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Development Control Committee

Monday, 11 March 2013 6.30 p.m.
Civic Suite, Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Dave Thompson (Vice-Chairman)
Councillor Sandra Baker
Councillor Ron Hignett
Councillor Stan Hill
Councillor Chris Loftus
Councillor Angela McInerney
Councillor Keith Morley
Councillor Shaun Osborne
Councillor Carol Plumpton Walsh
Councillor Christopher Rowe

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Tuesday, 16 April 2013*

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

Part I

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1. MINUTES	1 - 21
2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	22 - 95

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 11 February 2013 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Baker, R. Hignett, S. Hill, C. Loftus, A. McInerney, C. Plumpton Walsh and Rowe

Apologies for Absence: Councillors Morley and Osborne

Absence declared on Council business: None

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

Also in attendance: 56 Members of the Public

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

DEV53 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

Action

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute Dev 67 refers). Therefore, pursuant to Section 100 B(4) and 100 E of the 1972 Act, the Chairman ruled that the item be considered as a matter of urgency.

DEV54 MINUTES

The Minutes of the meeting held on 7 January 2013, having been printed and circulated, were taken as read and signed as a correct record.

DEV55 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

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

DEV56 - 12/00282/FUL - EXTENSION OF RUNWAY END SAFETY AREA INCLUDING THE STOPPING UP OF DUNGEON LANE, DIVERSION OF ASHTONS LANE AND ERECTION OF NEW BOUNDARY TREATMENT ON LAND TO NORTH OF BAILEYS LANE, HALE

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

It was reported that since the publication of the report an additional petition 'Keep Baileys Lane Closed Campaign' was submitted and signed by 436 signatories. Additional 10 objection letters were received and included the following objections:

- Removal of barrier would cause and increase in fly tipping;
- Criminal activity;
- Speeding;
- Traffic noise;
- Parking restrictions for residents;
- Bridleway would create access to rear of Baileys Lane for criminals and rubbish tipping;
- The 2m high wire fence was inappropriate;
- Property would be devalued;
- Airport uses cheapest approach to work;
- No alternatives considered by Airport;
- Increase in volume and size of vehicles;
- Weight restrictions needed;
- Airport shows no concern for environment or residents;
- Control barrier should stay;
- Increase in agricultural traffic;
- Vehicles on Baileys Lane would interfere with landing aircraft;
- Concerns of narrowness of Baileys Lane and no pavement;
- CAA were not insisting upon this proposed arrangement; upgrade to instrument landing system was commercially driven;
- No economic benefits to local area;
- Highway safety; and
- Increased noise and emissions.

Officers reported that the applicant was in the process of drafting the S106 Agreement on the basis of:

- a) Traffic Regulation Orders;

- b) Scheme for parking restrictions;
- c) Removal of existing barrier on Baileys Lane;
- d) Signage and traffic management;
- e) Vegetation clearance;
- f) Carriageway repairs identified as a result of vegetation clearance; and
- g) Provision of passing places

The Committee was addressed by Christine Coleman, a local resident who objected to the scheme. She reminded the Committee that Baileys Lane had been closed by the Council some 4 years ago for health and safety reasons and was now recommending a reversal of this decision to accommodate the applicant. She argued that there would be an increase in the volume of traffic and noise and that there would be an impact on residents, visitors and the community as a whole. She also objected to the fencing as stated above and argued that Liverpool John Lennon Airport (LJLA) had not explored the alternatives and that to implement the proposed scheme would lower the appeal of the area and compromise the safety of residents.

Mr Shepherd, on behalf of the applicant, then addressed the Committee. He stated that the application was required in order to comply with current safety standards, as recommended by the Civil Aviation Authority (CAA), and not to increase the capacity of the airport. He stated that the scheme would have a minimum impact on people living nearby and that LJLA were aware of the concerns of residents having completed a consultation exercise. He further stated that the increase in traffic would not be significant and the volume was light presently and that the potential for anti-social behaviour (ASB) was unfounded as the land around the airport would be fenced off.

Councillor Wharton (Ward Councillor) addressed the Committee. He opposed the closure of Dungeon Lane and rerouting of Baileys Lane. He referred to the letters of objection received and the signing of a petition of 400 plus signatories. He suggested that the application had been made to pave the way for a planned 340m extension to the runway by 2015. Councillor Wharton read out a letter received by the Department of Transport (DoT) in April 2012 which discussed the boundary. He also stated the following:

- The current 3ft fence was in poor condition and not maintained and therefore not compliant with CAA Regulations;
- The exploration of other options was needed;

- The closure of Dungeon Lane would increase the volume of traffic on Baileys' Lane and size of vehicles;
- The area was already affected by noise and traffic; this would increase;
- The area had been systematically blighted by LJLA in the past whereby demolitions had been left in terrible condition (he passed 4 photos around for Members to see);
- Baileys Lane was presently quiet but this application would mean it would be returned to its previous state, encouraging fly tipping;
- The feelings of the residents were unanimous; this project would affect their safety, wellbeing and quality of life.

Members were reminded that a decision was not needed on the closure of Dungeon Lane; they were being asked to approve the additional safety zone and fencing. Members debated the merits of the application.

It was further noted following Members queries, that the Police were not a statutory consultee and plane spotting was not encouraged by LJLA. Members' attention was drawn to the part of the report relating to the *Runway End Safety Area* (RESA) on page 10 and recommendations made by the CAA in relation to this.

A motion to refuse the application was made but was not supported. Following this a motion to approve the application was made and supported by the majority of the committee.

RESOLVED: That

- a) the application be approved subject to an S106 Agreement and
- b) the following conditions:
 1. Standard 3 year permission (BE1);
 2. Condition specifying amended plants (BE1);
 3. No development shall take place until the relevant part of Dungeon Lane has been stopped up (BE1);
 4. No development shall take place until Ashton's Lane has been stopped up (BE1);
 5. No development shall take place until the new highway at the corner of Dungeon Lane and Bailys Lane has been laid out to an adoptable

- standard and dedicated as highway (BE1);
6. No development shall take place until the existing Traffic Regulation Order affecting Baileys Lane) providing for the existing barrier) has been revoked, subject to any recommendations by the Inspector dealing with the stopping up of Dungeon Lane (BE1);
 7. No development shall take place until a detailed landscaping proposal, including protective measures for trees to be retained and proposed tree replacement scheme and in compliance with the requirements of paragraph 3, table 6, of the submitted Ecological Appraisal has been submitted to and approved in writing, such details to be implemented in a timescale agreed with the Council (BE1);
 8. No development shall take place until details of all boundary treatments, incorporating paladin mesh fencing colour coated green fencing, have been approved in writing, such details to be implemented during the course of development (BE22);
 9. No development shall take place until the submission and agreement of biodiversity and habitat details as required by Table 6 of the submitted Ecological Appraisal, such details to be implemented to a timescale approved by the Council (BE1);
 10. No development shall take place until details of a construction Management Plan including wheel cleansing facilities to be submitted and approved in writing, such details to be carried out during the development (BE1);
 11. No development shall take place until full details of the restoration for area identified for removal of the existing mounded area have been approved by the Council (BE1); and
 12. Construction and delivery hours to be adhered to throughout the course of the developemnt (BE1).

DEV57 - 12/00356/FUL - PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 112 NO. DWELLINGS AS AMENDMENT TO PART OF PREVIOUS PLANNING PERMISSION 10/00355/FUL (INCREASING TOTAL NUMBER OF DWELLINGS FROM 126 TO 148) ON LAND TO NORTH EAST OF RAIL LINE, BARROWS GREEN LANE, WIDNES

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

of the site.

Officers reported that two further letters of objection had been received.

The Committee was addressed by Mr Norman Spencer, a local resident, who advised that his property would be bordered by a footpath which would increase the risk of anti-social behaviour close to his property. He requested continuous security fencing be erected around the footpath and suggested that this be landscaped by hedging.

In response officers stated that a footpath was provided for in the previous permission and that alterations were to be made to include a substation. The applicant had agreed to erect a fence and install mesh fencing around the substation. Conditions were listed which apply to this.

RESOLVED: That the application be approved subject to:

- a) The entering into a Legal Agreement including provision of a financial contribution towards off-site public open space, public transport and Greenway improvement as required.
- b) That if the S106 Agreement or alternative arrangement was 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 failed to comply with Policy.
- c) And the following conditions:
 1. Condition specifying amended plans (BE1);
 2. No development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (BE1);
 3. Materials condition, requiring development be carried out in accordance with the approved details (BE22);
 4. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting (BE2);
 5. Boundary treatments requiring development be carried out in accordance with the approved

- details (BE2);
6. Wheel cleansing facilities to be submitted and approved in writing (BE1);
 7. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
 8. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/commencement of use (BE1);
 9. Finished floor and site levels, requiring development be carried out in accordance with the approved details (BE1);
 10. Conditions relating to restriction of permitted development rights relating to boundary fences and conversion of garages etc. (BE1);
 11. Requiring implementation of scheme of landscaping buffer zone proposals in accordance with submitted scheme (BE1);
 12. Site investigation, including mitigation to be submitted and approved in writing (PR14);
 13. Conditions relating to tree and hedgerow protection during construction (BE1);
 14. Conditions relating to schemes of surface water management and to manage risk of flooding from overland flow (PR16);
 15. Submission and agreement of detailed boundary treatments including colour coated weld mesh fencing to substation and gas governor and railing/fencing to surface water attenuation ponds (BE1);
 16. Submission and agreement of scheme for protection, planting and management of buffer zone to brook (BE1);
 17. Submission and agreement of a scheme of Noise Mitigation (PR2);
 18. Submission and agreement of biodiversity plan including native planting and wildlife refuge features and bird boxes (BE1 and GE21); and
 19. Grampian conditions relating to off-site works to footway to frontages to Barrows Green Lane and speed reduction measures (TP9, TP6 and TP15).

Councillor A McInerney declared a Disclosable Other Interest in the following item as she was a family friend of Mr Argent, the owner of Widnes Timber.

DEV58 - 12/00364/COU - PROPOSED CHANGE OF USE FROM TIMBER SUPPLY CENTRE TO TANKER HAULAGE YARD INCLUDING THE DEMOLITION OF PART OF THE EXISTING LEAN TO BUILDING AT WIDNES TIMBER CENTRE

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

Mr Clark addressed the Committee speaking on behalf of residents of Wellingford Avenue. He urged the Committee to reject the application and argued the following: loss of amenity to residential areas; noise from lorries starting up; smell of diesel; residents would be unable to use their gardens due to noise and planning policies not being adhered to.

Mr Argent, the landowner, addressed the Committee and informed them that permission to develop the site for residential was passed in November 2011. He advised them that he had attempted to develop the site, however, had been unable to obtain finance for residential development and had looked for an alternative use for the site. Mr Richardson, the applicant, was the only person to come forward with a proposal for development.

Mr Richardson then addressed the Committee and advised them that they had met with residents and a meeting was held with Halebank Parish Council where the concerns of the residents were answered. He confirmed that 13 employees would work on site and it was hoped that this would increase in the future.

Councillor Roberts (Ward Councillor) addressed the Committee objecting to the application on behalf of the residents. He reminded Members that the surrounding houses were built in 2007/8 and commented that these homes would be seriously impacted by the development of this scheme, particularly numbers 18 to 28 Wellington Avenue. He argued that the lorries would be noisy and the matter of fuel storage had not been addressed in the report. He urged the Committee to vote against the application.

It was confirmed that the applicant had agreed to operate the yard between the hours of 6am and 7pm and that during this time the vehicles would be off site most of the time. Environmental Health Officers confirmed that if they received complaints from residents then these would be investigated. It was noted that the application was a departure.

Members considered the information before them and the issues raised by the speakers and agreed that the application should be refused.

RESOLVED: That the application be refused. The Committee considered that the fundamental points at issue were: (1) the policy harm to Action Area Policy RG5 of the UDP; (2) the impact of the proposal on the amenity of neighbouring residents; (3) the impact on neighbouring residents should the existing use (or a use within the same use class) be resumed; (4) the negative effects of leaving the site in its present condition (especially taking into account the failure to obtain funding for housing or other 'good neighbour' development; (5) the positive impact of redevelopment of the site in terms of employment generation. The officer recommendation was perfectly valid in terms of employment generation (item 5 above) but the Committee were not convinced that the negative impact of the proposed development in terms of items (1) and (2) above would be as limited as the officers' report suggested.

DEV59 - 12/00370/COU - PROPOSED CHANGE OF USE FROM OFFICES (B1) TO CHEMIST/PHARMACY AND NEW SHOP, INCLUDING STEPPED AND RAMPED ACCESSES, SHOP FRONT AND CAR PARKING AT WHITEFIELD & BROWN, APPLETON VILLAGE, WIDNES

This item was removed from the Agenda prior to the meeting because the applicant had submitted a late amendment which required further consultation.

DEV60 - 12/0377/COU - PROPOSED CHANGE OF USE FROM OFFICE TO 12 NO. ONE BEDROOM APARTMENTS INCLUDING CHANGE OF USE OF ADJOINING LAND TO CREATE ASSOCIATED CAR PARKING AND BIN STORAGE PLUS ERECTION OF BOUNDARY WALL AND RAILINGS AT 5 WIDNES ROAD, WIDNES

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

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

1. Specifying 3 year permission;
2. Condition specifying amended plans (BE1);
3. Materials condition, requiring submission and agreement of external materials (BE2/BE12);
4. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/commencement of use (BE1);
5. Boundary treatments requiring development be carried out in accordance with the approved details

(BE2);

6. Wheel cleansing facilities to be submitted and approved in writing (BE1);
7. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
8. Requiring relocation of bus shelter prior to commencement of use or in accordance with timetable by the Local Planning Authority (BE1); and
9. Requiring implementation of bin storage in accordance with approved plans prior to commencement of use (BE2).

DEV61 - 12/00387/FUL - PROPOSED CONSTRUCTION OF A NEW WASTE TRANSFER STATION AND MATERIALS RECOVERY FACILITY. RE-CLADDING OF EXISTING MATERIAL RECOVERY FACILITY AND TRANSFER BUILDING. USE OF AREA TO SOUTH WEST OF SITE FOR THE STORAGE OF WASTE IN OPEN BAYS. ASSOCIATED PLANT AND INFRASTRUCTURE INCLUDING TWO NEW WEIGHBRIDGES AND RE-ALIGNMENT OF EXISTING INTERNAL ROADS. ANNUAL THROUGHPUT OF 200,000 TONNES AT WSR RECYCLING LTD, DITTON ROAD, WIDNES, WA8 0PA

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

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

1. Time limit for the commencement of development; (in accordance with the Town and Country Planning Act 1990);
2. Shall be carried out in accordance with application forms, supporting information and list of approved plans and documents (BE1, BE2);
3. The proposed development shall be carried out in accordance with the submitted working statement (BE1 and MW3);
4. Prior to the commencement of development submission and approval of materials (BE2);
5. Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved (BE1);
6. Condition(s) in relation to the submission of a ground investigations and remediation strategy. This shall include the monitoring maintenance and any contingency final report demonstrating that all long term site remediation criteria;

7. No development shall begin until the provision of predevelopment site levels and proposed finished floor levels and adjacent land levels (BE1);
8. Prior to occupation of the buildings laying out of approved vehicle access, service and parking areas to be retained as such (BE1);
9. The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed in the FRA (BE1 and PR16);
10. Prior to the commencement of development details of lighting shall be submitted to and approved in writing;
11. Condition(s) restricting the locations, heights and types material to be stored externally (BE1, E3 and MW7);
12. No materials or substances shall be burnt at the site (BE1 and PR1); and
13. No external storage or composing of putrescible materials/waste (BE1 and PR3).

DEV62 - 12/00433/FUL - PROPOSED DEMOLITION OF THE VACANT PRINCE OF WALES PUBLIC HOUSE TO BUILD A SINGLE NEW RETAIL UNIT (CLASS A1) AS AN EXTENSION TO THE ABLERT SQUARE SHOPPING CENTRE, THE RELOCATION OF THE TAXI RANK IN THE SOUTHERN ALBERT SQUARE CAR PARK.

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

Officers reported that two conditions would be amended, one relating to the taxi rank and the other to the junction improvements at Frederick Street to be agreed within a scheme that should include timescales for carrying out the works. This scheme to be submitted prior to commencement.

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

1. Standard 3 year permission (BE1);
2. Condition specifying amended plans (BE1);
3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
4. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);
5. Construction and delivery hours to be adhered to throughout the course of the development (BE1);

6. Requiring provision of bin and recycling facilities prior to occupation (BE1);
7. Air Quality mitigation during construction;
8. Construction and demolition management plan should be agreed prior to commencement (BE1);
9. The taxi rank shall be marked out to commencement of the new unit;
10. Servicing vehicle management plan to be agreed with delivery times and control of exit barrier onto South Street prior to occupation;
11. Improvements to corner of Kent Street and Frederick Street prior to construction; and
12. Prior to occupation of the unit remarking of all spaces in the car parks shall be carried out in accordance with approved plans.

DEV63 - 12/00444/FUL - PROPOSED PART DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE OF SITE TO METAL RECYCLING FACILITY, INCLUDING CONSTRUCTION OF TWO STOREY OFFICE BUILDING, SITING OF WEIGH BRIDGE AND ASSOCIATED CABIN, ERECTION OF VARIOUS TIMBER AND STEEL 6M, 7M AND 8M HIGH BOUNDARY TREATMENTS, SITING OF ETERNAL PLANT AND MACHINERY AND ASSOCIATED WORKS ON LAND AT EVERITE ROAD, WIDNES, CHESHIRE WA8 8PT

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

Members were advised that this application was a resubmission of a previous application.

This application sought the change of use of the land to a scrap metal storage and processing facility and operational development, as listed in the report. The application was recommended for refusal as the proposal would not provide sufficient enough screening to mitigate the obtrusiveness and visual intrusion to residents' outlook, this combined with the perception of the use was considered to be detrimental to the local residential area and amenity of local residents. The proposal was therefore considered to be contrary to Policy MW1, MW7 (b) and (d) of the Halton Unitary Development Plan.

Objections had been received during a consultation period and a letter from EMR (the applicant) had addressed additional issues regarding the boundary and proposed a screening barrier to block out the view of the scrap and to

proposed to limit the height of the scrap.

Mr Hughes addressed the Committee as a local resident objecting to the scheme. He argued that this would have a direct impact on the community due to the amount of large vehicles on the road parking; noise levels; dust and smells; proposed fence would be an eyesore; crane would be visible; contamination and vibrations into homes. He stated that the company had no regard for residents as they had not consulted with them and had no intention of hearing the views of the community. The site was surrounded on three sides with residential properties and would have a detrimental effect on the Health and wellbeing of residents in the area.

Mr Sandwith, then addressed the Committee on behalf of the applicant. He stated that there had been consultation with residents since the first application had been withdrawn and that he was disappointed with the Officers' recommendation to refuse. He argued that the location of the site was the preferred location stated by Halton for a metal recycling facility. He confirmed that the grabber would not be visible to residents as the screening to the site could be raised. Mr Sandwith tabled some photographs for Members which were passed around the table.

Councillor Roberts (Ward Councillor) then addressed Members in support of residents of the Wincroft Road area. He had met with the applicant and their public relations consultants during the consultation period. He stated that the residents in the area objected to the scheme due to: noise from the cutting of metal; increased traffic; Wincroft Road to narrow to accommodate the traffic; the grabber arm would be visible to residents. He agreed with officers with regards to the recommendation and urged the Committee to do the same.

Members agreed with the officers' recommendation as stated in the report and voted to refuse the application.

RESOLVED: That the application be refused due to being contrary to Policy MW1, MW7 (b) and (d) of the Halton Unitary Development Plan.

DEV64 - 12/00445/FUL - PROPOSED RE-PLAN OF PLOTS 14-48 (PHASE 2) OF THE PREVIOUSLY APPROVED SCHEME 09/00512/FUL, REDUCING THE TOTAL NUMBER OF UNITS ON THE DEVELOPMENT BY ONE, TO 73, ON LAND TO THE NORTHERN EXTENT OF ST AIDEN'S

DRIVE, WIDNES

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

Mr O'Donnell, a neighbouring resident, addressed the Committee objecting to the scheme. He argued that the distances on the proposed plans for the kitchens were not compliant. The distances between his property and the proposed properties were too close and SPD had not been adhered to. He urged the Committee to protect the ambience and outlook of the existing properties and value of the properties, and expressed that this proposed development had caused a great deal of anguish and pain to those already living in the existing neighbouring housing.

Ms Jane Aspinall, Head of Planning for the applicant, then addressed the Committee. She stated that they were aware of Mr O'Donnell's concerns and had worked with officers to amend the scheme, which presently gave a distance of 22.9 m between the properties. Additionally there would be boundary fencing and landscaping situated between the properties.

Officers informed the Committee that the original planning permission did not comply with the Council's Policies on minimum distances and that permissions could still be implemented.

Members were informed the proposal achieved a greater separations distance at first floor compared to the previous scheme. It was stated that the ground floor kitchen/diner habitable room window to first floor interface distances were less than the previous application, but that the orientation of the property plus the angle between the windows of the properties was unlikely to significantly affect the amenity of neighbours.

In relation to ground floor to ground floor interface the proposed rear extension, not yet developed at number 6, would be situated within this interface. If measured to the nearest habitable ground floor window this would reduce the interface distance to a distance of approximately 18m; it was noted that there was however an intervening fence and trees along the boundary mitigating any impact.

After debating the issues before them, one Member moved to refuse but this was not supported. A motion was made to approve which was supported by the majority, so

the application was granted approval.

RESOLVED: That the application be approved subject to:

- a) The entering into of a Legal Agreement for the provision of a financial contribution towards off-site public open space and improvements to the local highway network;
- b) That if the S106 Agreement or alternative arrangement was 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 failed to comply with Policy.
- c) And the following Conditions:
 1. Standard one year permission (BE1);
 2. Condition specifying the approved plans/drawings and amended plans (BE1);
 3. No development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (BE1);
 4. No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels (BE1);
 5. No development shall begin until the Council inspects the site marking, to establish the individual building locations for plots 15-24 and plots 68-74, the development will be constructed in accordance with these locations as approved on site (BE1);
 6. No development shall begin until such time as a surface water regulation scheme has been submitted and approved in writing; the approved scheme to be implemented within an agreed timing/phasing arrangement (BE1);
 7. The development is to be carried out in accordance with approved Flood Risk Assessment and the mitigation measures as detailed within (BE1);
 8. Existing tree survey and recommendations and measures for protection during construction (BE1);
 9. Prevention of any tree felling without consent (BE1);

10. Implementation of a detailed landscaping scheme (BE1);
11. Replacement of any damaged or dying trees within 3 years of completion (BE1);
12. Replacement tree planting protected for 5 years following planting to be replaced with agreed species (BE1);
13. Prior to commencement terrestrial habitats survey and necessary mitigation measures are to be provided (BE1);
14. Prior to commencement a scheme of protective measures for wildlife in accordance with the ecological survey to be submitted, approved and implemented (BE1);
15. Prior to commencement a survey for ground nesting birds to be submitted and approved (BE1);
16. Prior to commencement submission of a biodiversity action design plan to show how features within the house design will encourage wildlife to the scheme (BE1);
17. Prior to commencement ground investigations for potential pollutants and remediation scheme where necessary (BE1);
18. Prior to commencement full details of boundary treatment to be provided (BE1);
19. Prior to commencement provision of a surface water drainage scheme to be submitted and approved (BE1);
20. Prior to commencement provision and use of wheel cleansing facilities, during the construction period to be submitted and approved (BE1);
21. No development shall begin until a construction management plan is submitted and approved. Such a plan, as approved, shall be adhered to throughout the construction period to the satisfaction of the LPA (BE1);
22. The development shall be completed in accordance with the approved materials, to the satisfaction of the LPA (BE2);
23. Prior to occupation the approved vehicle servicing and parking areas shall be provided and retained as such to the satisfaction of the LPA (BE1);
24. Prior to the occupation the building are to be inspected by a SAP assessor for compliance with the Target Emissions Rate (EM18-Regional Spatial Strategy);
25. Restriction on hours for development and deliveries related to development during the construction period (BE1);
26. Provision of required refuse and recycling storage

- facilities for all individual dwellings at developer's expense (BE1);
- 27. Remove permitted development rights for hard surfacing the front (BE1);
- 28. Restriction on the conversion of garages (BE1);
- 29. Remove permitted development rights for Class A and E (extensions and outbuildings) for specific plots 14-24 (inclusive), 32, 35, 36, 38, 39, 40, 48 and 49 (BE1);
- 30. Remove permitted development for fences/walls front of the building line (BE1); and
- 31. Provision of service connections as part of the site infrastructure.

DEV65 - 12/00524/OUT - OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED) FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND THE ERECTION OF A TWO THOUSAND SQUARE METRE, THREE STOREY NURSING HOME AT HALLWOOD RAVEN, EAGLES WAY, RUNCORN, WA7 2FN

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

Officers advised the Committee that this application was recommended for refusal as there were currently 823 residential/nursing beds in the Borough of which 13% were vacant. To add to the number of beds would result in an oversupply which was contrary to Policy CS12. It was also contrary to Policies BE1, TP12, TP14 and PR14 of the Halton Unitary Development Plan for the reasons stated in the report.

Mr Fallon, the owner of the site, addressed the Committee advising Members that the site had become derelict and vandalised since the demise of the public house. He also advised that he had not received any objections to the scheme from neighbours. He stated that this proposal would include ensuite facilities for residents which was not offered in other care homes in the Borough. He requested the Committee to approve the scheme.

Members sympathised with the Mr Fallon on the demise of the pub but agreed with officers that this was not a suitable application for this site and the application was contrary to planning policies as mentioned above. The Committee directed officers to give assistance to the applicant to find a suitable solution for the site in future.

RESOLVED: That the application be refused as it was contrary to Policies CS12, BE1, TP12, TP14 and PR14 of the Halton Unitary Development Plan, for reasons described in paragraph 9.0 of the report.

DEV66 - 12/00528/S73 - APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT FOR THE VARIATION OF CONDITION NUMBER 9 OF PLANNING PERMISSION 02/00630/FUL TO ALLOW THE STORE TO BE OPEN FOR TRADING BETWEEN THE HOURS OF 0700 AND 2300 HOURS MONDAY TO SATURDAY AND 1100 TO 1700 HOURS ON SUNDAYS AT ASDA, WIDNES ROAD, WIDNES

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

The Committee was addressed by Mrs Patel who opposed the application. She urged the Council to protect the Town Centre and that Asda was too close to it to allow any extension of hours. Also, she stated that there would be an increase in vehicles, pedestrians and light pollution. Further she stated that there had been no traffic survey carried out to monitor vehicle movement and that the junctions around Asda and Tesco were already busy.

Susanne Corrin addressed the Committee on behalf of the applicant. She informed them that Asda had previously applied for 24 hour trading which was refused and since then they had consulted with residents regarding this new application. Simms Cross Residents Association had also been consulted and raised no concerns to the extension of hours.

Councillor Philbin then addressed the Committee. He stated that there were a number of objections that he had wished to put before the Committee. However, undertakings given by the applicant immediately prior to the meeting had enabled him to withdraw the objections he would have otherwise put forward.

Members agreed that the extension of hours of one hour either side of those existing would have a minimal impact on the nearest residents and moved to approve the application which was agreed.

RESOLVED: That the application for the variation of Condition number 9 of planning permission 02/00630/FUL be approved.

DEV67 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

- 12/00484/FUL** Proposed single storey side extension and internal alterations at 120 Main Street, Runcorn, Cheshire, WA7 2PW.
- 12/00485/LBC** Proposed single storey side extension and internal alterations at 120 Main Street, Runcorn, Cheshire, WA7 2PW.
- 12/00288/TPO** Proposed works to trim branches of sycamore trees at 4 Hamlin Close, Runcorn, Cheshire, WA7 4RF.
- 12/00466/TPO** Proposed 50% reduction/pollarding and general maintenance to two poplar trees at 7 Granary Mill, Preston on the Hill, Warrington, Cheshire.
- 12/00467/TPO** Proposed 50% reduction/pollarding and general maintenance to two poplar trees at 8 Granary Mill, Preston on the Hill, Warrington, Cheshire.
- 12/00468/TPO** Proposed 50% reduction/pollarding and general maintenance to six poplar trees at 5 Granary Mill, Preston on the Hill, Warrington, Cheshire.

The following Appeal Decisions had been made:

- 11/00423/COU**
APP/00650/A/12/2182367
Allowed Proposed conversion of vacant shop and accommodation into two self-contained flats at 2 Windermere Street, Widnes, Cheshire, WA8 9LL
- 11/00433/OUT**
APP/D0650/A/12/2178227 Outline application (with all matters reserved) for the construction of 1 no single

Dismissed

storey swelling at Tunnel
Top Cottage, Northwich
Road, Dutton, Warrington,
Cheshire, WA4 4JY

The following item is the urgent business matter referred to at DEV 53 above and was reported for information and was noted by the Committee.

**Update on position relating to Application
12/00343/COND (Min DEV47 – 7 January 2013 refers)**

At its last meeting the Committee resolved to defer consideration of the application to discharge Conditions 29 and 62 for the reasons set out in the minute. On 18 January 2013 the Council received notice that the applicant had referred the matter to the Secretary of State by way of appeal against non-determination. As previously advised, this meant that the application was taken out of the hands of the Council and would be determined by the Secretary of State following a public inquiry.

At this stage there were no details available as to the timetable to be adopted by the Secretary of State. However, the Council would shortly have to complete and appeal questionnaire which would include questions relating to the position to be taken by the Council in respect of the appeal.

Additionally, the Committee must be advised as to the logistics of holding the appeal and being represented at the appeal.

The position to be taken by the Council in respect of the appeal

In accordance with the Committee's position to date, the Council's logical position is to advise the Inspector it takes no view on the application. The Council would therefore not be in a position to contest the case put by the applicant.

As previously advised, the Council was at risk of costs being awarded against it and the risk and level of such costs would depend on the Inspectors assessment of the response of the Committee in respect of the appeal.

The logistics of holding the appeal and being represented at the appeal

The Council would be responsible for the arrangements for holding the appeal and the costs flowing from hiring the

venue etc. In terms of representation of the Council's position at the appeal, no further evidence would be presented by or on behalf of the Council other than the officers' reports and minutes of the Committee.

Meeting ended at 9.12 p.m.

REPORT TO: Development Control Committee

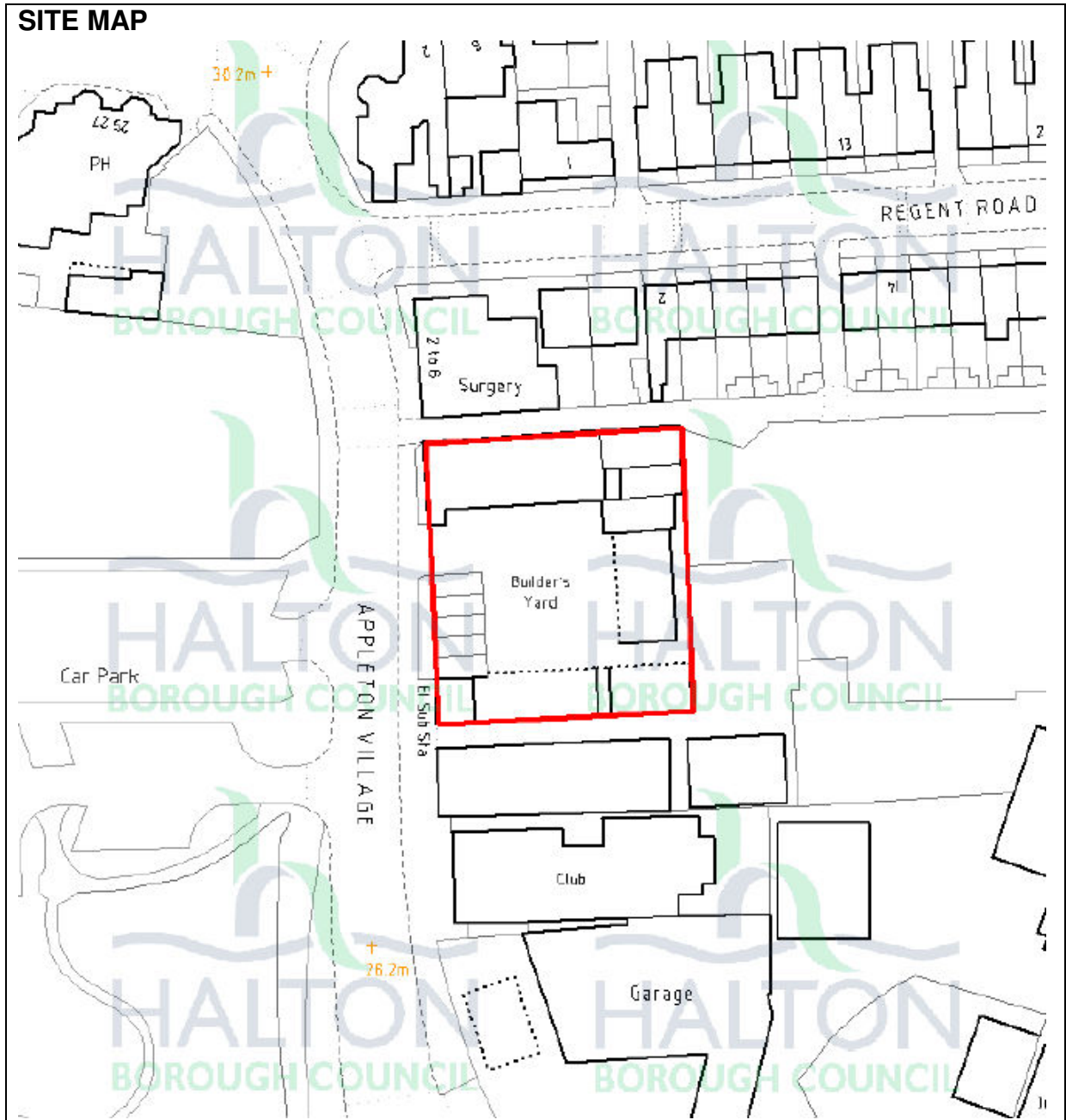
DATE: 11 March 2013

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 subject to Section 106 for the agreement to prevent use of the pharmacy and facilities as a needle exchange or associated use; and conditions



ITEM DEFERRED FROM JANUARY COMMITTEE FOR FURTHER ASSESSMENT OF NOISE AND LIGHT DISTURBANCE; EXPLANATION OF RELEVANT RETAIL POLICIES; ASSESSMENT OF CAR PARKING PROVISION FOR RETAIL SPACE APPLIED FOR.

FOR CLARIFICATION, THE UPDATE IS PROVIDED IN ITALICS IN THE FOLLOWING REPORT.

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 290 square metres of floorspace. The application includes the provision of 6 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 principal and on the basis that the remaining buildings are to be secured closed 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 experiences 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 move 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 dunks 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 has 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 Councils 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, 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 building within the site that could be brought back fully into this use that could not be controlled through 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 is being drafted. The Council as yet does not have a draft S.106 to have available for the public to view, when it does this will be available at the Council offices.

“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.

On this basis the point raised in this correspondence there is no reason why this application should warrant members delaying a decision any further.

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 290 square metres, of which it is proposed 110 square metres would be given over to retail and the remainder 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 surgery's it has not been seen to act as a significant additional attractor.

With reference to objections made, the new pharmacy will be 110 sqm which has a requirement of 6 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 to prevent interference with the agreed car parking layout.

The highways engineer has re-assessed the access since the last committee following Member's 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 us 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 building 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 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, 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 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 we have looked at the nature of the development and the history of noise problems from similar such developments. In considering the application we have taken into account the following:

- 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 likely reason that residents complain about 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 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 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 agreed to enter into a Legal Agreement to restrict the pharmacy use to prevent it being operated as a needle exchange.

Although objections on the basis of fear of crime and anti-social behaviour may still be apparent, even with this use restriction, that the much less weight should be given to it, in the consideration of the pharmacy/chemist and retail outlet in this controlled context.

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 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 applicant has agreed to entering into a S. 106 Agreement to restrict the use of the site as a needle exchange. 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 modest size 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, and the agreements entered into, 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 proposals are considered to not cause any harm to other retailers given its limited size and 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 on the basis that the applicant enters into a Section 106 to agree to;- restricted use of the site to prevent its use as a needle exchange; a timetable for securing the buildings on the site and fencing off the remainder of the site in the applicants ownership.

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)*

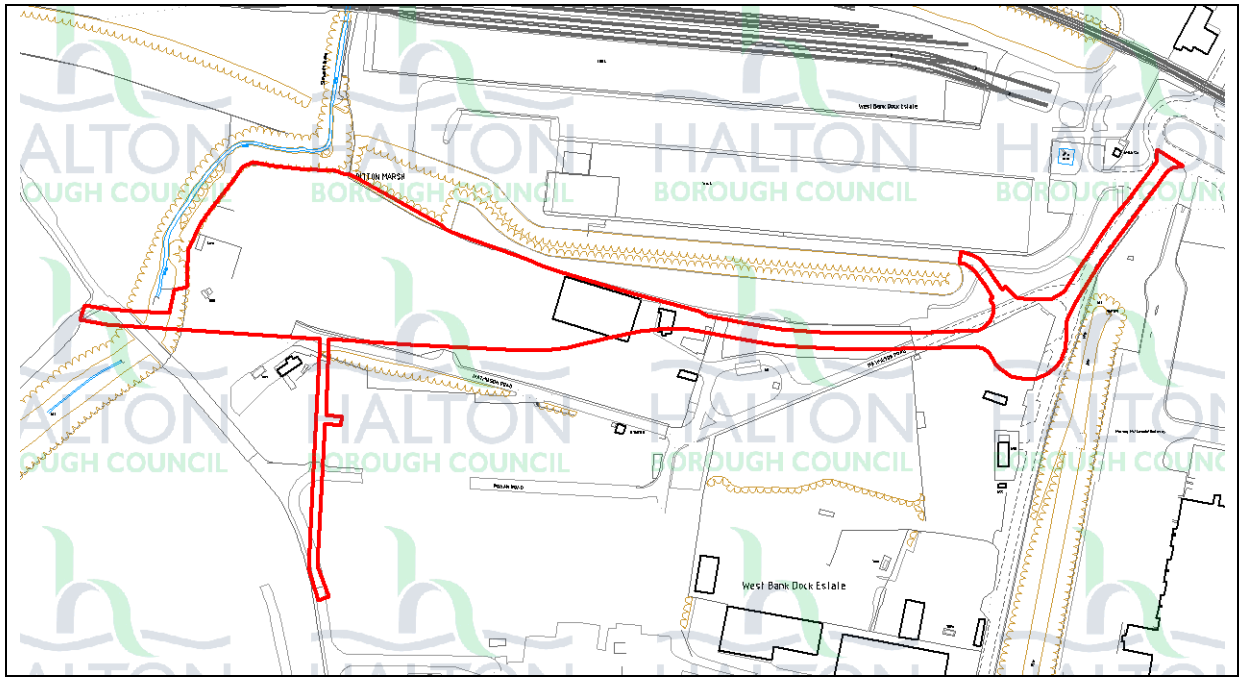
10. SUSTAINABILITY STATEMENT

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:	12/00458/FULEIA
LOCATION:	Stobart Park/ 3MG, Formerly West Bank Dock Comprising Land to the East of Desoto Road East and to the West of Foundry Lane, Widnes
PROPOSAL:	Proposed development and erection of a wood fuelled Biomass Combined Heat and Power Plant and ancillary infrastructure development.
WARD:	Riverside
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Burmeister and Wain Scandinavian
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005)/ Core Strategy	Regional Investment Site for the development of a Ditton Strategic Rail Freight Park in the Halton Unitary Development Plan. Falling within Site 255 within the designated Potential Extent of the Ditton Strategic Rail Freight Park. Part of the western side of the site is also within the Developed Coastal Zone to which Policy GE30 in the Halton UDP applies. Policy CS8 of Halton's Core Strategy identifies Stobart Park / 3MG as a Key Area of Change.
DEPARTURE	Yes
REPRESENTATIONS:	1
RECOMMENDATION:	Approve subject to Conditions.
SITE MAP	



APPLICATION SITE

The Site and Surroundings

Approximately 3.2 Ha forming part of a wider site and predominantly formerly owned and occupied by AHC (Warehousing) Ltd. The wider site is now currently largely vacant being approximately 33.03 Ha site and is in the process of being remediated and re-profiled for redevelopment as Stobart Park. Planning permission for that development specifically excluded the application site to allow the development to be progressed separately without delaying the wider development.

The site is bounded by Marsh Brook and Halebank industrial area and Foundry Lane to the west, Desoto Road to the east, the Granox/ PDM site and Mersey Estuary to the south and the northern boundary of the site is formed by the West Coast Mainline and the existing Stobart Ports trans-modal container port to the north.

Planning History

Permission was previously approved to Drawbridge Securities (Ditton) and AHC (Warehousing) Ltd for the proposed redevelopment of the majority of the wider site for a freight terminal to provide 78,308 sqm of new distribution warehousing with improved road and rail access. Planning permission was also approved (07/00815/FULEIA) for a proposed distribution centre and additional warehousing floorspace with associated access, vehicle parking, landscaping, and ancillary development including diversion of existing watercourse by Westlink Group Ltd.

Later permission (11/00266/OUTEIA) has been approved and forms the basis for the on-going remediation and re-profiling of the wider site. The current application site was specifically excluded from that application to allow this development to be progressed separately.

THE APPLICATION

Proposal Description

The proposed development is for a Biomass CHP Plant which will generate renewable electricity and heat by combustion of wood fuel. The proposed throughput of the facility would be approximately 147,000 tonnes per annum and the plant will produce about 20 Megawatts electrical (MWe) of electricity for export to the National Grid. It is expected that up to 3.5 Megawatts thermal (MWth) of thermal energy will also be available to local industry.

The plant will use virgin and recycled wood as a fuel source to generate energy. Recovering energy from wood which would otherwise be landfilled avoids methane emissions that would be generated from its decay in landfill and therefore results in significant savings in greenhouse gas emissions. This provides additional sustainability benefits over using other types of biomass.

Key Characteristics of the Project

The proposed development is for a biomass Combined Heat and Power (CHP) Plant which will generate renewable electricity and heat by combustion of wood fuel. The proposed throughput of the facility would be approximately 147,000 tonnes per annum for a plant that will produce about 20 Megawatts electrical (MWe) of electrical output to the national grid. It is expected that up to 3.5 Megawatts thermal (MWth) of thermal energy will also be available to local industry. The plant will use virgin and recycled wood as a fuel source to generate energy. Utilising wood in this way provides a carbon neutral substitute for fossil fuels. Wood combustion is accepted as not contributing to global warming or the greenhouse effect as it only returns to the atmosphere the CO₂ that has been taken from it by growing trees. In addition, recovering energy from wood which would otherwise be landfilled avoids methane emissions that would be generated from its decay in landfill and therefore results in significant savings in greenhouse gas emissions. This provides additional sustainability benefits over using other types of biomass.

The application site occupies an area of 3.2 hectares (as a proportion of wider park which is approximately 33.03 Ha). This includes the following components:

- Area for receiving and handling biomass including weighbridge, conveyors and delivery point;
- Wood chipping plant, hoppers and wood storage area;
- Main building complex, including fuel store, boiler and turbine, service and administration building, air cooled condensers and 59m stack;
- Ancillary buildings and infrastructure, including filters (for air pollution control), fire protection system, fencing, attenuation tank, roadways and parking;
- Soft landscaping; and
- Heat connection routes.

A grid connection would also be required to link the plant to the National Grid via the cable network to the sub-station on Desoto Road. This is not included within the planning application and would be implemented by the relevant electricity company, SP Manweb either, as permitted development or through a planning application as appropriate.

Project Justification

The UK Government has a target of securing 15% of the UK's energy consumption from renewable sources by 2020. As set out in the Renewable Energy Road Map 2011, biomass use for electricity and heat generation is seen as one of the key technologies capable of delivering this target. The Government considers that bioenergy could deliver around half of the total generation needed to meet our 2020 renewable target.

The Climate Change Act established a legally binding target to reduce the UK's greenhouse gas emissions by at least 34% by 2020 and 50% by 2027. Local policy, both in the adopted Halton Unitary Development Plan (UDP) and Halton Core Strategy through Policy CS19 (Sustainable Development and Climate Change), is supportive of renewable CHP schemes to assist with reducing CO2 emissions. The combined production of heat and electricity through CHP improves energy efficiency helping to reduce CO2 emissions and utilises heat which would otherwise be discharged to the atmosphere. The Biomass CHP plant will therefore make an important contribution towards renewable energy and CO2 emission reduction targets. It is ideally placed to integrate with the wider 3MG/Stobart Park development, with the potential to receive fuel by road or rail and provide heat and power to local businesses.

Access and Traffic

The site will be accessed from a new private access road that also forms part of the planning permission for the expansion of Stobart Park/3MG development, which will link with the roundabout to the north west from Desoto Road East and the A533 Queensway. The application site therefore includes part of the proposed access road and roundabout to the east. Adjacent to the north of the site is the Stobart rail freight terminal which is connected to the Liverpool Branch of the West Coast Mainline (WCML) and also offers access to the to the Ditton-Warrington line, which provides connections to Trans-Pennine routes and Scotland.

During operation, traffic would arise from the following activities:

- Delivery of fuel;
- Import of materials for flue gas treatment chemicals;
- Export of residues from the flue gas treatment process;
- Export of bottom ash;
- Deliverable of materials to support the day to day operation of the plant (e.g. office consumables); and
- Employee Vehicles.

It is expected that the chipped Biomass material will be delivered to the site by trucks fitted with walking floors which allow the load to be moved inside the body of the vehicle. Each truck will be capable of delivering approximately 28 tonnes of ready chipped recycled wood fuel. Discussions are on-going with the fuel suppliers to determine the capacity and frequency of delivery. It is expected that deliveries at the site will be two vehicles per hour, based on a delivery period between 0700 and 1800 Monday to Friday. There will be an additional three trips per week (six two way movements) associated with removing the ash residue from site. This will result in daily weekday two-way movements of between 44 and 50 HGV trips on days where the ash residue is removed.

Together with employee vehicles and other vehicles visiting the site, it is estimated that the worst case daily total two way vehicle movements would be 90 (including 50 HGVs). The potential peak trip rate would occur during shift changes at 0630-0730 and 1330-1430 which would be an estimate of a maximum of 30 two-way trips during an hour. For the purposes of the assessment, a worst case scenario has been assumed which considers the effects of all the wood fuel being delivered to the site by road. The proximity of the site to the Rail Freight Terminal does however provide an opportunity for fuel to be imported to the site by rail. Transporting biomass by rail offers considerable opportunity to deliver large volumes of biomass to the plant, reducing the number of HGVs using the road network and lowering carbon emissions. Rail transport of biomass is only likely to be a viable alternative to road transport over longer distances (approximately 150 miles or more).

It is the intention that as much of the recovered and virgin wood fuel required by the Biomass CHP plant is sourced locally to reduce the amount of local waste that would otherwise be sent to landfill, reduce transport costs and also to minimise associated transport emissions. Sourcing wood locally will mean that road based transport is the only practical and economical method of transporting the fuel and therefore this is likely to be the principal means of delivering the fuel to the site.

Construction

The construction programme is expected to take 24 months. The key construction activities and approximate dates are set out below:

- Site preparation;
- Earthworks;
- Piling;
- Concrete works;
- Plant construction; and
- Commissioning and operation.

The Earthworks phase of construction will involve the remediation of the site to raise the levels on site to an appropriate level in relation to the rest of the Stobart Park development. This includes remediation to address current contamination on the site. Remediation will be in accordance with the remediation approach which is being developed for the expansion of the surrounding Stobart Park/3MG. This involves the use of galligu from the adjacent Stobart Park site which will be stabilised and used as fill at the site.

Normal hours of construction will be:

- 07.00-18.00 Monday – Friday
- 07:00 - 12:00 Saturday

Indoor construction and test activities may take place 24/7. No outside construction work will take place on Sundays, Public or Bank Holidays. It may be necessary to receive abnormal (heavy) loads outside normal working hours or on Sundays, Public or Bank Holidays. It is anticipated that, at peak, approximately 90 construction staff would be on site.

Site Operation

The Biomass Plant would produce heat and power 24 hours a day, 7 days a week. It would therefore operate continuously throughout the year, except during shutdowns for maintenance. Figure 1 provides an illustration of how the plant operates. The fuel for the solid biomass CHP plant will comprise virgin and recycled wood, some of which will be sourced from the surrounding area. The wood fuels will be delivered to site in vehicles into their respective storage areas within the fuel store. Provision for chipping solid wood fuel is provided on site. Ready chipped wood fuel will be offloaded directly into the fuel unloading pit for automatic transport to the fuel storage facility.

Combustion of the wood fuel will be used to generate steam within the boiler which in turn drives a turbine generator capable of producing approximately 22MWe of electricity. 20MWe will be available for export to the National Grid with 2MWe used to power the plant itself. In addition the plant will generate heat and up to 3.5 MWth of this thermal energy will be supplied to local industry. The plant incorporates an Air Pollution Control system which will ensure that air emissions from the stack (flue gases) are in accordance with the requirements of the Industrial Emissions Directive (IED).

The biomass CHP Plant will produce two solid wastes as a consequence of the energy recovery process. This will be in the form of coarse bottom ash and a fine fly ash/Air Pollution Control (APC) residue which will be collected separately. The bottom ash will be recycled to make aggregates, breeze blocks for the construction industry. The fly ash/APC is different due to the addition of chemicals to control emissions of acid gases and oxides of nitrogen in the flue gas, which may make its use less certain. Opportunities are being explored for using ash/APC waste in preference to disposal to landfill.

The Plant will be operated under an Environmental Permit issued by the Environment Agency. This will set out environmental standards for the operation of the facility, mainly relating to the control of air emissions, dust, drainage, day to day site management and operation. It will of necessity be considerably more defined and technical than the planning application.

The hours for reception of biomass/export of ash will be:

- 07:00 to 18.00 hrs Monday to Friday
- 07.00 to 12.00 Saturdays

There will be no reception of biomass/export of ash on Sundays or Bank Holidays.

The facility will employ about 21 staff operating on a 5-shift cycle. There will be 2 operational staff on site at any one time per shift plus 10-11 staff dedicated to administration, fuel and maintenance during the day. The staff will be split approximately 1/3 professional/managerial (e.g. engineers), 1/3 skilled (e.g. electricians), 1/3 unskilled labour. A number of indirect jobs are supported in the transportation of Biomass to the site.

Documentation

In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 the planning application is supported by an Environmental Statement.

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.

The National Planning Policy Framework (2012) (NPPF) requires that local authorities support the transition to a low carbon future in a changing climate. Paragraph 97 seeks to increase the use and supply of renewable energy, recognising that the issue of climate change must be addressed.

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)

The site is identified as a within a Primarily Employment Area, Potential Extent of the Ditton Strategic Rail Freight Park and Developed Coastal Zone in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE6 Archaeological Evaluations;
- GE17 Protection of Sites of International Importance for Nature Conservation;
- GE18 Protection of Sites of National Importance for Nature Conservation;
- GE21 Species Protection
- GE30 The Mersey Coastal Zone;
- PR1 Air Quality
- PR2 Noise Nuisance;
- PR3 Odour Nuisance;
- PR5 Water Quality;
- PR14 Contaminated Land;
- E5 New Industrial and Commercial Development

Halton Core Strategy (2012)

The following policies within the adopted Core Strategy are considered to be of particular relevance:

CS2: Presumption in Favour of Sustainable Development

CS8: 3MG

CS19: Sustainable Development and Climate Change

CS23: Managing Pollution and Risk

Relevant SPDs and Other Considerations

The Council's Design of New Industrial and Commercial Buildings Supplementary Planning Document and 3MG Mersey Multi-Modal Gateway: Supplementary Planning Document (2009) are also of relevance as is the Joint Merseyside and Halton Waste Local Plan

1. CONSULTATIONS

- 1.1 Health and Safety Executive – Does not advise on safety grounds against the granting of planning permission in this case.
- 1.2 Cheshire Shared Services (Archaeology) – No objection subject to condition
- 1.3 Liverpool John Lennon Airport – Confirm that the proposed does not penetrate the airports safeguarded Obstacle Limitation Surfaces and no objection is therefore raised.
- 1.4 HBC Open Spaces – No Objection

- 1.5 Network Rail – No Objection
- 1.6 Highways Agency – No Objection
- 1.7 United Utilities – No Objection
- 1.8 St Helens Council – No observations other than that consultation with the Merseyside Environmental Advisory Service should be undertaken and their policy observations regarding the Joint Merseyside and Halton Waste Local Plan be taken into account when determining the application.
- 1.9 Natural England – No Objection in principle. Confirmation that initial objection withdrawn and that Natural England agree with the overall assessment made in the HRA that this development will not have a likely significant effect and therefore will not need to go through any further stages of the HRA process
- 1.10 HBC Contaminated Land – No objection subject to conditions
- 1.11 HBC Environmental Health – No objection subject to conditions
- 1.12 Environment Agency – No objection subject to conditions
- 1.13 HBC Highways – No objection subject to conditions
- 1.14 Cheshire Wildlife Trust – No objection in principle
- 1.15 Mersey Side Environmental Advisory Service - No objection in principle subject to conditions. Confirmation is provided that the proposal does not warrant a detailed Habitats Regulations Assessment.

2. REPRESENTATIONS

One letter of objection has been received on grounds of the environmental impact on the local community, that the residents of West Bank are subjected to odour, that the area does not need any further industry which will impact on air quality and ability to enjoy home life and make use of gardens in summer.

Responses were provided to initial queries raised on behalf of Hale Bank Parish Council but no subsequent representations received.

DISCUSSION AND ASSESSMENT

Policy Considerations Principle of Use

The 3MG Mersey Multi-Modal Gateway Supplementary Planning Document (SPD) was published in 2009. The proposed development falls within site C (Site 255) allocated for industrial, warehousing and rail sidings. Policy CS8 (3MG) of the Halton Core Strategy sets out key elements for the future development of the 3MG site including improving ability for the movement of freight by rail, protecting residential amenity, conserving important visual, environmental and historic features. This demonstrates a clear policy requirement for B8 employment development at the 3MG site which will improve the local economy and bring jobs to Halton. The proposed development is not considered to accord directly with such policy requirements and has therefore been advertised as a departure.

The development forms only a very small development area being approximately 3.2 Ha of a wider site 33.03 Ha 3MG/Stobart Park site with permission for warehouse/distribution and associated uses.

Policy CS19 (Sustainable Development and Climate Change) of the Halton Core Strategy identifies the 3MG site as being within a “Key Area of Change” which is identified as an area with opportunities for local district heating. The proposed plant seeks to provide renewable heat and electricity, which is complementary to the rest of the Stobart 3MG development identifying PDM, publicly owned buildings and Halton Housing Trust properties as further potential users.

This co-location of heat users and suppliers is supported by the NPPF, paragraph 97 (Appendix 1). The application site is also well located to provide opportunities for use of the rail network to transport fuel to the site where such use proves viable as discussed further below.

As a renewable energy facility the NPPF does not require a need for the facility to be demonstrated. Notwithstanding this, the proposal has been considered in relation to the Joint Merseyside and Halton Waste Local Plan. The proposed plant would provide a specific facility for heat and electricity by utilising recycled wood fuel and virgin wood. As such it differs from existing operational and consented capacity in the sub-region which is designed to cater for Municipal Solid Waste or other types of Industrial and Commercial wastes. The plant would provide CHP and provide capacity for Merseyside and Halton for a waste stream which is currently landfilled.

Potential for Rail Transport

A Rail Report was produced by Prologis UK Ltd for a single rail storage and distribution facility at nearby rail sidings located at HBC Field, Halebank Road in Widnes. This concluded that there is available capacity on the existing West Coast Main Line to allow for material to be delivered by rail. The equivalent of 24 trucks of fuel per 24 hr-day (5 days per week) required to operate the biomass CHP is a small proportion (c.3.5%) of the overall future capability of the Stobart Ports facility and therefore could be arguably accommodated with reasonable ease.

Transporting biomass by rail offers considerable opportunity to deliver large volumes of biomass to the plant, reducing the number of HGVs using the road network and lowering carbon emissions. Given the close proximity of the proposed development to the rail freight terminal there is the potential for the fuel for the Biomass CHP plant to be transported to the site by rail. The rail terminal operates 24 hours a day, 5 days per week with secure storage for over 6,000 containers. Upon arrival at Stobart Port, the final transport leg for fuel arriving by rail would include shunting trucks to transfer goods to the biomass plant via the private internal road network. Stobart Developments Ltd has excluded the roads from public adoption to specifically allow this process. These vehicles transferring wood fuel from the terminal to the plant would not therefore need to travel on the public highway. Transporting biomass by rail offers considerable opportunity to

deliver large volumes of biomass to the plant, reducing the number of HGVs using the road network and lowering carbon emissions.

Rail transport of biomass is only likely to be a viable alternative to road transport over longer distances (approx 150 miles). Biomass material would need to be delivered by road to existing rail terminals elsewhere in the country for onward transfer to 3MG. The proposal is for fuel to be supplied to the biomass plant via Stobart Biomass, who as part of the Stobart group operate a major logistics business including a series of successful rail freight routes across the UK. Locating the Biomass CHP plant on Stobart Park was primarily a function of the availability or access to suitable heat users. This means that it functions as a complementary and supporting uses to the 3MG/Stobart Park development. However, its location adjacent to the rail terminal does provide an opportunity for fuel (sourced from elsewhere in the UK) to be delivered to the site by rail.

It is the intention that as much of the recovered and virgin wood fuel required by the Biomass CHP plant is sourced locally to reduce the amount of local waste that would otherwise be sent to landfill, reduce transport costs and also to minimise associated transport emissions. Sourcing wood locally will mean that road based transport is the only practical and economical method of transporting the fuel and therefore this is likely to be the principal means of delivering the fuel to the site. As is set out in the submitted Carbon Assessment report the emissions resulting from road based transport of wood fuel are very small in comparison to the carbon savings which will be achieved by the Biomass CHP plant through the exported electricity and heat replacing conventional energy generation and avoiding greenhouse gas emissions from the waste wood which would otherwise be landfilled.

In terms of wastes produced from the site requiring removal this includes bottom ash and fly ash and would involve in total only 3 HGV loads per week. Bottom ash and fly ash would be sent for treatment for further use in road construction or landfilling at suitably locations licenced to receive such wastes. As the quantities of both bottom and fly ash are so relatively small, rail transport of these materials would not be economically viable.

Impacts of the Proposed Development: Introduction

A detailed assessment of the anticipated effects of the proposal through the construction and operational phases of the development has been submitted in the form of an Environmental Statement. The following is therefore intended to provide a summary of the key findings, suggested mitigation measures and update on any developments.

Traffic

The transport chapter of the ES sets out an assessment of the environmental effects of the transport associated with the project. The assessment has been undertaken in accordance with relevant national guidelines for the site preparation, construction and operation of the development. Existing transport conditions have been established and the future baseline conditions in the

opening year (2015) and in 2030 have been determined, taking into account background traffic growth and other committed developments (e.g. the expansion of Stobart Park and the Mersey Gateway Bridge).

The assessments undertaken have demonstrated that the proposal would increase daily traffic flows by a maximum of less than 6% outside of the 3MG site. In the case of HGVs the maximum increase on the base flows is on Desoto Road West with an increase of 12.3% and 17% on Queensway eastern slip road, and the A562 Speke Road eastern slip road. However, these are below the 30% threshold set out in the relevant guidance. These assessments established that such increases are unlikely to create any noticeable effect upon the road network. The environmental assessments undertaken have demonstrated there will be no significant delay, impact on pedestrian amenity, accidents and safety, hazardous loads, air pollution or dust and dirt. Traffic generated during the construction and operation of the proposed Biomass CHP Plant would be minimal, and therefore it is considered that there would be negligible environmental effects as a result of the proposed Biomass CHP Plant.

Air Quality and Climate

An assessment of the air quality effects and also the effects on greenhouse gas emissions associated with the proposed development has been undertaken and the results are summarised below.

Local Air Quality Effects

The assessment has examined both the construction and operational phases. During the site preparation and construction there is potential for dust emissions from the site. Given that the nearest residential receptors to the Biomass site are over 800m away and, provided appropriate measures are put in place to minimise the risk of dust, the overall effects would be neutral.

During the operational phase, the main source of atmospheric emissions from the Biomass CHP Plant would be pollutants emitted from the stack after treatment in the flue gas cleaning system. Modelling has been undertaken to consider the appropriate stack height for the plant which has been determined as 59m. Based on this stack height, detailed atmospheric dispersion modelling has been undertaken to predict the effects of the operation of the plant on ground level pollutant concentrations at a range of locations.

The assessment has concluded that, taking into account the predictions for all pollutants, the effects of stack emissions are generally deemed to be negligible with none of predicted levels exceeding any air quality objectives or standards. The significance of the effect is therefore considered to be neutral. The operation of the proposed Biomass CHP Plant is not expected to generate a significant number of vehicles and therefore the significance of the effect due to traffic emissions is considered to be neutral.

The assessment has also looked at the potential dust impacts associated with the operation of the facility during delivery, storage and handling of fuel. Vehicles

delivering wood fuel to the facility would be fully covered and the storage and handling activities take place in enclosed areas. The nearest dust sensitive receptors to the proposed facility are located over 800m south east of the site. The assessment has therefore concluded that the likelihood of experiencing dust nuisance from the operation of the facility is minimal.

Cumulative effects associated with the Stobart Park development, Ineos Chlor Energy from Waste Plant and proposed PDM Anaerobic Digestion plant have been considered. No significant impacts are predicted and consequently no additional mitigation measures are necessary. The assessment of the air quality effects associated with the proposed development has concluded that the overall effects of the proposed Biomass CHP plant are considered to be of neutral.

Greenhouse Gas Emissions

An assessment of greenhouse gas emissions has been carried out for the proposed Widnes 3MG Biomass CHP (Combined Heat and Power) plant and is contained within Environmental Statement. The report covers the operational phase only as the construction phase emissions are expected to be minor compared to the operational phase, based upon data for similar facilities.

The report estimates the emissions associated with:

- the fuel production/supply chain and road or rail transport (assessed on a 'worst case basis');
- emissions avoided through electricity or heat export (i.e. by displacing emissions which would be generated through conventional energy production); and,
- through diversion of recycled wood away from landfill disposal (where it would decay to produce landfill gas, with a high global warming potential).

The results of the assessment show that the facility would achieve emissions reductions, compared to the baseline, of over one million tonnes of carbon dioxide equivalent (CO₂e) during its assumed operational lifetime of 20 years (1.15 mtCO₂e). This is equivalent to the present-day annual emissions of around 226,000 homes or 437,000 cars. The greenhouse gas emissions from the process, supply chain and transport are offset by the significant emissions which would be saved by replacing conventional electricity and heat generation and avoiding the release of methane due to the decay of waste wood in landfill. This leads to a net emissions balance in which the proposed facility achieves significant annual emissions reductions compared to the baseline scenario. Transport emissions are estimated to be a very minor proportion of the overall emissions balance, amounting for 16,021 tCO₂e over the 20 year operational lifetime of the facility, compared to the 1,153,849 tCO₂e total net emissions savings. The assessment considered two scenarios; Scenario 1 (100% road delivery) and Scenario 2 (80% road and 20% rail delivery). It was found that the overall emissions savings of switching from Scenario 1 to Scenario 2 changed by 0.2%.

It can therefore be concluded that the proposed development provides a significant carbon saving and there is an overall beneficial environment effect

contributing towards the transition to a low carbon future in line with Government policy.

Human Health

An assessment of the human health risks associated with the emissions to air resulting from the operation of the plant has been undertaken. The assessment involved calculating concentrations of contaminants of potential concern at relevant receptors (residential areas, farms). The modelling was undertaken on a worst case scenario basis and the results of the assessment are therefore considered to present an extreme view of the potential risk to health.

The results of the assessment are summarised below.

The predicted contributions for all residential and farm receptors were found to be below within acceptable levels. Therefore potential health impact on all receptors is not considered of potential significance. It was therefore concluded that exposure to the plant's emissions with consideration to background exposure, where appropriate, is not considered to pose unacceptable risk to any relevant receptors in the vicinity of the proposed facility.

Cumulative effects associated with the Ineos Chlor Energy from Waste Plant and PDM Anaerobic Digestion plant have been accounted for through their inclusion in the air dispersion modelling on which the Human Health Risk Assessment is based.

Noise and Vibration

The effects of noise and vibration on people, buildings and areas used by people have been assessed. The assessment considered the potential for noise and vibration effects from both the construction and operational phases of the proposed development. The assessment has been undertaken in accordance with relevant national guidance and British Standards.

The results of the assessment indicate that no significant impact is predicted to occur at residential receptors or other sensitive users during construction or operation of the facility. The cumulative effects of noise associated with the PDM Anaerobic Digestion plant have been considered. When considered together the majority of the noise impact at the nearest residential properties is due to noise from the AD facility. The effects on the nearby sensitive receptors as a result of the Biomass CHP Plant alone are not considered to be significant. The traffic associated with the Biomass CHP Plant is insignificant compared to the traffic associated with the consented Stobart Park 3MG Mersey Multi-Modal Gateway and other committed development. On this basis, the impact with the Biomass CHP Plant traffic is no greater than the impact of the consented and committed development alone. Therefore, no cumulative impact or effect will occur.

The results of the assessment therefore indicate that no significant adverse noise and vibration effects are likely to occur during the operation of the proposed Biomass CHP Plant.

Landscape and Visual

An assessment has been carried out to identify the significance of the effects of the proposed Biomass CHP plant on:

- The character of the landscape and its component features; and
- Visual amenity and the people who view the landscape.

The assessment has been carried out in accordance with widely accepted best practice and its scope and focus has been guided by consultation with the local planning authority. The application site is within the industrial townscape to the south of Widnes close to the Mersey Estuary. As a result of the lack of significant site features in the form of built development or vegetation, the existing site is not prominent in views from the surrounding area.

The new buildings, although of similar industrial character to existing neighbouring development, are of a large scale which draws attention to them, however, the redevelopment of the site would not extend the built development of the industrial area any closer to sensitive receptors. In close views, the proposed development would become a part of a wider industrial area and, where prominent, only the upper sections of the building and stack would appear above intervening topography and vegetation with views particularly from the Trans Pennine Trail and Dukesfield area of Runcorn.

The assessment has concluded that the changes that would occur in the Widnes Urban character area as a result of the development of the Biomass CHP plant can be accommodated. The poor condition of the townscape of the site and lack of significant features or designations provides the opportunity for introducing the new elements of the proposals without unacceptably significant adverse effects. The proposals would not result in the loss of any key townscape elements. The proposed landscape planting is an integral part of the proposal and would enhance the existing poor quality of the area's urban character and provide important links with the vegetation of Stewards Brook and Hutchinson Hill.

The location of the Biomass CHP plant on the north side of the existing PDM plant and Hutchinson's Hill and west of the Tesco distribution centre within the industrial area of Widnes will result in a relatively small number of changes in views for people in the settlement of Widnes and Runcorn. A new stack and the tops of buildings would be seen in the immediate context of existing stacks, large scale buildings and structures.

Ecology

The main part of the proposed Biomass CHP plant site largely comprises an area of concrete and asphalt hard standing which is devoid of vegetation. There are small areas of bare ground, scrub, grassland within the site. Steward's Brook lies to the west of the site and some trees are located within and adjacent to the route of the proposed access road. The closest nature conservation designation to the

site is the Mersey Estuary Special Protection Area (SPA) which lies approximately 400m to the south. There are two locally important sites within 1 km of the site at Pickering's Pastures and St Helen's Canal. A small stand of the invasive species Japanese Knotweed was recorded within the site and an eradication/ management plan is being implemented. This would eliminate the risk of potential future spread of the plants within and beyond the application site.

The potential impacts on bird nesting/foraging habitat, bat habitats and air quality impacts have been assessed as being neutral and no specific mitigation measures have been proposed. There are potential risks of contamination of the Mersey Estuary SPA and Stewards Brook during construction and operation of the facility. This will be controlled during the construction phase through the implementation of a Construction Environmental Management Plan (CEMP), environmental controls during the operational phase with the addition of drainage interceptors to minimise the risk of contamination to surface water courses. The landscape proposals for the development include native hedge, woodland and wildflower grassland planting and small areas of amenity grassland. The extent of habitats created within the site will exceed the small areas of habitats that will be lost. In order to deal with contamination on the site, remediation is required which will result in an impermeable surface being created. An additional depth of soil and appropriate drainage will be provided on those areas to be landscaped however, due to the remediation proposed the opportunities for planting are limited to shallow rooted vegetation. Measures will be put in place to minimise the impact of lighting on bats through installing sensitive lighting schemes to minimise light-spill onto habitats adjoining the site and specifically Steward's Brook to the west.

The potential for cumulative effects from the development and other nearby proposals, including Stobart Park/3MG, proposed works to the A533 bridge, Ineos Chlor and the PDM Anaerobic Digestion plant has been considered. None of the cumulative impacts were considered to be significant. On the basis of the ecological assessment and taking account of the measures proposed, no significant effects are predicted to occur.

Ground Conditions & Hydrogeology

Ground and groundwater conditions have been reviewed based on previous site investigations undertaken across the Stobart Park site, including the application site. The site has been assessed as having a significant amount of made ground and that this mainly comprises chemical waste contaminated soil known locally as "galligu". This is a colloquial term for alkali and soap industry waste from the Widnes area dating back to the early days of the chemical industry. Testing of the galligu has indicated that this is contaminated to varying degrees due mainly to sulphur compounds, high pH, arsenic and lead.

The potential effects due to the exposure of site users to contamination and the impact on local watercourses will be addressed by implementing the Remediation Strategy prepared by Earth and Marine Environmental (EAME) Limited in 2012 (Appendix 12.1 of the ES). This involves excavating galligu waste from elsewhere on the Stobart Park site mixing it with lime to produce a stabilised material. The

stabilised gullu material will then be placed on the Biomass site, effectively sealing the site and providing an impermeable surface, preventing further contamination and creating a physical barrier between site users and the contaminated material.

A range of measures have also been identified that address potential effects during construction. The identified mitigation measures are well established and accepted methods of mitigating the potential effects. Following implementation of the mitigation measures it is considered the significance of effect is neutral to minor. Provided that the land proposed for site development is adequately assessed, remediated and mitigated as stated in the Remediation Strategy, it is considered to be no measurable adverse cumulative effects. Remediation of the wider area of Stobart Park/3MG will have a net beneficial impact leading to an improvement in groundwater.

Hydrology

The hydrology chapter of the ES assesses the likely significant environmental effects of the project on the water environment, including flood risk, water quality and drainage. The two closest watercourses to the site the River Mersey and Steward's Brook are currently designated as 'bad' or 'failing' in terms of either ecological or chemical quality. There is no existing drainage network worthy of note. Given the historical industrial uses of the site, this has potentially contributed to a reduction in the quality of these watercourses.

A Flood Risk Assessment (FRA) has been undertaken and this shows that the site lies above the tidal flood level and is therefore located within Flood Zone 1 (low probability of flooding). A range of measures will be implemented through the Construction Environmental Management Plan (CEMP) to minimise the potential effects on the quality of local watercourses, flood risk and water resources during construction.

The potential effects arising from operation include effects on surface water quality due to spillages or leaks of chemicals/materials, increase in surface water run off and flood risk due to an increase in hardstanding, effects on subsurface flow of water, increased demands on water supplies and foul water infrastructure.

A new drainage system will be installed including pollution control measures and surface water attenuation lagoon before discharge to the surface water system. Chemicals will be stored in bunded areas in accordance with current requirements. In the event of a fire on site, spent fire water will be stored in the attenuation lagoon to allow water quality testing following a fire on site. The fire water can then either be discharged to the foul water system or in the event of contamination removed by tanker from site. With the effective implementation of these measures there would not be any significant effects during the construction or operational phases. Other proposed developments, such as the expansion of Stobart Park would be expected to adhere to similar standards and restrictions as the subject proposal. As such the likely cumulative effects of the Biomass CHP plant development and Stobart Park are likely to be similar to those described above.

Socio-Economic Assessment

The potential economic and social effects of the proposed development have been assessed for both the construction and operational phases. Baseline conditions were established using a number of sources of information, including the 2001 Census, Labour Market Statistics and social and economic reviews by Halton Borough Council.

In terms of deprivation the Indices of Multiple Deprivation (IMD) for 2010 shows that Halton is ranked 27th nationally (a ranking of 1 indicates that an area is the most deprived), which is third highest on Merseyside and 9th highest in the North West. This is broadly confirmed by the analysis of census data and other sources. Halton has an unemployment rate of 5.8% which is higher than the average for the North West and England. The unemployment rate in Riverside ward (within which the site is located) is 7.8%.

The assessment has concluded that the proposed development offers jobs, both direct and indirect during both the construction and operational stages of the development. These jobs will contribute towards the improvement of the local economic and social welfare of Halton in line with local policy beneficial impacts on deprivation and employment. In this instance cumulative impacts potentially arise from firstly, planned development of all kinds in the vicinity of the proposed development and within the 3MG Stobart Park in particular, and secondly, strategic proposals within the Borough and immediate area. The impacts of the proposed development and wider 3MG proposal will have a beneficial impact on both the economic and social environment, providing wealth to the local area. It is therefore concluded that the proposed development will have a minor beneficial cumulative impact.

Archaeology and Cultural Heritage

An assessment has been undertaken of the likely significance of effect of the proposed development on the historic environment, both within and outside the proposed development area. This has indicated that the below ground archaeological remains are likely to have been largely or entirely removed by previous development. As a consequence there is low potential for the survival of significant below ground archaeological remains, with the possible exception of buried peat layers.

The assessment has concluded that effects on cultural heritage would be limited to those on the possible peat layers and that subject to appropriate mitigation these effects are not significant. Any deep ground works with 50m of Steward's Brook should be monitored as an archaeological watching brief.

Discussion and Conclusions

The application seeks to provide a Biomass CHP Plant which will generate renewable electricity and heat by combustion of wood fuel. The proposed

throughput of the facility would be approximately 147,000 tonnes per annum and the plant will produce about 20 Megawatts electrical (MWe) of electricity for export to the National Grid. It is expected that up to 3.5 Megawatts thermal (MWth) of thermal energy will also be available to local industry.

The plant will use is expected to use predominantly recycled wood supplemented with virgin wood as a fuel source to generate energy. Utilising wood in this way provides a carbon neutral substitute for fossil fuels whilst recovering energy from wood which would otherwise be landfilled avoids methane emissions that would be generated from its decay in landfill and therefore results in significant savings in greenhouse gas emissions in line with national and local policy.

The site will be remediated and re-profiled in accordance with an agreed strategy in a similar manner to the wider Stobart Park site. Agreement in principle has been secured in this regard by the Environment Agency and the Council's Contaminated Land Officers subject to conditions.

Policy CS8 (3MG) of the Halton Core Strategy sets identifies the site for B8 employment development which will improve the local economy and bring jobs to Halton. The proposed development is not considered to accord with such policy requirements in that it does not fall within such use class nor does it contribute directly to improving ability to move freight by sustainable transport, most notably rail. The development forms only a very small development area being approximately 3.2 Ha of a wider site 33.03 Ha 3MG/Stobart Park site with permission for warehouse/distribution and associated uses. The proposal does offer potential to directly supply local business, including warehouse and distribution uses within the wider 3MG site with heat and power from sustainable sources. This co-location of heat users and suppliers is supported by the NPPF, paragraph 97 (Appendix 1) and in accordance with Core Strategy Policy CS19. The application site is also well located to provide opportunities for use of the rail network to transport fuel to the site where such modes prove viable. The loss of such a relatively small area of the park is not considered to prejudice the wider aspirations for encouraging rail freight development. The benefits of colocation of heat users and suppliers, the potential for movement of fuel by rail and the environmental benefits of the scheme are considered to far outweigh the loss of such a small area for potential B8 uses.

The Environment Statement aims to demonstrate how potential development impacts will be satisfactorily addressed and how appropriate mitigation measures can be secured, particularly in relation to pollution from existing ground and water contamination.

The Council's Highways officer has confirmed that, given existing traffic flows in the area, the proposals would result in only as small percentage increase which would disperse onto the highway network with minimal impact and which could be accounted for in daily traffic variations. On that basis they raise no objection in principle. The Council's retained adviser on waste and environmental matters has confirmed that the proposals constitute renewable energy generation and as such they are supported in principle having particular regard to the active steps taken by the applicant to implement the scheme as a CHP plant. It is advised that the

waste industry is currently concerned about stockpiles of unrecycled waste wood which has been worsened by the closure of the Sonae plant in Kirkby which gives extra weight to the potential role of this plant in managing these wastes without recourse to landfill and the emissions that would create. On that basis it is advised that the proposals are considered to accord with national and local policy and no objections are therefore raised.

The Council's Environmental Health Officer has confirmed that the proposed plant will be greater than 50MW and therefore emissions from the site, including emissions to air will be subject to control through an Environment Agency permit. In assessing a future permit application the Environment Agency will consider all emissions from the site and should they determine that any emissions will produce an unacceptable risk to the environment, including human health, they cannot issue the permit. The permit will identify controls at source and emission limits that must be achieved by the plant. Therefore the role of the Environment Agency is to ensure that emissions are controlled at source to prevent harm to the environment.

Environmental Health is responsible for local air quality in relation to 7 pollutants and their impact on human health. The national air quality objectives specify levels of pollutants, above which the local authority should implement an action plan to reduce concentrations. The pollutants to be considered in relation to combustion processes that Halton borough Council has responsibility for assessing are, sulphur dioxide (SO₂), nitrogen dioxide (NO₂), and particulate matter (PM₁₀). The applicant has used accepted modelling techniques for all pollutants in line with guidance from the Department of the Environment and the Environment Agency.

The applicant has calculated that the process contribution to levels of these pollutants will result in air quality remaining within the objective levels in all cases. Environmental Health requested that the applicant consider contributions of pollutants from the current applications for the energy from waste plant and the anaerobic digester, on the area, as these future developments are not currently contributing to the background data used to run the model against. This enabled Environmental Health to assess the cumulative impact of the three developments, and identify whether there would be any future impact on the air quality objectives in the area.

The modelled results for the impact of SO₂ emissions demonstrate that the predicted concentrations will remain less than 35% of the objective levels. For PM₁₀ the levels will remain at around 50% of the short term objective level and just over 60% of the long term objective level. With regard to NO₂ the predicted concentrations will be at less than 50% of the short term objective level and around 95% of the long term objective level. It is accepted that the proposed application is contributing only small amount to this cumulative level, and that these levels are not calculated in residential areas. It should also be noted that it is common to find NO₂ at these levels in urban areas. However on the basis of the levels of predicted NO₂ in the area the applicant has agreed to contribute towards air quality monitoring in the area under a unilateral agreement.

The applicant has carried out a noise assessment for operations during construction, in line with the methodology outlined in the appropriate British Standard. This predicts the cumulative impact of all noise sources during the different construction phases. During daytime hours it is unlikely that the noise from the site will cause disturbance to residents. However the Environmental Impact Assessment alludes to construction operations taking place at night. Taking into account the predicted night time noise levels contained within the Assessment Environmental Health would have some concerns regarding the potential for loss of amenity to residents during the construction phase due to noise. It would therefore be sensible for the applicant to be asked to provide some more detailed information regarding precisely which operations it is considered will be undertaken overnight, the potential impact this will have on residential areas and the likely controls that will be put in place. It is considered that this can be adequately controlled by planning condition. Given the distance from residential communities it is unlikely that dust emissions will result in loss of amenity, however controls should still be in place to minimise dust emissions during construction.

The nearest residential properties are over 800m away from the proposed development with industrial areas and busy roads in the intervening areas. The report concludes that the mitigation due to the distance from the site and the existing background levels means that the development will have no impact on the residential areas. Having reviewed the methodology Environmental Health are satisfied with this conclusion and would therefore have no objections to the development in respect of the loss of amenity to residents due to noise.

On that basis the Council's Environmental Health Officer has confirmed that they raise no objection in principle to the application subject to the conditions.

The Councils retained adviser on ecology draws attention to the results of the air quality assessment which identifies emissions and deposits predicted to exceed limits identified for a number of habitats. The proposed development is however considered to make only a small contribution to overall levels and, on the basis of Environment Agency guidelines, such contribution is not considered to be significant to justify refusal of planning permission or mitigation. Detailed assessment has been undertaken with regards Habitats Regulations by the Councils retained adviser on environmental and waste matters advising that, subject to conditions ensuring no likely significant effects, appropriate assessment is not required. Following confirmation from Natural England a final Habitats Regulations Assessment (HRA) has been provided and the process is now confirmed as complete for this application and it is advised that there is no HRA reason why the planning application cannot be determined.

With regards to the submitted archaeological desk based assessment the findings and recommendations have been accepted by the Council's retained

archaeological advisor and it is considered that an appropriate scheme of investigation can be adequately secured by condition.

The Biomass CHP Plant will provide a sustainable energy facility which will complement the overall development of 3MG/Stobart Park, providing opportunities for local heat supply, providing additional jobs for Halton and supporting jobs in the logistics sector (through delivery of fuel to the site). The plant will also produce around 90 construction jobs and 21 operational jobs. It is also anticipated that a further 21 jobs will be supported in connection with the delivery of fuel to the site

The proposed development is ideally located to utilise the existing rail head where it is viable to do and will also utilise the improved transport network proposed as part of the 3MG Stobart Planning Application. The plant will appear utilitarian and industrial including provision of a 59m stack. This will however be viewed in the context of the existing container depot with gantry cranes, proposed substantial warehouse development and the adjoining PDM/ granox plant .In this context, and given the wider benefits of the scheme it is not considered that refusal of planning permission could be justified on these grounds.

Support for reducing carbon emissions by the encouragement of renewable resources is highlighted through the NPPF. The results of the assessment show that the facility would achieve emissions reductions, compared to the baseline, of over one million tonnes of carbon dioxide equivalent (CO₂e) during its assumed operational lifetime of 20 years (1.15 mtCO₂e). This is equivalent to the present-day annual emissions of around 226,000 homes or 437,000 cars.

RECOMMENDATIONS

Approve subject to conditions and:-

- (a) The entering into a Legal Agreement securing provision of a financial contribution towards air quality monitoring
- (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.

CONDITIONS

1. Standard time limit condition requiring that the permission be implemented within 3 years
2. Specifying amended plans

3. Materials condition, requiring the submission and approval of the materials to be used (BE2)
4. Construction Environmental Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1)
5. Submission and agreement of foundation/ piling design and risk assessment (GE18)
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
7. Vehicle access, parking, servicing etc to be constructed prior to commencement of use. (BE1)
8. Requiring finished floor and site levels be carried out as approved. (BE1)
9. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
10. Restriction of external lighting (PR4)
11. Submission and agreement of a programme of archaeological work (BE6)
12. Securing maintenance of site entrance sight lines ((BE1)
13. Securing cycle parking in accordance with a scheme submitted to and agreed in writing ((TP6)
14. Submission and agreement of scheme to manage surface water run-off (PR5/16)
15. Submission and agreement of scheme to risk of flooding from overland flow (PR16)
16. Submission and agreement of remediation verification report (PR14)
17. Submission and agreement of scheme to remove suspended solids from surface water run-off (PR5)
18. Submission and agreement of scheme of groundwater monitoring ((PR15)
19. Submission and agreement of ground gas risk assessment ((PR14)
20. Restricting external storage (E5)

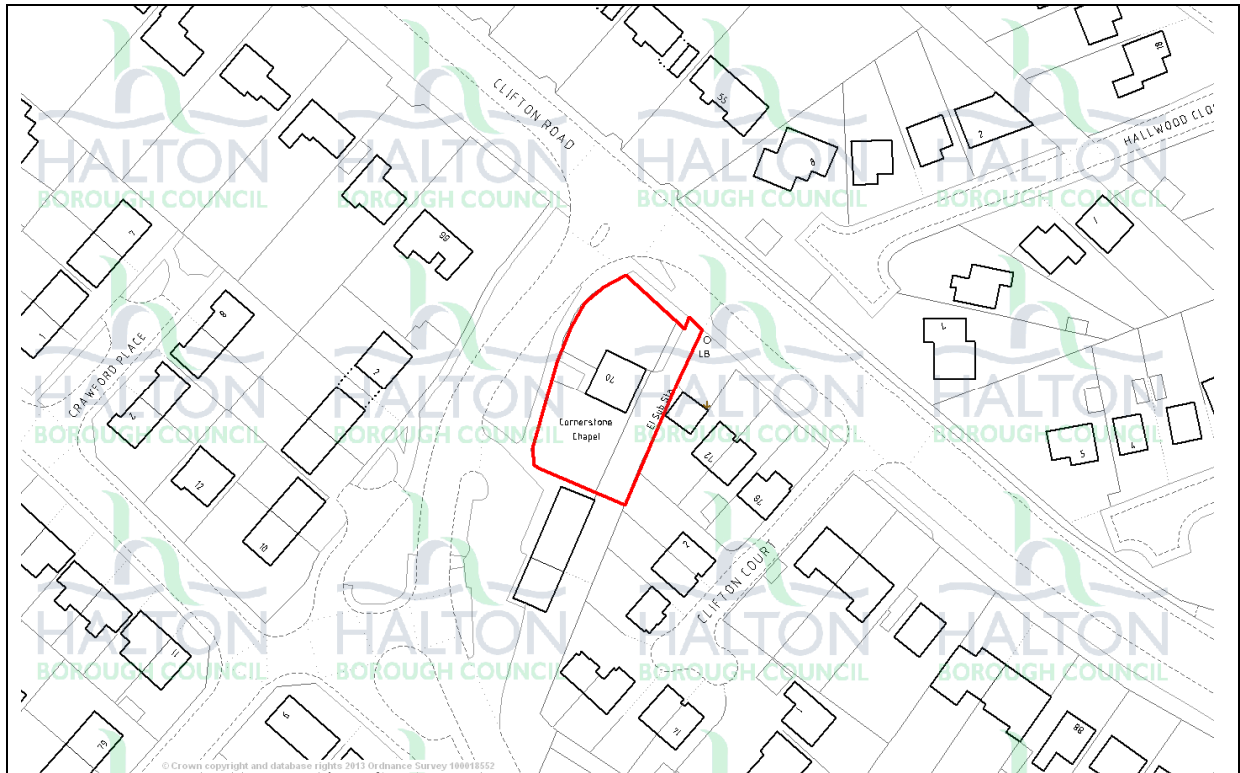
SUSTAINABILITY STATEMENT

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:	12/00478/ELD
LOCATION:	Hope Community Church 70 Clifton Road Runcorn
SUMMARY PROPOSAL:	Application for a lawful development certificate for use of the application site for the provision of education to vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education
WARD:	Heath
PARISH:	
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Hope Corner Community Church C/O John Hughes The Wilkes Partnership LLP
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005)	Policy H8 'Non Residential Development in Primarily Residential Areas'
DEPARTURE REPRESENTATIONS:	No 40
RECOMMENDATION:	Refuse
SITE MAP	



APPLICATION SITE

The Site and Surroundings

The application site is the existing Hope Corner Church also known as Hope Academy, located on the corner of Clifton Road and Ascot Avenue, Runcorn. The site was formally Cornerstone Chapel.

Planning History

Planning permission 09/00492/FUL granted in January 2010 for a 'Proposed two storey community centre/church'.

Advertisement consent 09/00483/ADV granted in January 2010 for signage in relation the above approval.

Application 12/00479/S73 has also been submitted to vary the condition no. 12 of 09/00492/FUL to enable the continued use of the site for the provision of education to vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome or other mental or physical impairment liable to cause them to be excluded from normal education. This application is being considered as a separate item on this agenda.

Background

Hope Corner is a Christian Church based charity which has specialised in youth work within Halton since 1994. For many years the organisation operated out of its site at 139 Church Street in Runcorn Old Town. The Church provides Sunday and

mid-week services, provides a variety of youth activity evenings including sports, dance and music.

Over the past decade the organisation has developed a project called Progressive Social Inclusion (PSI), which directly engages young people who have experienced a variety of social problems and social exclusion resulting in the loss of education. It is understood that this work has been linked to the Halton's Pupil Referral Unit 'KS4 Gateway' at the Bridge School in Astmoor.

According to the applicant's website Hope Corner have held contracts with the Pupil Referral Unit for the provision of alternative education for the last 8 years.

In 2009/10 the charity acquired the former Cornerstone Chapel site on Clifton Road, and obtained planning permission (09/00492/FUL) to construct a two storey community centre/church. Condition 12 of the approval restricts the use of the building solely to a community centre/church.

Building began in 2011 and was completed in 2012. They have now registered with OFSTED as an independent special needs school, who have approved the use of the building for up to 20 pupils.

The purpose of this application is for Halton Borough Council to determine whether the existing planning permission 09/00492/FUL lawfully permits the applicant to use the building to provide full time education for up to 20 pupils as described above. The applicant expressly applied for a 'Proposed two storey community centre/church'. The 2009 application was therefore considered on the basis and in the context of the information that was submitted by the applicant at the time.

Community centres and Churches fall under use class order D1 use class 'Non-residential institutions'. Use class D1 covers a wide variety of uses including clinics and health centres, crèches, day nurseries, museums, public libraries, non-residential education and training centres, places of worship, religious instruction and church halls. Understandably the nature and character of these uses can vary significantly, as could their potential impacts on the surrounding residential area and highway.

As the applicant did not apply for open 'D1' use class, and all the information submitted specifically related to the community centre/church use, the application was considered accordingly. Notably the information submitted included plans and drawings, a design and access statement, a green travel plan and a tree survey.

The site is located within a primarily residential area, it was therefore considered necessary to control any future changes of uses to protect the amenity of local residents and other potential impacts such as parking and highways implications. In order to do this the following condition and associated reason was attached:

'The premises shall be used for the purposes of a community centre and church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:- In order that the Local Planning Authority may control any future changes of use and to clarify the extent of this planning permission, and to comply with Policy BE1 of the Halton Unitary Development Plan.'

Because of the use restriction attached above the applicant has now applied for a lawful development certificate to establish whether the building can lawfully be used for the provision of education to vulnerable people below the age of 20 years who suffer from autism, Asperger's syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education. Paragraph 2.7 of the applicant's grounds of application states that the number of pupils will be up to 20 pupils a day.

THE APPLICATION

Part 8 of the application form states that the applicant has applied for a lawful development certificate for the following:

'Use of the application site the provision of education to vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education'.

Part 9 of the application form states that the certificate is sought on the following grounds:

'The use forms part of the development permitted under planning permission reference 09/00492/FUL granted by Halton Borough Council viz for a community centre and church ("the permission");

The use falls within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987;

The use is not prohibited by condition (12) of the Permission.'

CONSULTATIONS

The application has been advertised by way of site notice. Internally the Highways Engineer, Education and Open Spaces have been consulted as have ward Councillors.

Health and Safety Executive (PADHI+) – Advise that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. This is not material consideration to the consideration of a lawful development certificate.

REPRESENTATIONS

40 objections have been received from local residents, as have objection from three Councillors. Many of representations combine comments on application

12/00479/S73, they are more relevant to that application as it is a planning application. These issues include; the need for the school when there are existing facilities in the Borough, there is no need for this facility, traffic, parking issues, litter, landscaping, antisocial behaviour, the scale and appearance of the building, need for an up dated travel plan, greater number of pupils, impact on amenity of residential area, safety and security, encroachment onto public right of way, value of property

The issues raised that are relevant to this application are; They originally applied for a community centre and church, the applicant wishes to use the site for education when a condition precludes this use, the site is already taking students,

As this application 12/00478/ELD is for a Certificate of Lawful Development, we can only consider those issues that are relevant to determining whether or not the current planning permission 09/00472/FUL allows the site to be used for the full time education of 20 pupils These matters have been assessed below.

CERTIFICATES OF LAWFUL DEVELOPMENT

Section 191 Town and Country Planning Act 1990 (“the Act”) provides that if any person wishes to ascertain whether any existing use of buildings or other land is lawful he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

The section states that for the purposes of the Act uses and operations are lawful at any time if no enforcement action may then be taken in respect of them whether because they did not involve development or require planning permission or because the time for enforcement action has expired.

If the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, they shall issue a certificate to that effect and in any other case they shall refuse the application.

The question therefore is whether the use applied for could be the subject of enforcement action. In the present case the question is whether an enforcement notice could be issued in respect of breach of condition 12. If the answer is yes, a lawful development certificate cannot be issued. The use which is the subject of the application clearly breaches condition 12, the validity of condition 12 has not been disputed. It is conceded that the use which is the subject of the application does not constitute a material change of use in its own right, but it does constitute a change of use. However, whether or not it involves a material change of use is not relevant as to whether it breaches condition 12.

Information provided by the applicant

The applicant’s submission includes an application form, a statement entitled ‘grounds of application’, a copy of the original application 09/00492/FUL, the case officers delegated report in relation to the 2009 application, copies of correspondence between the applicant and the Council.

In paragraph 1.10 of the applicant's grounds of application they explain that since the planning approval was granted, the internal layout of the building has been amended, and they refer to revised layout drawings WA74TD/70/02 Rev. D and WA74TD/70/03 Rev. D. These drawings never formed part the planning approval 09/00492/FUL, and have been produced at a later date. However the applicant has confirmed that these drawings annotate the first floor as 'Hope Academy' as oppose to Progressive Social Inclusion / Youth Room.

The applicants main argument is that the permitted 'community centre' use includes the use of the building for education. The applicant has stated that the in an absence of a definition of a community centre within the Town &Country Planning (Use Classes) Order 1987, the phrase should be interpreted in accordance with the definition found in the Oxford English Dictionary which is 'A building providing social, recreational and educational facilities for a neighbourhood'. The applicant states that if the matter were still in any doubt the information submitted with application 09/00492/FUL made it clear that there was an educational component.

Assessment of the application

The concept of 'the provision of education' needs to be explained further. The local planning authority accepts that a community centre use includes the provision of 'some' educational provision. Educational provision beyond a given level would take educational provision outside the concept of a community centre. At this point there would be a change of use from community centre to something else. This change of use may or may not amount to a material change of use. It follows that there is a spectrum whereby different levels of education provision sometimes do not involve a change of use, sometimes involve a change of use and sometimes involve a 'material' change of use.

Bringing this back to the question in issue, if the level of educational provision does not involve a change of use it would not breach condition 12.

Educational provision included within the concept of community centre

Stemming from the ordinary meaning of the words 'community centre' it would be expected that a number of activities would be carried on. These might include youth activities, sports, dance classes, arts and crafts, music etc.

In the 2009 planning application the applicants clearly shared this view. In that application the applicants stated:

'We provide specialist and grass roots youth work as well as creative activities for all ages. Our projects directly engage young people who have experienced serious social exclusion and/or who emotionally/physically damage, resulting in the loss of 'education'. 50% of these are 'looked after' children (in care) and 20%-30% are from vulnerable home situations. Our project covering this work is called PSI (Progressive Social Inclusion). This has been developed by us over the last 6 years. This work is linked to the KS4 Gateway in Halton'

The paragraph above is the only time the word 'education' is actually used throughout the whole planning submission. However it does not specifically state that 'education' is a proposed future use of the site. Rather, the use of the word of education in this context refers to loss of education elsewhere.

The applicant then went on to state:

'We also run three different youth activity evenings per week for young people from all over Halton. Activities include sport, mountain biking, rock climbing, music, dance, craft and the provision of a youth bar and internet café. Through the 'Hope Music' Project families are encouraged to learn musical instruments together.'

Clearly, all of the above activities are within what would normally be understood as activities associated with a community centre.

Had the applicant limited itself to the provision of the above activities this 'educational' provision would not involve a change of use, and would not contravene condition 12.

Nature of the Educational provision actually provided

The applicants have clearly established a school. They claim in their current application that there has been an intensification of the educational provision above that set out in their 2009 application, but that this does not involve a 'change of use'. They assert two other things, 1) the education provision currently provided is within the ordinary meaning of a community centre; and 2) that the provision of education currently provided is within the meaning of use classes order category D1 (c).

Both of these assertions cannot be made at the same time, assertion 1) is that there has been no change of use. Assertion 2) is that there has been a change of use but to a use with the same the same class (D1). It should be noted that the condition in any event is not limited to referencing use class D1. It actually prohibits the use for purposes other than a community centre and church. The reference to D1 in the condition merely gives examples of prohibited other purposes.

The Councils conclusion that there has been a change of use of the premises to include a school can be justified with reference to the applicants own website. This includes their admissions policy and prospectus which outline their Academy's purpose, their educational vision and outline for the school. The prospectus itself states:

'Hope Corner Academy is identified as an Independent SEN School with a Religious Character'.

The admissions statement states that:

'Hope Corner Academy is an Independent Special Educational Needs School. Pupil referrals for Hope Corner Academy come primarily from SEN assessment teams, although referrals can also be made from other agencies and parents. Our full-time

provision will be based upon 25 hours a week for Key Stage 4 (Year 10 and 11) Pupils’.

Paragraph 4.4 of the Admissions and Referrals Statement also states that:

‘through the admissions process will be able to offer up to 20 pupil places in our purpose built centre’.

It is not necessary for the purposes of this application to deal with the question of whether the ‘change of use’ constitutes a ‘material change of use’.

The determination of this application comes down to whether the proposed level of education in the new ‘Hope Academy’ is materially different to the use that was granted planning permission (09/00492/FUL)..

CONCLUSION RECOMMENDATION

The pre-condition for issuing a lawful development certificate is that no enforcement action can be taken. Enforcement action could be taken in respect of breach of condition 12 and therefore a lawful development certificate cannot be issued.

Consequently the application must be refused.

RECOMMENDATIONS

Refuse

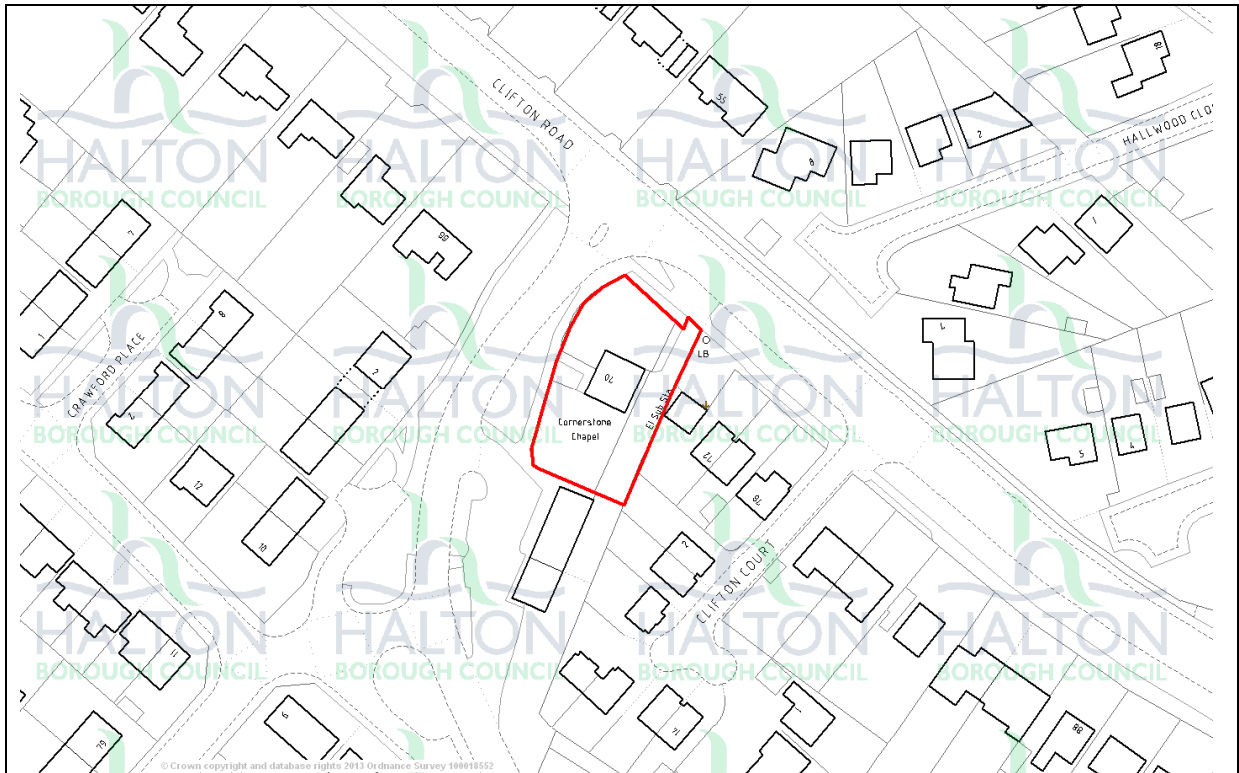
SUSTAINABILITY STATEMENT

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:	12/00479/S73
LOCATION:	Hope Community Church 70 Clifton Road Runcorn
SUMMARY PROPOSAL:	Application under S73 of the Town and Country Planning Act 1990 for the use of the site as a Community Centre and Church without complying with condition (12) subject to which planning permission ref. 09/00492/FUL was granted, to enable the continued use of the site for the provision of education to vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome or other mental or physical impairment liable to cause them to be excluded from normal education
WARD:	Heath
PARISH:	
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Policy H8 'Non Residential Development in Primarily Residential Areas'
DEPARTURE	No
REPRESENTATIONS:	40
RECOMMENDATION:	Approve in part
SITE MAP	



APPLICATION SITE

The Site and Surroundings

The application site is the existing Hope Corner Church also now known as Hope Academy, located on the corner of Clifton Road and Ascot Avenue, Runcorn. The site was formally Cornerstone Chapel.

Planning History

Planning permission 09/00492/FUL granted in January 2010 for a 'Proposed two storey community centre/church'.

Advertisement consent 09/00483/ADV granted in January 2010 for signage in relation the above approval.

Application 12/00478/ELD for a lawful development certificate for use of the application site for the provision of education to vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education.

THE APPLICATION

The applicant has applied under section 73 of the Town and Country Planning Act 1990 to discharge the wording of planning condition 12 and has suggested an alternative condition as follows:

(a) The premises shall be used for the purposes of a community centre (including the provision of education for vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education) and a church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

“(b) The number of persons to whom education as referred to in paragraph (a) of this condition may be provided shall not exceed any maximum number specified by OFSTED (or anybody replacing OFSTED) on any one day .”

POLICY CONTEXT

The nature of the application is such that the normal use of the planning context which applies to applications for development have only background relevance in this case.

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.

Paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

North West of England Plan - Regional Spatial Strategy to 2021

Policy DP2 ‘Promote Sustainable Communities’

Policy L1 'Health, Sport, Recreation, Culture and Education Services Provision'
Policy RT2 'Managing Travel Demand'

Halton Unitary Development Plan (UDP) (2005)

Policy BE1 'General Requirements for Development'
Policy BE2 'Design'
Policy H8 'Non-Residential Development in Primarily Residential Areas'

Halton Core Strategy (2012)

Policy CS2 'Presumption in Favour of Sustainable Development'

Communities and Local Government, Policy statement – planning for schools development (15 August 2011)

The statements sets out the Governments position in relation to the establishment of new state funded schools including Academies and Free Schools, and is a material consideration in determining planning application. There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

This statement applies to both change of use development and operational development necessary to the operational needs of the school. This application is for neither a change of use or for operational development.

Member should also be aware that on 25 January 2013 the Government announced plans for a new permitted development rights to allow for the temporary change of use of buildings to a new state-funded school from any other use class along with minor associated physical development. This will be for a single year. These are expected to be adopted by the Government later this year.

CONSULTATIONS

The application has been advertised by way of site notice, and letter sent to neighbouring properties. Internally the Highways Engineer, Education and Open Spaces have been consulted as have ward Councillors.

Health and Safety Executive (PADHI+) – Advise that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission.
Health and Safety Executive – Advice that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission

REPRESENTATIONS

40 objections have been received from local residents, as have objection from three Councillors. Many of representations combine comments on application 12/00478/ELD., they are more relevant to that application as it is a planning application. These issues include; the need for the school when there are existing facilities in the Borough, there is no need for this facility, traffic, parking issues, litter,

landscaping, antisocial behaviour, the scale and appearance of the building, need for an up dated travel plan, greater number of pupils, impact on amenity of residential area, safety and security, encroachment onto public right of way, value of property, They originally applied for a community centre and church, the applicant wishes to use the site for education when a condition precludes this use, the site is already taking students.

Background

Hope Corner is a Christian Church based charity which has specialised in youth work within Halton since 1994. For many years the organisation operated out of its site at 139 Church Street in Runcorn Old Town. The Church provides Sunday and mid-week services, provides a variety of youth activity evenings including sports, dance and music.

Over the past decade the organisation has developed a project called Progressive Social Inclusion (PSI), which directly engages young people who have experienced a variety of social problems and social exclusion resulting in the loss of education. It is understood that this work has been linked to the Halton's Pupil Referral Unit 'KS4 Gateway' at the Bridge School in Astmoor.

According to the applicant's website Hope Corner have held contracts with the Pupil Referral Unit for the provision of alternative education for the last 8 years.

the charity acquired the former Cornerstone Chapel site on Clifton Road, and obtained planning permission (09/00492/FUL Issued on 19/01/2010) to construct "a two storey community centre/church".

Building began in 2011 and was completed in 2012. They have now registered with OFSTED as an independent special needs school, and have received funding approval from OFSTED to use the building for up to 20 pupils.

The 2010 planning permission was subject to a number of conditions, the current application relates to condition 12 this states:

'The premises shall be used for the purposes of a community centre and church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:- In order that the Local Planning Authority may control any future changes of use and to clarify the extent of this planning permission, and to comply with Policy BE1 of the Halton Unitary Development Plan.'

The application effectively seeks to delete condition 12 as attached to the 2010 planning permission and substitute a new condition 12 as follows:

(a) The premises shall be used for the purposes of a community centre (including the provision of education for vulnerable people below the age of 20

years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education) and a church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

“(b) The number of persons to whom education as referred to in paragraph (a) of this condition may be provided shall not exceed any maximum number specified by OFSTED (or anybody replacing OFSTED) on any one day .”

Section 73 of the 1990 Act provides that the Local Planning Authority shall consider only the questions subject to which planning permission should be granted. If the LPA decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the LPA must grant planning permission accordingly. If the LPA decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, the LPA must refuse the application.

The Local Planning Authorities view is that the current level and proposed level of education use is outside of the lawful use described within the planning permission granted in respect of the 2009 application. The applicants dispute this point of view and have made two applications which they consider would satisfy the Local Planning Authority as to the legitimacy of the current and proposed use. The first application is for a certificate of Lawful development (dealt with elsewhere on the agenda). The second application is this application.

Assessment

The issues for the LPA to address are 1) what would be the effect of deleting condition 12 of the 2010 permission 2) the effect of substituting a new condition 12 as proposed by the applicant.

Condition 12 states that the premises shall be used as a community centre and church and for no other purpose. The condition gives examples of what other purposes might be by referring to Class D1 of the 1987 use classes order. If condition 12 were removed altogether it could be argued that there could be a change of use without planning permission to any other use within class D1. It is by no means clear this could happen because the existing lawful use is not that of a church or community centre but a church and community centre. There are technical arguments which suggest that the Use Classes Order would not apply in this case. However, it is not necessary to pursue this question as condition 12 clearly states that the premises shall not be used other than as a community centre and church.

The applicants have argued that within the concept of the community centre use is included “the provision of education”. They argue that the educational provision which they have put in place is no more than would be expected at a community

centre. If the applicant were correct on this there would be no need to make the section 73 application other than for purposes as they might be perceived as clarity.

The question is whether the stated provision is or is not permitted within a community centre.

Educational provision included within the concept of community centre

Stemming from the ordinary meaning of the words 'community centre' it would be expected that a number of activities would be carried on. These might include youth activities, sports, dance classes, arts and crafts, music etc.

In the 2009 planning application the applicants clearly shared this view. In that application the applicants stated:

'We provide specialist and grass roots youth work as well as creative activities for all ages. Our projects directly engage young people who have experienced serious social exclusion and/or who emotionally/physically damage, resulting in the loss of 'education'. 50% of these are 'looked after' children (in care) and 20%-30% are from vulnerable home situations. Our project covering this work is called PSI (Progressive Social Inclusion). This has been developed by us over the last 6 years. This work is linked to the KS4 Gateway in Halton'

The paragraph above is the only time the word 'education' is actually used throughout the whole planning submission. However it does not specifically state that 'education' is a proposed future use of the site. Rather, the use of the word of education in this context refers to loss of education elsewhere.

The applicant then went on to state:

'We also run three different youth activity evenings per week for young people from all over Halton. Activities include sport, mountain biking, rock climbing, music, dance, craft and the provision of a youth bar and internet café. Through the 'Hope Music' Project families are encouraged to learn musical instruments together.'

Clearly, all of the above activities are within what would normally be understood as activities associated with a community centre.

Had the applicant limited itself to the provision of the above activities this 'educational' provision would not involve a change of use, and would not contravene condition 12.

Nature of the Educational provision actually provided

The applicants have clearly established a school. They claim in their current application that there has been an intensification of the educational provision above that set out in their 2009 application, but that this does not involve a 'change of use'. They assert two other things, 1) the education provision currently provided is within

the ordinary meaning of a community centre; and 2) that the provision of education currently provided is within the meaning of use classes order category D1 (c).

Both of these assertions cannot be made at the same time, assertion 1) is that there has been no change of use. Assertion 2) is that there has been a change of use but to a use with the same the same class (D1). It should be noted that the condition in any event is not limited to referencing use class D1. It actually prohibits the use for purposes other than a community centre and church. The reference to D1 in the condition merely gives examples of prohibited other purposes.

The Councils conclusion that there has been a change of use of the premises to include a school can be justified with reference to the applicants own website. This includes their admissions policy and prospectus which outline their Academy's purpose, their educational vision and outline for the school.

The prospectus itself states:

'Hope Corner Academy is identified as an Independent SEN School with a Religious Character'.

The admissions statement states that:

'Hope Corner Academy is an Independent Special Educational Needs School. Pupil referrals for Hope Corner Academy come primarily from SEN assessment teams, although referrals can also be made from other agencies and parents. Our full-time provision will be based upon 25 hours a week for Key Stage 4 (Year 10 and 11) Pupils'.

Paragraph 4.4 of the Admissions and Referrals Statement also states that:

'Through the admissions process will be able to offer up to 20 pupil places in our purpose built centre'.

The conclusion that the current level of educational provision is outside of the scope of the description of development in the 2010 permission would apply whether or not condition 12 were removed. However condition 12 provides other protections. The prohibition of "other uses" prevents an argument that there might be a change of use which is not a material change of use and therefore does not require planning permission.

What be the effect of substituting condition 12 for the proposed condition 12

It is clear that the applicant considers that the proposed amendment to condition 12 would merely be declaratory of the current lawful nature of the educational permission. In other words in their view the proposed condition is improved to set out that which is lawful already.

It should be clear from the previous section that the applicant is alleging that the current educational provision is included within a community centre use when it is not.

The misunderstanding on behalf of the applicant is possibly based on the argument it put forward regarding intensification of use. Normally a change of use will not require planning permission unless it is a material change of use.

However, a planning condition can control changes of use whether or not they are material (i.e. whether or not they would require a separate planning permission in their own right).

The concept of 'the provision of education' needs to be explained further. The local planning authority accepts that a community centre use includes the provision of 'some' educational provision. Educational provision beyond a given level would take educational provision outside the concept of a community centre. At this point there would be a change of use from community centre to something else. This change of use may or may not amount to a material change of use. It follows that there is a spectrum whereby different levels of education provision sometimes do not involve a change of use, sometimes involve a change of use and sometimes involve a 'material' change of use.

Bringing this back to the question in issue, if the level of educational provision does not involve a change of use it would not breach condition 12.

Further considerations

The applicant could have approached this issue in different ways. It could for example, as previously advised, applied for a new planning permission expressly stating an educational use within the description of development. It has chosen not to do this. Another way of approaching the issue has been partly addressed by the applicant but in a mistaken way. It could have argued that the existing level of educational provision goes beyond a community centre use and constitutes a change of use but that the change was not material. Such a position would be agreed to.

This would then lead to an alternative proposal for amending condition 12 as set out as follows:

The premises shall be used for the purposes of a community centre and a church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification EXCEPT THAT this condition shall not apply to the provision of education (limited to 20 learners per day) for vulnerable people below the age of 20 years who suffer from autism, aspergers syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education) .

REASON: In order that the Local Planning Authority may control any future changes of use and to clarify the extent of this planning permission, and to comply with Policy BE1 of the Halton Unitary Development Plan. The stated exception to the condition is to reflect information supplied to the lpa which confirms that although such provision of education would constitute a change of use it would not reach a

threshold amounting to a material change of use but that a greater level of provision would exceed such threshold.

The revised wording would keep the main thrust of condition 12 in place together with the reason for the existence of condition 12. Given that under government guidance a planning application for the use of the premises as an academy would have to be recommended for approval. The proposed revised condition would put on record that any further expansion of the provision of education would amount to a material change of use and trigger the requirement for application for a new planning permission.

Comments on representations received still need to be considered.

Residential Amenity

Concerns have been raised by local residents in relation to the impact on the amenity of the surrounding residential area, they have also raised concerns in relation to litter and antisocial behaviour, and the safety and security of the pupils at the site. The level of provision of education that has been specified does not justify any of these concerns. Nevertheless any increased level of education would have to be assessed.

Residents have raised issues in relation to the scale and appearance of the existing building and property values. These are not material planning considerations with respect to this application.

Residents have also objected on the grounds that they originally applied for a community centre and church and that a condition precludes this use, and that the site is already taking students. This matter is addressed is addressed within this report.

Residents have also queried the need for the school when there are existing facilities in the Borough. There is no requirements in planning policy to carry out a needs assessment for such facilities.

Access and Highways

Objections have been raised by local residents concerned about increased traffic and parking, and the need for an updated travel plan. The applicant has provided a design and access statement and an updated travel plan with the application. Together these documents describe how pupils and staff will travel to and park at the site. The documents also provide details on the number of proposed pupils which they state is a maximum of 20.

The Highways Engineer has been consulted on the application. Whilst the proposed educational use is considered to create a minor intensification of use this is not considered to be detrimental to the highways network. However further details are required with regards to how parking is managed during times when pupils would be dropped off and picked up at the site. The information to date is not considered to fully address this matter this can be addressed by an additional condition.

Encroachment onto public right of way to the rear of the site has also been raised, this does not relate to this current application.

Health and Safety

The Health and Safety Executive (PADHI+) has stated that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. This is because the site falls within the middle of the INEOS hazardous zone as identified on the Health and Safety Executives maps.

However, in October 2009 Halton Borough Council adopted The Planning for Risk Supplementary Planning Document. The proposal would comply with this document and the application cannot be refused on these grounds.

If Members were minded to approve the application, it would need to be referred to the HSE, to request whether or not they wish the application to be called in by the Secretary of State.

Consequential matters

The recommendation is to delete the current condition 12 and not accept the alternative condition put forward by the applicant, but to substitute the revised condition described within this report.

This will result in the issue of a new planning permission. The continued relevance of other conditions attached to the 2010 permission therefore has to be considered. The 2010 permission contained 12 conditions. Most of the 2010 permission conditions are no longer relevant since the completion of the construction of the premises and delegated powers are requested to determine which conditions need to be carried forward together with appropriate revised wording.

CONCLUSIONS AND RECCOMENDATIONS

From the information provided the applicant is clearly establishing a school at the site for the provision of formal, full time education. Currently the site has planning permission for a 'community centre/church' and not a school or educational facility. The educational facility as presently operated constitutes a change of use but not a material change of use. Furthermore, condition 12 of planning permission 09/00492/FUL removes the lawful rights for the premises to be used for any other purpose, including any other purpose within the D1 use class without a new planning permission. Unless condition 12 is amended as proposed the current use is in contravention of condition 12.

So why should condition 12 be amended? An enforcement notice could not be issued alleging a material change of use. A breach of condition enforcement notice could technically be issued but there would be no prospect of the notice being upheld on appeal. The reason for this is that an academy use would be supported by central government policy should an application be made. Planning permission for such a use would doubtless be granted at an enforcement notice appeal.

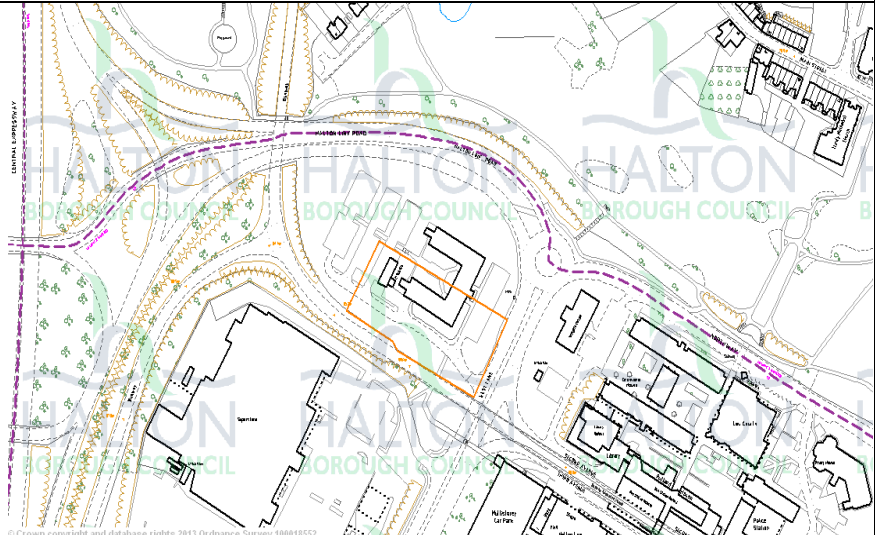
Furthermore the revised condition as proposed still retains some control over the further expansion of the educational use by limiting the provision to up to 20 learners per day of the specified categories.

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:	12/00511/FUL
LOCATION:	Site of Former Vestric House
PROPOSAL:	Proposed development of a Class A1 neighbourhood foodstore (1556 GIA) with 74 associated car parking spaces (amendment to proposal permitted under application Ref:11/00240/FUL)
WARD:	Halton Lea
PARISH:	NA
AGENT(S) / APPLICANT(S):	Lidl UK GMBH, Blackheath Lane, Manor Park, Runcorn
DEVELOPMENT PLAN ALLOCATION:	Primarily Employment Area E3
Halton Unitary Development Plan (2005)	
DEPARTURE REPRESENTATIONS :	Yes Statutory responses
RECOMMENDATION :	Approve subject to Conditions.
SITE MAP	 <p>© Crown copyright and database rights 2013 Ordnance Survey 100018552</p>

1. APPLICATION SITE

The Site and Surroundings

The site is a prominent island site at the junction of West Lane, Halton Link Road and Central Expressway (A533), 2 miles north of Junction 12 of the M56 Motorway. The application site is part of this larger site which is currently being developed under an earlier planning permission. The site as a whole is approx. 1.49ha and is bounded by West Lane to the east, Halton Link Road to the north and west and the Busway to the south and west. This application site 0.47 hectares.

Planning History

The site was recently occupied by an office building known as Vestric House. It is believed that Vestric House was developed around the late 1970s early 1980s. Vestric House has previously been occupied by both Brakes Food and AAH Pharmaceuticals. Planning permission was granted in 2011 Ref: 11/00240/FUL for the re-development of site for the erection of an A1 foodstore (1710 sqm GEA), A4 Family Pub/Restaurant (683 sqm GEA), Car Dealership (1,445 sqm GEA) comprising new and used sales display forecourt and showroom/offices, workshop (servicing, MOT testing), with associated parking, vehicular and pedestrian access and landscaping.

Background

This proposal seeks permission essentially to reduce the size of the retail element of the previously approved scheme from 1,710 GEA to 1,556 GIA and make some alterations to the car parking and elevation treatment.

2. THE APPLICATION

Proposal Description

The scheme proposes an A1 foodstore of 1,556 Gross Internal Area with 74 associated car parking spaces (amendment to proposal permitted under application Ref: 11/00240/FUL).

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)

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

Designing for Community Safety Supplementary Planning Document

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
E3 Primarily Employment Uses
TC2 Retail Development to the Edge of Designated Shopping Centres
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 (2012)

CS2 Presumption in Favour of Sustainable Development
CS4 Employment Land Supply and Locational Priorities

CS5 A Network of Centres
CS18 High Quality Design

4. CONSULTATIONS

No comments have been received via the Council's statutory consultation process from the Environment Agency and United Utilities.

5. REPRESENTATIONS

The amended proposal was advertised as a departure by a site notice displayed near to the site, a press notice and the adjacent and opposite occupiers of Asda, Millbank House and the management of both Halton Lea and Trident Retail Park have been consulted by letter.

6. ASSESSMENT

Principle of Use

Members will be aware that an application was approved by the Development Control Committee for the erection of an A1 foodstore (1,710 sqm), Car Dealership with sales area and workshop (1,445 sqm) and an A3/A4 Family Pub/Restaurant (683 sqm) with associated parking, access and landscaping, subject to a the applicant entering into a Section 106 Agreement to deliver the whole of the site as a comprehensive development and to provide a financial contribution towards highway and environmental improvement Reference 11/00240/FUL.

Matters relating to the site as an edge of centre retail proposal were dealt with in the consideration of this planning application and an earlier scheme 10/00254/FUL, later withdrawn. In determining these applications Members, in the balance of their decision, gave considerable weight to the regeneration of the site particularly for its employment generation potential. As such it is not intended to revisit these issues for this current proposal, given that members agree that in these circumstances retail is acceptable on this site and that there is a current planning application currently being implemented on site which includes a similar retail unit.

Elements of the technical requirements for the proposed development are already the subject of planning conditions relating to 11/00240/FUL, in relation to contaminated land, drainage and access. Matters for particular consideration on this application are; car parking; servicing; pedestrian access; design; boundary treatment.

Highways, Parking and Servicing

The scheme is very similar in layout and car parking provision to that previously approved and there is no objection from the Council's Highway Engineer. Conditions are recommended in relation to; disabled access at the south of the site; levels; positions of gulleys on the West Lane side of the site; cycle parking and; structural capability of the retaining wall adjacent to West Lane.

6.1 Design

The building design is single storey with a mono pitch sloping roof. The materials comprise a mix of coated cladding at roof and upper levels and glazing and rendered panels at ground level, interspersed with red brick piers and walls.

The design is essentially similar in style and modernity to that previously approved. This current proposal includes a strong corner entrance adjacent to West Lane and a glazed section facing out onto West Lane. This ensures that the building elevation closest to the highway is visually acceptable and sympathetic to the wider environment of Halton Lea.

On the longer elevation seen across the car park from Halton Link Road, the elevation is predominantly white rendered panels with red brick piers. The panel areas will be broken up with Lidl advertising images. On this basis this elevation will achieve a strong retail image and offer a lively appearance when viewed across the site from this direction.

The site requires a robust boundary treatment which would be situated on top of the retaining wall adjacent to the site car park adjacent to West Lane. It is necessary, given that this is a car park enclosure, for the boundary treatment to have considerable strength as well as aesthetic value. It is proposed to erect a system of mesh fencing which will be colour coated. This will be the subject of a planning condition.

7. CONCLUSIONS

The proposal does not significantly alter the previous approval for A1 retail on this site and the principle of the development has been dealt with through the previous approvals and in particular the scheme currently under construction on the wider site under 11/00240/FUL. The proposal is considered to offer a

high quality development that is compatible to its surroundings, provides a regeneration of the site and provide employment opportunities to the Borough. Therefore the application is recommended for approval subject to conditions.

8. RECOMMENDATIONS

Approve subject to conditions.

9. CONDITIONS

And the following conditions:-

- 1 Statutory 3 year period for implementation (BE1)
- 2 Amended plans (BE1 + BE2)
- 3 Materials submission prior to development beginning (BE2)
- 4 Boundary treatment details submission prior to development beginning (BE22)
- 5 Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning (BE1)
- 6 Site levels submitted prior to development beginning (BE1)
- 7 Details of the position of gulleys between the car park and West Lane prior to development beginning (BE1)
- 8 Details of lighting to be submitted prior to development beginning (BE1 and BE2)
- 9 Entering into the Council's proposed parking partnership group prior to the first occupation of the any of the premises (T12)
- 10 Submission of details of cycle parking prior to development beginning (TP6)
- 11 Submission of details of disabled access to the south of the site prior to development beginning (TP12)
- 12 Submission of structural calculations to prove the capability of the retaining wall on West Lane prior to development beginning (BE1)
- 13 Submission of a Travel Plan prior to development beginning (TP16)
- 14 Submission of a Construction Management Plan, including a phasing strategy, prior to development beginning (BE1)
- 15 Submission of details of wheel cleansing facilities, including a method statement and site plan identify the facility location, prior to development beginning (BE1)
- 16 Hours of construction (BE1)
- 17 Submission of details of on-site parking for during construction, prior to development beginning (BE1)

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:	12/00516/FUL
LOCATION:	PDM Granox, Desoto Road, Widnes
PROPOSAL:	Proposed erection of portal framed building for use as raw materials reception along with new tallow farm to replace existing tallow farm and new vehicle wash facility to replace existing vehicle wash facility.
WARD:	Riverside
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Granox Ltd
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Primarily Employment Area Potential extent of the Ditton Strategic Rail Freight Park Coastal Zone Developed
DEPARTURE REPRESENTATIONS:	No None
RECOMMENDATION:	Approve subject to Conditions.
SITE MAP	

1. APPLICATION SITE

1.1 The Site and Surroundings

Areas within existing PDM Granox industrial complex at Desoto Road, Widnes

1.2 Planning History

Numerous earlier planning permissions granted for extensions and/ or alterations. None directly relevant to this application.

1.3 Background

Granox Limited is proposing to construct a new raw material reception building (for Category 1 Animal By-Products), a new tallow farm and a new vehicle wash station.

These plans form part of the overall site development plan which aims to update the existing processes, improve the general aesthetics of the site, and reduce the environmental impact of its operations. This proposal will also significantly improve the health and safety aspects associated with raw material delivery and reception.

2. THE APPLICATION

Proposal Description

The proposed development consists of a new raw material reception building to be constructed adjacent to the existing Plaza building. In order to do this it is first necessary to demolish the existing tallow farm which currently sits within the footprint of the proposed building. The existing tallow farm consists of 20 steel tanks with a total combined capacity of approximately 800 tonnes. These tanks are reaching the end of their useful life and it is therefore proposed to install 4 new 150 tonne tanks adjacent to the existing vehicle workshop. The new tanks will sit within an impermeable concrete bund wall capable of retaining a minimum of 110% of the capacity of the largest tank i.e. 165 tonnes. Each individual tank will be vented via ducting to a common header which will be extracted back into the existing Plaza Building thereby minimizing the risk of the release of fugitive odours. The Plaza Building is being refurbished as part of this development proposal to meet the standard of the Category 3 plant.

Once the new tallow tanks have been erected and commissioned the old tallow tanks will be removed to clear the area for the new raw material reception building. The new vehicle wash station will also be built and commissioned allowing the existing wash bays to be demolished thereby freeing up the area to allow the building works to commence.

This new raw material reception building will accommodate up to 4 raw material hoppers similar to that in the Category 3 plant.

Vehicles will enter the new raw material reception building via one of five high speed doors and tip directly into live hoppers. The hoppers will be lidded and will only be allowed to open once the vehicle is within the building and the high speed doors are closed. Once the vehicle has tipped into the hoppers the lids will close. The material within the hoppers will then be crushed and pumped to the existing No.1 and No.2 plants.

The subsequent phase of the programme will be the removal of existing equipment within the Plaza building. The Plaza will then be refurbished and new processing equipment will be installed which will allow the existing No.1 and No.2 plants to be decommissioned.

2.1 Documentation

The planning application includes the relevant forms and plans, a Design and Access Statement, Supporting Statement and Site Investigation Report

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.

Halton Unitary Development Plan (UDP) (2005)

The site is identified as a within a Primarily Employment Area, Potential Extent of the Ditton Strategic Rail Freight Park and Developed Coastal Zone in the Halton

Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE30 The Mersey Coastal Zone;
- PR1 Air Quality
- PR3 Odour Nuisance
- PR14 Contaminated Land;
- E5 New Industrial and Commercial Development

Halton Core Strategy (2012)

The following policies within the adopted Core Strategy are considered to be of particular relevance:

CS2: Presumption in Favour of Sustainable Development

CS8: 3MG

CS23: Managing Pollution and Risk

Relevant SPDs and Other Considerations

The Council's Design of New Industrial and Commercial Buildings Supplementary Planning Document is also of relevance.

4. CONSULTATIONS

4.1 Environment Agency– No objection in principle with reminder that variation to permit required.

4.2 Natural England – No Objection in principle

4.3 Health and Safety Executive – Does not advise on safety grounds against the granting of planning permission in this case.

4.4 Cheshire Wildlife Trust – No objection in principle

4.5 No objection in principle subject to conditions requiring scheme of noise attenuation during construction/ demolition activities. Confirmation is provided that the proposals does not warrant a detailed Habitats Regulations Assessment Report.

5. REPRESENTATIONS

No letters of representation have been received in relation to this application.

JUSTIFICATION

Legislative Background Information

Granox Limited is authorised to process Animal By-Products (ABPs) as defined by Regulation (EC) No 1069/2009. This regulation lays down health rules regarding animal by-products which are not intended for human consumption. It states that ABPs shall be categorized into specific categories which reflect the level of risk they pose to public and animal health.

The process of rendering (regardless of ABP category) produces two distinct finished products; meat and bone meal (MBM) and tallow. These are produced following a crushing, evaporation and separation process where the protein (MBM) and fat (tallow) are produced according to a quality specification. The outlets for these products are dependent on which category Animal By Products has been processed to produce them. In summary these categories are as follows:

Category 1 material is comprised mainly of entire bodies and parts of animals derived from animals which are suspected of being infected with a TSE (transmissible spongiform encephalopathy) or animals which are killed in the context of TSE eradication measures. It also comprises those parts of animals which are most likely to contain the TSE agent (e.g. brain, spinal cord). Category 1 material is defined as posing the highest risk and all meal and tallow produced from rendering this material must be disposed of by incineration.

Category 2 material is comprised mainly of animals and parts of animals which have been declared unfit for human consumption and animals that have died but have not been killed for human consumption or for disease control purposes. Category 2 material is defined as posing a medium risk and is normally downgraded to Category 1 status and thus the products of rendering must also be disposed of by incineration. It cannot be upgraded to Category 3 status.

Category 3 material is comprised mainly of carcasses and parts of animals which are slaughtered and passed fit for human consumption but are not intended for human consumption for commercial reasons. The majority of Category 3 material comes from slaughterhouses, meat cutting plants and butchers shops. Category 3 material is defined as posing the lowest risk and the meal and tallow produced from rendering is primarily used for the manufacturing of petfood, biodiesel and organic fertilizers.

The Existing Processes

The Granox site currently processes Category 1 and Category 3 ABPs in separate plants. The Category 3 plant was a completely new installation in 2009

and this replaced a plant which was previously used for the processing of Category 1 ABPs. As well as new processing equipment the plant included a fully enclosed raw material receiving hopper. This was a significant improvement on the previous situation whereby raw materials were tipped onto the floor and then loaded by mechanical shovel into the raw material crushing system. New processing and evaporation equipment also improved odour capture and containment and significantly reduced fugitive odour emissions within the building. This, in turn, reduced the odour loading to the No.3 chemical scrubber which extracts building air and treats it prior to discharge to atmosphere.

The Category 1 process is currently comprised of two plants (No.1 plant and No.2 plant) served by a common raw material reception building (The Plaza). Currently, Category 1 ABPs are delivered to site and off-loaded in the Plaza Building. Vehicles discharge their contents directly onto the floor and these are loaded by a mechanical shovel into the raw material crushing system and pumped to No.1 and No.2 plants. The air extracted from these two plants is treated by the No.1 and No.2 chemical scrubbing towers before discharge to atmosphere.

The proposals therefore seek to upgrade the Category 1 process to meet the high standards achieved with the Category 3 plant. In order to do this a phased programme of works is proposed which allows the process to remain operational during construction.

Reported Benefits and Impacts Associated with the Proposed Development

The following provides a summary of the suggested benefits of the scheme as reported by the applicant:

Odour

The construction of a new raw material reception building with fully enclosed hoppers will significantly improve odour containment and capture compared to the existing situation whereby raw material is tipped onto the floor. Odours from within the hoppers will be extracted and ducted to the No.2 scrubbing tower. Odour levels within the reception building will therefore be minimized and this will reduce the potential for fugitive odours to escape from the building. A new building also has the benefit of better overall containment. The new tallow tanks will be individually extracted and ducted to the No.2 scrubbing tower. This represents an improvement on the current situation.

Ultimately, the new processing equipment which will be installed in the refurbished Plaza building once the new raw material building is commissioned will provide significant benefits in terms of reduced odour generation. This will have a direct positive impact on the odour loading to the chemical scrubbers and odour levels released beyond the boundary.

The combination of all these proposed works will optimize process efficiency and reduce odour levels beyond the boundary of the site.

Health and Safety

The health and safety of employees working in the new raw material reception building will be greatly improved compared to the current situation. The new raw material building will no longer require personnel to drive mechanical shovels to load raw material and the potential for accidents (slips, trips and falls) will be greatly reduced by not tipping raw material onto the floor.

ASSESSMENT

Design and Visual Impact

The proposed raw materials building and replacement tallow farm will be located within the core area of the existing industrial complex. The proposed replacement vehicle wash facility will be located on an area of vacant grass land to the western boundary of the site of the existing PDM complex between the existing waste water treatment plant and adjoining Hutchinson Hill.

The proposed buildings and plant are considered of a scale, character and materials consistent with earlier modernisation and redevelopment phases at the site. The majority of the scheme will be substantially screened by existing buildings and plant when viewed from the adjoining Mersey Estuary and by a proposed new meal store previously approved by planning permission (12/00026/FUL) when viewed from the adjoining Ditton Strategic Rail Freight Park development. All will be viewed in the context of the wider industrial complex. The proposed more modern buildings and plant will also act to screen and soften some of the older and more utilitarian plant which will remain within the site and which is currently visible from the road and rail bridge approaches. As such it is considered that the proposed modernisation could only be viewed as a significant improvement. Exact details of the materials can be controlled and secured through appropriate conditions and the proposals are not considered to impact unduly on the future development of the Ditton Strategic Rail Freight Park and surrounding areas.

Odour

The construction of a new raw material reception building includes fully enclosed hoppers with interlocked lids which will only open once high speed vehicle doors are closed. This will significantly improve odour containment and capture effectively acting as an airlock compared to the existing situation whereby raw material is tipped onto the floor. The new raw material bins and building will be vented to an odour treatment scrubber. At present there is no extraction system linked directly to the Plaza building where raw material is tipped directly onto the floor. Containment of raw material within sealed bins effectively allows lower volumes of more odorous air with higher volumes of cleaner room air to be treated which will increase efficiency of the odour abatement systems. More modern plant and buildings will also reduce the potential for fugitive odour release thereby improving odour treatment beyond the site boundaries. In

addition the new tallow tanks will also be extracted to an odour control tower therefore improving containment and treatment from these tanks.

Ultimately, the new processing equipment which will be installed in the refurbished Plaza building once the new raw material building is commissioned will provide significant benefits in terms of reduced odour generation. This will have a direct positive impact on the odour loading to the chemical scrubbers and odour levels released beyond the boundary.

On that basis the Environment Agency and the Council's Environmental Health Officers have confirmed that they raise no objection.

Highways, Parking and Servicing

The scheme proposes significant modernisation of existing plant and facilities at an existing industrial complex. The applicant has confirmed that the proposals make no provision for increased capacity over and above what is currently authorised. The proposals are for modernisation of existing facilities and are not considered likely to result in additional vehicle movements. It is considered that adequate provision is made for parking and servicing with regards to the development site itself and on that basis no objections are raised on Highway grounds.

Contamination

The site is known to be contaminated and a Site Investigation Report has been submitted to support the application. Whilst the Council's Environmental Health Officers have confirmed that additional investigation and analysis is required, no objection is raised in principle and it is considered that this can be adequately secured by condition. The Environment Agency raises no objections.

CONCLUSIONS

This application proposes a new raw materials handling facility with replacement tallow farm and vehicle washing facilities at an existing industrial complex. The proposed buildings and plant will be set within the context of the existing substantial industrial complex and are considered to represent a significant overall improvement and modernisation of the existing facility both in terms of visual improvement and reducing odour release. The overall objectives of Supplementary Planning Guidance, the Halton Unitary Development Plan, the Core Strategy 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 offering a good quality of development suited to the character of the wider area and as such are recommended for approval.

RECOMMENDATIONS

Approve subject to conditions

CONDITIONS

1. Specifying amended plans
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing. (BE1)
4. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
5. Vehicle access, parking, servicing etc to be constructed prior to commencement of use. (BE1)
6. Requiring finished floor and site levels be carried out as approved. (BE1)
7. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
8. Restriction of external lighting (PR4)
9. Securing provision of high speed access doors and interlocked raw materials hopper lids (PR3)
10. Requiring submission and agreement of noise mitigation during construction/ demolition activities (GE18)

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.

