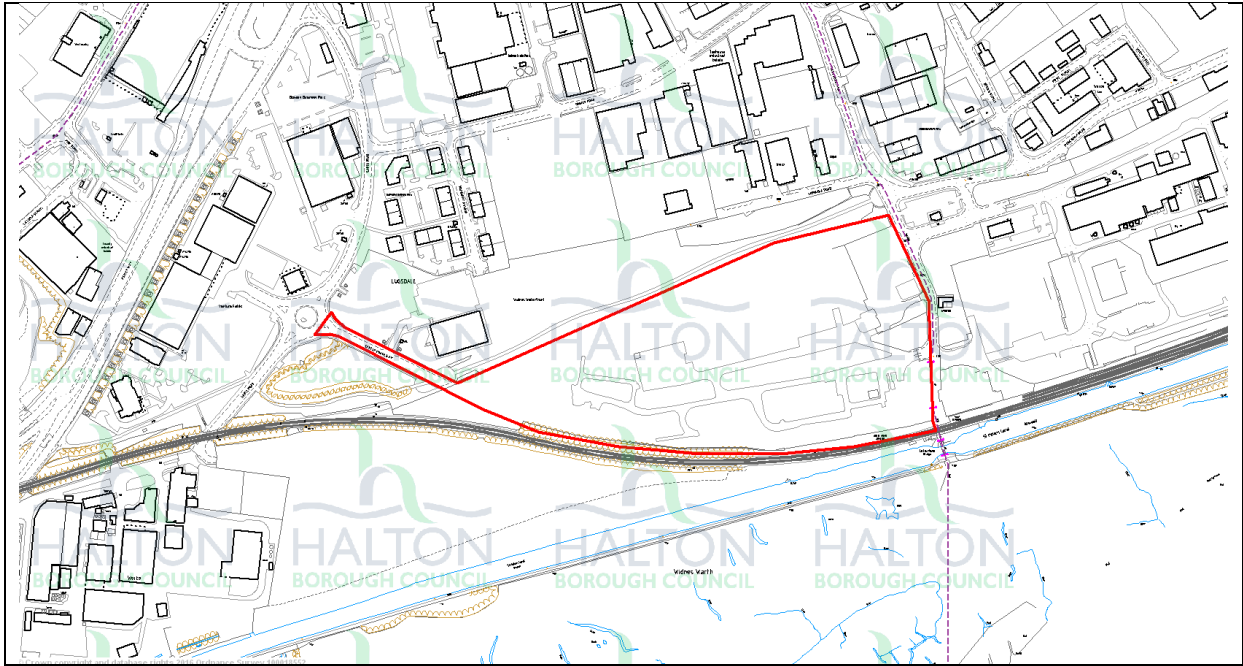


APPLICATION NO:	05/00057/OUTEIA
LOCATION:	Land to north of railway and west of Tanhouse Lane, Widnes
PROPOSAL:	Outline Application, with all matters reserved, for a mixed use development comprising up to 624 residential units, up to 1275 sq m of Use Classes A1 (Shops) and A2 (Financial and Professional Services) up to 500 sq m of Use Classes A3 (Food and Drink) and A4 (Drinking Establishments), up to 2400 sq m of Use Class B1 (Business) and up to 300 sq m of Use Class D1 (Non Residential Institutions) with associated roads, infrastructure and landscaping
WARD:	Riverside
PARISH:	N/A
AGENT(S) / APPLICANT(S):	J Routledge & Sons
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) - RG3 Widnes Waterfront Action Area Halton Core Strategy Local Plan - CS9 South Widnes Key Area of Change
DEPARTURE	Yes
REPRESENTATIONS:	Yes
KEY ISSUES:	Regeneration Traffic Impact Contaminated Land COMAH Risk Noise Air Quality Affordable Housing Provision
RECOMMENDATION:	Approval subject to conditions and S106
SITE MAP	



1. APPLICATION SITE

The Site and Surroundings

The Site is located within the Widnes Waterfront regeneration area and comprises a triangular piece of land bounded by the linear park to the north and the existing railway line to the south. To the east the Site is bounded by Tanhouse Lane. The Site was formerly a chemical works in the mid-late twentieth century and has been developed to both the east and south of the site with the remaining area derelict and vacant.

The Site is located approximately 1km to the south of the town centre in what is at present a predominantly commercial/industrial area. To the north west of the Site is the Hive leisure development; to the north is the office development on Mulberry Avenue and the linear park which was constructed along the line of a former railway.

Planning History

The Site has an extensive planning history. There have been numerous applications affecting both individual buildings and the site as a whole, including:

- A new security gatehouse (92/00676/FUL-permitted).
- Change of use of existing office to media centre (92/00681/FUL-permitted)
- Storage of deemed hazardous substances (92/00706/HSC-permitted)
- Outline permission for the development of B1, B2 and B8 commercial units (96/00577/OUT-permitted), reserved matters were not submitted and as such the permission has since expired.
- Change of use for conversion of a drum storage unit to a commercial vehicle centre (00/00651/COU-permitted).

- Construction of a road and cycleway (04/01154/HBCFUL) which will lead into the site.
- Planning permission 05/00109/OUTEIA was granted in November 2009 for a similar mixed used development comprising of 624 dwelling, retail and commercial development.

CONSULTATION AND REPRESENTATION:

The proposals have been advertised as EIA development and a departure by way of both a site and press notice. Neighbouring businesses have been consulted by way of letter. A number of external bodies have also been consulted, namely;

- Network Rail
- The Canal and River Trust
- Natural England
- Historic England
- The Health and Safety Executive
- Environment Agency
- United Utilities
- Cheshire Fire Service
- Cheshire Police Service
- Halton Friends of the Earth
- Secretary of State (National Planning Casework Unit)
- The Coal Authority

Network Rail has raised concerns in relation to the scale of the proposed development and the potential to increase the number of people using the pedestrian level crossing at the bottom of Tanhouse Lane. These concerns have been addressed in the assessment section of this report. Further standard comments were provided in relation to working practices in the proximity of Network Rail land, these comments will be provided to the applicant as an informative.

The Health and Safety Executive “do not advise against” the granting of planning permission and matters in relation to risk have been addressed in the assessment section of this report.

The Environment Agency has no objection in principle, but require and recommend conditions be imposed on any permission given in relation to flood risk and contaminated land.

United Utilities do not object but have recommended conditions in relation to drainage details.

Natural England have no objections and their response is included in the ecology section of this report.

Historic England, The Coal Authority and the Canal and River Trust did not have any comments to make on the application.

No comments have been received from Cheshire Fire Service, Cheshire Police Service, Halton Friends of the Earth or Government Office for the North West.

Internally the Council's Open Spaces Officer, Highways Engineer, Lead Local Flood Authority, Environmental Health Officer and Regeneration Officers have also been consulted, their comment and observations have been included in the assessment section of this report.

Six representations have been received from 3 different objectors raising the following concerns:-

- Noise impact on potential residents from existing industrial sites, notably Saffil
- Air quality impacts on potential residents from existing industrial sites, notably Saffil and road traffic
- Contaminated Land
- Proximity to a top tier COMAH site (Shepherds) and non-compliance with policy CS23(b) of the Halton Core Strategy Local Plan.
- Increase in traffic and highway impact on surrounding road network
- Flooding
- Number of proposed residential units and non-compliance with Policy CS9 of the Halton Core Strategy Local Plan and The Widnes Waterfront Supplementary Planning Document.

2. THE APPLICATION

2.1 Documentation

The application has been submitted with the requisite planning application form, illustrative plans and supporting information including a design and access statement.

The application is considered to be EIA development and in accordance with the Environmental Impact Regulations 2011 and Environmental Statement (ES) has been submitted including sections on alternatives, planning policy, contaminated land, ecology, air quality, noise, hydrology, socio-economic, traffic, landscape, health impact assessment, sustainability, health and safety, the applicant has also submitted a viability assessment.

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.

Development Plan Policies

The land is designated as being within an Action Area, within the Developed Coastal Zone and as a Priority Employment Redevelopment Area, in the Halton Unitary Development Plan (UDP) and the key UDP policies, which relate to the development, are: -

RG3	Action Area 3 Widnes Waterfront
BE1	General Requirements for New Development
BE2	Quality of Design
GE21	Species Protection
GE30	The Mersey Coastal Zone
PR1	Air Quality
PR2	Noise Nuisance
PR3	Odour Nuisance
PR6	Land Quality
PR7	Development Near to Established Pollution Sources
PR8	Noise Sensitive Developments
PR12	Development on Land Surrounding COMAH Sites
PR14	Contaminated Land
TP1	Public Transport Provision As Part of New Development
TP6	Cycle Provision as Part of New Development
TP7	Pedestrian Provision as Part of New Development
TP12	Car Parking
TP15	Accessibility to New Development
TP16	Green Travel Plans
TP18	Traffic Management
TC5	Design of Retail Development
TC6	Out of Centre Retail Development
H2	Design and Density of New Residential Development
H3	Provision of Recreational Greenspace
E3	Priority Employment Area
E5	New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

CS2	Presumption in Favour of Sustainable Development
CS5	A Network of Centres
CS7	Infrastructure Provision
CS9	South Widnes Key Area of Change
CS13	Affordable Housing
CS18	Quality of Design
CS20	Natural and Historic Environment
CS23	Managing Pollution and Risk

Joint Waste Local Plan 2013

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

In respect to policies WM8 and WM9 conditions are recommended for the provision of a Site Waste Management Plan, and the provision of bin storage.

Supplementary Planning Documents

The Council's New Residential Guidance Supplementary Planning Document and Draft Open Space Supplementary Planning Document are also of relevance.

4. ASSESSMENT

The application, 05/00057/OUTEIA seeks approval for outline permission, with all matters reserved, for a mixed use development comprising up to 624 residential units, up to 1275 sq m of Use Classes A1 (Shops) and A2 (Financial and Professional Services) up to 500 sq m of Use Classes A3 (Food and Drink) and A4 (Drinking Establishments), up to 2400 sq m of Use Class B1 (Business) and up to 300 sq m of Use Class D1 (Non Residential Institutions) with associated roads, infrastructure and landscaping.

The indicative layout for the proposal includes a main access road to be taken from the existing spur off Earle Road (next to Pure Gym) to Tanhouse Lane, with the residential accessed off this, with separate access from Tanhouse Lane to serve the commercial elements of the proposals.

The proposed residential development will comprise apartments, town houses, detached and semi-detached house types. The apartments will be located along the southern boundary of the site, which would overlook the railway and St Helens Canal, giving views over the River Mersey and beyond.

The apartment blocks would be up to six storeys in height, and located closest to the Mersey. The detached, semi-detached and mews style properties will be located to the centre and north of the application site and laid out in a series of inter-connected estate roads leading to informal, shared open spaces.

The office accommodation will be located to the north east of the site, comprising of a series of six three storey buildings with associated car parking and landscaping. It is proposed that the office buildings will provide a buffer to the residential component from the industrial uses further to the east. The retail aspect of the development will be located towards the south-east corner of the site. It is proposed that the retail units will serve the local community and workers created by the development proposals. These units will be based around a central service yard and accesses from a separate entrance to the residential areas of the site.

The public house will be located to the west of the application site. It is proposed that the building will be single storey with associated car parking spaces. It is intended that the public house will be accessed from the Tanhouse Lane Boulevard, from a separate entrance to the residential areas.

Policy and Principle of Development

Unitary Development Plan

The site is located within the Widnes Waterfront Action Area, Policy RG3 is the main policy that sets out and guides what are considered to be appropriate uses within the Waterfront Area. However, it is left to supplementary planning guidance to determine the most suitable locations for the land uses.

Policy RG3 includes for residential use in the wider waterfront area.

The Widnes Waterfront Supplementary Planning Document was adopted in 2005, this document did not specifically identify the application site for housing, however page 14 of the document states that:

'It is recognised however, that in the longer term, as the renaissance of Widnes and the wider waterfront environment is uplifted and its character has shifted away from its present heavy industrial character, there may be scope for an element of residential development to be brought forward'.

'Any proposals for new residential development in the meantime would have to be considered according to the constraints of land contamination, air and noise pollution, risk associated with nearby COMAH sites and flooding, and compatibility with existing or proposal uses. In general, proposals would also be assessed against the appropriate UDP policies'.

The submitted application, Environment Impact Assessment and supporting information seek to demonstrate this suitability in this regard.

In April 2009 the Widnes Waterfront Masterplan Framework Phase 2 was published for consultation, this document identified three different approaches to development in the Widnes Waterfront, approaches 2 and 3 both identified potential use of the site for housing. Whilst this document is a material consideration it does not form part of the adopted planning framework and can only be afforded limited weight.

It should also be noted that since the UDP Policy RG3 and the Supplementary Planning Document were adopted, the Widnes Waterfront has seen a significant amount of physical change. The Hive has now been completed, as well as new offices on Mulberry Avenue, and the construction of Pure Gym, these proposals would complement the ongoing regeneration of the area.

The site also falls with the policy designation of 'Developed Coastal Zone' as identified within Policy GE30 of the Unitary Development Plan. In this location development proposals should acknowledge their location within the Mersey Coastal Zone by paying particular attention to environmental quality, and where possible, to improving accessibility to the coast. Proposals which would contribute to regeneration, and/or to the enhancement of environmental quality, tourism and recreation will be encouraged.

The site lies within the Widnes Waterfront Regeneration Area as defined in the Halton UDP (2005). This identifies a range of suitable uses including residential uses (C2 and C3). The Widnes Waterfront SPD identifies the application site as Site F identifying appropriate uses as being offices and light industrial (Use Class B1). It should be noted however, that SPD's cannot allocate land and as such, whilst the proposed residential use is contrary to the SPD it does conform to the UDP designation.

Halton Core Strategy Local Plan

One objection has been received in relation to Core Strategy Policy CS9: South Widnes Key Area of Change, and raises concerns that the development would be contrary to CS9 by providing more than 400 dwellings.

The objector contends that the provision of 624 dwellings on the application site within the wider South Widnes Key Area of Change represents an over provision of housing within this area and may be detrimental to the development of housing in the existing residential areas of the Key Area of Change (i.e. West Bank).

Policy CS9 for the Core Strategy identifies potential for around 400 units across the South Widnes area. This is not intended as a maximum, indeed housing policy figures are routinely considered as minimums. In the case of CS9, the policy is intended to 'set the scene' for more detailed policies in the Delivery and Allocations Local Plan and simply sets out, in broad terms, the likely quantum of development that the Key Area of Change may accommodate.

The Site had the benefit of an extant permission at 2010, the base date for the Core Strategy. Table 1 on page 31 of the Core Strategy Local Plan showed the potential housing that could be accommodated within the South Widnes area from the 2010 SHLAA as 741. The figure for the likely distribution of housing (400 units) at table 2 on page 33 of the Core Strategy Local Plan and incorporated into CS9 acknowledged a degree of uncertainty concerning the delivery of units on the application site. Therefore, the application is not inconsistent with policy CS9.

Planning for Risk

Objections have been received in relation to risks associated with the top tier COMAH site of Shepherds Widnes, and they have referred to Policy CS23 (b).

In relation to development around such sites the policy states that the local authority will prevent and minimise risk from potential accidents at hazardous installation and facilities by '*Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations of facilities to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to the risk is not increased*'.

The Health and Safety Executive have been consulted on and assessed the previously consented Hazardous Substances Consent applications for Shepherds and confirmed that the significant levels of risk (10c.p.m) are kept within the Shepherd site itself, resulting in a risk zone equivalent to the boundary of the Shepherds site. It follows that the application site (05/00057/OUTEIA) does not and cannot fall within an area of significant risk in respect of Shepherds and the off-site risk that arises from their onsite processes.

The HSE have been consulted on this application planning application 05/00057/OUTEIA, and have confirmed that they do not advise against the granting of planning permission.

It is noted that the only HSE consultation zone that encroaches onto the site is the outer zone of the Warrington / Ditton Natural Gas Main, HSE consultation has been carried out through the PADHI+ system which 'does not advise against' the proposed development.

The proposed development is considered to comply with Policy PR12 of the Unitary Development Plan, CS23 of the Core Strategy Local Plan and the adopted Planning for Risk Supplementary Planning Document.

Air and Noise Pollution

The Environmental Statement (ES) assesses air quality in terms of emissions from vehicles, the nearby industrial estates, construction, and, odour issues in relation to nearby industrial businesses. It concludes that the development will not have a major impact on residential development at the site in terms of air pollution. The objections received from Saffil and Shepherds have been fully considered and taken into account and a refusal could not be justified on these grounds as there is insufficient evidence of significant impacts.

The statement concludes that there is minor environmental impact to air quality as a result of construction traffic and that these can be mitigated through measures such a wheel wash. With regard to industrial odour issues the assessment concludes that there are unlikely to be any impacts, based on information gathered from both the Council and the Environment Agency.

On the basis of the ES findings the statement confirms that the proposed development would not experience significant environmental impact from operations outside the application site. Similarly the development would not have adverse environmental impacts on the surrounding area through traffic generation.

The application has been supported with a noise report, this indicates that the existing sources of noise include the local roads and rail traffic on the adjacent rail line to Fiddlers Ferry Power Station. In addition there are industrial activities within the surrounding area including Saffil and Shepherds. The proposed development itself will also have the potential to generate noise.

The ES concludes that after some noise monitoring the resulting findings indicated that the noise levels at the site are appropriate for residential development with some mitigation that can be designed into the scheme and a condition will be attached to achieve this.

From the submitted noise and vibration assessment it is evident that no significant environmental impact will be experienced by residents within the proposed development. In addition the ES shows that no significant environmental impact will result as a consequence of construction, traffic or operation of the proposals.

The potential for noise and air pollution on the site is not in question, however the Council's Environmental Health Service has commented that observations indicate that the main noise sources in the area are road traffic and existing industrial plant operations. The railway line described as 'dismantled' within the EIA is in fact operational and is used day and night by heavy freight trains. Thereby it can be concluded that there are a number of air and noise pollutants which surround the site and will have a direct impact on the amenity of future residential and working populations but are not significant enough to have a major impact on residential amenity or the environment.

In accordance with policies PR1 and PR2 the Council's Environmental Health Officers do not object to the applications submitted but recommend conditions are attached to any permission so that BS8233:2014 is met in order to protect future residential amenity.

In addition to this the applications refer to retail and office uses being incorporated within the development as well as a public house. The uses require specific consideration with regard to the potential impact on the proposed residential dwellings and as such the Council's Environmental Health service has confirmed that these issues can be dealt with during the application for reserved matters, but will result in the requirement for noise conditions on construction hours, a noise mitigation scheme, opening hours for shops and offices and delivery hours restrictions.

Highways, Transportation and Sustainability

The application has been submitted with a traffic impact assessment and the Council's Highways Engineer has been consulted. The main issues raised relate

to additional vehicles being added to the highway network and the impact on the gyratory and Earle Road.

Mitigation measures have been identified for the widening of Earle Road to include an additional lane to relieve congestion. The works will require a financial contribution from the applicant or developer so that the Highway Authority can carry out the work. Subject to the applicant agreeing this contribution in a S106 the Highway Authority raises no objections.

The development site is located 1km from the town centre and 2km away from Widnes Train Station, and 2.5km away from Runcorn Train Station. Policy TP1: Public Transport Provision as Part of New Development states that no building within a development site should be more than 400m walking distance from a bus stop or railway station. 400m is considered to be the reasonable distance to expect people to walk to the nearest bus stop.

The nearest bus stops to the site are located at the Hive to the west of the site and on Tanhouse Lane to the north east. Both of these stops are currently served by the 26 and 26A buses which run hourly during the day (excluding Sundays and evenings). These stops are within 400m of eastern and western parts of the site, with the central section being approximately 500m to 600m away from a bus stop.

There would therefore be a small gap in the provision of bus stops to fully comply with policy TP1. However, this is not considered significant enough to refuse the application purely on these grounds. Furthermore there will be opportunities to include the provision of bus stops within the site to facilitate extended services with the agreement with the Transport Authority. This can be secured with an appropriate worded condition for these details to be submitted with the reserved matters application.

Policy TP16: Green Travel Plans states that where a development has associated traffic problems a travel plan will be required in order to address some of the issues, it is reasonable for this to be controlled by condition.

Further conditions are recommended for a construction traffic management plan, and timetable outlining the timescale and phasing of the development, and a condition for the provision of secure cycle parking for the flats, the retails and commercial parts of the development, and that the car parking, access and service areas be implemented in accordance with approved plans in order to comply with policy TP6, TP7, TP15 and TP18 of the Unitary Development Plan.

Design Layout and Amenity

The applicant has provided a purely indicative layout drawing illustrating how they envisage how the mix of dwellings, retail and offices would be accommodated within the site.

The New Residential Development SPD requires development interface distances to achieve the 21m separation (between habitable room windows) and 13m separation (between habitable room windows and blank/non habitable

elevations) to be measured from the centre of any habitable room window. Proposed layouts are also expected to comply with the standards for interface distances, garden sizes and provide sufficient internal access roads, parking and servicing as set out in the Design of Residential Development SPD.

The Design of New Industrial and Commercial Development SPD and the Shop Front, Signage and Advertising SPD provide further guidance on the design of the proposed commercial and retail elements of the scheme.

Policy H3 of the Unitary Development Plan 'Provision of Recreational Greenspace' provides guidance on the standards of greenspace, which should be provided as part of residential development. The site layout falls short of the recommended levels of 0.8 hectares per thousand for children's play and casual recreation space and 1.6 hectare per thousand for formal, sport and recreation space. The current proposals are outline, and do not detail what open space provision would be provided onsite, at the reserved matters stage further details would be provided. In accordance with the policy, any of the open space that cannot be provided on site will require a financial contribution in lieu of this shortfall to provide elsewhere, this would therefore need to be secured by a S106 agreement with the applicant.

As this application is in outline, the plans submitted are indicative only and are purely for illustrative purposes only. However they provide enough information to demonstrate that there is sufficient space within the Site to accommodate the necessary standards within the final design, to be demonstrated during a future submission of a reserved matters application. A scheme of up to 624 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD, and the retail and office proposals would comply with the relevant guidance and Policies BE1, BE2, E3, E5, H2, H3 and TC5 of the Halton UDP and CS18 of the Halton Core Strategy Local Plan.

Landscape

The applicant has submitted a landscape assessment which concludes the following. Any new development may result in potentially significant effects to the townscape/landscape resource and visual amenity. In the case of the proposed development, some localised significant effects on landscape quality and visual amenity will exist within the immediate environs of the site. It should be noted that significant effects are not necessarily deemed to be unacceptable, especially where good design and high quality build are combined to produce an attractive environment in which to live as a replacement for post-industrial vacant/derelict land.

Overall, this assessment has established that the proposed development will change the baseline conditions in terms of direct effects, townscape/landscape character and visual amenity. Some significant adverse visual effects have been identified, which are restricted to the area relatively close to the proposed development. However, in the main the predicted impacts are predicted to be positive and the key elements of the proposed development will result in beneficial changes taking place.

No significant effects are predicted in relation to the townscape character area that the Site is located within, or the two townscape/landscape character types defined within the surrounding Study Area. The effects are also generally predicted to be positive, due to the redevelopment of a vacant brownfield site that currently detracts from local character in its derelict state.

It is considered that with suitable final designs to be agreed at the reserved matters stage and agreement of final landscaping the proposal is considered to be acceptable in respect of landscape.

Land Contamination

Policy PR14 'Contaminated Land' of the Unitary Development Plan and CS23 (a) of the Core Strategy Local Plan require the applicant to identify remedial measures required to deal with any hazard to safeguard future development in neighbouring areas.

The Environment Agency and the Contaminated Land Officer have been consulted on the application, the environmental statement and the accompanying contaminated land reports. The reports conclude that risks to the identified nearby controlled waters receptors from contamination identified at the site are not likely to be significant enough to warrant specific remedial action at this time.

However, remedial action has been identified as being required for purposes other than the protection of controlled waters and the submitted reports have also highlighted the need to manage shallow contamination appropriately and ensure migration pathways are not created which would allow further migration of contaminants present in shallow groundwater.

Therefore both the Contaminated Land Service and the Environment Agency have no objections, subject to conditions relating to further investigations, a remediation strategy to be submitted prior to the commencement of development and validation of the works

Subject to these conditions the proposals are considered to comply with policy PR14 of the Unitary Development Plan and CS23 of the Halton Core Strategy Local Plan.

Ecology

The application was submitted with an ecological report, and the ecologists at Mersey Environmental Advisory Service and Natural England have been consulted.

Natural England has stated: 'There are no significant residual impacts anticipated for any ecological receptors including the River Mersey Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site as well as Wigg Island Local Nature Reserve, which is located approximately 1.5km to the south of the

site. There will also be no significant impacts on non-statutory conservation and local wildlife sites’.

‘The loss of breeding habitat /destruction of nests of ringed plover and lapwing will be addressed by mitigation measures to provide compensatory habitat improvement works on nearby Local Wildlife Site / Local Nature Reserve. This potentially significant impact will be offset by enhancement of off-site habitats. Any damage to other active birds’ nests (potential breach of legislation) will be avoided by working outside of breeding seasons or checking for nests by suitably qualified ecologist. Mitigation measures set out under Flood Risk and Hydrology will address any potential negative impacts on water quality in River Mersey SPA / SAC / Ramsar / SSSI and LWS’.

Merseyside Environmental Advisory Service have carried out a Habitat Regulations Assessment and have concluded that there is no pathway that could give rise to likely significant effects on the European sites or their designation features and no further assessment is required in this respect.

It is recommended that the mitigation measures outlined in paragraph 7.6 of the Environmental Statement are conditioned if the proposal is consented. This will include: full design details of the drainage system with landscaping and habitats creation details, avoidance of breeding birds, tree planting and bird, bat and invertebrate boxes.

In conclusion, in light of the comments above, the proposals accord with the Habitat Regulations and policies CS20 and GE21, which are consistent with guidance within the National Planning Policy Framework.

Flood Risk and Drainage

The site is located in an area designated as flood zone 1, this indicates that the annual probability of flooding the site from tidal and major fluvial sources is currently less than 0.1%., the applicant has submitted a flood risk assessment with the application which concludes the following:

“The Mersey Estuary is located to the south of the site. Data provided by the Environment Agency has been adjusted in line with Defra guidance to account for climate change to give,

i. a design flood level locally (1% annual probability) of 8.08m AOD and

ii. an extreme flood level estimate of 8.51m AOD (0.1% annual probability). Given a minimum site elevation of 8.5m AOD and a minimum finished floor level of 8.8m AOD risks posed to the development proposals associated with tidal flooding are all assessed to be low.

A watercourse called Bowers Brook passes approximately 200m to the west of the site within a culvert. Data provided by the Environment Agency for a location just upstream of the site indicates that under design flood condition (i.e. 1% annual probability event plus an allowance for climate change) water levels might reach

an elevation of 10.56m AOD which is higher than land to the south and east of the site.

Land between Bowers Brook and the site forms a continuous barrier to an elevation of 11.2m AOD. This elevated land would prevent flood flows migrating towards and onto the site and ensure that any water followed the landform and flow away in a south-westerly direction along Earle Road and beneath the railway line to the lower land along the St Helens Canal. Given this, the risks posed to the development proposals associated with fluvial flooding are all assessed to be low.

A number of small localised floods sources exist around the site, including storm drains, foul drainage systems and mains water systems. Ensuring that finished floor levels and thresholds into any basement car park areas are all set at least 300mm above adjacent road levels will ensure that risk from these sources are negligible.

Runoff from the site following development will be minimised by maximising the use of permeable surfacing wherever reasonably possible. Detailed drainage plans detailing the management of surface runoff from residual impermeable areas will however only be developed post planning following consultation with relevant stakeholders. This assessment has demonstrated that sufficient space exists to achieve greenfield runoff rates should this be necessary”.

The Environment Agency and the Lead Local Flood Authority have been consulted and have raised no objections in relation to flood risk and drainage. The Environment Agency have stated that ‘the discharge of surface water from the proposed development should mimic that which discharges from the existing site. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate’.

‘The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate’.

Conditions are recommended for a fully detailed surface water drainage scheme and for a scheme to manage the risk of flooding from overland flow.

Retail and Town Centre Impact

Policy TC6 of the Unitary Development Plan and Policy CS5 of the Halton Core Strategy Local Plan aim to protect the vitality and viability of existing town centres.

Policy TC6 part 1 of the Unitary Development Plan recommends that retail development outside of the town centre will be required to a) demonstrate that there is a need/demand for the development and that a sequential approach has been applied in selecting the location of the site, b) the proposed development would not undermine or damage the prospects of enhancing the vitality and viability of the town centre, c) the proposal would not damage the vitality or viability of nearby neighbourhood centres and d) the proposal would not create an

increase in the need to travel by car and would be accessible by a choice of means of transport.

Policy TC6 (2) states that small scale retail developments to serve purely local needs within primarily employment areas or primarily residential areas would be permitted providing that (a) The Local Need is demonstrated (b) the scale of the proposed retail is of a size and scale appropriate to address the local need and (c) the proposal would not individually or in combination damage vitality or viability of nearby neighbourhood centres.

Policy CS5 of the Halton Core Strategy Local Plan no longer requires a needs assessment, and states that an impact assessment is only required for development providing over 2000 sq.m of floor space, this development proposes less than this amount, and therefore an impact assessment is not required.

The proposal includes up to 1275 sq m of Use Classes A1 (Shops) and A2 (Financial and Professional Services) up to 500 sq m of Use Classes A3 (Food and Drink) and A4 (Drinking Establishments), a total of 1,775 sq.m of retail space. It also includes 300 sq.m of class D1 floor space (i.e. doctors surgery, dentist, small scale health centre).

In this case the size and scale of the retail proposals are considered reasonable to support the amount of new residential properties and commercial development that is proposed, and help serve and provide for existing sites in the Widnes Waterfront area. The amount of retail floor space proposed could provide for a range of small shops and services that you would expect to have in a local centre to serve local need. Furthermore, the siting of this next to a new residential development would obviously be sequentially preferable for the sustainability of the wider development, reducing the need for future residents to travel by car. It is considered that the relative minor scale of the retail element would not damage the vitality or viability of any nearby neighbourhood centres or town centres.

Affordable Housing and Viability

In accordance with Policy CS13 of the Halton Core Strategy Local Plan, the application has been submitted with a viability appraisal. The appraisal details and breaks down the costs of the development and provides an analysis of how market conditions would make the implementation scheme unviable if the Local Planning Authority were to insist on the provision of affordable housing and open space payments. It is agreed that the assessment confirms that the provision of affordable housing on this site would not be viable. In demonstrating this, the proposal complies with policy CS13 of the Core Strategy Local Plan.

Other matters

Network Rail have raised concerns in relation to the scale of the proposed development and the potential to increase number of people using the pedestrian level crossing at the bottom of Tanhouse Lane. They have requested that the applicant pay up to £2000 per dwelling which would equate to £1,248,000, stating

that this should be used to provide a new bridge across the railway line for pedestrians.

Network Rail have been asked for a justification in terms of risk assessments to support their claims and request, however after multiple requests over the last couple of years they have not provided any such information or justification. It is therefore considered that such a request could not be justified or sustained, furthermore a S106 contribution of this scale would render the scheme unviable.

5. SUMMARY AND CONCLUSIONS

The site is identified as falling within the Widnes Regeneration Area in policy RG3 of the UDP and a Key area of change in Policy CS9 for the Halton Core Strategy Local Plan. The provision of housing, retail, and office is considered to be acceptable and consistent with these policies, and would help to meet the councils aspirations for regeneration in the Widnes Waterfront area.

The application is supported by an indicative plan (it is an outline application), and this is purely for illustrative purposes only. However it provides enough information to demonstrate that there is sufficient space within the site to accommodate the relative standards upon the final design and submission of reserved matters, and that a scheme of up to 624 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD, and the retail and office proposals would comply with the relevant guidance and Policies BE1, BE2, E5 and H3 of the Halton UDP and CS18 of the Halton Core Strategy Local Plan.

In accordance with Policies PR1-3, PR6-8 and PR12-14 of the Unitary Development Plan the Council's Environmental Health and Contaminated Land services have confirmed that the EIA and supporting information is adequate enough to prove that the site is capable of residential development provided remediation of the contamination is carried out prior to the commencement of development, and any noise impact can be mitigated for in the design of the final scheme.

The proposal is considered to be sustainable development consistent with the economic, social and environmental roles of sustainable development outlined in paragraph 7 of the NPPF and policy CS2 of the Halton Core Strategy Local Plan.

The site lies within the Widnes Waterfront Regeneration Area as defined in the Halton UDP (2005). This identifies a range of suitable uses including residential uses (C2 and C3). The application is not inconsistent with Policy CS9 of the Core Strategy. The proposed development therefore broadly conforms with the local Development Plan policies. Significant weight has been given to the regeneration potential of the scheme, the re-use of a derelict brownfield site, and the delivery of new housing and commercial space. These benefits are considered to outweigh any negative impacts on the environment, and amenity issues for surrounding land uses.

6. RECOMMENDATIONS

That the application be approved subject to:

A) The applicant entering into a legal agreement in relation to the payment of a commuted sum for the Earle Road/Gyratory improvements and a contribution in lieu of any shortfall of onsite open space provision.

B) Conditions relating to the following;

1. Standard outline condition(s) for the submission of reserved matters applications (BE1)
2. Plans condition listing relevant drawings i.e. site location / red edge (BE1 and TP17)
3. Conditions for the submission of contaminated land report, remediation strategy and validation.
4. Condition(s) for submission of full foul and surface water drainage details of the site (BE1)
5. Prior to commencement, submission of levels (BE1)
6. Prior to commencement, submission of materials (BE1 and CS11)
7. Conditions(s) for submission of hard and soft landscaping (BE1)
8. Prior to commencement, submission of a construction / traffic management plan which will include wheel cleansing details, and timetable setting out timescales and phasing of the development (TP17)
9. Avoidance of actively nesting birds (BE1)
10. Prior to commencement, details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (bird, bat and invertebrate boxes) (GE21)
11. Prior to commencement, details of a landscape proposal and an associated management plan to be submitted and approved (BE1, GE21)
12. Prior to commencement, details of boundary treatments (BE22)
13. Provision of a Site Waste Management Plan (WM8)
14. Provision of bins (WM9).
15. A1, A2 and A4 opening hours restricted to 0700 to 2330 hours;
16. no deliveries to A1, A2 and A4 uses between 1900 and 0700 hours;
17. Submission of a travel plan;
18. Noise mitigation scheme so be submitted with reserved matters;
19. Construction hours for work audible at the site boundary;
20. Details of the proposed public transport provision and road connections

C) That if the legal agreement is not executed within a reasonable period of time authority is delegated to the Operational Director- Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of this Committee to refuse the application on the grounds that it fails to comply with Policy CS7 of the Halton Core Strategy Local Plan.

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.