft Open Spaces SPD are of particular relevance.

The National Planning Policy Framework (NPPF) is a material to the consideration.

4. CONSULTATIONS

The application has been advertised as a departure by a site notice displayed near to the site and press notice. The nearest affected occupiers of the adjacent properties were notified by letter.

HBC Highways – No objection in principle.

HBC Environmental Health – No objection in principle.

Environment Agency – No objection in principle.

English Heritage - No objection in principle.

CCC Archaeology - No objection in principle.

Merseyside Environmental Advisory Unit - No objection in principle.

Cheshire Wildlife Trust and Conservation – No objection in principle.

5. REPRESENTATIONS

One letter of objection has been received from a neighbour and occupier of The Stables, an adjoining barn conversion which formed part of the phase 1 conversions at Cranshaw Farm. The following issues are raised:

- Failure to consult by written correspondence with regards applications
- That they own the access road, additional use by vehicles would result in loss of privacy to their adjoining rear garden
- Additional traffic levels would make unsafe environment for children
- Highways safety resulting from the private access road status, no speed restrictions, restricted vision from hedgerows and concealed entrances
- Proposed visitor car park overlooks garden
- Steel barns were originally shown to be removed 5 dwellings would block views
- Traffic noise
- Effect on character of lane and ability to be used as bridleway

One resident has written in to support the scheme on the basis that the proposals will result in the removal of “ugly asbestos sheds and a dozen or so nice houses in their place with open views of the countryside.

Any further comments received will be reported verbally to Members at Committee.

6. ASSESSMENT

The main issues considered to arise from this proposal are:- Impact on Green Belt; impact on character and residential amenity; Ecological issues; archaeology and impact on the Scheduled Ancient Monument, Ground Contamination, Transport and highway safety; Affordable Housing.

Impact on Green Belt

The site is located in the Green Belt and as such the related Green Belt policies of the Halton Unitary Development Plan, Core Strategy and NPPF apply.

The National Planning Policy Framework contains guidance which generally favours sustainable development in the Green Belt for limited infilling in villages and limited redevelopment of previously developed sites. The main emphasis for the latter is for the proposed scheme to not have a greater impact on the openness of the Green Belt than the previous buildings and use.

NPPF is material in the consideration of planning applications, alongside the adopted Core Strategy and the saved policies of the Halton Unitary Development plan. In this case the applicant was advised that the proposal is inappropriate development in the Green Belt and asked to provide very special circumstances that may outweigh any harmful effect on the green belt.

The previous planning permissions for residential barn conversions at the site identified potential for contamination of the site and conditions required detailed site investigation and remediation. As a result of those works, the extent and level of contamination has been found to be significantly greater than anticipated. Whilst the plots that are currently occupied and are within the control of the applicant have been remediated and validated accordingly, this has, according to the applicant, added significant unforeseen costs to the scheme to the extent that the whole development has become financially unviable. On this basis, the application is supported by a Financial Viability Statement which has been reviewed and agreed by a Principal Surveyor within the Council's Property Services Team.

In qualitative terms, it is considered that the loss of the large and functionally designed agricultural barns/buildings and potential associated use of these buildings, which could be re-instated at any time, together with a reduction in potential farm vehicle movements that would bring, would improve the character of what is essentially a residential village and conservation area.

It is considered that, although it conflicts with UDP policy GE1 in that it is inappropriate development in the Green Belt, very special circumstances have been proven justifying that the proposed scheme would have a reduced impact on the Green Belt. The National Planning Policy Framework identifies limited redevelopment of previously developed sites in the Green Belt as appropriate development. When considered against the Green Belt policies contained in the NPPF, it is dependent on the definition of what limited infill allows. When comparing this scheme with the existing redundant sheds it should be noted that the proposed dwellings are marginally taller than the original sheds by approximately 1m when comparing the highest ridge line of the proposed dwellings and of the existing tallest barn to be replaced. The general layout and relative location of buildings will also occupy a wider area albeit now having a wider central open courtyard. As such, it is not considered that argument could be made that the proposed development would not have a greater impact on the openness of the Green Belt than the previous buildings and use. Significant weight is, however, attached to the financial viability of the previously approved schemes, the benefit in securing completion of that development and the significantly real possibility that the scheme could be abandoned when only part occupied with the site remaining without remediation if financial viability is not achieved. It has also been necessary to balance consideration with regard to securing reasonable separation between dwellings, amenity of future occupiers and to maximise the design quality in terms of reflecting more closely the development of the existing brick barns on the site.

Any additional impact on openness of the Green Belt is considered marginal and when balanced against all other material considerations it is considered that very special circumstances have been argued to justify such development in the Green Belt.

Conditions are proposed to require future occupiers of the dwellings to apply formally to the Council for any extensions, other alterations or outbuildings to their properties to enable control over any potentially harmful future development that could be undertaken through permitted development.

The application has been advertised as a departure from the Unitary Development Plan and “consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document”. Whilst it is considered that the proposal by reason of its scale or nature or location, would not have a significant impact on the openness of the Green Belt it does consist of the provision of buildings where the floor space is 1,000 square metres or more. As such, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the authority is required to consult the Secretary of State before planning permission can be issued. Provision for this is made within the recommendation section of this report.

Character and Amenity Impact on Residential Amenity

This proposal will result in the removal of what is a large, unattractive building which can only be an advantage to the character of the area. The proposal is considered to accord with the guidelines of the Halton Landscape Character Assessment within which the site is identified as within the area of North Widnes Farmland.

The proposal is considered to offer a high quality of development to reflect the quality and character of the original barns currently undergoing conversion. The scheme has also been designed with significant input from the Council's retained adviser on building conservation and heritage. Adequate separation and privacy distances are considered to be maintained to existing dwellings previously approved by conversion through earlier planning permissions. Privacy distances across the court yard between the new build dwelling are, however, substandard when compared with guidelines normally applied to green field developments. A balance must, however, be struck with securing sufficient numbers of dwellings to prove the scheme viable and protecting as far as possible the openness of the Green Belt.

Whilst a neighbour objects with respect to loss of view there has been no requirement under previous planning permissions to remove the existing functional sheds which are currently proposed to be removed and replaced with a quality development in a more sympathetic use. With respect to the wider amenity of existing occupiers, whilst it is acknowledged that the scheme will result in a small increase in the numbers of vehicles using the lane, it is not considered that such intensification would not be so harmful to justify refusal. Any such additional impact must be balanced against the wider benefits of the scheme including removal of unsightly buildings, facilitating wider remediation of the site and allowing completion of previously approved schemes which are part complete and would otherwise prove unviable. Visitor parking spaces which were the subject of the objection have been removed from the scheme.

Scheduled Ancient Monument Consent

The scheduled monument of Cranshaw Hall medieval moated site lies immediately on the north and west sides of the proposed development. The applicant has responded to the concerns of English Heritage and amended the plans to remove initial proposals to re-route the access road, and for parking bays and therefore encroachment onto the scheduled monument. English Heritage has therefore advised that planning permission may be granted subject to suitable conditions requiring protective barriers to prevent encroachment onto the monument during construction. This can be adequately secured by condition of the planning permission.

The Council's retained adviser on archaeology matters advises that there is no archaeology objection to the development but that the previously advised archaeology watching brief condition is attached to any planning permission.

Ecological Issues

The proposal includes demolition of an existing group of asbestos sheet and block construction agricultural buildings. The application is supported by a report in relation to bats and breeding birds. This concludes that the building roost potential for bats is low - absent and no evidence was found that would indicate use of the buildings by bats or nesting birds. Based on these results it concludes that there are no implications in relation to bats, breeding birds or barn owls that would prevent development. There are therefore no further recommendations apart from generic advice that in the event of bat/s or nesting birds being encountered then all work should cease immediately and an ecologist contacted for further advice.

The applicant has provided clarification in relation to the felling of trees under earlier permissions, location of ponds and survey details in response to queries raised by the Council's retained advisers on ecology. No significant ecology issues are considered to arise as a result of the proposals and it is considered that additional biodiversity features including nesting boxes can be secured by planning condition.

Highways, Parking and Servicing

The scheme proposes access off Lunts Heath Road via an existing unmade track which is a designated bridleway and serves existing dwellings at Cranshaw Farm including those approved by earlier permissions. Original proposals to divert the current access through the adjoining agricultural field have been withdrawn based on officer advice and the scheme amended accordingly.

The Council's Highways Engineers have confirmed that there are no objections in principle to the development. In order to allow for ease of passing of vehicles and other users of the bridleway, passing places, speed control and visibility improvements are required and it will be necessary to provide a management plan for the maintenance of a suitable surface to the lane. The scope of these improvements has been agreed in principle and it is considered that these can be adequately secured by condition. On this basis it is not considered that the refusal of planning permission on Highway grounds could be reasonably argued.

Ground Contamination

The site investigation submitted in support of the application identifies contamination, primarily elevated levels of arsenic and benzo(a)pyrene associated with the presence of ash and clinker fill that has historically been deposited across the site. Outline proposals for remediation comprise the import of clean subsoil and topsoil to provide an appropriate capping layer. The Council's Contaminated Land Officer has advised that the proposals are considered acceptable in principle but will need to be set out in a detailed remediation strategy. It is considered that this, together with future remediation and validation, can adequately be secured by condition.

Affordable Housing

The Core Strategy is now adopted and is material to the determination of all planning applications. As a result of policy consideration CS13 there is a need for residential schemes over 10 units or 0.33 ha to provide affordable housing on site at a ratio of 25% of the total unit provision. This provision also specifically applies where development is sub-divided into separate parcels below the affordable housing threshold.

Whilst the current scheme is for 5 dwellings on 0.29Ha, the wider development at Cranshaw Farm would exceed the thresholds stated within Policy CS13. The significant majority of that wider development was however approved and commenced before the adoption of the Core Strategy and it is not therefore considered that such subdivision of the scheme could be reasonably argued in this case. The justification for the scheme is also substantially weighted towards being necessary to cover the extraordinary costs of remediation of the site to make the earlier approved scheme viable. It is therefore also considered that a substantial argument could be made that such a requirement would again make the scheme unviable and allowance for such exception is made within Policy CS13. On that basis it is not considered that requirements for affordable housing could be justified in this case.

7. CONCLUSIONS

The proposal is considered to offer a high quality of development designed with significant input from the Council's retained adviser on Building Conservation and Heritage. Given the scale and use of the buildings proposed within designated Green Belt the proposal is treated as inappropriate development and has been advertised as a departure from the development plan. The application therefore requires referral to the Secretary of State. UDP and Core Strategy policy and the NPPF make provision for limited redevelopment within the Green Belt and inappropriate development if very special circumstances are proven that outweigh potential harm, as is shown in this case and outlined above. Notwithstanding variation to the building footprint, scale and appearance it is considered that the proposal will have only a minimal impact on the Openness of the Green Belt and that very special circumstances have been argued to justify approval in this case. Consequently, it is considered that the principles of policy GE1 of the Halton UDP, CS6 of the Core Strategy and the NPPF are met.

8. RECOMMENDATION

Approve subject to referral to and the application not being called in by the Secretary of State:-

- (a) the applicant entering a legal or other appropriate agreement relating to the phasing and completion of the previously approved remediation and barn conversion works
- (b) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

Subject to the following planning conditions:-

CONDITIONS

- 1) Standard condition specifying commencement within 3 year timescale
- 2) Condition specifying amended plans (BE1)
- 3) Submission and agreement of a phasing plan for development (GE1)
- 4) Submission and agreement of a construction and environmental management plan (BE1)
- 5) Materials condition, requiring development be carried out in accordance with the approved details (BE2)
- 6) Landscaping condition, requiring the submission of hard and soft landscaping. (BE2)
- 7) Boundary treatments requiring development be carried out in accordance with the approved details. (BE2)
- 8) Wheel cleansing facilities to be submitted and approved in writing. (BE1)
- 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 of properties/ commencement of use. (BE1)
- 11) Finished floor and site levels, requiring development be carried out in accordance with the approved details. (BE1)
- 12) Conditions relating to restriction of permitted development rights relating to extensions, dormers, outbuildings and to boundary fences etc. (BE1)
- 13) Site investigation, including mitigation to be submitted and approved in writing. (PR14)
- 14) Conditions relating to hedgerow protection during construction (BE1)
- 15) Submission and agreement of scheme for protection of the ancient monument during construction (BE4)
- 16) Submission and agreement of biodiversity plan including native planting and bird nesting boxes (BE1 and GE21)
- 17) Grampian condition relating to off-site works to Bridleway including passing places, speed restriction and visibility splays footway?? to frontages to Barrows Green Lane and speed reduction measures (TP7, TP9 and TP15)
- 18) Conditions relating to submission and agreement of schemes of surface water management, to dispose of foul drainage and to treat and remove suspended solids from surface water run-off during construction (PR16)

19)Condition relating to archaeological watching brief (BE6)

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:	13/00174/FUL
LOCATION:	88A – 92 Albert Road, Widnes
PROPOSAL:	Proposed 39 no. self-contained apartments providing short term accommodation, with associated car parking and landscaping
WARD:	Appleton
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Dreaming Spires Nasitra Ltd
DEVELOPMENT PLAN ALLOCATION:	TC8 Non- Retail Uses Within Primary and Secondary Shopping Areas
DEPARTURE	No
REPRESENTATIONS:	
RECOMMENDATION:	Approval
SITE MAP	



11. APPLICATION SITE

11.1 The Site and Surroundings

The site is located at the north-east end of Widnes Town Centre, between 88 and 92 Albert Road. The site is enclosed to the rear by an access road and DW Sports.

11.2 Planning History

11.3 Various applications since 1979 relating to fencing, signage, use of premises for storage and workshop, use of site for hand car wash and valeting, 5 No. Class A1 retail units, proposed change of use to cyber café and use of site as A3 fast food drive thru restaurant (01/00660/OUT). The latter application was eventually refused permission on grounds of insufficient information to enable the proper assessment of the impact. 04/00468/OUT and 05/00290/REM – Similar application to the proposed development for a 4 storey development comprising up to 3 No. Class A1, A2 and A3 units at ground floor plus 5 No. C3 units at first, second and third floor levels (i.e. 15 apartments) plus associated car parking and servicing.

11.4 Planning permission was granted 07/00716/FUL in December 2007, for a similar development for 24 apartments and 4 retail units.

11.5 Planning permission was granted 10/00078/FUL in November 2010, for a similar development for 24 apartments and ground floor retail units.

12. THE APPLICATION

12.1 Proposal Description

This is a full planning application for 39 self-contained apartments providing short term accommodation at land between 88A-92 Albert Road, Widnes. The purpose of the development is to provide residential accommodation on a temporary basis for homeless people. The main aspects of the proposal are:

- The building will be between one, two and three storeys high
- The building will contain 39 self-contained apartments (including 2no. apartments designed for the disabled).
- The building will be staffed 24/7.
- CCTV will operate throughout the site.
- Staff will provide training for the residents in such activities as job finding skills, computer skills, and general life skills.
- The development will house homeless people aged 16-64 years.

13. POLICY CONTEXT

13.1 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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

13.2 Halton Unitary Development Plan (UDP) (2005)

The site is allocated as the Widnes Secondary Shopping Area in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are:-

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

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
TP6 Cycling Provision as part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP17 Safe Travel for All
TC8 Non- Retail Uses Within Primary and Secondary Shopping Areas

13.3 Halton Core Strategy (2013)

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

CS2 Presumption in Favour of Sustainable Development
CS12 Mix of Housing
CS15 Sustainable Transport
CS18 High Quality Design

13.4 Relevant SPDs

Designing for Community Safety SPD and The Design of New Residential Development SPD. .

14. CONSULTATIONS

Adjacent properties have been notified and the application advertised by means of site and press notices.

The Council's Highways Engineer, Environmental Health Officer, Major Projects Team and United Utilities have been consulted. Any comments received are summarised below.

14.1 HBC Highways

Does not raise any objections to the scheme, though has recommended conditions in relation to a construction traffic management plan, a travel plan, cycle parking provision and site levels.

14.2 HBC Open Spaces

No comments received

14.3 HBC Environmental Health Officer

No comments received

14.4 Police Architectural Liaison Officer

Based upon crime statistics for all the areas we would like to see the following incorporated within the scheme/proposal:

- Car park lighting to be metal halide with a minimum of 30% uniformity and 60% on the colour render index.
- Lighting to BS 5489-1:2003.
- Each flat requires video communication to main entrance
- There should be no trade button access, all maintenance should be via appointment system
- There should be no individual letter boxes, rather a communal letter collection at a secure entrance lobby
- Entrance and final means of escapes (MOE) doors certified to PAS 24-1 2007.
- All flat entrance doors to be PAS 23 -1999
- Door cylinders certified to BS EN 1303
- All ground floor and easily accessible glazing to be 6.8 mm laminated.
- Recessed RWP"s or square section.
- No access to roof via lower flat roofed annexes, or building fabric and services and external furniture such as bins and forms.
- Facades should minimise the opportunity for hiding and no recesses should exceed 600 mm
- Windows need to be fit for purpose; they appear to be aluminium therefore certified to BS 4873 2004 and BS 7950:1997.
- Dawn to dusk lighting required to entrances, and the car park lighting switched off when not in use.
- No external ironmongery to MOE doors.
- Any CCTV to be either monitored or recorded or both. CCTV to have facial recognition and be designed to Cheshire Constabulary Operation Requirements for licensed premises in this instance.
- Landscape and planting should not breach natural surveillance (shrubs should not exceed 1000 mm in height) please forward landscape proposal.
- Alarm system that is ACPO approved.
- If a cash office is envisaged then this should be on a separate alarm zone.

14.5 United Utilities

No comments received

15. REPRESENTATIONS

Four objections have been received from local residents raising the following concerns:-

- Loss of property values in the area
- Fear that crime and anti-social behaviour will increase
- Impact on police and ambulance resources
- Proximity to facilities within the town centre such as pubs
- Loss of residential amenity
- Adverse effect of the development on the character of the existing long established neighbourhood
- Mis-representations within the application and supporting documentation which could give an unrealistic view of what is being proposed
- The long term future of the site if this development goes ahead

All further comments from neighbours or consultees will be reported orally to Committee.

16. ASSESSMENT

Principle of the development

The site is allocated as the Widnes Secondary Shopping Area in the Halton Unitary Development Plan (UDP), therefore ordinarily it would be expected that there would be a retail frontage of the ground floor on the Albert Road frontage, although alternative uses are not necessarily considered contrary to policy.

Planning permission (ref: 10/00078/OUT) is still extant for the erection of a four storey development on the site comprising 24no. apartments and ground floor retail space. Whilst this was for a different proposal (A1 retail and C3 apartments) to that now proposed, this planning history is considered to be a significant material consideration. This is because the acceptability of a residential type use on this site, of four storeys in height, has already been tested, established and deemed to comply with planning policy.

The only material difference insofar as the principle of development is concerned is the absence of 'retail use' at ground floor which is now proposed. However, it should be noted that the site has been extensively marketed for retail use since April 2010, evidence of which has been provided by the applicant in appendices 2 and 3 of their planning statement.

This marketing has proved unsuccessful, with both agents responsible for marketing the site concluding that retail use is currently unviable due to poor market conditions and lack of development funding. Furthermore, details have been provided on the state of the retail property market within Widnes Town Centre as a whole, and the specific area within which the application site is located. This has information considered the application site to lie within an inferior market location which is unlikely to be used for retail on a viable basis in the near future.

In summary, retail use on this site is unsuitable in current market conditions and a viable alternative use on the ground floor level, would regenerate a vacant and derelict site which detracts from the area and does nothing but hinder the aesthetics and vitality of the area. Therefore, for the reasons outlined above, the principle of the development is considered to be acceptable.

Design and appearance

In terms of design and layout the building fronts onto Albert Road, and has an 'L' shaped footprint returning towards Cross Street to the rear. The appearance is one of traditional construction with brick / rendered elevations, and a tiled pitched roof. At the front of the building at street level the elevation is opened up with an expansive glazing revealing the entrance foyer onto Albert Road.

In terms of scale and massing, the building is a mix of 1, 2 and 3 storeys, with the mass of the building to the front broken up with a slight projection of a rendered gabled frontage by the entrance on Albert Road. In this respect, the design scale and appearance is considered to be acceptable and complies with development plan policy.

In terms of private amenity space, an area to the rear is provided for residents adjacent to the car park, and in terms of landscaping the applicant has provided a plan showing areas of planting, lawn and hard standing, with an associated maintenance plan, these are considered acceptable in principle and relevant conditions are recommended for implementation and maintenance.

Details of boundary treatments have also been submitted with the application, this consists of brick pillar and timber panel fencing to the side and brick pillar and railings to the rear along Cross Street. In terms of design and use of materials, this is considered acceptable, however it could be improved with a reduction in height, therefore a boundary treatments condition is recommended to negotiate this with the applicant.

Amenity

With regards to visual and existing residential amenity, this would be a 3 storey building in a location surrounded by predominantly traditional two storey buildings along Albert Road. However, this latest scheme is lower in height than that previously approved residential/retail scheme (10/00078/OUT) which was 4 storey. The differences in height from the approved scheme are significant, with a height reduction of approximately 2.8m in the ridgeline (14.7m reduced down to 11.9m in this scheme).

The north eastern elevation of the new building would now only be 2 storeys, compared to 3 storey in the previously approved 10/00078/OUT application.

It would also be 2.5 m metres further away from number 94 Albert Road than the previous scheme, providing a much improved level of amenity to number 94.

Number 94 Albert Road has a window to the side gable at the first floor level, this window was inserted with the knowledge of extant planning permission in place at the time. Also, as this is a first floor window the distance provided between the buildings is considered sufficient to retain light and outlook. Furthermore, amendments have been made to remove a first floor landing window on northeast facing gable of the new scheme. Given the above, it is not considered that this would be a sustainable reason for refusal.

There are no habitable room windows to the side of 86 Albert Road to the south west that would be affected, and significant separation is provided by an existing footpath between the two properties.

The surrounding area has been subject to considerable change with the JJB development to the rear and a new car park directly alongside the site. In this context a standalone building of up to three storeys in height would not look out of place and would also screen the 11m high JJB building to the rear from Albert Road.

Therefore, it is considered that the proposed scheme would not have a detrimental impact on existing residential amenity or the visual amenities of the area, and complies with development plan policy.

Highways

The design and access statement states that 16 car parking spaces are proposed with access from Cross Street. Two of these spaces will be allocated for disabled use.

Pedestrian access to the building will be on the western corner of the site on Albert Road frontage, access to residents will be through the permanently staffed reception.

The applicant states that proposals will be designed to fully comply with DDA requirements as set out in the relevant building regulations, including level access to the main building, an internal lift and specifically designed disabled accommodation.

In terms of sustainability, this is a town centre location within walking distance of bus stops, and shops and facilities within the town centre.

The Highways Engineer has been consulted and does not raise any objections to the scheme, though has recommended conditions in relation to a construction traffic management plan, a travel plan, cycle parking provision and site levels.

Perception of Crime and Anti-Social Behaviour

A number of objections have been received raising concern over crime and anti-social behaviour. Case law has established that fear of crime can be a material consideration in planning decisions, although the weight which can be given to it is limited unless there is significant evidence to show that the increased crime feared would actually occur. In this particular instance there is not considered to be particular evidence to suggest that significant weight should be given to fear of crime and anti-social behaviour. Furthermore, the applicant has approached the scheme with the principle of 'designing out crime' within the design of the scheme. These include:

- The main entrance and windows in the elevations will naturally afford a high level of surveillance to Albert Road, Cross Street and the passageway linking the two.
- The building will be staffed 24/7.
- Occupants will sign an agreement adhering to strict codes of conduct whilst on or around the premises.
- CCTV will be in operation throughout the site and cameras will be located in secure and visually subtle locations.
- The car park will be secured by a traffic barrier.
- The rear courtyard will be secured with a fence.

The Police architectural liaison officer has been consulted; he has not objected to the proposal but has recommended further detailed design and security measures that should be incorporated within the scheme. These elements are quite detailed in relation to lighting, cctv, design of doors and windows. Whilst it is not considered appropriate to condition each of these individual elements, it is considered reasonable that a scheme of security measures as a whole should be conditioned for approval.

Based on the reasons outlined above it is considered that a refusal on the grounds of fear and perception of crime and anti-social behaviour could not be justified or upheld on appeal.

Contaminated Land

The site is a former garage site, remediation works have already taken place on site to the satisfaction of the contaminated land officer, therefore no further works are considered necessary.

Other matters

One resident has raised concern that there is an element of misrepresentation within the application and supporting documentation which could give a unrealistic view of what is being proposed. In response the supporting information makes it quite clear that 'the development will house homeless people aged 16-64 years'. It is clear throughout the application that

the temporary accommodation will be used to house homeless people, this is not a reason to refuse the application.

Other representation state concerns over impact on property prices in the area, unfortunately this is not a material planning consideration therefore can be afforded no weight.

17. CONCLUSIONS

The proposed development would bring in to use a vacant and derelict brownfield site in Widnes Town Centre. In this respect the development is considered to be sustainable and comply with the definition of Sustainable Development embodied in the National Planning Policy Framework.

There is no particular evidence to suggest that significant weight should be given to fear of crime and anti-social behaviour, a refusal on the grounds could not be justified or upheld on appeal.

There is an identified need for this type of housing accommodation within the borough. Furthermore, the proposed building is of a character and quality that would improve the street scene of Albert Road and regenerate a vacant town centre site, and complies with the Halton Core Strategy Local Plan, in particular Policies CS2, CS12 and CS18, and UDP Policies BE1, BE2, TP12.

It is considered that outstanding matters can be adequately controlled by condition. On that basis, the application is recommended for approval.

18. CONDITIONS

The entering into a Legal Agreement or other agreement for the provision of a financial contribution towards town centre retail frontage improvements. This was agreed on the basis the previously approved schemes had an active ground floor retail frontage.

(a) Approve subject to conditions relating to the following:

1. Standard Condition relating to timescale and duration of the permission;
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Submission, agreement and implementation of scheme for drainage (BE1)
4. Landscaping condition, requiring the submission of both hard and soft landscaping. (BE2)
5. Wheel wash condition required for construction phase (BE1).
6. Parking 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).
7. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2).
8. Construction hours to be adhered to throughout the course of the development. (BE1)

9. Condition requiring the submission of any external flues. (BE2)
10. Condition requiring the submission of any external air conditioning or heat exchanger units. (BE2)
11. Condition requiring the submission and approval of shutters, shutters should not have projecting boxes and shall be perforated (BE2))
12. Condition requiring a travel plan prior to occupation (TP16)
13. Condition requiring approval of details of secure cycle storage (TP6)
14. Condition requiring a scheme of security measures to be approved in writing (BE1)
15. Condition requiring a construction traffic management plan prior to commencement (BE1)
16. Condition specifying use restriction (BE1)
17. Condition requiring details of existing and proposed finished site levels and finished floor levels (BE1)

(c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational 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 fails to comply with Policy S25 (Planning Obligations).

19. 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:	13/00190/FUL
LOCATION:	Land to the South of Wharford Lane and to the East of Otterburn Street
PROPOSAL:	Proposed 900 Place secondary school with sports and art/ media centre, also for community use, along with means of access, car and coach parking, coach lay-by, external sports and play areas and associated landscaping and boundary treatment.
WARD:	Daresbury
PARISH:	Sandymoor
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	The Governors and Directors, Sandymoor Free School
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005)	The site lies entirely within an allocated Housing Site 406/21 in the Halton Unitary Development Plan
DEPARTURE	Yes
REPRESENTATIONS:	4 - Support 2 - Objections
RECOMMENDATION:	Approve subject to Conditions.

SITE MAP



20. APPLICATION SITE

20.1 The Site and Surroundings

Site of approximately 1.163Ha located to the south of Wharford Lane falling within the larger area known as Sandymoor North. To the west of the site is a further area allocated for housing and then the existing village green and proposed local centre which currently comprises the Sandymoor village hall and the Sandymoor School on its temporary site. The residential development of Sherborne Close and other houses are located some 140 metres to the north of the site.

20.2 Planning History

Temporary planning permission was approved under planning permission 12/00176/FUL for temporary buildings to be used as temporary school premises on land adjacent to Sandymoor Community Centre, Pitts Heath Lane/ Otterburn Street for a period of approximately 2 years. That permission is due to expire by end September 2014 when those buildings are conditioned to be removed and the land restored.

20.3 Background

The site and all the surrounding land is owned and controlled by the Homes and Communities Agency (HCA) and has been formally designated for development since the 1960s and more specifically since the publication of the Runcorn New Town Master Plan.

The application site is greenfield and is located to the south of Wharford Lane. The site presently has no direct means of access but this will be provided by completion of the new road to be known as The Avenue (approved by planning permission 12/00328/FUL) currently nearing completion. Access for the school has been designed for, as part of the road's design and layout.

The site, until recently, comprised open grassland. However the works involved with the construction of the flood alleviation works for the HCA and more particularly for the Newmoore Lane flood bund, and the construction of the extension to Wharford Lane has resulted in the site being changed by the construction works. The site has an extant consent for up to approximately 37 dwellings.

21. THE APPLICATION

Proposal Description

The application proposes a school and sports/media hall with associated on-site parking, coach drop off area and front piazza. The range of facilities in the sports and media block includes dance studios, art centre/space and pottery studios. Much of the space is multifunctional and allows flexible use through the use of sliding room dividers. The maximum capacity of the school is 900 pupils. The design (& ethos of the school) is to facilitate extensive community access.

The school has been designed over 3 floors with an overall floor space of 7626 sq. m. The proposed building is described as consisting of two individual teaching wings accessed off a central full height glazed entrance forum. The wings will be constructed one of a red multi-brick and one of grey metallic composite cladding with matching brick at ground floor. Common detailing including matching integrated window and flat panel systems with matching colour detailing and use of matching brick throughout aim to bring the 3 distinct elements together. Within the flat roof, recessed and screened areas will hide essential roof-top plant.

Secure open space is also provided at the rear of the school to include a MUGA and areas for outdoor teaching and play. It is suggested by the applicant that the School will have close working ties with SciTech Daresbury, (the science laboratories at Daresbury Science Park) and it is intended that the school will become a centre of excellence for science and technology with teaching taking place in the school and potentially at Sci Tech.

One of the reasons for the siting of the new school in the location sought is because of its relationship with the site to the north which is and has been

allocated since the New Town Plan for playing fields. There are no formal playing fields in Sandymoor.

Sandymoor Parish Council (PC) as a public body has agreed to adopt future green areas within the parish boundary. Negotiations are currently taking place on this. Once the land has been adopted by the PC, Sandymoor School will make a proposal to enter into a joint use agreement with the PC to the benefit of both the school and the wider community. This will be in addition to the community use of the school's own facilities and sports hall. The relationship between the two has strongly influenced the HCA's and the school's decision to select the application site.

21.1 Documentation

The planning application is submitted in full with all matters for approval supported by:

1. Screening Assessment;
2. Application forms and certification;
3. Location Plan and existing site plan;
4. Detailed site layout plan, floor plans and all elevations;
5. Planning Statement
6. Statement of Community Involvement;
7. Design and Access Statement (DAS);
8. Flood Risk Assessment;
9. Drainage Assessment;
10. Transport Assessment and Travel Plan;
11. Landscape Strategy, landscape plans and detailed planting and hard landscaping specification;
12. Lighting Assessment;
13. Planning Noise Impact Assessment Report;
14. Site Waste Management Plan;
15. Ground Condition Report – Phase 2;
16. Ecological Assessment;
17. Economic Report.
18. Sustainability Report.
19. Executive Summary

22. POLICY CONTEXT

22.1 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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

22.2 Halton Unitary Development Plan (UDP) (2005)

The site lies entirely within an allocated Housing Site 406/21 in the Halton Unitary Development Plan and in the Supplementary Planning Document for Sandymoor. The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

- BE1 – General requirements for development;
- BE2 – Quality of design;
- BE18 – Access to new buildings used by the public;
- BE20 – Disabled access in public places;
- GE21 – Species protection;
- PR2 – Noise nuisance;
- PR4 – Light pollution and nuisance;
- PR14 – Contaminated Land
- TP17 – Safe Travel for All
- PR16 – Development and flood risk;
- TP1 – Public transport provision as part of new development;
- TP6 – Cycle provision as part of new development;
- TP7 – Pedestrian provision as part new development;
- TP12 – Car parking;
- TP14 – Transport Assessments;
- LTC3 – Development of major leisure and community facilities in out of centre locations.

22.3 Halton Core Strategy (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough. The policies of relevance to the application are:

- CS1- Halton Spatial Strategy Key Diagram;
- CS2 – Presumption in favour of sustainable development;
- CS7 – Infrastructure provision;
- CS11 – Key area of change – East Runcorn;

- CS15 – Sustainable transport;
 - CS18 – High quality design;
 - CS19 – Sustainable development and climate change;
 - CS21 – Green infrastructure;
 - CS22 – Health and well-being;
- 22.4 Relevant SPDs

Sandymoor SPD; Designing for Community Safety SPD; are of particular relevance

23. CONSULTATIONS

- 23.1 HBC Highways– No objection in principle
- 23.2 HBC Open Spaces_– No objection in principle
- 23.3 HBC Contaminated Land –_No objection in principle
- 23.4 Environment Agency – No objection in principle
- 23.5 Merseyside Environmental Advisory Unit – No objection in principle.
They have recommended a number of conditions relating to flood risk and a construction management plan.
- 23.6 Cheshire Police Architectural Liaison Officer - No objection in principle

24. REPRESENTATIONS

- 24.1 Ten letters of representation have been received. 4 letters of objection have been received raising the following issues:
 - If planning permission has only just been applied for why is building preparation going on now?
 - No objection to Sandymoor Free School but infrastructure in Sandymoor not sufficient to accommodate the additional traffic
 - Traffic levels during school start and finish times would be heavy making difficulty for residents
 - Evening/ community sports facilities will destroy quiet village atmosphere
 - That Manor Park would be more suitable
 - Adequate schools in the area no need for this development
 - Waste of money
 - School building too close to existing houses.
 - Impact on ecology.
 - Not consistent with the master plan
 - Public consultation was a joke.
 - Increase in traffic
 - Cannot be legally submitted having been submitted by the directors who are the governor and also on the parish council.

6 letters of support have been received raising the following:

- It would be a great addition to the community and bring the community together as many children currently go to distant schools
- Excellent use of land as opposed to further large housing without facilities.
- Cost to children having to travel to existing schools
- Success of the existing school
- Potential quality building complementing Daresbury Science Park
- Child currently happy and thriving at current temporary school. Currently cycle/ walks there everyday/ local education for local children is exactly what is needed in Sandymoor.
- Good to see Runcorn at the forefront of educational development in 21st Century facilities and methods.
- In keeping with the surroundings

In addition, Moore Parish Council have objected to the application on the basis that HGV construction traffic will inevitably access Moore via Newmoore Lane and that none of these roads are suitable.

25. ASSESSMENT

25.1 Principle

The site is designated for residential development and, as such, the proposals have been advertised not to accord with the provisions of the development plan.

The principle of development of the site is established through the Halton UDP designation and the new Core Strategy although the designated use is for housing. The Homes and Communities Agency has, however, agreed with the Sandymoor School the location and size of the site. At present Sandymoor has no school. Whilst land to the west of the village green is allocated for a primary school this has not yet been developed although the site is reserved to satisfy potential future demand that may arise.

It is argued that the use of a small percentage of overall housing allocation for the school will significantly enhance the overall sustainability attributes of Sandymoor and the loss of land with a predicted capacity for 37 dwellings is not considered significant in the wider context of the overall wider development of Sandymoor (with some 1200 houses yet to be built)

The NPPF has at its heart the need to deliver sustainable development through the mutually dependent economic, social and environmental factors and provides that there should be a presumption in favour of sustainable development. NPPF at paragraphs 37 and 38 seeks a balance of land uses within an area to minimise journey length and paragraph 72 of NPPF stresses the importance the government attaches to ensuring a sufficient choice of school places to meet the needs of both existing and new communities.

The proposed school site is within easy walking distance from wider residential area. It is reported that it will be accessible by a school bus as well as by public transport and that the existing temporary school is accessed primarily by pupils either by bicycle or on foot and is supported by a school travel plan.

The catchment for the permanent school will still be centred on Sandymoor, Windmill Hill and other parts of Runcorn. Whilst it will also be taking pupils from the feeder primary schools of Moore and Daresbury, a number of the parents live locally and it is expected that others will choose to move to Sandymoor to benefit from access to Sandymoor school. This activity combined with the Travel Plan which the school and its parents and pupils are to adopt will help reduce reliance on access to the school by car.

The maximum capacity for the school is 900 pupils with occupation of the school phased over a period of 7 years as follows:

School Year	Comment	No. of Pupils
2012/2013		80
2013/2014	Next year	120
2014/2015	First year in new school	220
2015/2016	6th form launch	450
2016/2017		660
2017/2018		840
2018/2019		880
2019/2020	maximum capacity	900

Members should also be aware of the policy statement - planning for schools development issued by the Secretary of State for Communities and Local Government and the Secretary of State for Education in August 2011 which states that:

“It is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.

Local authorities should make full use of their planning powers to support state-funded schools applications.

Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.

Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible.

A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority."

Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.

Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

The proposals are not considered to conflict with or prejudice the wider aspirations of the Sandymoor SPD

25.2 Design, Character and Amenity

The site is allocated for future development for residential development within the Halton UDP. The proposed buildings and ancillary development are considered to be of a high standard with a number of environmental and sustainability benefits. Whilst being three storey, of educational use and modern design it is not considered that the proposals would be out of character with the future residential development of the Sandymoor area. Such a relationship between schools and adjoining residential properties is not uncommon across the Borough and it is not considered that refusal of planning permission could be justified on visual or residential amenity grounds.

The external lighting scheme has been designed to provide illumination to the surrounding environment of the building whilst minimising potential light spill and nuisance. Given that there are existing residential dwellings located

approximately 140 metres away to the north of the site on Sherborne Close potential noise sources from the external play areas and plant and machinery have all been assessed through a Planning Noise Impact Assessment Report (PNJAR). Measures will be put in place to achieve the requisite noise rating level limits on all external fixed and mounted equipment. The distance between this and the nearby residential premises is such that noise is not expected to have any adverse impact on either existing dwellings or proposed new dwellings. No further noise mitigation from the MUGA is expected to be required.

The overall objectives of the adopted Supplementary Planning Documents, Halton Unitary Development Plan and other policy guidance are considered to be met within the proposed submission.

25.3 Highways, Parking and Servicing

The Transport Assessment (TA) accompanying the application deal with the traffic implications generated by the school but also takes into account the planned development of the wider area of both North and South Sandymoor. The site already benefits from consent for about 37 - 40 houses. Traffic impact on all the local road junctions is assessed in the Transport Assessment. The local existing and planned road network have already taken into account the planned expansion of Sandymoor for some 1200 houses, new primary school and the yet to be built new local commercial centre.

The Transport Assessment addresses the overall policy background which includes the Core Strategy Local Plan, the Sandymoor SPD and the East Runcorn Sustainable Transport Study. It then addresses the detail of the proposed development assessing access, parking, pedestrian and cycle usage and public transport. The Travel Plan which accompanies the report sets out the sustainable ways in which use of private vehicles will be reduced. The impact of construction is of potential concern to residents. It is anticipated that construction traffic will be brought in off Pitts Heath Lane and Wharford Lane. The application is accompanied by a Construction Impact Assessment and Method Statement including recommendations with regards to wheel wash / road cleansing together with hours of construction and will need to be included as conditions on any planning decision.

The findings of the TA are that the effect of the school traffic is predicted to be marginal, with the school likely to have less of a traffic impact on the area than the previously consented residential development on the same site. The existing school is accessed in the main by pupils using bicycles or walking. That scenario is expected to be little changed with the new school. Over 200 cycle spaces are proposed with nearly half under cover. Linkages to the school via the local footpath network are good. In addition, a dedicated coach drop off lay-by is proposed on the new road alongside the main entrance to the school. The use of the school's mini-bus will be expanded again reducing the need for access by car.

Road safety has been fully assessed and reviewed for the last 5 year period available. From a review of the collision information, it is concluded that with the exception of the Pitts Heath Lane/Daresbury Expressway junction, there is a low collision occurrence rating in the study area with no identifiable causal trend.

The school will be developed with a 70 space car park. Based on Halton's UDP car parking standards (which are maximum), at full occupancy the school would generate a maximum of 75 car parking spaces. The authors of the report conclude that a 70 space provision is both practical and one that does not exceed the maximum provision stipulated in the UDP. It can be seen from the conclusions of the report and the technical information submitted that there are no significant highway safety issues flowing from development of the site for the school and that there is adequate space for on-site parking for vehicles, the school's mini bus and bicycles.

Notwithstanding this, in order to accommodate cumulative impacts resulting from the wider development of Sandymoor, the Council's Highways Engineers have confirmed that alteration works to Wharford Lane at its junctions with Newmoore Lane and Pitts Heath Lane are being considered in order to address concerns of local residents. It is not however considered that those works are required as a direct result of this development but will be secured as required through future phases of development.

Whilst detailed comments are awaited, the Council's Highways Officers have confirmed that they raise no objection in principle and it is considered that any outstanding matters can be adequately secured by condition. Members will be updated orally as required.

25.4 Contamination

Due to the sensitivity of the proposed use, detailed ground investigation is required and the application is supported by a Phase II site investigation. Whilst detailed comments are awaited the Council's Environmental Health Officers have confirmed that they raise no objection in principle and it is considered that any outstanding or remediation measures can be adequately secured by condition. Members will be updated orally as required.

25.5 Drainage and Flooding

Whilst the site is located in an area of flood risk and as such should normally be subject to sequential testing, the actual principle of development on the site has been the subject of several HCA funded flood risk assessments and latterly sustainability studies. The flood alleviation works associated with the Newmoore Lane flood bund has been designed specifically to create a developable platform for the first stages of Sandymoor North (of which the school is now a part) and then Sandymoor South. In seeking to ensure that flood risk is not increased elsewhere as a result of the development a Flood Risk assessment has been submitted. It is considered that Flood Risk Assessment and the Drainage Assessment address this issue. Furthermore,

the development is to be appropriately flood resilient and resistant, including safe access and escape routes where required, again in full compliance with the principles set out in NPPF.

For this site, it is proposed that school flood levels will be set at or above the crest level of the Newmoore Lane flood bund to make the accommodation secure against the unlikely failure of the bund. The design crest level for the flood bund is confirmed by the Environment Agency to be 7.73m AOD and the school floor levels will be set above this (expected to be above a level of 8.5m AOD). This will provide a 'safe', 1000 year flood access to/from the school in so far as the school finished floor level (FFL) will be above the appropriate flood level (including allowance for climate change) and the adjacent access road is above school FFL. The flood situation is the 'residual flood risk' should the EA's Newmoore Lane flood bund fail.

Surface water run-off from the developed site would be drained in such a way as to mimic the natural drainage system and thereby implement a Sustainable Drainage System (SuDS). This results in water being collected and drained to Keckwick Brook.

The Environment Agency has confirmed that it raises no objection in principle to the proposals subject to conditions.

25.6 Ecology

With regards to ecology the application is supported by an Ecological Assessment. The report concludes that the main impact of the proposal will be the loss of semi-improved grassland and a small section of species poor hedge and identifies no significant species impacts. It recommends standard advice for nesting birds and suggested habitat enhancement measures. It also concludes that new structure planting, trees and hedgerows will benefit a range of species and that the proposed lighting scheme, which is designed to avoid light spill onto surrounding land will minimise potential negative effects on bat commuting and foraging habitat.

26. CONCLUSIONS

The application proposes the erection of a three storey secondary school on land previously designated for residential development within the Sandymoor North area. The proposed scheme is considered to offer a high quality of design and development making a positive contribution to the on-going development of the Sandymoor area. Intervening land to the north and proposed to be playing fields offer a significant degree of separation to existing dwellings. With the remainder of surrounding land proposed for future residential development, it is considered that amenity of future residents of those schemes can be adequately considered through respective future planning applications. Such a relationship between schools and adjoining properties is not uncommon across the Borough and it is not considered that refusal of planning permission could be justified on visual or residential

amenity grounds. It is also considered that acceptable provision can be made for highways and servicing and no significant issues are raised with regards highway safety.

The principle of development of the site is established through the Halton UDP designation. It is argued that the use of a small percentage of overall housing allocation for the school will significantly enhance the overall sustainability attributes of Sandymoor and the loss of land with a predicted capacity for 37 dwellings is not considered significant in the wider context of the overall wider development of Sandymoor (with some 1200 houses yet to be built). The proposals are considered to offer a sustainable use in accordance with policies of the Halton Unitary Development Plan, The Core Strategy, the Sandymoor SPD and National Planning Policy Framework.

A number of environmental and sustainability benefits have been identified through the application in accordance with Core Strategy policy CS19 and the NPPF. It is also acknowledged through the application that potential conflicts will arise once the school becomes operational whilst future housing schemes are under construction on surrounding sites. It is however considered that this poses wider management and health and safety issues and does not justify reasons for refusal of planning permission in this case.

An economic statement submitted with the application also indicates that over 450 jobs are to be created during the construction period with a potential for 85 employees as a direct result of the school. In addition there will be a considerable knock on benefits to the local community and businesses and, given that the delivery of economic development is at the forefront of any NPPF, significant weight needs to be attached to the economic benefits as well as social and environmental ones that the delivery of the school will bring.

The development of the site for a school does not in itself generate any requirements for financial contributions by way of legal agreement. There is however a legal agreement with the Homes and Communities Agency providing financial payment per dwelling to the Council associated with all housing developments within its site area. The HCA have agreed, in their contract for sale of the land to the school to pay Halton Borough Council an agreed figure as a back payment for dwellings potentially lost as a result of this development. This represents a significant financial payment to the council and ensures that the development of the site for a school still ensures delivery of the anticipated monies to be obtained through the ultimate development of the remainder of Sandymoor.

Detailed comments relating to a number of issues are outstanding at the time of writing however it is not considered that these will raise significant issues and can be adequately addressed through planning conditions and addressed by update to the Committee. The overall objectives of the adopted Supplementary Planning Documents, Halton Unitary Development Plan and other policy guidance are considered to be met within the proposed submission. The proposals are considered to accord with the National

Planning Policy Framework and, in line with the National policy statement – planning for schools development, are recommended for approval.

27. RECOMMENDATIONS

28. Approve subject to conditions relating to the following:

29. Standard 3 year permission to commence development (BE1)

30. Conditions specifying and requiring development be carried out in accordance with approved plans (BE1)

31. Requiring development to be carried out in accordance with Construction Method Statement (BE1)

32. Materials condition, requiring the development to be carried out as approved (BE2)

33. Landscaping condition, requiring the development to be carried out as approved (BE2)

34. Lighting condition, requiring the development to be carried out as approved (PR4)

35. Condition requiring installation and screening of external plant prior to occupation and operation/ maintenance in accordance with manufacturer's instructions (PR2/3)

36. Condition requiring boundary treatments to be carried out in accordance with the approved details and additional details to be submitted and approved in writing prior to occupation. (BE22)

37. Conditions relating to drainage details as required by the Environment Agency (PR15/16)

38. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)

39. Conditions requiring vehicle access, parking, servicing etc and coach drop-off to be constructed prior to occupation / commencement of use. (BE1)

40. Condition relating to the implementation of bin store provision (BE1)

41. Condition(s) relating to site and finished floor and site levels requiring the development to be carried out as approved. (BE1)

42. Condition relating to site remediation and validation (PR14)

43. Conditions relating to tree protection (boundary trees) during construction (BE1)

44. Condition relating to Travel Plan implementation (TP16)

45. Requiring implementation of cycle parking (TP6)

46. Requiring implementation of a scheme of biodiversity enhancement features to be implemented in accordance with scheme to be submitted and agreed (BE1 and GE21)

47. SUSTAINABILITY STATEMENT

As required by:

- 48. Paragraph 186 – 187 of the National Planning Policy Framework;**
- 49. The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and**
- 50. The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.**
- 51. 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:	12/00513/OUT
LOCATION:	Site of Former St Maries ARLFC, Brentfield, Widnes
PROPOSAL:	Outline application for 36 dwellings comprising 20 x 2 bed houses and 16 x 1 bed apartments
WARD:	Broadheath
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Mr Terry O'Connor, Stepping Stone Projects
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Green Space (Playing Fields Private) GE6, GE8 and GE12, Greenspace System GE10
DEPARTURE	Yes
REPRESENTATIONS:	38
RECOMMENDATION:	Approve subject to objection of Sport England being withdrawn and subject to conditions.
SITE MAP	

52. APPLICATION SITE

52.1 The Site and Surroundings

The site is approximately 0.66Ha and is designated as green space in the Halton Unitary Development Plan. Previously, the site was occupied by a club house, associated car parking, informal open space and a bowling green. The site adjoins the Widnes RUFC club house and existing residential properties on Brentfield and Lynton Crescent and is accessed from Brentfield via Heath Road.

52.2 Planning History

None directly relevant

52.3 Background

This development proposes a mix of 1 bed apartments and 2 bed houses. The mix is reported to have been generated in conjunction with Halton Housing Trust to meet their needs and housing targets. The provision of 1 bedroom apartments

has been included to meet the issues brought forward by the Welfare Reform Act, and the requirement for individuals to be housed in appropriately sized accommodation. The 2 bedroom houses are reported to provide for a wider mix of families across the site. The applicant states that the properties will be taken on by Halton Housing Trust.

The site is generally cleared and vacant following a fire which destroyed a previous club house and a number of trees on the site. The site also includes a former bowling green [reported to have remained unused for approximately 10 years] and car park and was formerly owned by St Maries ARLC. The site provided facilities associated with the use of the adjoining playing pitches to the north but St Maries ARLC have now reportedly relocated to the Select Security (then Stobart) Stadium. Their land, including playing pitches, is now under the ownership of Steppingstone Developments although the application site also includes an area under the ownership of Halton Housing Trust.

The proposed area for development is closely aligned to the former club house, parking and bowling green areas with some minor encroachment into the grassed area to the north. The proposal has however been designed to retain sufficient space for 2 playing pitches with necessary over-run areas. A fence previously erected across the retained playing pitch area under permitted development rights by the owner has recently been relocated to delineate the proposed development site boundary.

Negotiations are on-going between Sport England, the applicant and HBC Sports Development Officers in an attempt to resolve Sport England's objection to the scheme. The application is being reported to Committee in order that the planning authority is not seen to be delaying development unnecessarily and Members will be updated fully with regards progress in resolving Sport England's objection.

53. THE APPLICATION

53.1 Proposal Description

This is an application for outline planning permission for 36 dwellings, comprising 20 No 2 bed houses and 16 no 1 bed apartments. The proposal is an outline application with all matters reserved but approval sought for access. The number of dwellings has been specified and an indicative layout submitted to show how a potential development can be achieved on the site.

This development proposal will involve the demolition of 6no garages currently owned and managed by Halton Housing Trust, to enable plots 33 to 36 to be developed. These are currently under lease to remote properties as storage and do not contribute to the parking requirements within the area currently.

Each house has been designed with private front and rear gardens and in curtilage car parking of 2 spaces per 2 bedroom house as per local policy requirements. The apartments have been arranged in small blocks of between 2 and 6 units, with semi-private communal amenity space to the rear of each block,

and parking within private secure car parking courts. Each apartment will have designated private amenity space.

The indicative layout has been subject to relatively minor revision in line with officer advice to resolve issues relating to highways and parking, protection of trees and reducing impact on existing residents' amenity and privacy.

53.2 Documentation

The planning application is supported by a Design and Access Statement, Playing Pitch/ Green Statement, Phase 1 Site Investigation Report and Tree Survey.

54. POLICY CONTEXT

54.1 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.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

54.2 Halton Unitary Development Plan (UDP) (2005)

The application site is designated as greenspace: private playing fields and part of the greenspace system. The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

BE1	General Requirements for Development
BE2	Quality of Design
H2	Design and Density of New Residential Development
H3	Provision of Recreational Greenspace
PR14	Contaminated Land
TP6	Cycling Provision as part of New Development

TP7	Pedestrian Provision as Part of New Development
TP12	Car Parking
GE6	Protection of Designated Greenspace
GE6	Development Within Designated Greenspace
GE10	Protection of Linkages in Greenspace Systems
GE12	Protection of Outdoor Playing Space for Formal Sport and Recreation
PR14	Contaminated Land
PR 16	Development and Flood Risk
TP17	Safe Travel for All

54.3 Halton Core Strategy (2013)

CS2	Presumption in Favour of Sustainable Development
CS3	Housing Supply and Locational Priorities
CS12	Housing Mix
CS13	Affordable Housing is of particular relevance
CS21	Green Infrastructure
CS22	Health and Well-being

54.4 Relevant SPDs / Other Considerations

New Residential Development SPD; Draft Open Space Provision SPD and Affordable Housing SPD are of particular relevance as is the Council's draft Playing Pitch Strategy.

55. CONSULTATIONS

- 55.1 HBC Highways– No Objection in principle
- 55.2 HBC Contaminated Land –_No Objection in principle
- 55.3 Sport England- Objection

56. REPRESENTATIONS

- 56.1 A wide range of surrounding properties have been consulted by post. The application has been advertised as departure by way of site and press notices.
- 56.2 Whilst a number of objectors have sent multiple letters in response to a re-consultation on amended plans 38 letters of objection have been received raising the following issues:
 - Adverse effect on the residential amenity of neighbours, increased noise, loss of view, daylight and privacy. Effect of the development on the character of the area, loss of property value
 - Impact of street lighting
 - Tenure, character of future residents and increase to existing crime and anti-social behaviour issues
 - Insufficient local services, schools etc

- Loss of garage
- Unacceptably high density/ overdevelopment of the site
- Highway capacity, traffic levels and highway safety
- Better suited to other uses including a much need doctors surgery
- Visual impact of the development.
- Loss of green space/ playing fields and loss of bowling green
- Contrary to development plan
- Noise, traffic, disturbance as a result of construction including on shift workers
- Location of existing fence
- Development is contrary to restrictive covenant
- Conflict of land ownership/ agent interests
- Other previously developed sites would be better suited
- Loss of sporting facilities especially during Olympic year. Insufficient area retained for playing fields
- Concern the development will set a precedent for further development in future
- Re-affirming earlier objections despite revision to the plans

57. ASSESSMENT

57.1 Principle

The application site is designated as green space: private playing fields and part of the green space system. In considering the impact of the loss of an existing area of green space, Policy GE6 applies. That Policy seeks to protect green space from development, but allows for exceptions where the loss of the amenity value is adequately compensated for and there are other areas of green space accessible locally.

UDP Policy GE12 : Protection of Outdoor Playing Space for Formal Sport and Recreation, states that development that would result in the loss of outdoor playing space for formal sport and recreation will not be permitted unless relevant criteria are met. In this instance the most relevant criteria are considered to be as follows that:

- the existing facilities are of a poor quality and are underused and development on a small part of the playing space would fund improvements that significantly enhance the quality of these facilities and enhance the potential for the increased usage of the site for outdoor sports and recreation, provided the development will not affect land forming part of a playing pitch including safety margins or the loss of any other sporting/ancillary facility on the site, nor reduce the size of the site to an extent which restricted its reasonable use, taking into account longer term needs of the local community.
- the developer provides a suitable replacement facility, at least equivalent in terms of quantity, and which is in place prior to the existing site being lost.

The application is supported by a playing pitch/ green statement which includes consideration of changing provision. This development proposal is for residential accommodation on a site which is currently designated green space as private playing fields. The proposals would result in the redevelopment of an area of hardstanding and informal open space but which originally included parking, a bowling green and clubhouse/ changing rooms used by St Maries RLFC. The area was used in association with playing pitches on land directly to the north used by St Maries RLFC, which have remained unused since relocation of St Maries to the Select Security Stadium and transfer of the site to ownership of Stepping Stone Developments.

Notwithstanding that the whole site is protected as playing fields having been in use within the past 5 years the club house/ changing rooms have since been demolished following a fire. The proposed area for development is closely aligned to this former club house, parking and bowling green areas with some minor encroachment into the grassed area to the north. The proposal has been designed to retain sufficient space for 2 playing pitches with necessary over-run areas. A fence previously erected under permitted development rights by the owner has recently been relocated to delineate the proposed development site boundary.

The greenspace is physically attached to an existing rugby club at Widnes RUFC. At present Widnes RUFC occupy a single pitch off Heath Road but use a further 2 pitches which are on the Prescott Road playing field site. To use these pitches children and other users change at the existing Heath Road club house and then walk to the Prescott Road playing fields crossing a busy main road and rail bridge. It is suggested that no changing facilities are available for summer league teams. As well as presenting health and safety issues, this current arrangement is stated to have restricted the clubs ability to grow and attract players and loss of revenue to the club.

The scheme includes proposals to utilise the redundant pitches to the north to bring together all facilities of Widnes RUFC into one site allowing that club to grow and provide more 'child-friendly' facilities and flexible pitch provision. The supporting statement also indicates that the playing pitches at the Brentfield site offer a much better quality of playing facility to Widnes RUFC than those at the Prescott Road Site.

The loss of the former club house at the St Maries club also resulted in the loss of changing facilities at the club. The supporting statement indicates that there is currently an under-occupation of existing changing facilities. Widnes RUFC currently has 8 changing rooms which, it is suggested, will ensure that all pitches can be fully served from their existing facilities. As a result of the proposals the Prescott Road playing fields will see a reduction in use and minor reduction in demand on changing facilities at that site. The statement concludes that there is sufficient capacity within the area for changing facilities and pitch provision and that, subject to provisions of the draft playing pitch strategy provision is able to meet the projected growth of the local teams.

With regards to the loss of the former bowling green the report states that this has not been used as such since 1991 and that there has been no demand or correspondence from clubs or individuals seeking to use the facility. The area has however been used as a training grid for rugby teams.

A Draft Playing Pitch Strategy has been produced for Halton. The Strategy is based on survey work (a playing pitch assessment) undertaken in conjunction with Sport England and covers the provision, current formal use and future demand for Playing Pitches in Halton. The Playing Pitch Strategy identifies existing pitch provision and future need and produces a series of recommendations for how best to meet playing pitch requirements over the next five years. The document will be used to help direct investment to where improvements can make the most difference. The Council's Playing Pitch Strategy is currently out to public consultation but will form the basis of assessment by Sport England in regards this application.

The Playing- Pitch/ Green Statement has been provided by the applicant in response to objections initially raised by Sport England which is a statutory consultee. Latest comments from Sport England indicate that, whilst issues are capable of resolution, a number of clarifications are required and apparent contradictions within the statement resolved. Negotiations are on-going between Sport England, the applicant and HBC Sports Development Officers but in order that the planning authority is not seen to be delaying development unnecessarily the application is being reported to Committee at this stage and Members will be updated fully with regards progress in resolving Sport England's objection.

57.2 Design, Character and Amenity

The scheme proposes a mix of residential houses, and apartments. The scheme is supported by an indicative layout and indicative street scene massing section. Whilst it has been indicated that the indicative layout may form the basis for a future reserved matters submission, the application is in outline only with all matters reserved for future consideration with the exception of access. Relatively minor amendments have been required to satisfy highway and tree protection issues and to achieve satisfactory standards with respect to protection of amenity and privacy of existing surrounding residents.

The scheme is considered to offer a quality of development suited to the scale and character of existing surrounding residential properties. Whilst significant neighbour objection has been received, the scheme is considered to comply with the Council's adopted Supplementary Planning Document for New Residential Development and that the proposal as amended would not result in significant harm sufficient to justify refusal in this case.

It is, however, considered necessary to restrict permitted development rights for the resultant dwellings to avoid potential over-development of the plots and to safeguard residential amenity into the future.

57.3 Highways, Parking and Servicing

Whilst the Council's Highways Engineer has confirmed that no significant highway objections are raised in principle, the scheme as originally submitted raised a number of potential issues relating to highway circulation, parking and access. Amended plans have been received to provide satisfactory resolution of these outstanding issues to ensure that adequate provision can be made for highway circulation, servicing and parking. The Council's Highways Engineers have therefore confirmed that, whilst the layout does not comply with requirements to form an adoptable highway layout, subject to the development remaining within the control of the developer or housing association no objections are raised in principle.

57.4 Contamination

The Council's Environmental Health Officers have confirmed that they raise no objection in principle. Due to the sensitivity of the proposed use, detailed ground investigation is however required and it is considered that this can be adequately secured by condition.

57.5 Trees and Open Space

Whilst a number of trees and other vegetation have been removed prior to submission of the application, the proposals will result in the loss of a number of trees from the site. The application is supported by a detailed tree survey. Whilst the trees are considered to have some amenity value none of the trees to be removed are identified as 'Category A' trees. Whilst the loss of trees is regrettable it is not considered possible to retain the trees through the development and it is considered that the wider benefits of the scheme outweigh any harm resulting from the loss. It is considered that replacement planting can be adequately secured by condition.

The scheme is considered deficient with regards open space provision when measured against UDP Policy H3. In accordance with the Council's adopted Provision of Open Space SPD financial contributions for off-site provision have been calculated and can be adequately secured by legal agreement or other agreement.

57.6 Affordable Housing

Policy CS13: Affordable Housing of the Core Strategy seeks to secure 25% of total residential units for affordable housing provision. The applicant states that the properties will be taken on by Halton Housing Trust providing social rented properties. Halton Housing Trust is a Registered Social Landlord for the purposes of assessment against the Council's Supplementary Planning Document: Affordable Housing. The land is however currently owned by a private developer and the Local Planning Authority therefore requires that the provision of affordable housing provision (in accordance with Policy CS13) must be secured by appropriately worded legal or other agreement.

58. CONCLUSIONS

The proposed scheme is considered to offer a quality in terms of design and layout suited to the character of the area and surrounding existing residential areas. The proposal is considered to comply with the Council's standards in terms of separation and privacy in relation to surrounding residential properties and it is not considered that refusal of planning permission could be justified on these grounds.

It is considered that acceptable provision can be made for highways and servicing and the Council's Highways Officer raises no objection. Whilst the proposals will result in the loss of an area of green space as designated in the Halton UDP it is considered that, subject to resolution of the concerns of Sport England, an argument can be made that the proposals meet the exceptions tests set out within the Halton Unitary Development Plan. It is suggested that the development proposal for residential development as part of a wider playing pitch reorganisation will provide much improved facilities for the Widnes RUFC whilst securing the long term use of the playing pitches which have remained unused since the relocation of St Maries RLFC.

The scheme is considered to offer a sustainable use in accordance with policies of the Halton Unitary Development Plan, The Core Strategy, the New Residential Development SPD and National Planning Policy Framework. Whilst the submitted scheme as originally submitted raised a number of relatively minor issues it is considered that these have been satisfactorily resolved through amended plans and any outstanding matters can be adequately resolved by condition or legal or other agreement.

59. RECOMMENDATIONS

Approve subject to Sport England confirming that they withdraw their objection and:-

(b) The applicant entering into a Legal Agreement or other agreement for the provision of a financial contribution for compensation for loss of and towards off-site public open space, to secure a minimum of 25% of total residential units for affordable housing provision and land transfer of retained playing pitches to Widnes RUFC.

(b) Conditions relating to the following:

1. Standard conditions relating to Outline Planning Permission (BE1)
2. Condition specifying amended plans (BE1)
3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; (BE1)
4. Materials condition, requiring the submission and approval of the materials to be used (BE2)
5. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2)
6. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
7. Wheel cleansing facilities to be submitted and approved in writing. (BE1)

8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
10. Submission and agreement of finished floor and site levels. (BE1)
11. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
12. Submission and agreement of cycle parking (TP6)
13. Conditions relating to tree protection during construction (BE1)
14. Submission and agreement of street lighting details
15. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird nest boxes and insect house (BE1 and GE21)

(c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director –Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

60. 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.
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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.