

# Public Document Pack



## Development Control Committee

Monday, 4 November 2019 6.30 p.m.  
Civic Suite - Town Hall, Runcorn



**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Paul Nolan (Chair)
Councillor Keith Morley (Vice-Chair)
Councillor Chris Carlin
Councillor Ron Hignett
Councillor Valerie Hill
Councillor Joan Lowe
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor Dave Thompson
Councillor Bill Woolfall
Councillor Geoff Zygodllo

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or [ann.jones@halton.gov.uk](mailto:ann.jones@halton.gov.uk) for further information.*

*The next meeting of the Committee is on Monday, 2 December 2019*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 2</b>
<b>2. DECLARATIONS OF INTEREST</b>	
<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>	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>3 - 88</b>

*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, 7 October 2019 at Boardroom - Municipal Building, Widnes*

Present: Councillors Morley (Vice-Chair), Carlin, R. Hignett, V. Hill, J. Lowe, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Nolan and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant, G. Henry, M. Pagan, L. Wilson-Lagan and P. Peak

Also in attendance: 3 Members of the public and one member of the press

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

	<i>Action</i>
DEV7 MINUTES	
<p>The Minutes of the meeting held on 5 August 2019, having been circulated, were taken as read and signed as a correct record.</p>	
DEV8 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
DEV9 - 19/00020/FUL - PROPOSED DEVELOPMENT OF LOCAL DISTRICT CENTRE COMPRISING CONVENIENCE STORE (USE CLASS A1), 5 NO. RETAIL UNITS (USE CLASSES A1, A3, D1 WITH A MAXIMUM OF 1 UNIT TO BE D1), CHILDREN'S NURSERY (USE CLASS D1), 43 NO. RESIDENTIAL APARTMENTS AND 5 NO. DWELLINGS (USE CLASS C3) TO PROVIDE LIVING FACILITIES FOR THE OVER 55'S TOGETHER WITH ANCILLARY DEVELOPMENT ON LAND BOUNDED BY PITTS HEATH LANE AND OTTERBURN STREET, SANDYMOOR, RUNCORN	
<p>It was explained to the Committee that material considerations had come to light at a late stage (since the summons to the meeting was issued). There had been no time for these matters to be analysed. Consequently, it would not be proper for this application to be considered at</p>	

the meeting.

RESOLVED: That this application not be considered at the meeting and that it be submitted to a future meeting for determination.

DEV10 - 19/00325/FUL - PROPOSED ERECTION OF 236 DWELLINGS AND 100 EXTRA CARE APARTMENTS, TOGETHER WITH CAR PARKING, LANDSCAPING, ROADS, BRIDGES, FOOTWAYS, DRAINAGE INFRASTRUCTURE AND ASSOCIATED WORKS ON OPEN LAND TO NORTH EAST OF VILLAGE STREET, TO THE EAST AND WEST OF KECKWICK BROOK AND TO THE WEST OF THE WEST COAST RAIL LINE, SANDYMOOR

It was explained to the Committee that material considerations had come to light at a late stage (since the summons to the meeting was issued). There had been no time for these matters to be analysed. Consequently, it would not be proper for this application to be considered at the meeting.

RESOLVED: That this application not be considered at the meeting and that it be submitted to a future meeting for determination.

*Meeting ended at 6.37 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 4 November 2019

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

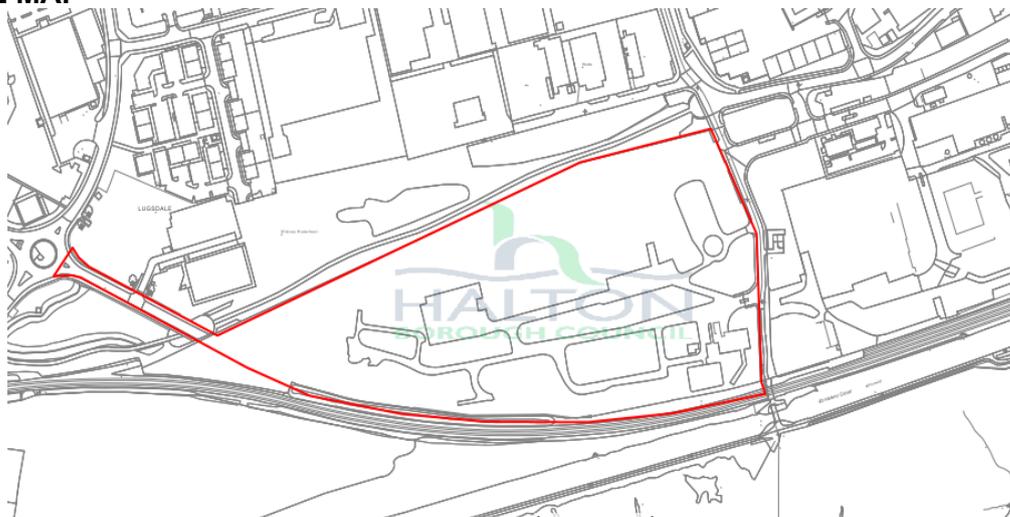
**SUBJECT:** Planning Applications to be determined by the Committee

**WARD(S):** Boroughwide

<b>Application No</b>	<b>Proposal</b>	<b>Location</b>
19/00235/FUL (Page 4)	Proposed development of 243 dwelling houses, including access, open space and associated infrastructure.	Land north of railway and west of Tanhouse Lane, Widnes
19/00325/FUL (Page 34)	Proposed erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works.	Open land to north east of Village Street, to the east and west of the West Coast Rail Line, Sandymoor.
19/00382/FUL (Page 57)	Proposed extension to light industrial unit together with ancillary works.	Ventcroft Ltd, Faraday Road, Runcorn, WA7 1PE

<b>APPLICATION NO:</b>	19/00235/FUL
<b>LOCATION:</b>	Land north of Railway and west of Tanhouse Lane, Widnes
<b>PROPOSAL:</b>	Proposed development of 243 dwelling houses, including access, open space and associated infrastructure
<b>WARD:</b>	Riverside
<b>PARISH:</b>	
<b>AGENT(S) / APPLICANT(S):</b>	Satplan, The Bridgewater Complex, 36 Canal Street, Bootle L20 8AH
<b>DEVELOPMENT PLAN ALLOCATION:</b> Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013) Joint Waste Local Plan (2013 )	Action Area – 3 Widnes Waterfront Priority Employment Redevelopment Area Coastal Zone Developed
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	Written representation from one resident; and nearby commercial operators ICoNiChem; and Unifrax Ltd.
<b>KEY ISSUES:</b>	Principle of development, regeneration; noise and other amenity issues; drainage; contaminated land; highway safety and traffic issues; open space provision; residential amenity standards
<b>RECOMMENDATION:</b>	Delegate to determine subject to resolution of outstanding information.

**SITE MAP**



## **THE APPLICATION SITE**

### The Site

The application site is located at the end of Carter House Way, southeast of The Hive and to the west of Tanhouse Lane. The site is bounded by Halton Borough Council owned land to the north which contains the footway/cycleway greenway. The land is bounded along its southern perimeter by rail line in the ownership of Network Rail, together with the St Helens Canal and Trans Pennine Trail to the south of the rail line, accessed by an existing level crossing.

The previous use of this area was industrial and historically was occupied by Imperial Chemical Industries (ICI). There are no residential or sensitive land uses near to the site. The nearest properties are those in the employment areas of Dennis Road and Tanhouse Lane – including the existing Unifrax (former Saffil) site. To the south of the site is the salt marsh and River Mersey, which provides important habitat and is linked to the Special Site of Scientific Interest (SSSI) and internationally designated Special Protection Area and RAMSAR site to the west of the Silver Jubilee Bridge.

A combined Public Right of Way (PRoW – W47) and cycle route (62) runs along the entire northern boundary forming part of the greenway network and linking The Hive to Tan House Lane.

### Planning History

The site has a long planning history associated with the past chemical industry on the site, but latterly and pertinent to this current application are the most recent three planning permissions; 18/00267/FUL – Remediation of the site; 05/00109/OUTEIA - Outline application (with siting/layout, design/external appearance & landscaping reserved) for the creation of a new mixed use development, including development at 2, 3, 5 and 6 storey plus commercial A1(12,750 sq.ft), B1(25,000sq.ft) and C3 (624 dwellings); 05/00057/OUTEIA - Outline Application, with all matters reserved, for a mixed use development comprising up to 624 residential units, up to 1275 sqm of Use Classes A1 (Shops) and A2 (Financial and Professional Services) up to 500 sqm of Use Classes A3 (Food and Drink); 96/00577/OUT - Outline application for use of land for purposes within Classes B1, B2 & B8 of the Town & Country Planning (Use Classes) Order.

## **THE APPLICATION**

### The proposal and Background

The planning permission 18/00267/FUL dealt with the proposal to remediate the site in preparation for it to be used for an alternative and more sensitive future uses. This work is currently being undertaken on site as of October 2019. The application is for the proposed development of 243 dwelling houses, including access, open space and associated infrastructure

Documentation

The applicant has submitted a planning application, drawings and the following reports:

- Design and Access Statement
- Air Quality Assessment
- Phase 1 Habitat Survey
- FRA
- Geotechnical Assessments
- Transport Statement
- Acoustic Assessment
- Phase 2 Site Investigation
- Transport Assessment
- Tree Survey

Planning Application Statement

**POLICY CONTEXT**

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government’s planning policies for England and how these should be applied.

Paragraph 47 states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.”

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

Halton Unitary Development Plan (UDP) (2005)

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

RG3	Action Area – Widnes Waterfront
BE1	General Requirements for Development
BE2	Quality of Design
BE3	Environment Priority Areas
BE22	Boundary Walls and Fences

GE30	Coastal Zone Developed
PR1	Air Quality
PR2	Noise Nuisance
PR4	Light Pollution and Nuisance
PR7	Development Near To Established Pollution Sources
PR14	Contaminated Land
PR16	Development and Flood Risk
TP6	Cycling Provision as Part of New Development
TP7	Pedestrian Provision as Part of New Development
TP12	Car Parking
TP15	Accessibility to New Development
TP17	Safe Travel for All
E2	Priority Employment Redevelopment Area
E3	Primarily Employment Areas
H3	Provision of Recreational Greenspace

### Halton Core Strategy Local Plan (2013)

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

CS1	Halton's Spatial Strategy
CS2	Presumption in Favour of Sustainable Development
CS4	Employment Land Supply and Locational Priorities
CS9	South Widnes – Key Area of Change
CS13	Affordable Housing
CS15	Sustainable Transport
CS18	High Quality Design
CS19	Sustainable Development and Climate Change
CS20	Natural and Historic Environment
CS22	Health and Well-Being
CS23	Managing Pollution and Risk
CS24	Waste

### Joint Waste Local Plan 2013

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

### Supplementary Planning Documents (SPD)

Design of Residential Development SPD  
Widnes Waterfront SPD  
Draft Open Space SPD

Where appropriate the above policies are specifically highlighted within the report. Where not specifically highlighted the above policies have been assessed has been applied with.

### CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Ward Councillors have been notified. The application was originally advertised as a departure,

however, it has since been established that this was not required under the terms of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

**Environment Agency** – No objection subject to conditions in relation to land contamination; and advise on best practice for waste on site.

**United Utilities** – Comments in relation to the provision of sustainable drainage of the site; advice on the existing of United Utilities property and assets across the site; suggested condition in relation to surface water drainage; advice to consult with the Lead Local Flood Authority.

**Natural England** – Advised further information to be submitted in relation to impacts on designated sites as the development is within 1.75km of the Mersey Estuary Special Protected Area (SPA), Ramsar and SSSI and the need for assessment under the Habitats Regulations 2017.

**Network Rail** – Holding objection set out under the Assessment chapter in relation to Other Matters Arising As A Result Of Consultation.

**Cheshire Police** – Advised on several areas to be improved to increase security across the site. Further comments are expected in relation to the submitted amended plans.

**Health & Safety Executive** – Do Not Advise Against.

**Canals & River Trust** – although the Trust do not own or manage the Sankey Canal, they support the Sankey Canal Restoration Society and their aims to restore the canal. They ask the Council to seek to maximise any potential pedestrian linkages from the application site to the canal corridor.

**National Grid** – Response from Cadent Gas who have provided advice in relation to the major accident hazard pipeline that they have in the vicinity. They have provided advice which will be forwarded to the applicant. The Council has undertaken a consultation to the Health & Safety Executive who do not advise against the proposal.

**Coal Authority** – Referred to their standing advice.

Council Services:

**HBC Contaminated Land** – No Objection subject to conditions – outlined in report below.

**Local Highway Authority** –

Initial response -

Comments in relation to the requirement for the site to provide a width of road through to enable a future bus route; provision of better cycle links to the greenway to the north of the site; general comments in relation to technical issues as a result of the plot layout.

Response in Relation to Amended Plans – this is set out under the Assessment chapter below in relation to Highway Safety.

**Lead Local Flood Authority** – Require further information as set out under the Assessment chapter below in relation to Flood Risk and Drainage.

**Merseyside Environmental Advisory Service** – Advice in relation to the proximity of the site to the Mersey Estuary SPA and RAMSAR and initial advice that further information is required to enable an HRA to be undertaken due to the functionally linked. Conditions recommended in relation to waste.

**HBC Environmental Health** –

Initial response –

“Air Quality

*The applicant has provided an air quality assessment which considers the potential dust impact from the site during the construction phase. This identifies a number of measures that will reduce potential dust emissions and I would suggest that as long as these measures are adopted Environmental Health would have no concerns regarding air quality impacts from the site.*

Noise

*The applicant has supplied an acoustic assessment of the site. The assessment calculates the exposure of future residents to noise. The noise levels recorded were compared with the standards in BS8233:2014. The report demonstrates that enhanced glazing is required in a number of properties to ensure that future residents can enjoy a reasonable level of comfort in their own property. This is not unusual with modern developments as pressure for land for development increases. However the noise report clearly indicates that there is a low frequency noise source impacting across the site. On further investigation it is my opinion that this noise source is from a neighbouring industrial plant. Noise from the plant is clearly identifiable to the northeast side of the site. Low frequency noise can be particularly pervasive and Environmental Health has concerns that the presence of this noise will cause disturbance to future residents. Given the pervasive nature I would have no confidence that enhanced glazing will prevent it causing disturbance.*

*Of particular concern is the objection from ICoNiChem suggesting that when the night time noise assessment was being carried out their plant was not operating and so the noise sources in the area have not been fully assessed.*

*A previous application for housing on this site included a considerable commercial element to the northeast perimeter. This was included as a ‘buffer’ zone between the proposed residential development to mitigate noise and disturbance from the industrial neighbours. The application in hand indicates residential properties being built across the site to the northeast perimeter with no such protection.*

Conclusions

*The application indicates that dust emissions from the site should be controlled through a number of measures and I would suggest that these are conditioned as part of the planning consent.*

*With regard to noise I am concerned that the application has not adequately addressed the potential noise issues from the surrounding industrial area. On the basis of these concerns Environmental Health are unable to support the application.”*

Supplementary Response -

*“BS8233:2014 and the World Health Organisation’s standards recognise that bedrooms should be protected such that a noise level of 30dB can be achieved at night, to allow restful sleep. To achieve this housing developers often recommend enhanced glazing and trickle vents to allow the required air changes per hour, in line with Building Regulations. In hot weather, however, most people choose to open their windows to keep the property cool, at which point the advantage gained by the enhanced glazing is lost. This can be accepted where the noise is perhaps more general in nature, such as road traffic. The Tanhouse Lane site is exposed to a specific, tonal noise from a local industrial site, and whilst the calculations for the original BS4142 assessment take this into account, our experience is that such tonal noises are more likely to cause an actionable statutory nuisance, particularly if it can be demonstrated that they disturb sleep.*

*The applicant has located the apartment blocks on the boundary of the site facing the industrial areas in effect to act as a noise screen to the other residential properties on the site. Where possible windows to bedrooms will not be located facing directly onto the industrial uses, however this is not possible in all units. The acoustic consultant indicated that where the houses are not adequately screened by the apartment blocks additional acoustic fences would be deployed. It should be noted that these screens would need to be at least to the height of the 1<sup>st</sup> floor bedroom windows, and this may cause some planning issues from a visual perspective. Until the site layout has been finalised and the acoustic consultant has revised the noise figures in line with this it is impossible to know whether additional screening is required. In line with my comments this morning it may be worth advising the applicant that require the following:*

*Any residential unit (house or apartment) where residents will be exposed to noise levels in excess of 30dB (as measured in line with the methodology in BS8233:2014) in bedrooms with windows open, shall be provided with additional air conditioning to permit residents to moderate the air temperature particularly in hot weather.”*

Response in Relation to Amended Plans – this is set out under the Assessment chapter below in relation to Noise.

**HBC Open Spaces** – Comments awaited.

**HBC Regeneration Team** – No comment.

**Mersey Gateway Environmental Trust** - No comments.

## REPRESENTATIONS

Representations have been received from objectors raising issues which are paraphrased below:

- *“Is the tenure mix a relevant issue planning wise? If so what is proposed? All social housing estates are a very bad idea now that access to such accommodation is primarily for the poor and vulnerable, creating mono cultures (specially on such a comparatively isolated site). If it is not a planning matter then could the Council intervene as the statutory authority for housing strategy? The recent developments around Page Lane by Halton HT are a good example of best practice.”*

**Response** – The proposal consists of a mix of house type and tenure which will be integrated across the site to avoid clusters of tenure type. The apartment blocks have a mix of 1 and 2 bed units. The approach is acceptable and meets the requirements of the Development Plan policy CS13 and the NPPF in this regard.

- Objection on behalf of ICoNiChem:-

*“Noise Levels*

*Our Client produces inorganic salts of Cobalt and Nickel used in the manufacture of numerous products including colour pigments, rubber adhesion promoters, paint driers and petrochemical catalysts. This process continues seven days a week, 24 hours a day (the only exception being when the plant closes on Sunday afternoons).*

*As with most manufacturing plants a continuous level of noise is emitted from the ICoNiChem Site. Our Client is very much aware of its responsibilities under environmental legislation regarding noise levels and accordingly they undertake their own noise monitoring on a regular basis. These noise recordings are carried out at various points both within the ICoNiChem Site and within the surrounding area, including on the boundary of the Application Site.*

*A plan is enclosed, which identifies the points numbered 1 to 6 and marked "A" to "D" where the noise recordings are undertaken. Measurements date back as far as 2003, with the most recent recording being that of 6 March 2019. On that date, the recording equipment recorded a reading of 59 dB(A) at point "B" on the plan and a reading of 51 dB(A) at point "C" on the plan. Measurements have varied dependent on weather conditions, but what is clear is that the noise from the ICoNiChem Site is of such significance that it can be heard from the Application Site, and this noise is continuous given the hours of operation as noted above.*

*Furthermore, as part of our Client's health and safety procedures prescribed by the Health and Safety Executive ("HSE"), an emergency siren must be installed at the ICoNiChem Site. The siren goes off continuously for one minute when tested, which occurs on the first Thursday of every month at 15:00. Equally, there are sporadic occasions where the siren will be sounded, either through human error or if a major incident occurs. The siren, at point of contact, is 106 decibels. There can be no doubt that this siren will be heard on the Application Site.*

*A tannoy system is also used on the ICoNiChem Site, which added to regular fire alarm tests and relatively frequent incidents of increased noise levels due to the mechanical equipment will represent an increased noise level that one would expect to hear in an industrial/commercial area, but would likely affect the amenity of any residential occupier. This can in turn be added to the noise emanating from other commercial and industrial sites in close proximity to the Application Site (who in turn have similar (if not louder in some cases) tannoy systems, alarms and general manufacturing processes). The Applicants Noise Impact Assessment, dated 12 April 2019, acknowledges that 'the existing industrial sound is likely to have a potentially low impact at the northern site boundary during the daytime period and no impact during the night-time period'. The Assessment goes on to conclude that "Taking context into consideration, the existing industrial sound is likely to have a low impact at the proposed residential properties during the daytime period and no impact during the night-time period".*

*We struggle to ascertain how the Assessment can reach this conclusion when the level of noise emanating from the ICoNiChem Site is continuous day and night. Our Client has been able to confirm that the driers (being the noisiest equipment on site) were (on this rare occasion) not in operation after 8pm on 24 July 2018 when the only night time automated measurements were undertaken under the Assessment. This accordingly provides at least some explanation for the results of the Applicants assessment, although one must question why our Client's operation is not even named within the document.*

*One of the strategic objectives of The Halton Local Plan Core Strategy (April 2013) is to "Prevent harm and nuisance to people and biodiversity from potential sources of pollution and foreseeable risks".*

*Equally, policy S4 of The Halton Unitary Development Plan (7 April 2005) states that*

development "will not be permitted if it is likely to have an unacceptable effect on levels of air, surface water or ground water pollution, or ground contamination or noise or visual intrusion by artificial light".

Furthermore, policy PR8 notes that development "that is sensitive to noise will not be permitted near to transportation facilities such as Liverpool Airport, roads or railways unless steps are taken to substantially mitigate the effects of the noise nuisance upon the proposed development". This is particularly important in reference to the significant number of heavy goods vehicles that access Moss Bank Road, delivering to the many industrial and commercial units in the locality (and accessing the HGV parking area to the north of the ICoNiChem Site).

Ultimately, local planning policy is clear that residential occupiers represent a sensitive receptor for noise. The amenity of these occupiers must accordingly be protected. This is supported in the National Planning Policy Framework ("NPPF"), where (at paragraph 170 (e.)) it is noted that planning policies and decisions should contribute to and enhance the natural and local environment by "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability".

It is accordingly our contention that the Applicant's Noise Assessment fails to fully appreciate the surrounding industrial and commercial uses in particular from the ICoNiChem Site. In light of this, our Client is willing to procure their own independent noise survey. A quote has already been obtained and the assessment can be undertaken on the week of 17 June, with the report back by approximately 28 June. However, clearly our Client would not want to pay such costs if any decision is made before that date. Accordingly, please can you confirm that any decision will not be undertaken on or prior to this date and that any such survey would be considered as part of the application process?

#### *Outline Planning Permission*

The Applicant relies heavily on the assumption that the principle of residential development has already been established due to the grant of outline planning permission on 12 December 2016 for a mixed use development made up of 624 residential units, up to 1275 sq m of Use Classes A1 (Shops) and A2 (Financial and Professional Services), up to 500 sqm of Use Classes A3 (Food and Drink) and A4 (Drinking Establishments), up to 2400 sq m of Use Class B1 (Business) and up to 300 sq m of Use Class D1 (Non Residential Institutions) (ref: 05/00057/OUTEIA).

Aside from the fact that any new planning application has to be decided on its own merits we must highlight that what is being proposed in this Application is significantly different to the scheme granted under the outline planning permission. Importantly, the outline planning permission proposed essentially a retail and commercial use buffer on the east boundary of the Application Site. This is of vital importance from a noise perspective as this buffer would have offered a means of mitigation, which simply isn't provided in this Application.

Equally, the retail uses provided important resources without which questions have to be raised as to the sustainability of any scheme.

This accordingly raises a fundamental point in that any proposed use for the Application Site within local planning policy never specify residential as the only viable use. Multiple uses are purposefully proposed because it is recognised that for any residential scheme to be viable it needs mixed commercial/retail uses to support the same.

#### *COMAH Site*

The HSE have designated the ICoNiChem Site as an Upper Tier COMAH site. The HSE provide that the nature of the accidental hazards could be accidental release of dangerous substances, explosions and fires. The resulting dangers from these substances can be incredibly serious including burns to skin and eyes, allergic reactions and cancer.

The consultation zone designated by HSE extends to the boundary of the ICoNiChem Site, which may explain why the Applicant has categorically failed to appreciate the

risk. However, this zoning is subject to change dependent on the chemical classification. Equally, one must highlight that any release of gas or explosion will likely affect the surrounding area, with it being a very real risk that this could include the Application Site.

Ultimately, the Applicant has failed to consider the potential impact of the ICoNiChem Site and the level of potential risk associated with it.

Policy S5 of the Unitary Development Plan is quite clear when it stresses that development will not be permitted near COMAH Sites where it cannot satisfactorily co-exist with their operations.

Furthermore, the Core Strategy provides at CS23 (b) that:

"To prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following principles will apply:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identifiable areas of risk surrounding existing hazardous installation or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased."

Paragraph 45 of the NPPF highlights the need to consult with appropriate bodies when considering development around major hazard sites, and we trust that this will take place. However, the fundamental point here is that the safety of the residential occupiers cannot be guaranteed. Our Client will serve safety notices on each residential occupier, although technically not required to do so, but our Client cannot guarantee that safety guidance will be followed.

This in turn raises a further consideration surrounding the health and safety of any potential residential occupiers and that relates to the relatively frequent incidents of fire that occur in the area. Only just over a week ago there was a tyre stack fire at a site in very close proximity to the Application Site, which was noted in the local press and required seven fire engines to deal with the blaze. This follows major fires at the Unifrax site and the P R Pallet Services site over the last few years. Frequent fires also occur at the nearby scrap yard. Such incidents are to be expected in an industrial area, but sensitive receptors like residential areas would not expect the same and the natural result would be significant effects on amenity.

#### *Economic Development*

Our Client currently employs 64 people and in turn use a local supply chain that is becoming increasingly dependent on our Client. Our Client has invested heavily in the ICoNiChem Site and has a strategy in place for expansion. Indeed, our Client has recently redistributed the existing electricity supply to provide an expanded capacity in preparation for expansion. Any such expansion will lead to more jobs, but will in turn in all likelihood lead to an increase in noise levels with added manufacturing facilities.

Our Client is deeply concerned as to what the effects a residential development could have not just on any potential expansion, but in the continued existence of the plant in the Widnes area. Should any form of restrictions be imposed on our Client as a result of this development it may simply become untenable to continue in this location.

The NPPF, at paragraph 38, notes that local planning authorities "should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area." Sustainable economic growth is further supported in local planning policy. The potential effect of this Application will be to have a significantly detrimental effect on our Clients business and other businesses in the area. This Application accordingly can in no way be deemed supportive of sustainable economic growth.

#### *Conclusion*

Overall, the Applicant has failed to consider our Client and the ICoNiChem Site within the Application. This failure represents a significant omission which is wholly unacceptable and contrary to local and national planning policy. Indeed, the Applicant has failed to appreciate the nature of the locality generally and appears to rely upon a historic outline planning permission as establishing the principle of residential development. However, the said permission has fundamental differences from the

*Application, which in turn will lead to a far greater impact on the Application Site from the ICoNiChem Site and the surrounding industrial and commercial estate.*

*Our Client simply wants to protect their business, both in terms of current use and future expansion. As it stands, this Application offers no such protection which is not acceptable. We accordingly respectfully request that the Local Planning Authority refuse the Application in its current form.”*

- **Objection on behalf of Unifrax Ltd:-**

*“Noise Levels*

*We produce Saffil Alumina Fibres, which are high-purity polycrystalline fibres designed for use in applications up to L 600 °C. Since their development in the early 1970s, Saffil fibres have been used successfully to solve problems in demanding high-temperature insulation and many other speciality applications. A unique solution extrusion process that ensures the highest levels of chemical purity and lowest possible levels of shot content (non-fibrous particles) produces Saffil fibres.*

*The unique method of manufacture allows the fibre diameter to be strictly controlled with a median of approximately 3 microns, with very low levels of fibre less than 1 micron in diameter. Typical applications:*

- *Saffil fibres are used to increase the maximum use temperature in module, board and vacuum-formed shape and paper manufacture. The fibre can be further treated by milling for more specialist applications. This process continues seven days a week, 24 hours a day.*

- *As with most manufacturing plants a continuous level of noise is emitted from the Saffil Site. We are very much aware of our responsibilities under environmental legislation regarding noise levels and accordingly we undertake our own noise monitoring on a regular basis.*

*These noise recordings are carried out at various points both within the Offices and our manufacturing site at Widnes to BS4142 Environmental Noise monitoring.*

*The Saffil Site is located within the surrounding area, including on the boundary of the Application Site. Measurements have varied dependent on weather conditions, but what is clear is that the noise from the Saffil plant is of such significance that it can be heard from the Application Site, and the noise is continuous given the hours of operation as I have noted above.*

*Furthermore, as part of our health and safety procedures prescribed by the Health and Safety Executive ("HSE"), an emergency siren must be installed at the Saffil Site. The siren goes off when tested or activated in an emergency and will be sounded at 106 decibels. There can be no doubt that this siren will be heard on the Application Site and other surrounding areas, this can be further exaggerated due to weather conditions.*

*A tannoy system is used on the Saffil Site (in line with our company Health and Safety Policies and emergency procedures, which added to regular fire alarm tests and relatively frequent incidents of increased noise levels due to the mechanical drives and equipment will represent an increased noise level that one would expect to hear in an industrial/commercial area, but would likely affect the amenity of any residential occupier.*

*This can in turn be added to the noise emanating from other commercial and industrial sites within close proximity to the Application Site (who in turn have similar (if not louder in some cases) tannoy systems, alarms and general manufacturing processes).*

*The Applicants Noise Impact Assessment, dated 12 April 2019, (completed during our maintenance shutdown period with both Lines 1 and 2 non-operational) acknowledges that 'the existing industrial sound is likely to have a potentially low impact at the northern site boundary during the daytime period and no impact during the night-time period'.*

*The Assessment goes on to conclude that "Taking context into consideration, the existing industrial sound is likely to have a low impact at the proposed residential properties during the day time period and no impact during the night-time period". It is clear on reading the assessment that this does not present a true reflection of our day to day operating noise levels.*

*As a company we struggle to ascertain how the Assessment can reach this conclusion when the level of noise emanating from the Saffil Site is continuous day and night on a 24 hour basis. I can also confirm that the secondary air fan's and the boiler and air compressors pressure release valves (being the noisiest equipment on site) measurements are undertaken under the Assessment. This provides at least some explanation for the results of the Applicants assessment, although one must question why our Saffil operation is not even named within the documentation provided.*

*One of the strategic objectives of The Halton Local Plan Core Strategy (April 2013) is to "Prevent harm and nuisance to people and biodiversity from potential sources of pollution and foreseeable risks".*

*I would also reference the Equally, policy S4 of The Halton Unitary Development Plan (7 April 2005) states that development "will not be permitted if it is likely to have an unacceptable effect on levels of air, surface water or ground water pollution, or ground contamination or noise or visual intrusion by artificial light".*

*Furthermore, policy PR8 notes that development "that is sensitive to noise will not be permitted near to transportation facilities such as Liverpool Airport, roads or railways unless steps are taken to substantially mitigate the effects of the noise nuisance upon the proposed development".*

*This is particularly important in reference to the significant number of heavy goods vehicles and equipment that access Moss Bank Road, delivering or servicing many industrial and commercial units in the locality including Saffil site.*

*Ultimately, local planning policy is clear that residential occupiers represent a sensitive receptor for noise. The amenity of these occupiers must accordingly be protected. This is supported in the National Planning Policy Framework ("NPPF"), where (at paragraph 170(e.)) it is noted that planning policies and decisions should contribute to and enhance the natural and local environment by "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability".*

*It is accordingly our contention that the Applicant's Noise Assessment fails to fully appreciate the surrounding industrial and commercial uses in particular from the Saffil Site. In light of this, we are willing to procure our own independent noise survey. An assessment has already been actioned and the assessment can be undertaken on the week commencing 24 June. Please can you confirm that any decision will not be undertaken on or prior to this date and that any such survey would be considered as part of the application process?*

*Outline Planning Permission*

*The Applicant relies heavily on the assumption that the principle of residential development has already been established due to the grant of outline planning permission on 12<sup>th</sup> December 2016 for a mixed use development made up of 624 residential units, up to 1275 sq. m of Use Classes A1 (Shops) and A2 (Financial and Professional Services), up to 500 sq. m of Use Classes A3 (Food and Drink) and A4 (Drinking Establishments), up to 2400 sq. m of Use Class B1 (Business) and up to 300 sqm of Use Class D1 (Non Residential Institutions) (ref: 05/00057/OUTEIA). I would be grateful if you can clarify that this is the final outline of the planning permission.*

*Aside from the fact that any new planning application has to be decided on its own merits we must highlight that what is being proposed in this Application is significantly different to the scheme granted under the outline planning permission. Importantly, the outline planning permission proposed essentially a retail and commercial use buffer on the east boundary of the Application Site. I can only reiterate that this is of vital importance from a noise perspective as this buffer would have offered a means of mitigation, which simply isn't provided in this Application or other documentation supplied.*

*Equally, the retail uses provided important resources without which questions have to be raised as to the sustainability of any scheme. This raises a fundamental point in that any proposed use for the Application Site within local planning policy never specify residential as the only viable use. Multiple uses are purposefully proposed because it is recognised that for any residential scheme to be viable it needs mixed commercial/retail uses to support the same.*

#### *Conclusion*

*Overall, the Applicant has failed to consider Saffil Site within the Application. This failure represents a significant omission, which is wholly unacceptable and contrary to local and national planning policy. Indeed, the Applicant has failed to appreciate the nature of the locality generally and appears to rely upon a historic outline planning permission as establishing the principle of residential development. However, the said permission has fundamental differences from the Application, which in turn will lead to a far greater impact on the Application Site from the Saffil Site and the surrounding industrial and commercial estate.*

*As a growing Manufacturing Company and employer for the local community, we simply want to protect our business and the employee's future. As it stands, this Application offers no such protection, which is not acceptable and I would hope you would agree.*

*We respectfully request that the Local Planning Authority strongly refuse the Application in its present form. We would welcome the opportunity to meet with you at your earliest convenience to discuss the concerns we have raised. I have also attached a local area site plan, indicating Saffil's proximity to the proposed developments."*

**Both objections received from ICoNiChem and Unifrax raise similar points the following addresses these shared points as one where this arises.**

#### **Response –**

- i) Noise Levels – The Council's Environmental Health would concur that noise from ICoNiChem is clearly audible on the eastern side of the site. Noise calculations carried out by the applicant are also consistent, indicating that noise levels at this boundary are 49-53.5dB<sub>LaeqT</sub>.

Environmental Health acknowledges the concerns raised, however weekly emergency siren tests are not without precedent within the Borough in locations also adjacent residential areas. Such weekly tests would not be considered to constitute a nuisance. Operation of tannoy is a normal occurrence on commercial and industrial sites, and where they are used proportionately, and particularly during daytime hours they would be unlikely to constitute a statutory nuisance.

- ii) Applicant's Noise Assessment - This matter has been addressed in Environmental Health's comments in the Assessment chapter of this report under Noise and Other Amenity Issues.
- iii) Policy S4 – Both objectors cite the failure of the application to satisfy this policy. This policy is not material in the determination of this application as it no longer exists.
- iv) Policy PR8 - Both objectors cite the failure of the application to satisfy this policy. This policy is not material in the determination of this application as it applies only to development near 'Transportation Facilities'. In the context of roads, these are defined as 'major roads' in the policy justification. However the application has been considered in the context of the potential impact on future occupiers from the use of nearby roads and railway in the Assessment chapter of this report under Noise and Other Amenity Issues.
- v) NPPF 170(e) – Both objectors cite the failure of the application to satisfy this policy. This national policy is contained in the 'Conservation and Enhancing the Natural Environment' chapter of the NPPF. This policy is aimed at conserving the natural environment and ensuring new development does not compromise it. In this case, the resulting residential development will improve the current environmental conditions and in this regard would meet the requirements of this part of the NPPF.
- vi) Difference in the current scheme from the previous planning permissions - Both objectors cite applicant's reliance on the previous planning permissions as justification for the current proposal. The current application has been assessed on its own merits and on the basis of the adopted policies of the development plan and NPPF. Consideration is given to the site history and previous planning permissions, however this would not unduly influence the decision of the Council.
- vii) The site should be a mix of retail and commercial in addition to residential - Both objectors cite the failure of the proposal to provide a better mix of uses which the site is better suited for. The Council's adopted policies RG3 and CS9 do not restrict the use of the site to specific uses and each application for development is assessed on its own merits. The site will be functionally linked to the Hive which is 191m away, the nearest grocery retail shopping available 400m away and Tesco is 662m away, providing the nearby availability of a mixture of supporting uses within walking distance of the application site. The proposal is not contrary to the Council's adopted policies or NPPF in this regard.
- viii) COMAH site - Both objectors cite the proximity of the application site to existing COMAH sites and its location within respective consultation zones. The Council has consulted the Health & Safety Executive as part of the application process who do not advise against.

- ix) Impact on existing operations and future expansion - Both objectors cite the existence of the residential development will impede their current operations and potential for growth. Both ICoNiChem and Unifrax are employers in this area, the former currently employing 64 people and use the local supply chain. The impact on these and other surrounding businesses is material in the determination of this application and the NPPF paragraph 182 states that:-  
“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on the new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.”  
It goes on to say in paragraph 183 that an assumption should be made that the regulatory process will operate effectively in the control of processes and emissions and the planning issues should not be revisited through these. Members should take account of the objections from both businesses in balancing the regeneration impacts of the scheme and its delivery of affordable homes in this location. The applicant has provided information for assessment to enable the Council to make a decision in this regard, particularly in relation to noise. The Council’s assessment of noise is contained in the Assessment chapter of this report under Noise and other Amenity Issues.  
It should be noted that in any future planning application for expansion for either these or any other businesses in the area, would need to meet the requirements of the policies contained in the planning framework at the time.
- x) Occurrences of fires in the area – ICoNiChem has cited incidents of fires in the area and the potential impact of future incidents on the occupiers of the residential properties. Members should note that the security and safe operation of the individual sites in the adjacent employment area is the responsibility of those site operators and owners and should incidents occur, emergency services and other regulators will take any necessary actions. This is not material in the determination of this application.

## **ASSESSMENT**

### Particulars of Development

The Council has screened the application under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and agrees with the applicant’s assessment that the proposal does not require an Environmental Impact Assessment under the terms of these regulations and that all matters can be dealt with through the technical submissions that have accompanied the application.

### Principle of Development

In the Halton UDP the site is designated as part of a Priority Employment Redevelopment Area, Action Area, and Coastal Zone Developed and the related policies are as follows:-

Priority Employment Redevelopment Area:-

UDP Policy E3 applies. This policy identifies sites which are considered suitable for employment redevelopment and when they become vacant and fully reclaimed and when land assembly takes place. The policy does not preclude other types of development.

Action Area 3 - Widnes Waterfront:-

Policy RG3 applies. This policy encourages regeneration and part of that includes residential use of site and more active use of the waterfront area.

Coastal Zone Developed:-

Policy GE30 applies. This policy does not prevent development occurring within these allocations, but requires proposals to acknowledge their location within the Mersey Coastal Zone and improve environmental quality and improve accessibility to the coast. The policy supports proposals which contribute to regeneration where they promote enhancement of environmental quality.

The regeneration principles of these allocations, policies and the Widnes Waterfront SPD (2003) have been taken forward through the Halton Core Strategy, where the site is included as a Key Area Change, part of the South Widnes allocation – CS9. Both related policies CS1 and CS9 seek specific area improvements and CS9 with particular regard to this site, seeks a mix of retail, leisure, employment and residential. Specifically the policy seeks the delivery of 400 residential dwellings across the South Widnes area of change.

The requirements of development in the South Widnes Key Area of Change are:-

- Improve connectivity and accessibility across South Widnes and the wider area and take advantage of opportunities to improve sustainable transport provision.
- Facilitate public access to the waterfront and prioritise opportunities for informal leisure associated with the waterfront destination.
- Ensure strong urban design in order to reflect the prominent waterside environment, gateway locations and the positive characteristics of South Widnes.
- Avoid adverse effects on the integrity of the Mersey Estuary Special Protection Area (SPA) and/or Ramsar site.
- Achieve high standards of sustainable design and construction including a reduction in carbon emissions through renewable and low carbon technology, with a particular emphasis on Widnes Waterfront and its potential as an Energy Priority Zone.

It is on this basis it is considered that the principle of the development is appropriate to the designations of the site and complies with UDP Policies E3, RG3, GE30 and Core Strategy Policies CS1 and CS9. The assessment below will deal with the issues arising from the proposal and establish whether the expectations of these policies are met.

### Design and Character

The dwellings types are a mixture of apartments; semi and detached 2-storey dwellings; 3-storey dwellings; and bungalows. These range from one to four bedroom properties. The mix is disseminated throughout the site, but with the four 3-storey apartment buildings located in linear form north to south adjacent to Tanhouse Lane.

The site is laid out in loose perimeter block formation with frontage dwellings are used in the areas where there is an open aspect onto either the greenway to the north or the open space to the south. Whilst there is some frontage car parking in some areas of the site, this can be mitigated by the incorporation of landscaping and appropriate planting and where possible tree planting.

The car parking area and bin stores serving the apartments adjacent to Tanhouse Lane are located between the buildings and the Tanhouse Lane footway. Between that and the footway, there is the provision of a robust and attractive boundary of brick/pillar/railing infill, which meets both the requirements of good design and visual amenity, whilst maintaining highway visibility. It is important that along this frontage, a visual buffer is provided at the eastern edge of the car park to minimise the visual intrusion of the commercial site opposite, currently occupied by Unifrax. The applicant has shown how this is achieved and whilst further work is required through the landscaping specie choice, it has been demonstrated that this eastern edge of the site has been treated sufficiently to provide visual mitigation for the proximity of the existing commercial area.

The proposal includes a 1.75ha are of open space along the south of the site. This was the result of the remediation arrangements for the site but nevertheless allows for a significant and usable area of recreational space which includes footpath/cycleway through it, with several links through it from the residential area and onto Tanhouse Lane, for easy access onto the Trans Pennine Trail. The quality of this informal recreation space engenders a strong sense of place and provides an overall enhancement of the environment in this location. It serves as a purposeful link from the Hive to the Trans Pennine Trail and St Helens Canal.

The applicant has provided a landscaping scheme, which is currently insufficient in the areas along the north and north east boundary adjacent to the Greenway and the eastern boundary adjacent to Tanhouse Lane, which is critical in order to provide visual mitigation for the impact of the existing commercial sites on the future occupiers. The applicant has been informed of the inadequacy of the proposal in these areas, however a full landscaping scheme can be the subject of a planning condition.

A plan indicating boundary treatments has been provided and these in the main show a good standard in those locations where they would be highly visible to public view and would therefore significantly impact the overall quality of the scheme. A long section of the existing boundary between the site and the Greenway will remain, with the existing landscaping retained and enhanced where appropriate. The applicant has been advised of those boundaries which are as yet not of an appropriate standard and asked to review these. The Committee will be updated in relation to these and further advice in relation to their consideration will be provided.

The proposed layout adequately meets the Council's adopted interface standards and there is sufficient garden space provided for both the dwellings and apartments. The latter having private usable external space in addition to the provision of balconies and/or Juliet balconies on the individual units. In some cases, that property gardens are below the 80sqm within the Council's adopted New Residential Development Guidance, however, the gardens are practical in other regards and the significant amount of on-site recreational space and access to the wider Greenway network and Trans Pennine Trail, ensures that living standards will not be unduly compromised as a result.

Cheshire Police – Designing Out Crime Officer has initially commented with concerns regarding the layout. Their further comments in response to the amended layout and submissions will be reported to the Committee.

Subject to the comments to be received from Cheshire Police, and conditions relating to boundary treatment and landscaping, it is considered that the proposed amended drawings provide a good quality and mix of dwellings with appropriate levels of separation, on-site open space and boundary treatments, that will result in the creation of place with a strong individual identity and as such meets the requirements of Policies BE1, BE2, GE30 and RG3 of the Halton UDP and CS9 and the aims of the NPPF.

### Noise and Other Amenity Issues

There are several businesses to the north and east of the site which are identified to be a source of noise as identified in the submitted Noise Report and two particular businesses to the north east of the site which produce noise that could result in nuisance. In addition to the existence of the noise sources identified in the applicant's noise survey and by the Council's EHO, a further consideration is the proximity of the allocated waste site – to the east of Unifrax Ltd – which is likely to have a road access directly off Tanhouse Lane, opposite the north eastern boundary of the application site. Given the size of the approved application for this site, there would be a significant amount of traffic using this access for the transport of waste and related vehicles.

The impact on future occupiers from noise resulting from the existing adjacent uses is a material consideration in the determination of the planning application in so far as how future occupiers of the development will be affected by them.

The Council assessed the impact from noise in these circumstances on the basis of the adopted UDP Policy PR7 which states that development near to existing sources of pollution will not be permitted if it is likely that those existing sources of pollution will have an unacceptable effect on the proposed development and its considered to be in the public interest that the interests of existing sources of pollution should prevail over those of the proposed development. The direct reference to 'noise' as a pollutant is omitted from Policy PR7, however this is an error and the policy is appropriately used to assess the impact from noise sources too. The inclusion of a re-worded text of Policy PR7 within the forthcoming Delivery and Allocations Local Plan written statement – HE7, which retains the wording but omits the mis-reference to other pollution elements of the Pollution and Risk chapter of the UDP, can be seen as evidence of the recognition of this current anomaly. The policy goes on to state that "Exceptions may be permitted where the applicant submits satisfactory proposals to substantially mitigate the effects of existing sources of pollution on the development proposal." A detailed reference to policy PR7 is set out below.

UDP Policy BE1 also refers to the need for development to 'avoid unacceptable loss of amenity to occupiers .... by virtue of noise disturbance, noxious fumes, and dust or traffic generation..', development must also 'be compatible with existing and proposed uses'

The national policy and guidance contained in the NPPF and Planning Practice Guidance supports the use of mitigation where it is established that there is an existing noise source and potential nuisance. Paragraph 182 states that planning decisions should ensure that new development is integrated effectively with existing businesses...and that those businesses

should not have unreasonable restrictions placed on them as a result of the development permitted. Where a business operation could have a significant adverse effect on the new development, the applicant should be required to provide suitable mitigations before the development is completed.

The applicant has provided an updated Noise Impact Assessment Ref: 50-033-R1-3 issued October 2019 to determine the level of noise affecting the site. With regard to the main noise source identified in the report from ICoNiChem, it recommends alternative ventilation along with enhanced glazing as follows:-

- *The actual alternative ventilation system to be used is ultimately down to the development and any requirements of the Local Planning Authority. The report only advises on the noise reduction required for any trickle ventilators, where required as some systems negate the need for these.*

The Council's Environmental Health Officer has commented as follows, this supplements the earlier comments:-

*"Following concerns raised in June regarding the existing noise levels and the potential for future residents to be exposed to statutory nuisance, the applicant has submitted a further noise assessment.*

*Noise from existing industrial uses adjacent the site is clearly audible. In particular the noise from Iconichem which operates 24 hours a day. Following the initial noise assessment Iconichem reported that there was a shutdown on site during the period over which the noise survey took place, and it was not representative of the noise environment. Further noise sources at a waste site and a manufacturer to the north, and an industrial use to the north western boundary, have been identified as having a noise impact on the proposed development. The applicant commissioned a further assessment taking accounting of the specific industrial noise sources.*

*It is worth noting that Environmental Health approach noise from transport and infrastructure sources in a different manner to industrial or point sources. Background noise from roads tends to be accepted by residents as tolerable. In addition noise from roads, railways etc cannot be dealt with as a statutory nuisance and therefore residents do not have recourse to Council resources to address the issue. Noise from commercial and industrial units can be subject to the provisions of statutory nuisance with no legal defence that the noise source was in existence first.*

### **2019 Noise report,**

*The noise report has measured the industrial noise at source and worked back to identify the levels at the site boundary. Appropriate penalties, taking into account the tonal and/or impact nature of the noises have been applied to the noise from the individual industrial sources, in line with the requirements of BS4142:2014. Environmental Health is satisfied that the assessment and applications have been carried out satisfactorily.*

*The report then applies the noise conditions to the internal environment taking into account the noise mitigation afforded by the building materials. These internal levels can then be compared against the standards contained within BS8233:2014. It concludes that internal noise levels will be complied with in all rooms apart from the bedrooms and proposes enhanced glazing along all the facades where night time bedroom noise levels will exceed the*

30dB(A)8hr, together with trickle vents which will permit the appropriate number of air changes per hour (in line with Building Regulations).

Whilst we accept the approach will result in noise levels consistent with the BS8233:2014 it will rely on future residents keeping their windows closed. In addition subjective assessments from Environmental Health staff suggest a likelihood that noise levels will cause a statutory nuisance for future residents once they open the windows at night. Statutory nuisance is a legal definition and is judged on the audibility of a noise and the likely impact on the reasonable use of a property, taking into account the volume, time of day and location. An industrial noise audible at night may reasonably be expected to cause disturbance possibly amounting to a statutory nuisance. Should complaints be received the Council is duty bound to investigate and take enforcement action against the companies causing the nuisance. On hot nights it would be expected that residents will open their windows to allow cool air in as trickle vents will not moderate the temperature, merely the airflow.

Council policy PR7 states that development near to existing sources of pollution should not be permitted if those sources of pollution will have unacceptable impact on the proposed development. Environmental health does not consider that the applicant has submitted adequate mitigation, nor do we consider that the public interest, in locating the apartments in this location outweighs the potential impact on future residents.

### **Proposed Mitigation**

The applicant has stated in section 2.4 and 2.6 metre barriers will be constructed in relation to transport noise and the mitigation of noise in the gardens.

With regard to the industrial noise they have recommended that the Local Planning Authority (LPA) and developer agree the mitigation measures to be utilised to ensure that the noise levels in the bedrooms are within the BS8233:2014 levels and that residents have access to cooling air during warm weather to prevent the need to open windows at night or to ensure that where windows are open the residents are not exposed to unacceptable noise levels.

It is noted that the applicant has located 3 storey apartment blocks to the eastern boundary of the site to mitigate against the noise levels from industry at the houses further west on the site. The flats themselves however have bedrooms facing eastwards without mitigation against noise from industry. The applicant does not appear to have fully considered whether the orientation and internal layout can be altered to ensure that all, or certainly as many apartments as possible, have all bedrooms facing away from the industrial uses to the east that run 24 hours a day. As a priority preventing exposure to the noise should be the first solution considered and only where avoiding the noise is not feasible should alternative means of mitigation be employed. We are not satisfied that satisfactory consideration of the internal layout of the apartments has been considered.

Should the current layout be approved it should be considered that all properties that are identified as exceeding the BS8233 levels at night with the windows open should be provided with suitable air conditioning to ensure that future residents are able to modify the temperature without recourse to opening the windows and compromising the sound insulation.

### **Conclusions**

Environmental Health accepts the methodology employed by the applicant's acoustic consultant, and is satisfied that transport noise across the site will be at acceptable levels.

*Concerns remain, however, that noise from the existing industrial sources, particularly Iconichem are likely to result in loss of amenity to future residents, particularly those living in the apartment blocks with bedrooms overlooking the eastern boundary of the site. The applicant has not justified the layout of the apartments, which results in a large proportion having a bedroom overlooking the eastern boundary towards Iconichem, resulting in elevated noise levels with the bedroom windows open.*

*The applicant has suggested that the final ventilation system to be employed, offering a greater level of ventilation and reducing the need to open bedroom windows on the eastern boundary, could be agreed by the applicant and the LPA. Unless this was coupled with windows that could not be opened there is always the potential for statutory nuisance to occur once the windows are opened, and therefore remains an unsatisfactory solution.*

### **Recommendations**

*On the basis of the noise report, Environmental Health could not support the application in its current form and objects to the proposed development.*

*In the event that Planning Committee is minded to approve the application as it stands, I would ask that the noise impact from the adjacent uses is appropriately addressed in the consent."*

The impact of road and railway noise has also been considered. The properties closest identified as being affected can be fitted with enhanced glazing that would satisfactorily mitigate for resulting impacts.

It is evident from the conclusions of the submitted noise report and from the assessment of it by the Council's Environmental Health Officer that there will be a requirement for further physical measures within the apartments to mitigate against the impact of the surrounding commercial noise, particularly from the east of the site. Whilst physical measures can be part of the noise mitigation approach to development, the continuous and low frequency character of the noise emanating from ICoNiChem will effectively result in the need for additional mitigation, for example, enhanced glazing and non-opening windows to the bedrooms of the apartment's together with other noise attenuation matters affecting the rest of the site. Mechanical ventilation is also necessary. Whilst they do not form part of the current submission it would be necessary to impose these requirements by conditions.

As part of Policy PR7 members must understand and assess whether it is in the public interest for the source of pollution to prevail over those of the proposed development. Unifrax is a company that manufacture products relating to insulation and employs approximately 40 individuals. ICoNiChem is a chemical manufacture that produces produce inorganic salts of Cobalt and Nickel and employs approximately 64 individuals. This information must be balanced against the benefits of the scheme and this is done in the planning balance section of the report.

PR7 does have an exception to part 1 of the policy that states "exceptions may be permitted where the applicant submits satisfactory proposals to substantially mitigate the effects of the existing sources of pollution on the development proposal". The applicant has stated that suitable conditions could be imposed. However, this would result in an environment reliant on artificial ventilation. This would therefore restrict the living conditions of residents, who may expect to be able to open their windows during fine weather without being subjected to noise levels in excess of suggested limits.

With a condition attached to the permission requiring noise mitigation in relation to window and mechanical ventilation this would comply with the exception in PR7. On this basis the proposal is acceptable and meets the requirements of UDP Policies BE1 and PR7 and NPPF paragraphs 180, 182 and 183.

### Highway Safety

The Local Highway Authority initially made several comments in relation to the position of the through road and other smaller issues within the layout that would result in difficult highway conditions. Following the submission of an amended scheme, some of their concerns have been addressed and the following comments have been provided as follows:-

*“Further to your re-consultation we have considered the proposed application as the Highway Authority and would make the following comments;*

*It is noted that there has been a wholesale change to the proposed layout which although is considered to be an improvement on the previous layout with most of our previous observation considered. **The Highway Authority still have concerns regarding the design of specific plots which would result in an objection on road safety grounds namely plots 105, 221 to 222 and 227 to 229 which result in a highway objection.***

*For clarity the following plan has been considered 17083-01 Rev E.*

### **Specific plot level comments;**

- *Access/ driveways to plots 1 & 2 and 241-243 are at an angle that could create visibility issues. Visibility splays should be clearly marked on a plan to demonstrate the requirements set out in MFS can be met.*
- *Forward visibility diagrams should be provided to demonstrate that the positioning of 221 does not create a road safety issue (safety for right turn into side roads and residents utilising driveways). There are always concerns for the safe use of the driveway. We would recommend moving the dwelling East to improve visibility for all road users. Visibility diagram should be provided for driveways serving 221 and 222.*
- *Forward visibility diagrams should be provided to demonstrate that the positioning of 229 does not create a road safety issue (safety for right turn into side roads and residents utilising driveways). The driveway positioning for plots 228 and 227 are considered to be wholly unsuitable and in our opinion represents a severe road safety issue for residents and other road users. Our recommendation would to review plots 227-229 accordingly putting the focus on road safety.*
- *Plot 105 driveway visibility splays should be plotted to demonstrate required standards are met.*
- *Physical separation between the two adjacent private driveways is shown as a narrow width. We would question the practicalities of this proposal.*

### **Specific comments regarding the apartment blocks;**

- *It is noted that 5 of the disabled car parking bays are not marked correctly.*
- *No cycle storage is shown on the plans. We have previously set out the requirements for provision and facilities should be shown on the plans prior to any decision to ensure*

*space is made available in a suitable location, details of actual provision could be conditioned.*

### **General Layout comments**

- *Provision should be made to encourage the use of electric vehicles, Further guidance on EV charging points can be found in the document produced by the Liverpool City Region <http://www.merseytravel.gov.uk/about-us/local-transport-delivery/documents/e-mobility-strategy.pdf>. Specific regard should be paid to 3.2.2 Table 3 “Min. provision of parking bays and charging points in new developments”.*
- *The link road through the site should be tracked as per previous requirements to demonstrate that it could be used as a single way working bus route as the wider area develops. Consideration should also be given to where future bus stops could be sited without conflicting with driveway provision.*
- *Junction table fronting plot 69 is incorrectly detailed.*
- *Access roads serving apartments would be private beyond the require turning head for the adoptable road.*

### **Access to sustainable modes of Travel;**

*The revised TA submitted to support the application is considered to be comprehensive enough in terms of trip generation and distribution.*

*Proposals for connecting to existing bus services are shown on a plan (plan 6) contained within the revised document but not on any of the submitted plans.”*

*We would require and indicative plan for offsite highway improvements be submitted and a condition applied to any decision that a detailed scheme be agreed with the Highway Authority prior to commencement and works implemented fully prior to first occupation.”*

As such the applicant has been requested to make further alterations to the layout and their response in terms of further amended plans will be presented to the Committee and further advice in relation to their consideration will be provided.

### Ecology

The application was accompanied by a Phase 1 Habitat Assessment. The Council’s retained ecology advisers have provided comments requiring the applicant to provide further information to allow assessment under the Habitats Regulations 2017 due to the site’s recognised linkage with the Mersey Estuary SPA; and Mersey Estuary Ramsar site due to the development’s potential pathways. As a result, the applicant has been requested to address specific matters in relation to the construction process and timings.

In addition, they have also advised of the application site’s functional linkage to the Local Wildlife Sites of Widnes Warth Saltmarsh Local Wildlife Site which is within 50m of the development site and is easily accessible from it, via the Trans Pennine Trail. The applicant did provide evidence that no significant effects will result, however the Council’s retained adviser disagrees with this conclusion. As such the applicant was asked to demonstrate how

increased recreational pressure will be avoided or mitigated to enable the HRA to be undertaken.

The applicant submitted a Habitats Regulations Assessment Report 1235 R01 LC GP 30<sup>th</sup> September 2019, which addressed these issues and outlined a programme of mitigation for both the construction phase and post development, which in addition to the on-site open space provision include the following:-

- Provision of signage and hedgerow 'gapping up' to discourage access onto Widnes Warth LWS.
- Provision of sales packs for future residents advising of alternative recreational opportunity in the area.
- Provision of a financial contribution through S.106 Agreement to fund four bird viewing screens along the Trans Pennine Trail with agreement from Halton Borough Council Open Spaces and the Mersey Gateway Environmental Trust.

Review of the submitted information will enable the Local Planning Authority to fulfil its obligation with respect to Habitats Regulations Assessment. The Committee will be updated of the further comments from the Council's retained ecological advisers and advice in relation to their consideration will be provided.

### Flood Risk and Drainage

The Lead Local Flood Authority comments on this application are as follows:

*"After reviewing 19/00235/FUL planning application which included the 'Flood Risk Assessment and Drainage Strategy' LLFA found the following:*

- *The existing site has low flood risk.*
- *SuDS have been briefly discussed, with the feasibility of oversized pipe which acts as an easement/ attenuation before discharging into culverted watercourse east to site.*
- *The site is 7.6ha, however the Microdrainage surface water drainage calculations only discuss the road network (1.76ha) on the existing site giving a discharge rate of 245l/s. The applicant does not demonstrate the pre and post impermeability of the site with associated surface water drainage calculations. Therefore, the 245l/s will be an underestimation of the surface water draining from the site.*
- *The Microdrainage calculations do not include the parameters used for the calculations.*
- *The FRA states that the surface water outfall is into the culverted watercourse, while the drawings states that it is a combined sewer. From United Utilities (UU) drawings the proposed outfall is connected to a Combined Surface water overflow (CSO), which would not be permitted by UU to discharge into. In parallel to the CSO is either a private sewer or a culverted watercourse, of which the ownership is not UU or LLFA. Therefore, further information is required if the applicant wishes to discharge into this.*

*If the applicant is not clear about the proposed outfall arrangement for surface water, LLFA will object to the proposed application.*

*Based on the information above LLFA request the following;*

*1. Further information of the private sewer/ culverted watercourse arrangement if the applicant wishes to discharge into this. This could include the ownership of the asset, information of the capacity of the asset and arrangement at Tan House Lane/ Moss Bank Road junction and St Helens Canal.*

*II. As the canal is adjacent to the site, with the private sewer going underneath the canal, consideration of the feasibility of connecting and discharging into St Helens Canal. This part of the canal is located between Ferry and Widnes Lock and is hydraulically independent with water supplied from the Ferry Power Station at a rate of 9.09Ml/d. Further information of St Helens Canal is located within, 'Sankey Interlocks Project HLF Grant Feasibility Study Part II – Hydrology Study,' 2016 which can be requested from LLFA.*

*III. Based on the revised surface runoff calculations and culvert information, confirmation that the capacity of the proposed outfall to the private sewer is sufficient for the proposed discharge.*

*IV. Flow Routes/ pathways of surface water at the site.*

*LLFA would recommend the following conditions, should the planning authority be minded to approved on this basis:*

*No development shall take place until details of the implementation, maintenance and management of a SuDS for the disposal of surface water in accordance with the SuDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

*I. Interceptors, attenuation structures and calculations to demonstrate a reduction in surface water runoff, comparing pre and post development calculations. Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + climate change allowance). Calculations should be based on the entire site (7.6ha).*

*II. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime."*

The applicant has not currently demonstrated that the outfall for surface water has been sufficiently addressed. Additional information has been submitted to the Council and is under further consideration by the LLFA, the Committee will be updated of any further information submitted and advice in relation to their consideration will be provided.

#### Housing Need and Affordable Housing Provision

The proposal would deliver 243 dwellings which represents a valuable contribution to Widnes's housing needs. The Core Strategy has identified that exceptional circumstances exist that warrant releasing land from the Green Belt to meet Widnes's development needs. Development of vacant urban brownfield sites such as this make a valuable contribution to overall housing supply.

Within the applicant's Planning Statement and submitted plans, information has been included in relation to the provision of affordable housing. Halton Core Strategy Policy CS13 sets out the borough's affordable housing requirements and requires new development of 10 or more units to provide 25% as affordable (50% of this to be social and affordable rented tenures and 50% intermediate housing tenures). This is in excess of the NPPF requirement for 10% of major development to be affordable.

According to the submitted information, this proposal would be expected to provide the following:-

- 60 dwellings for sale
- 69 dwellings for shared ownership

- 114 dwellings for rent

Only 30 of the 243 dwellings would be for open market sale another 30 for deferred sale. The properties are integrated throughout the site and are what the applicant describes as 'tenure blind' in that all properties defer to the character of the location and character areas within the scheme, rather than being identified by tenure alone.

The mix of dwelling includes 2 and 3 bedroom units which meet the need identified in the Mid Mersey Strategic Housing Market Assessment 2016.

The site does deliver benefits from the re use of brownfield land and regenerating this area of the borough as well as delivering affordable housing. Significant weight should be given to these benefits. This is considered further in the Planning balance later in this report.

The proposal more than meets the requirements of development plan policy CS13 and the provisions of the NPPF and is acceptable in the delivery of adequate affordable housing.

### Provision of Open Space

The proposal incorporates an area of public open space to the south of the site adjacent to the railway. This is an engineered solution to the remediation of the site and comprises materials which are unsuited for use in residential developable area. This has the result of creating a defined area of 1.75 good quality on-site recreational amenity space.

The proposal has been assessed against all other open space deficiencies in the area and the applicant has agreed to provide a financial contribution to meet the lack of this provision on site through a S.106 Agreement.

Through the delivery of both the on-site provision and S.106 contribution, the proposal will provide an enhancement of the current recreational function of the site and create a visual environmental improvement of the area.

On this basis the proposal meets the requirements of development plan Policies H3, CS9 and CS18, the draft Open Space SPD and the NPPF.

### Contaminated Land

The site is as of October 2019 undergoing significant remediation due to the existence of poor ground conditions resulting from the previous industrial and chemical uses at the site. The applicant has submitted a Remediation and Enabling Works Strategy 11-544-r2-RevD which is to be reviewed in conjunction with the previously submitted report in relation to the remediation permission 19/00267/FUL – Phase 1 and 2 Geo-Environmental Site Investigation Report aa-544-r1 dated April 2018.

The Council's Land Contamination Officer has reviewed the submitted information and has commented as follows:-

*"The application is supported by the following documents;*

- *Phase 1 and phase 2 geo-environmental site assessment, Widnes Waterfront, Tan House Lane, Widnes, ref 11-544-R1-RevC, E3P Ltd, April 2019*
- *Remediation and enabling works strategy, Widnes Waterfront, Tan House Lane, Widnes, ref 11-544-r2-RevD, E3P Ltd, May 2019*

*The above reports cover the preliminary risk assessment, detailed site investigation, detailed risk assessment, conceptual model and remediation strategy for the site in order to ensure that it is suitable for the proposed residential end use with associated public open space.*

*The site has had a long association with the manufacture of heavy chemicals, most recently the herbicide paraquat. The industrial development and waste disposal practices of the past land users have resulted in significant impact on the land quality as identified in the site assessment.*

*The reports conclude that remediation in terms of being protective of human health and to ensure the site is geo-technically suitable is necessary. The remedial strategy requires a soil cover system of certified quality and thickness to be applied to landscaped and garden areas, and all geo-technically unsound Leblanc process waste derived soils are to be relocated from within the residential development footprint to the open space areas.*

*It should be noted that this remediation scheme has already agreed under planning approval reference 18/00267/FUL, and is currently underway (although not yet complete).*

*Given the above and ongoing progress updates in relation to the remedial scheme, I have no objection to the application, but recommend that any permission is conditioned to require the submission of a verification report upon completion of the agreed remediation strategy.”*

On this basis the proposal is acceptable and meets the requirements of development plan Policies PR14, CS9 and the NPPF.

#### Waste

Matters arising from the assessment of waste:-

The Council's retained adviser in relation to waste matters has recommended two planning conditions in order for the development to comply with the policies of the Merseyside and Halton Joint Waste Local Plan.

Firstly for the provision of a Waste Audit to enable the minimisation of waste production on the site to comply with Policy WM8 of the MWLP; and information to be provided to demonstrate successful waste storage and collection of household waste to comply with WM9 of the MWLP.

It is considered that based on the submission of further information by condition that the proposal is acceptable and complies with the requirements of the Merseyside and Halton Joint Waste Local Plan and National Policy for Waste.

On this basis, the proposal satisfies the aims of the Council's Core Strategy, Waste Local Plan and the NPPF.

#### Other Matters Arising As A Result Of Consultation

Network Rail:-

A holding objection has been received from Network Rail with regard to the proximity of the site to assets in the ownership of Network Rail. The majority of this objection is based on the potential for the developer to damage or adversely affect their assets. These are matters that

are to be resolved between the developer and Network Rail and are not matters material to the determination of this planning application.

A further issue raised is that of the proximity of the site to the Carter House Junction Level Crossing and the potential for an increase in pedestrians to cross the railway at this point. The intention of the Council's adopted policy CS9 is to improve access to the waterfront and this is the main access point identified in the accompanying diagram to access Widnes Warth and the Trans Pennine Trail (Route 62). It is acknowledged that there is likely to be an increase in crossings as a result of the new residential development, however this is completely in accordance with adopted development plan policy. There is an existing level crossing that is currently used for access onto the Trans Pennine Trail along the St Helens Canal and this is encouraged as part of the overall green network system. The safety of this level crossing is a matter for Network Rail to deliver.

Whilst the existence of the level crossing is welcome to facilitate access to the wider area for future occupiers, it is not a necessity. The maintenance of this level crossing is the responsibility Network Rail and is not material in considering this application. The Council can make a decision in favour of the development in accordance with the NPPF paragraph 11 as in this regard, it accords with an up to date development plan, and there are no material considerations to indicate otherwise.

#### Canals and Rivers Trust:-

Comments have been received from The Canals and Rivers Trust with specific regard to the potential for the development to provide improved pedestrian linkages onto the St Helens Canal corridor.

The layout provided footway/cycleway provision across the on-site open space on to Tanhouse Lane at its southern end which leads across the railway onto the Canal corridor.

#### Health Impact Assessment:-

The applicant has submitted a Health Impact Assessment - GM10791/FINAL – September 2019. In accordance with Policy CS22.

#### Future Allocations Affecting the Site:-

Planning permission was granted in 2010 for a municipal waste site for the recycling and sorting of 200,000 tonnes of waste on the eastern side of Unifrax which showed two accesses through Unifrax to Tanhouse Lane. This permission expired in 2014. However, the site is included in the current Merseyside and Halton Waste Local Plan (MWLP) as a waste site allocation. The Council has included this site as a future waste allocation in the draft Delivery and Allocations Local Plan. Given the allocation in the MWLP, consideration needs to be given as to how that could impact upon the future occupiers of this proposal. The Council to some extent, exercises control over how the future waste development at this site will take place and will require it to minimise any impacts on the future occupiers of the residential properties. In terms of this current application, this consideration has influenced the layout of the residential proposal and the applicant has included a buffer along the eastern side of the site in the form of car parking for the proposed apartments and a robust dense boundary landscaping will be required in addition to the wall/railing proposed. Measures incorporated into the apartments in relation to noise will also serve to mitigate any impacts from the use of the access onto Tanhouse Lane from the potential waste site.

On this basis whilst there is neither an extant planning permission for the waste site, nor is the Delivery and Allocations Local Plan adopted, due consideration has been given on the basis of the site's inclusion in the MWLP. It is considered that the proposal has taken appropriate steps to mitigate future impacts from the potential use of this site and this is not indicated as a reason for refusal by the Council's Environmental Health Officer.

### Planning Balance

Members are reminded of the requirement to determine the application in accordance with the development Plan unless material considerations indicate otherwise.

Subject to the technical issues in relation to highways, etc outlined above being resolved and subject to noise mitigation measures being conditioned the proposal is considered to comply with the development plan.

The benefits resulting from the scheme to be weighed in favour of the development are:-

- The remediation of a contaminated brownfield site and the re-use of previously developed land;
- It will achieve the aims of the South Widnes Key area of change and Action Area 3 Widnes Waterfront from CS9 and RG3
- The proposal would deliver 243 dwellings which represents a valuable contribution to Widnes's housing needs.
- The provision on the site of a 1.75 ha area of public open space;
- The provision of off-site financial payment for the provision of other open space infrastructure;
- Successful linkage of this previously developed land to the already developed Widnes Waterfront 'Hive' area of leisure uses and beyond;
- The delivery of a mix of housing of varying sizes - approximately two thirds of which are 3 and 4 bed dwellings, across the apartment provision there are 1 and 2 beds, eighteen of which are provided for over 55's;
- The successful delivery of a diversity of tenure and community;
- The quality of the development in terms of dwelling size, design, mix, landscaping and boundary treatments.
- Successful delivery of affordable and market homes that would add to the overall delivery of housing in the Borough.

The proposal will result in the regeneration of an existing brownfield site, achieving the aims of the South Widnes Key Area of Change. It will result in a significant new residential development with a strong sense of identity and purposeful linkages to the supporting leisure and access to the Waterfront.

The above benefits need to be balanced in relation to:-

- The potential harm resulting from noise on future occupiers
- The impact on surrounding business as a result of that harm
- The as yet unresolved matters where there is outstanding information relating to the above.

The above benefits and disbenefits must be the subject of a balancing exercise before determining the application.

Taking each of the disbenefits in turn the following points can be made:

With respect to noise it is clear that the application presents fundamental problems which would result in a refusal of the application. However, the LPA is under an obligation to consider whether mitigation measures could overcome this fundamental issue. It has been established that certain measures could be taken to alleviate the noise nuisance issue which could be imposed by condition. Specifically the bedroom windows in the most effected elevations could be subject of a condition requiring that they are non-opening type. Due to non-opening windows mechanical ventilation would also be required. It follows that this fundamental noise problem can be alleviated.

With respect to the potential harm to surrounding businesses from the proximity of the proposed development. The first point to make is that any business which is the source of pollution has no right to export that pollution on to the land of a third party. Where it is considered to be in the public interest, polluting industries can be protected under the planning system as stated above in the context of UDP policy PR7. It is not considered that protecting existing sources of pollution would be in the public interest. In any event the imposition of conditions should substantially mitigate the effects of existing sources of pollution on the proposed development. Nevertheless the LPA cannot guarantee that there would be no impact on surrounding sources of pollution if the proposed development is approved.

With regard to the third dis-benefit there are a number of outstanding matters mentioned in the report. These include highways, Flood risk, and ecology. The LPA must not make a determination until all material considerations have been properly addressed. It follows that the Recommendation is not to make a determination but to delegate the decision to officers.

### RECOMMENDATION

That authority is delegated to the Operational director – Policy, Planning and transportation in consultation with the Chairman or Vice Chairman of the Committee to determine the application and if the determination is to approve the application subject to appropriate conditions and legal obligation.

### Background Papers

The submitted planning applications are background papers to the report.

Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

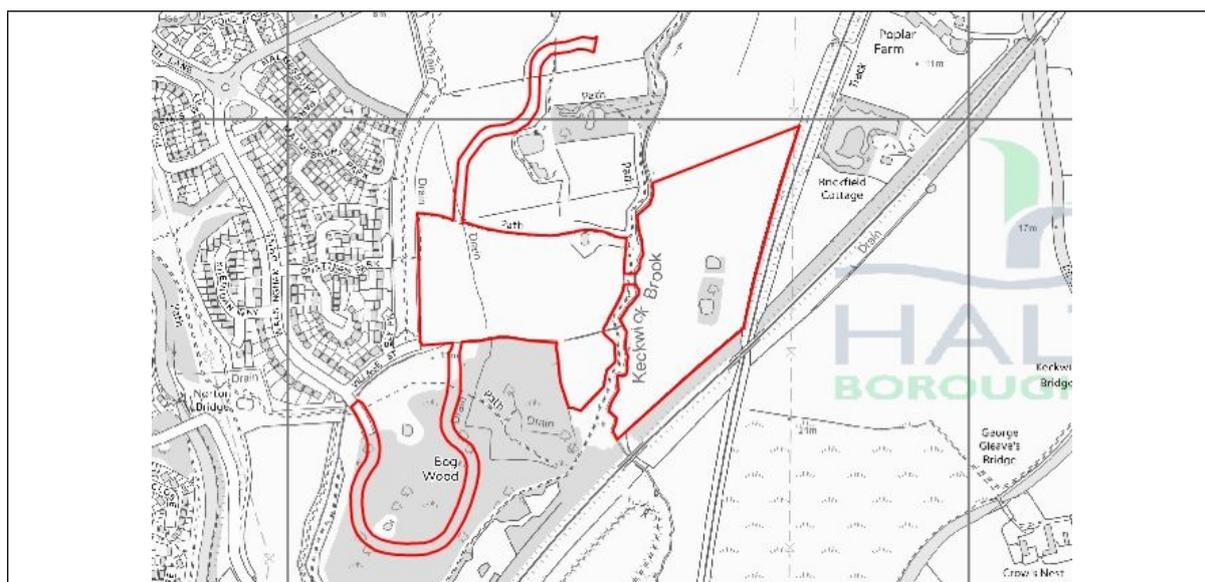
### SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015; and

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.

<b>APPLICATION NO:</b>	19/00325/FUL
<b>LOCATION:</b>	Open Land to North East of Village Street, to the East and West of Keckwick Brook and to the West of the West Coast Rail Line, Sandymoor.
<b>PROPOSAL:</b>	Proposed erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works
<b>WARD:</b>	Daresbury
<b>PARISH:</b>	Sandymoor
<b>AGENT(S) / APPLICANT(S):</b>	Galliford Try Partnerships and Homes England
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	UDP Phase 2 Allocated Housing Site(s); Proposed Greenspace; Proposed Greenway and Important Landscape Features
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	56 representations (multiple letters from 2 authors have been counted as one representation. Includes 1 letter of support)
<b>KEY ISSUES:</b>	Principle of development; Allocated housing site; housing need; loss of green space; highway impacts; Landscape impacts, waste policy; design and character; flood risk and drainage; contaminated land; ecology and trees; Health Impacts; Noise; Construction Access and Impacts
<b>RECOMMENDATION:</b>	Delegate to determine subject to resolution of outstanding information/ issues.
<b>SITE MAP</b>	



## **THE APPLICATION SITE**

### The Site

Site of approximately 11.4Ha within the Sandymoor development area. The site is predominantly greenfield with the exception of a partly constructed road designed to connect adjoining residential development through the site. The remaining site includes areas of grassland interspersed by areas of woodland and a number of ponds. Keckwick Brook runs north/ south through the site dividing the site into two parcels. Sandymoor Brook runs east west. Existing/ ongoing residential developments adjoin the site to the north, north east and south west. The West Coast Rail Line and Chester/ Warrington Line runs along the east and south east boundaries of the site.

### Planning History

Sandymoor has a long and complex planning history. Our records show that the site formed part of wider previous schemes with planning permission including outline planning permission (04/00342/OUT) previously approved for the proposed erection of 149 No. dwellings (with all matters reserved) and 13/00478/FUL for proposed phased highways infrastructure works which included parts of the site. Application 13/00479/S73 was previously approved to vary numerous conditions attached to planning permission 09/00129/OUT to allow use of Walsingham Drive as a construction access and residential access. This related to development of another part of the Sandymoor area but the issues raised are considered relevant to matters of construction impacts and access covered later within this report.

## **THE APPLICATION**

### Documentation

The planning application includes the relevant forms and plans and the following:

- Supporting Statement
- Design and Access Statement
- Environmental Noise Assessment
- Flood Risk and Drainage Assessment
- Key Messages and Evidence Report – Housing Needs
- Arboricultural Impact Assessment and Constraints Report
- Intrusive Site Investigations Report
- Transport Assessment, Addendum Technical Note and Travel Plan
- Ecology Assessment, Ecology Update letter, Bat Potential and Kingfisher Nest Plan and Great Crested Newt Mitigation Strategy
- Rapid Health Impact Assessment

## **POLICY CONTEXT**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2019 to set out the Government’s planning policies for England and how these should be applied. Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing. Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.”

Paragraph 59 states that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

### Local Policy Context

#### Halton Unitary Development Plan (UDP) (2005)

BE1 General Requirements for Development;  
BE2 Quality of Design;  
GE6 Protection of Designated Greenspace  
GE8 Development within Designated Greenspace  
GE21 Species Protection  
GE22 Protection of Ancient Woodlands  
GE24 Important Landscape Features  
GE25 Protection of Ponds  
GE27 Protection of Trees and Woodlands  
PR8 Noise Sensitive Developments  
PR14 Contaminated Land;  
PR16 Development and Flood Risk  
T1 Public Transport Provision as Part of New Development  
TP6 Cycle Provision as Part of New Development  
TP7 Pedestrian Provision as Part of New Development  
TP12 Car Parking  
TP14 Transport Assessments  
TP16 Green Travel Plans  
TP17 Safe travel For All  
H1 Provision for New Housing  
H3 Provision of Recreational Greenspace

Halton Core Strategy Local Plan (2013)

CS1 Halton's Spatial Strategy  
CS2 Presumption in Favour of Sustainable Development  
CS3 Housing Supply and Locational Priorities  
CS7 Infrastructure Provision  
CS11 East Runcorn  
CS12 Housing Mix  
CS13 Affordable Housing  
CS15 Sustainable Transport  
CS18 High Quality Design  
CS19 Sustainable Development and Climate Change  
CS20 Natural and Historic Environment  
CS21 Green Infrastructure  
CS22 Health and Well-Being  
CS23 Managing Pollution and Risk  
CS24 Waste

Joint Waste Local Plan 2013

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

Supplementary Planning Documents (SPD)

- Sandymoor Supplementary Planning Document
- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. A wide range of surrounding properties have been notified by letter. Issues did arise from properties not being consulted in the first instance due to discrepancies in records for street naming and numbering. A subsequent period of neighbour consultation was undertaken for missed properties once this issue came to light.

The scheme layout was originally amended to address ecology, highways, drainage and planning issues. This resulted in the loss of one unit. A further round of consultation was undertaken in relation to those submitted amended plans and information. Whilst subsequent amendments have been made to the scheme these are considered to address technical or relatively minor issues. Further advice has been sought from consultees as required on an issues basis and these are addressed through the report where appropriate. The Planning Authority is considered to have fulfilled its statutory requirements in this regard.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

Network Rail – No Objection

Natural England – No Objection

Environment Agency – Updated Comments Awaited. See discussion under Flood Risk and Drainage.

United Utilities – No Objection Subject to Conditions

Cadent Gas – No Objection

HBC Contaminated Land – No Objection

LLFA – No Objection

HBC Highways - No Objection

HBC Open Spaces – No Objection

HBC Environmental Protection – No Objection

Merseyside Environmental Advisory Service – No Objection

Woodland Trust - Objects

## REPRESENTATIONS

55 representations (multiple letters from 2 authors have been counted as one representation). The following summary issues have been raised:

- Issues relating to consultation including missed consultations (see above) and questioning why all properties along access routes to the site had not been consulted.
- Scale of proposed extra care facility, unsightly/ out of character with area, impact on existing buildings, loss of light and view, lack of massing diagram showing relative heights and questioning what extra care means, poor design and materials contrary to nation and local policy/ guidance, lack of parking, should be a full design review undertaken, impact on Ride/ Sunflower path
- Questioning need for extra care/ over 55s provision, that a similar proposed at Sandymoor Local Centre, with easy access to transport, viability of local centre will be threatened
- That extra care housing did not form part of masterplan or previous planning permissions
- Construction impacts including mud on roads, damage to existing roads, dust, noise, safety concerns, working hours, construction parking, heavy plant and machinery, loss of privacy
- That alternative route exists , was used for previous schemes and should be used
- Quality of materials not in keeping with existing buildings
- Impacts on public rights of way
- Loss of trees, impacts on trees, ensuring adequate tree protection, impacts on wildlife, querying whether the Woodland Trust have been consulted and what is their response.
- Loss of privacy and overlooking
- Traffic volumes, congestion and pollution, highway safety, increase in traffic speeding, road design will increase traffic on Walsingham Drive, need for traffic calming on surrounding roads
- Flood risk
- Lack of facilities, shops, GPs, access to public transport etc.
- Impact of rail noise which will be made worse by loss of trees
- Lack demand for extra care, lack of bungalows, that the demand/ need justification by applicant is poor/ generated little response/ expression of interest
- Questioning claims that extra care facility will relieve pressure on local health service whilst pressure on GP and community health services is likely to increase
- That the land has only been identified for private housing, housing out of character with earlier housing
- Loss of greenspace, that brownfield land should be used first, impact on value and appeal of existing housing, profiteering adding no benefit to local residents, should be more landscaping/ greenery
- That Homes England gave assurances that only 2 storey housing would be built
- Questioning whether the future population would be eligible for social housing

- Impact on health and well-being of existing residents/ children
- Lack of frontage development in key areas/ fails principles of secured by design
- No requirement for affordable housing, introduction of social housing will reduce house prices
- Disturbance from extra care from deliveries, ambulances etc
- Impacts on adjoining residential properties by proximity, loss of privacy
- Destruction of green belt and rural character, creating metropolis with merging of nearby residential areas, government should avoid unnecessary population growth/ foreign immigration and regulate multiple home ownership, should re-use derelict property/ brown field sites
- Complaint about state of land left by previous developer behind house resulting in flooding and requesting assurance that the proposed will not make this worse
- One letter of support for a four storey building as this would represent a more efficient use of the available land, welcomes bistro as good addition to the community if open to public, questioning whether there could now be demand for a train station in the area.

In addition a letter of representation has been received from Sandymoor Parish Council stating as follows:

*“SPC support the development overall but have a few concerns and comments regarding it.*

*Concern number 1 - Large extra care housing block.*

*The outline planning consent for this area of Sandymoor contain no reference to an extra-care/sheltered housing scheme.*

*There is also a second development in planning which contains an over 55yrs block of apartments, is there a need for 2?*

*The documents provided in the planning application do not include a massing diagram of the extra-care housing scheme and do not give a clear indication of the impact that a building of this size will have on the surroundings.*

*However, based on the height, scale and massing of the proposed extra-care sheltered housing scheme, we believe that it would be completely inappropriate for its proposed location in Sandymoor.*

*There are no other buildings of this height, scale and massing on the development.*

*The appearance of the extra-care housing block in its modern contemporary architectural form is completely out of character with its surroundings and the rest of the development of Sandymoor.*

*The extra-care block would create an unacceptable loss of privacy to the residents of the existing adjoining dwellings.*

*In previous meetings with representatives of Homes England (previously English Partnerships) assurances were given to residents that a similar form of development to that already constructed and over-looking the 'ride' would be provided on the*

*opposite side i.e. 2 storey detached family housing, like the Morris home development that have been built further down the 'ride'.*

*The proposed extra-care block goes against these assurances and fails to provide continuity or a cohesive design for the remainder of the frontage of the 'ride'.*

*The size and positioning of the extra-care block would be detrimental to residents at the other side of the ride and will dominate the vista down the ride and will not follow the continuity of the area. Instead it could be located further into the development and maybe closer to Bog wood where there is a natural clearance to alleviate these issues.*

*Concern number 2 - Lack of bungalows on proposed development The developers Key Message & Evidence document dated May 2019 states there is a lack of bungalows in the area for the older generation, so I would have to question then why no bungalows feature within their design if they are so keen to provide a range of properties.*

*Concern number 3 - Entry and exit routes for construction traffic With 2 developers already using Wharford Lane and Pitts Heath Lane together with the school on that road means it would be totally unacceptable to use the Actons Wood entrance/exit into the new development.*

*The proposed access route for the construction traffic is running the full length of Walsingham Drive, I believe this road has an asphalt thickness of 185mm and the minimum requirement for construction traffic is 210mm.*

*However David Wilson Homes had a road built which connects Windmill Hill Avenue to the southern end of Walsingham Drive, about 300 metres from the proposed Galifords site, bypassing the northernmost 800 metres of Walsingham Drive. This road still appears to be intact.*

*If Galifords were to use this road, it would solve the issue of having to use the full length of Walsingham Drive.*

*These three issues - large extra care block, lack of bungalows and construction traffic routes - are the main points of concern as discussed in the Parish Council meeting of the 18th July."*

## ASSESSMENT

### The Proposal and Background

This application was originally presented to Development Control Committee in October where the Committee resolved that this application not be considered at the meeting and that it be submitted to a future meeting for determination. It was explained to the Committee that material considerations had come to light at a late stage (since the summons to the meeting was issued). There had been no time for these matters to be analysed. Consequently, it would not be proper for this application to be

considered at that meeting. It is considered that those material considerations have now been so analysed and resolved.

The application seeks permission for the erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works on land within the Sandymoor allocated housing area as defined by Core Strategy Policy CS11. The dwellings are proposed as a mix of two, three and four bed houses of a traditional style being predominantly 2 storey and a mix of detached, semi-detached and terraced properties. The extra care element of the scheme will be provided within a single, four storey block. According to the applicant, “the accommodation will provide for people who are generally over 55 with a low to medium level of physical or mental health support needs, promoting independent living. The building will provide a range of services for residents on-site....with a higher than typical provision of shared ownership properties being proposed in response to local demand”.

The scheme is proposed to be developed as a phased development and the application includes a proposed phasing plan. The applicant has stated that this is to allow the early commencement of the extra care apartments. This is not considered to raise significant issue in determination of the application but, if planning permission is approved, then the format of the notice and any conditions attached would need to make allowance for this.

### Principle of Development

The site is predominantly designated on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Housing Site. Areas of the residential development overlap onto areas designated as proposed greenspace as defined on the UDP Proposals Map.

The Core Strategy supports the greenfield expansion of East Runcorn. Policy CS3 seeks the development at an average rate of 552 units per annum. Policy CS11 sets out the requirement for an additional 1400 units to the south and west of the existing Sandymoor community. Development Plan policies are supplemented by the Sandymoor Supplementary Planning Document (SPD) adopted in 2009. This SPD sets out further detail on the development of the Sandymoor area, of which this site forms a component part.

The application has been advertised as a departure from the development plan. This was a precautionary approach based on a prima facie conflict with areas of greenspace on the UDP Proposals Map. On review Core Strategy Policy CS11 identifies the area of Sandymoor, including the application site, as an “allocated housing site” with no proposed greenspace distinction. This policy is considered to take precedent over the UDP proposals map in this regard and the application is not therefore considered a departure from the development plan.

Where areas of the residential development overlap onto areas designated as proposed greenspace as defined on the UDP Proposals Map these are most notable in the area to the south of UDP site allocation 406/18 and to a lesser extent land to the east adjoining the railway line. The areas of encroachment are considered minor in the context of greenspace provision to be made within the scheme and the wider Sandymoor development area which is considered as providing sufficient compensatory provision.

The UDP proposals map identifies a proposed Greenway link running north/ south following the railway line along the eastern boundary of the site. On the basis of advice from the Council's Highways Engineer alternative provision has been made, diverting from the line shown on the UDP proposals map, to allow connection to an existing bridge across Keckwick Brook. Whilst future works will be required by the Council to upgrade that bridge and potential paths within the Keckwick Brook corridor The Councils Highways Officer has confirmed that this represents a preferable solution. On that basis it considered that appropriate provision has been made for bridleway connectivity and cycle and pedestrian links to accord with Unitary Development Plan Policies TP9 and GE6.

Keckwick Brook and Bog Wood are included within an area classified as Areas of Special Landscape Value in the Unitary Development Plan. Whilst the proposals will result in housing development coming closer to these designated features the application is for residential development on an allocated housing site. All these areas are to be retained through the scheme. The proposals are considered to have been designed to provide appropriate relationships to the retained areas.

The development proposal will deliver much needed housing on a long designated site and is considered acceptable in principle.

#### Housing Need and Affordable Housing Provision

The applicant has submitted a document referred to as "key messages and evidence May 2019" which seeks to present the case for the mix of family and older persons housing proposed within the scheme.

Under normal circumstances the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5 and provision of open space in accordance with UDP Policy and the Open Space SPD. The site falls within a wider area of the Sandymoor development subject to an overarching legal agreement. This is considered to cover all available compensatory measures and planning gain and has been negotiated to secure those benefits that have been prioritised by the Council. That agreement did not cover affordable housing provision but did include provisions with respect to Open Space. Provision of affordable housing is acknowledged to place a financial burden and it is considered that any additional requirements in this regard would open that legal agreement to full re-negotiation and is likely to affect the viability of the scheme.

The scheme does not propose affordable housing as defined by Policy CS19. According to the submitted statement the housing element of the scheme is aimed at first time buyers and families and suggests that housing will be cheaper than the

previous offer in Sandymoor and therefore more accessible including for starter buyers and those buying first time homes.

With respect to the case for older persons the statement identifies that “as well as a shortage of suitable housing extra care element (for older members of the population), there is also an acute lack of Extra Care or supported housing in Halton” and that the need in Halton is “particularly pronounced” and “anticipated to grow”. Objectors to the scheme have questioned the need for extra provision within the scheme. The Councils Planning Policy Officer has reviewed the submitted report and confirmed that it accords with the emerging policies in the DALP in terms of need for housing mix and the specialist housing element. The report also highlights a need for bungalows and objectors have raised the absence of such provision within the scheme as an issue. There is however considered to be no policy requirement for provision of bungalows at the site and it is not considered that refusal of planning permission could be sustained on this basis. Housing affordability has been well publicised as a national issue. Current national and local policy in no way precludes such lower cost housing or extra care housing in the Sandymoor area. In fact a mix of housing types and tenures and affordable housing is positively encouraged. Members should however be aware that there is no policy justification for restricting tenure, future occupiers or potential buy to let sales.

#### Extra Care, Bistro and Other Facilities

The applicant indicates that they are working in partnership with Halton Housing Trust as a registered provider for the extra care facility. According to the submission documentation “the design is based on one and two bed self-contained apartments allowing for independent living, some for rent, shared ownership and open market sale. The building will also feature some communal facilities which will be accessible to the public during the day time. These include a bistro and multi-use room.” The submission states that the facility will provide independent living for people over 55 similar to previous developments at Naughton Fields and Barkla Fields. The following are listed within the facility:

- 4 No. one bed apartments
- 96 No. two bed apartments
- Guest suite for visitors
- Communal residents lounge(s)
- Commercial Kitchen and Bistro
- Staff offices and meeting rooms
- Assisted Bathroom
- Buggy store
- Laundry and stores/ refuse areas

The proposed Extra Care housing is considered to fall within Use Class C3 by virtue of the Use Classes Order and does not therefore conflict with the sites allocation as a housing site. Members should however be aware that there is no policy justification for restricting tenure, future occupiers or potential buy to let sales.

#### Design, Density and Residential Amenity

The application proposes a mix of two, three and four bedroomed, two storey dwellings of a traditional brick, render and tiled roof construction. The scheme also includes a substantial block of 100 extra care apartments being 4 storeys with the additional height of a pitched roof over the central portion of the building.

The scheme layout has been amended to primarily address highways and planning issues. This has resulted in the loss of one unit with a reduction in the number of houses from 137 to 136.

The site area is stated as 11.4Ha. Based on an estimated 70 per cent developable area of 8.12Ha this provides an estimated net density of approximately 29 dwellings per hectare (dph). Core Strategy Policy CS3 provides that in order to ensure the efficient use of land a minimum density of 30 dwellings per hectare will be sought. Whilst marginally below this target figure it is considered that the scheme represents an appropriate character and density of development when compared with that of surrounding developments.

A number of objectors have raised issue with the height of the four storey block designed to contain 100 extra care apartments. Whilst efforts have been made to break up the massing with a variety of materials this building is designed as a single block and is undoubtedly substantial in scale when compared with more traditional two storey houses which would surround it. Houses up to three storeys are not uncommon through previous phases of the wider Sandymoor development. The Sandymoor SPD states that in relation to development at Brookwood where the proposed extra care building will sit:

*“Residential development will comprise a higher density than the rest of Sandymoor, including in places the development of 3-4 storey properties.”*

Whilst pitch roof detailing adds to the mass of the building this will occupy the central portion of the building only with remainder being flat roof construction. The SPD does not make any provision requiring that such higher development shall not include pitch roofs.

For the remainder of the site to the south of the extra care block, this area is identified as Southride within the Sandymoor SPD for which it states:

*“Much of the development will be at medium densities with slightly higher (medium high) densities proposed along primary important frontages at the northern and southern ends of the site. Properties will generally comprise 3-4 storeys.”*

In line with officer advice, the amended application details subject to ongoing consultation includes an elevations comparison drawing which provides some context for the scale of the proposed building when compared against the existing Sandymoor School building which is contained within the report plans pack. Whilst larger, it is not considered that any argument could be sustained that the scale of the proposed building is so out of scale as to justify significant harm or refusal of planning permission.

Against this backdrop it is considered that proposals for residential development including for development of the scale proposed and a higher density than previous phases of development in the area is wholly consistent with the policy aspirations for the area. It is therefore considered that the proposals represent housing to an appropriate density and an efficient use of land in accordance with Policy CS3.

Whilst the extra care block will front existing residential development the scheme is considered to offer significant spacing to achieve satisfactory privacy standards and interface distances in accordance with the principles within the Council's adopted Supplementary Planning Document for New Residential Development and as such complies with Policies BE1 and BE2 of the Halton Unitary Development Plan, Core Strategy and NPPF.

The scheme makes provision for the continuation of the Avenue to link through to Wharford Lane and Walsingham Drive through previous and ongoing residential development sites to the south and north including the Bloor Homes site to the north east which is currently under construction. Appropriate connection is made to the future phase development land to the south. It is considered that suitable consideration has been given to providing active frontages to key highway and pedestrian routes and other public areas.

Issues relating to construction impacts on the amenity of existing residents are covered elsewhere within this report. Conditions relating to materials to be used, boundary treatments and landscaping provision in accordance with the submitted details are included within the recommendation.

### Highway Considerations

The application was supported by submission of a Transport Assessment (TA). The Council's Highways Engineer originally raised issues with the submission on the basis that the submitted TA had underestimated likely trip generation and had not considered junctions likely to be critical in understanding likely impacts on the network.

As a result the applicant has submitted an update to the TA by way of technical note. This has been reviewed by the Council's Highways Officer and is considered to sufficiently address the issues previously raised. As anticipated the assessment acknowledges that, with committed developments in place (Sandymoor North, Sandymoor South full build and Sandymoor School full occupation) the Pitts Heath Lane/ Wharford Lane junction will be over capacity. This is not unexpected and the performance of this junction has long been under review, with a view to an alteration to junction type or priority at some point in the future should this be required.

Under normal circumstances it would be recommended that a Section 106 agreement is required based on a financial contribution towards Pitts Heath/ Wharford Lane junction alterations. As outlined above, the site falls within a wider area of the Sandymoor development subject to an overarching legal agreement. That agreement

did not cover provision to alter the junction anticipated to be affected but does include provisions to allow variation to the schedule of works which could be amended to include the required works. The applicant and landowner, Homes England, have agreed in principle to such variation which it is considered can be addressed by exchange of correspondence. Members will be updated orally.

The Council's Highways Engineers have confirmed that, given the above referenced technical note update and agreement to the schedule variation, they raise no objection based on highway capacity or safety issues relating to the existing highway network. Other issues arising from the proposals relating to detailed and general highway arrangements within the scheme as originally submitted have also been addressed by amendments to the scheme. It has been confirmed that these issues have been satisfactorily addressed and that no objections are therefore raised.

### Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Outline Surface Water Drainage Strategy (FRA). This identifies the site as lying primarily within Flood Zone 1 but with areas lying in Flood Zone 2.

The LLFA raised a number of queries and issues with the FRA as originally submitted. An updated FRA and amended detail has been provided in response. A number of comments made by the Environment Agency have also raised a number of queries which require further investigation.

Further information and assurances have also been provided including with respect to drainage calculations, culvert sizing, design and location of compensatory storage and to ensure that proper provision is made for land drainage along the boundary of the site with previous developments.

The Council's Drainage Engineer acting as Lead Local Flood Authority (LLFA) has confirmed that they raise no objection subject to conditions. United Utilities and the Environment Agency raise no objections in principle subject to conditions. With respect to the queries raised with respect to initial comments by the Environment Agency further clarification has now been provided in this regard. The Agency has confirmed that the updated FRA is based on the more accurate topographical information whereas the zonation's provided within the EA's Flood Mapping resource are indicative only due to model / resolution of available data limitations.

They have confirmed that the submitted topographical information proves that for the development site area, that Flood Zone 2 &3 are limited to either the channel of Keckwick Brook or very close to it using the consultant's ground level data and, as such, the current proposed development area for the site will in reality be within an area that can be classified as Flood Zone 1.

To resolve this potential sticking point, the condition we have requested requires the development to be carried out in accordance with the FRA (which proves the development area is in Flood Zone 1). If needed the wording of our condition's initial bullet point could be changed/further clarified for avoidance of doubt to "Residential development shall be limited to areas of the site confirmed within the submitted flood risk assessment as being located within Flood Zone 1 (low risk areas)". "The additional request for a condition on floor levels is to ensure that issues such as climate change and freeboard contingency are factored into the finalised scheme design."

It is therefore considered that sufficient evidence has been provided with respect to drainage and flood risk and that any outstanding issues can be adequately address by planning condition.

### Contaminated Land

The application is supported by a detailed intrusive site investigation report. The report presents the results of a preliminary site assessment and a subsequent intrusive site investigation with associated revised risk assessment and conceptual site model.

The site is confirmed as having been the subject of very little development and no significant sources of contamination were identified. Testing of soils, groundwater and ground gases did not identify any significant risk to the proposed development.

The Council's Contaminated Land Officer has confirmed agreement with the conclusions drawn from the investigation and risk assessment and therefore raises no objection to the application and recommends that there would be no requirement for any planning conditions.

### Open Spaces, Ecology and Trees

The applicant has submitted an Arboricultural Constraints Reports, Impact Assessment and Tree Protection Plan. This identifies a number of trees and groups of trees to be removed to facilitate the development. Whilst a number of trees to be removed are identified as of good quality with a long remaining estimated contribution the majority are lower quality trees and tree groups. A significant majority of the existing trees and tree groups will however remain including along brook corridors. Whilst the loss of any good quality trees are regrettable it is considered that this is necessary to facilitate the development and that sufficient scope exists for replacement planting through the scheme.

The Sandymoor SPD seeks to protect existing ancient and semi-natural woodlands at Sandymoor and specifically identifies Bog Wood as a "Designated Woodland". It further advises that "development proposals should not cause damage, directly or

indirectly, to ancient and semi-natural woodland...and must conform to the requirements of the Woodland Trust. In this regard it advises that “no development will be permitted within a protected building line stand-off distance of 15-20m stand-off from existing trees” and that “new housing units should only front woodland, and no back gardens will be permitted along woodland boundaries in compliance with Woodland Trust requirements”.

Bog Wood is not defined as Ancient Woodland on the UDP proposals map nor is it identified on Natural England’s register of Ancient Woodland. The applicant has advised that:

- *Bog Wood is not an ancient woodland. The Ancient Woodland Inventory dataset can be viewed on DEFRA’s Magic Maps Application which does not identify any of the 4 named woods in the Sandymoor SPD as ancient. At present this is the metric by which it should be assessed and unless proven otherwise Natural England’s Standing Advice does not apply.*
- *The woodland can be protected in accordance with BS5837 throughout construction, a buffer of 15m will not be required.*

None of the trees are protected by Tree Preservation Order or within a Conservation Area. The submitted Arboricultural Impact Assessment and Tree Protection Plan identifies Root Protection Areas for retained trees and woodland including recommendations for protection of trees throughout the course of the development. Any encroachment within the plotted Root Protection Areas are limited to rear gardens in limited locations.

It is acknowledged that requirement for a further protection buffer would require a redesign of the scheme and/ or likely reduction of approximately 5-6 dwellings. At the time of writing officers remain to be convinced regarding the Ancient Woodland status of Bog Wood and that the 15-20m recommended by the Sandymoor SPD should not be maintained. The SPD is a clear policy statement which may have been overlooked by the applicant. Bog Wood might or might not be ancient woodland but a prima facie case has been made out. The ‘precautionary principle’ dictates that a survey should be undertaken to establish whether Bog Wood is ancient woodland. The answer to this question would be directly relevant to whether an application which does not comply with SPD could be acceptable.

The applicant has stated that there are contractual pressures and cost implications with further delay in receiving planning permission. In order to minimise potential for such further delay in bringing the application back to Committee and to avoid potential criticism of predetermination officers are requesting delegated authority to allow these matters to be satisfactorily resolved. It is possible that this matter could be resolved in good time but Members will be updated fully.

The applicant has submitted Ecological Assessment reports, Great Crested Newt survey and mitigation strategy and an ecology update addendum report in accordance with Core Strategy policy CS20. In response to initial queries raised by the Council's Retained Adviser on ecology matters the applicant has also supplied a Tree Assessment for Bat Potential and Kingfisher Nest site plan.

The submitted reports identify the habitats of greatest ecological value as the mature trees, woodland areas and ponds along with wildlife corridors such as brook corridors as important commuting routes for many species which it states should be retained and enhanced.

The reports identify invasive species Japanese Knotweed and Himalayan balsam and that an invasive species method statement is required to manage or eradicate the species. Historical records identify Great Crested Newt (GCN) within two on-site ponds and there being two GCN breeding ponds within 250m and that an Amphibian Reasonable Avoidance Measures (RAMS) method statement is required. Recommendations are also made with respect to the potential impacts on bats and lighting in relation to the brook crossing, protection of trees and nesting birds, requirements for a water vole method statement and to mitigation and biodiversity enhancement.

A subsequent ecology update has been supplied by the applicant which identifies that one pond has tested positive for EDNA as having a presence of great crested newt. It states that this update is supported by a GCN Mitigation Strategy detailing the scope of amphibian mitigation works across the site identifying methods that will be employed to ensure no great crested newts will be affected by the works.

The submission also makes the following recommendations which will be undertaken prior to the commencement of any works as follows:

- Any mature trees not retained should be surveyed for bats and if presence is confirmed a European Protected Species licence will be obtained.
- A pre-commencement survey for water vole will be undertaken prior to works within 5m of Sandymoor or Keckwick Brook. If presence is confirmed a licence will be obtained.
- A badger pre-commencement survey will be undertaken; and
- Implementation of the GCN mitigation scheme to ensure long-term maintenance of the populations.

The Council's retained adviser on ecology matters has identified no barriers to development subject to conditions. They have undertaken a Habitats Regulations Assessment for likely significant effects on designated sites which concludes that there are no likely significant effects including with respect to potential recreational pressure.

They have also assessed the application with respect to the three tests set out in the Habitats Regulations concluding that, providing appropriate mitigation is secured by suitably worded planning condition, the proposals would not be detrimental to maintain protected species populations. The Council's Open Spaces officer has raised queries regarding the potential impact of raising/ lowering ground levels adjacent to retained trees, levels of filtration for surface water drainage and the gradients of land/ attenuation ponds and maintenance. Members will be further updated in this regard.

Natural England has been consulted and confirm that they raise no objection.

### Waste

The Council's retained adviser on waste matters has advised that the proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste paragraph 8, bullet point 3 and Planning Practice Guidance 49 apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition. It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

### Health Impact

In accordance with Core Strategy Policy CS22 the applicant has submitted a Health Impact Assessment undertaken to determine the possible health impacts, both positive and negative, that could result from this scheme.

A summary and conclusion of the assessment outcome identifies the following:

*Housing Quality and Design - The Proposed Development is likely to result in positive health effects relating to housing quality and design, particularly by meeting the needs of the both older people with the Extra Care facility, and buyers seeking starter homes.*

*Access to Healthcare Services and Other Infrastructure - Existing healthcare services are accepting new patients so the impact of the Extra Care facility and new residents on the existing population should be limited. Residents of the Extra Care facility are likely to experience a positive impact due to the tailored services for older people provided on site.*

*Access to Open Space and Nature - The Proposed Development includes an accessible open space for residents, both formally within the Extra Care facility garden and children's play area, and informally within the proposed green corridors and retained open space. These should result in positive impacts to health.*

*Air Quality, Noise and Neighbourhood Amenity - There are no predicted health impacts anticipated due to air quality, noise or neighbourhood amenity.*

*Accessibility and Active travel - The Proposed Development provides opportunities for pedestrians and cyclists, and also includes a bridleway, which all connect into existing routes around Sandymoor. Community facilities, such as the local Hall and secondary school, are a short walk from the Proposed Development. Access via public transport is likely to improve with the proposed new bus stops.*

*Crime Reduction and Community Safety - The Proposed Development design ensures residents will feel safe by using Secure by Design measures, with active frontages and secure private amenity spaces, which is likely to have an overall positive health effect for new residents.*

*Access to Healthy Food - There are no predicted health impacts anticipated due to access to healthy food.*

*Access to Work and Training - Information to make a complete judgement on this topic is not fully available, though the creation of employment opportunities during the construction of the Proposed Development is likely to have a positive health impact, as is the provision homes for commuters working in local urban centres.*

*Social Cohesion and Lifetime Neighbourhoods - Improvements to public open space, and links into existing pedestrian and cycle networks, will enhance the local area for residents, enabling the opportunity for greater social interactions which could lead to improved health effects.*

*Minimising the Use of Resources - Information to make a complete judgement on this topic is not fully available and therefore resulting health impacts are uncertain.*

*Climate Change - Consideration of climate change, particularly for biodiversity and flood risk, in the design of the proposed development is likely to result in positive health effects.*

*The assessment concludes that health impacts upon the existing and future population as a result of the proposed Development are anticipated as being generally positive.*

### Construction Impacts

A number of objections have been received raising concerns regarding a variety of construction impacts including routing of construction traffic. The applicant has submitted a Construction Access Plan indicating access via Walsingham Drive and leaving via Actons Wood Lane and Wharford Lane. For the reasons set out below it is not recommended that this should be included within any approved list of plans.

Previous phases of development were served by a haul road constructed to connect across the Bridgewater Canal to Windmill Hill Avenue. Homes England has stated that that haul road was removed following the completion of the associated works as a requirement of the Natural England ecological licence. They state that the process of seeking planning consent, commissioning necessary studies and an ecological licence to reinstate the haul road would lead to extensive delays and new delivery risks and costs as well as interaction with the later phases of Sandymoor for which masterplanning work is being commissioned. For those reasons, they state that the haul road is not an option they would seek to progress.

Construction impacts such as traffic, noise and dust etc are an inevitable effect of such large scale construction activity. Whilst alternative or preferable means of access for construction traffic may exist any such traffic does have the right to use any adopted Highway subject to compliance with weight restrictions where they exist. Where recent highway construction within Sandymoor are used to provide such access but are not yet adopted by the Council, any control over rights of use would be a private matter. Officer advice has previously confirmed that Walsingham Drive is capable of accommodating construction traffic and that construction traffic is not likely to result in significant highway safety issues or loss of amenity to residents as evidenced through a report previously presented to Committee. In that case, planning application 13/00479/S73 was previously approved to vary numerous conditions attached to planning permission 09/00129/OUT to allow use of Walsingham Drive as a construction access and residential access during an earlier phase of the Sandymoor development.

It is acknowledged by both the applicant and the Highway Authority that there could be some issues with the ability of Walsingham Drive and other local carriageway construction to withstand the number of HGVs proposed over the likely duration of construction without some deformation of the carriageway pavement. This could potentially affect future adoptions of previously completed schemes. Discussions are understood to be ongoing between the Council and Homes England in this regard with respect to a potential monitoring regime and potential mitigation measures. This is however a matter for the Council as Highway Authority and not for consideration through determination if this planning application.

In the past conditions have been recommended requiring submission and agreement of a Construction Environmental Management Plan including construction vehicle

routeing and management and wheel wash facilities in an effort to protect local residents. Experience has however lead to a realisation that such conditions are unenforceable and lead to unrealistic expectations on the level of control available. On that basis it is not considered that imposition of conditions relating to construction management, use of wheel wash facilities or routeing and parking of vehicles could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework. A condition restricting hours of construction and delivery in order to minimise construction impacts is considered appropriate.

### Noise

The application is supported by an Environmental Noise Assessment Report (ENAR). The Council's Environmental Health Officer has advised that:

*The ENAR assesses the suitability of the site for the proposed development taking into consideration the proposed layout, topography, on and off site uses and noise survey data.*

*The noise climate to the East of the site is dominated by rail noise and moving West, by distant road traffic noise. The noise monitoring was carried out between 1400hrs and 1800hrs and reports on the number of trains during that time frame. With regard to night-time noise and the potential for train movements to cause disturbance, noise levels during the pass-by of a freight train at night would peak at over 80dB<sub>LAFmax</sub> in the properties backing onto the mainline. It should also be noted that there is the potential for the number of pass-bys to increase over time.*

*The report presents the layout of the site with a number of houses backing onto the rail line. It concludes that a scheme for glazing, ventilation and materials which will achieve a suitable level of internal amenity is deliverable across the site. It also indicates that the external noise levels at ground floor level across the site are generally predicted to achieve the desirable or upper external amenity noise limit. However, the report states that there are approximately 8 properties, located near to the WCML predicted to exceed the external amenity noise guideline limit.*

*BS8233:2014 states that for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. BS8233:2014 also states that where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved. It does recognize that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the*

*convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited. Therefore if the development is not necessary or desirable in planning terms or required to meet housing need, the planning application should fail on the noise criteria as there is no argument for relaxing the standard.*

*To meet the maximum level cited in the 1999 standard and the WHO guidelines, the noise levels would have to be reduced. It is feasible to reduce noise levels by choosing the appropriate building materials and employing enhanced glazing together with ventilation systems, and this is demonstrated in the report. However should a resident feel the need to open a bedroom window to ventilate their property, they would be exposed to levels of noise that would disturb most people.*

On that basis it is advised that at the levels described in the noise report, and without any guidance on how to apply the standards in the Noise Policy Statement for England, it seems likely that the noise will fall into the Significant Observed Adverse Effect Level (SOAEL) criteria. In terms of the hierarchy of methods employed to reduce the impact, it appears that it would be impossible to avoid the noise, therefore it can only be minimised. To this effect noise mitigation has been considered in the design, orientation and managing the internal environment by the use of enhanced glazing with ventilation. The Council's Environmental Health Officer has therefore advised that they satisfied with the mitigation measures as outlined in the applicants report and based on this, have no further comment to make.

On the basis of the noise report and current legislation and guidance it is not considered that refusal of planning permission could be justified on the basis of the identified noise exceedances. A suitably worded planning condition is however recommended to ensure that the acoustic glazing and ventilation meets the standards specified within the report.

### Conclusions

This proposal seeks to bring forward much needed housing on an allocated site identified for development through the local plan process over 10 years ago. The development proposal submitted is consistent with Halton's Development Plan Policies. UDP Policy H1 and Core Strategy Policies CS1, CS3 and CS11 provide policy support for the development of this site at East Runcorn. Policy CS2 and NPPF set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is considered consistent with the aims of the policies relative to this site subject to the outstanding matters referred to above.

At the time of writing this report a number of issues remain to be addressed particularly in regard to the potential impact on Bog Wood and whether a potential further redesign of the scheme and/ or reduction in housing units is required. The principle of development is however considered acceptable and outstanding matters are considered predominantly of a minor or technical nature. It is therefore not possible to make a final determination at this time. To avoid delay in presenting to a future Committee and avoid the planning process being blamed for delaying construction of much needed housing the application is being reported to committee at the earliest opportunity. Members will be updated orally as required.

### RECOMMENDATION

That authority is delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to determine the application and, if the determination is to approve the application, that it be subject to appropriate conditions and modification to the legal obligation.

### Background Papers

The submitted planning applications and the Council's standard conditions are background papers to the report.

Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

### SUSTAINABILITY STATEMENT

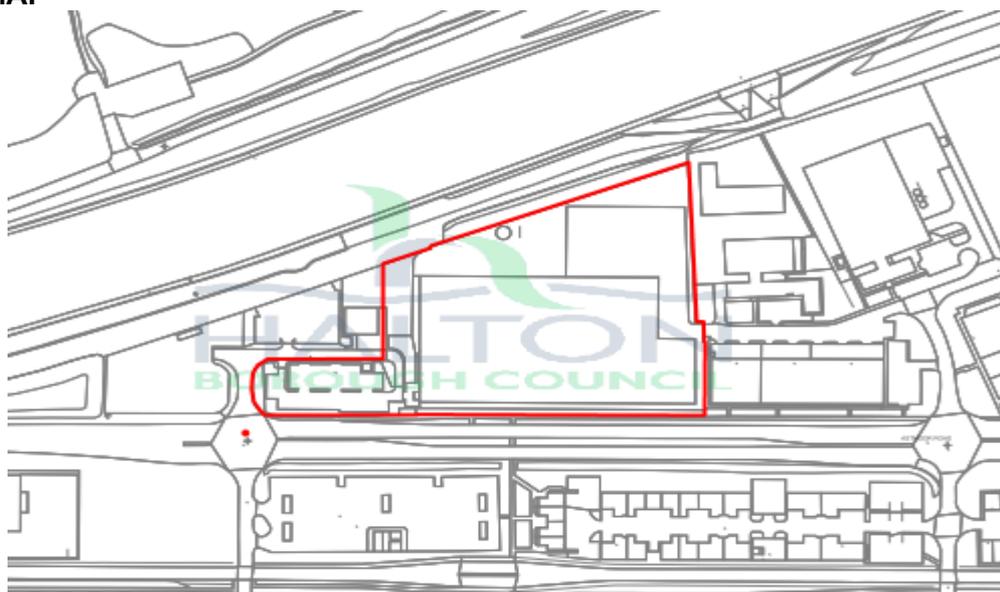
As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015; 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.

<b>APPLICATION NO:</b>	19/00382/FUL
<b>LOCATION:</b>	Ventcroft Ltd, Faraday Road, Runcorn WA7 1PE
<b>PROPOSAL:</b>	Proposed extension to light industrial unit together with ancillary works
<b>WARD:</b>	Halton Castle
<b>PARISH:</b>	
<b>AGENT(S) / APPLICANT(S):</b>	Ventcroft Ltd, Faraday Road, Runcorn, WA7 1PE
<b>DEVELOPMENT PLAN ALLOCATION:</b> Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013) Joint Waste Local Plan ( 2013)	Primarily Employment Area
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	No comments received as a result of the public consultation.
<b>KEY ISSUES:</b>	Principle of development, highway and traffic issues; use of employment land; drainage.
<b>RECOMMENDATION</b>	Approve Subject to Conditions

**SITE MAP**



## **THE APPLICATION SITE**

### The Site

The application site is an existing commercial unit located at on Faraday Road, within the Astmoor commercial area of Runcorn. The site is bounded by Astmoor Road to the south, Faraday Road and other commercial units to the west, Goddard Road and other commercial units to the east and a landscaped area and Manchester Ship Canal to the north

The site is currently occupied by an industrial unit with a gross floor area of 9097 sqm which is owned and occupied by Ventcroft Ltd and used for the manufacture of fire cable and security alarm cable. Ancillary office accommodation is provided within the south western part of the site.

### Planning History

The site's planning history is associated with the commercial use of the site since the area was built as part of the Commission for New Towns remit in the late 1960's. The earlier planning history relates to the occupant from that time until 2006, Lions Foods:- 88/22597 – single storey extension for offices; 88/22598 – single storey extension for laboratory; 89/25394 – extension for laboratory and kitchen; 89/24086 – refurbishment of warehouse. Following the purchase of the site by Ventcroft Ltd, a further planning application was approved – 10/00063/FUL for the demolition of the existing warehouse and the erection of a 9206sqm warehouse.

## **THE APPLICATION**

### The proposal and Background

This proposal seeks permission to extend the current warehouse to form a triangular 2950sqm extension on the northern side of the existing commercial unit, with a canopy over the delivery area cover 522sqm.

The proposed extension will be constructed with powder coated metal sheet panels to match the existing building and have an overall height of 15m at its ridge.

The site will continue to provide for deliveries and servicing at the north eastern corner of the site and the car parking provision for staff and visitors to the east will remain unchanged.

### Documentation

The applicant has submitted a planning application, drawings and the following reports:

- Design and Access Statement
- Preliminary Ecology Appraisal
- Preliminary Drainage Strategy

## **POLICY CONTEXT**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.”

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

#### National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

#### Halton Unitary Development Plan (UDP) (2005)

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

BE1	General Requirements for Development
BE2	Quality of Design
GE21	Specie Protection
PR1	Air Quality
PR2	Noise Nuisance
PR3	Odour Nuisance
PR4	Light Pollution and Nuisance
PR14	Contaminated Land
PR16	Development and Flood Risk
TP6	Cycling Provision as Part of New Development
TP7	Pedestrian Provision as Part of New Development
TP12	Car Parking
TP15	Accessibility to New Development
TP17	Safe Travel for All
E3	Primary Employment Redevelopment Area

#### Halton Core Strategy Local Plan (2013)

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

CS1	Halton’s Spatial Strategy
CS2	Presumption in Favour of Sustainable Development

CS4	Employment Land Supply and Locational Priorities
CS15	Sustainable Transport
CS18	High Quality Design
CS19	Sustainable Development and Climate Change
CS20	Natural and Historic Environment
CS23	Managing Pollution and Risk
CS24	Waste

Joint Waste Local Plan 2013

Strategic Objectives

WM0	Presumption in Favour of Sustainable Development
WM8	Waste Prevention and Resource Management

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Ward Councillors have been notified.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate:

Environment Agency – No comments received.

Council Services:

HBC Contaminated Land – No Objection or recommended conditions.

Local Highway Authority – No Objection subject to conditions – outlined in report below.

Lead Local Flood Authority – No Objection subject to conditions – outlined in report below.

Merseyside Environmental Advisory Service – No Objection subject to conditions – outlined in report below.

BID team – No comments received.

Mersey Gateway – No comments received.

Mersey Gateway Environmental Trust – No comments received.

REPRESENTATIONS

No representations have been received as a result of the public consultation process.

## ASSESSMENT

### Principle of Development

The site is designated as a within a Primarily Employment Redevelopment Area (E3); in the Halton Unitary Development Plan (UDP). Policy E3 indicates a series of uses which it states will be acceptable within these areas, including B1 (Business), B2 (General Industrial), B8 (Storage and Distribution) and Sui Generis uses. This proposal is consistent with the existing use of the site.

Policy CS4 has the aim of making land available for employment purposes within the borough and will be made up from a variety of sourced, including 'Regenerating and remodelling opportunities within existing employment areas'. The proposal provides development within an existing site and retains its employment use.

It is on this basis that the principle of the development, within the designated and continued use of the site, is acceptable and complies with UDP Policies E3 and CS4 subject to conditions, which are outlined in the Assessment chapter of this report.

### Design and Character

The proposed extended building is intended to complement the existing building in terms of material types and colour. Whilst the height of the proposed building will be 4m higher than the existing, this is designed to meet the unit's functional requirements. The extended element will be screened in part by the existing building when viewed from the south and from the north it will be screened by the existing landscaped area.

The materials used will match those of the existing structure to minimise any visual intrusion than may result from the extension height.

There are no alterations to the boundary treatment as a result of the proposal.

On this basis it is considered that the proposed extension to the built form on the site are consistent with UDP Policies E3 and the Design of New Industrial and Commercial Development SPD.

### Highway Safety

The Local Highway Authority initially raised an objection to the proposal which has since been addressed through the submission of an amended drawing 1129.P.002(A) as follows:-

Initial comments:-

*"The current site has a square footage of 9097m<sup>2</sup> with 47 off road parking spaces serving the site. The UDP requires that for a site this size a maximum parking standard of 1 space per 40sqm which provides for a maximum parking capacity of 227 spaces. The application proposes an increase in the square footage of 3472sqm but does not look to provide any additional parking as part of the application. Whilst the site may operate sufficiently under the current occupation the application is assessed to protect the future use of the site and ensure suitable parking provision is made for the unit size and use class. Given that the present site has a significant under provision of parking, the Highway Authority would object to the*

*application based on the under provision of parking. (UDP TP12). In order for the Highway Authority to lift its objection it will be necessary for the applicant to demonstrate a significant increase in the available parking capability on site as well as providing any mitigation against the under provision of parking based on the UDP standards.*

*Subject to satisfying an acceptable level of parking provision, it will be necessary for the applicant to provide good quality, covered cycle parking located in a secure and visible location. This would have the additional benefit of providing as a mitigation against the under provision of parking. The area is currently subject to a cycling and walking improvement scheme at present with good links for staff to the premises. It would also be beneficial in this case to include a staff travel plan to encourage more sustainable travel choices*

*If the planning application was approved the Highway Authority would require details of how pedestrians and cyclists are catered for when entering and existing the site safely to access the premises. We would require a plan which illustrates how this would be accommodated within the proposal.*

Final comments:-

*“The applicant has demonstrated an additional parking capacity of 38 spaces which would be deemed acceptable given the increased floor area. It would not be necessary as a condition to formally mark out the spaces but to keep the area available since the present staff numbers do not require the additional parking capacity at this time.*

*The cycle parking is located in a good position to encourage usage. The Astmoor Masterplan proposes a significant alteration to the pedestrian and cycle provision in this area and the cycle parking is welcomed in promoting its use by staff to encourage more sustainable travel choices.*

*The site is well served in terms of links to sustainable travel especially in terms of access to bus services.*

*The Highway Authority do not have any objections to the application.”*

On the basis of the amended layout drawing, the Local Highway Authority is satisfied that the access can fully accommodate the movement of vehicles and the provision of car and cycle parking both within the site. As such the Local Highway Authority raise no objections, no significant transport or highway safety issues are raised and the proposal is acceptable based on NPPF, and UDP Polices TP6, TP7, TP12, TP15 and TP17.

### Ecology

The Council's retained adviser has confirmed that the submitted information within the Preliminary Ecological Appraisal for their assessment.

Their comments are as follows:-

*“The development site is close to the following designated sites and Local Plan Core Strategy policy CS20 applies:*

- *Wigg Island LNR; and*
- *Wigg Island LWS.*

*On this occasion, the development is unlikely to harm the features for which the sites have been designated for the following reasons:*

- The site is separated from the designated sites by the Manchester Ship Canal and a strip of woodland planting; and*
- The proposed industrial unit extension will be a prefabricated metal structure, the construction of this will not require heavy engineering works which would be likely to result in the transfer of construction-related pollutants into the designated sites.*

*The application site is also near to the Runcorn Sands and Astmoor Saltmarsh BTO WeBS Core Count Area. However, adverse impacts to habitats and bird species within the Core Count Area can also be discounted for those reasons which are set out above.*

*The applicant has submitted a Preliminary Ecological Appraisal (PEA) report in accordance with Local Plan Core Strategy policy CS20 (Etive Ecology Ltd, November 2018, unreferenced) which does not meet BS 42020:2013 as a desktop study, with data acquired from Record LRC, was not completed. However, this is not considered to be a significant limitation on this occasion, as due to the limited nature of habitats present on the site, a desktop study would be unlikely to alter the conclusions of the report. The survey is therefore acceptable.*

*Habitats located immediately off-site to the north were considered to provide potential opportunities for foraging and commuting bats. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the adjacent habitats in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>*

*Vegetation on site may provide nesting opportunities for breeding birds, which are protected. The following condition is required.*

#### **CONDITION**

*1 No tree felling, scrub clearance and/or vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.*

*2 Japanese knotweed and cotoneaster (Cotoneaster sp) are present within the site boundary. The applicant should submit a method statement, prepared by a competent person, which includes the following information:*

- A plan showing the extent of the plants;*
- The methods that will be used to prevent the plant/s spreading further, including demarcation;*
- The methods of control that will be used, including details of post-control monitoring; and how the plants will be disposed of after treatment/removal.*

*The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition.*

*3 A validation report is then required confirming the remediation treatment carried out and that the site has been free of the Japanese knotweed for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a suitably worded planning condition.”*

On this basis the proposal is acceptable and complies with development plan policies GE21 (UDP), CS20 and the NPPF.

### Flood Risk and Drainage

The Lead Local Flood Authority(LLFA) initially required further information from the applicant and following those submissions the LLFA final comments on this application are as follows:-

*“After reviewing 19/00382/FUL planning application which included the ‘Preliminary Drainage Strategy LLFA found the following:*

- The site is 1.97ha, with low flood risk to the site.*
- The drainage strategy provides the drainage concept, but further detail is needed.*
- The strategy provides SuDS options using the SuDS hierarchy.*
- The existing storage at the site for the Q100 with climate change (additional 40%) is 484m<sup>3</sup>. This involves: 280m<sup>3</sup> porous stone and pipe attenuation; 40m<sup>3</sup> storage capacity within piped network; and the carpark attenuating the remaining of 164 m<sup>3</sup> during surcharge, which is slowly released into the surface water drainage network which outfalls into the canal.*
- The proposed drainage strategy is to extend the surface water drainage system upstream with additional storage, this will connect to the existing system which outfalls into the canal.*
- The proposed scheme increases the impermeable surface by 2330m<sup>2</sup>, with 548m<sup>3</sup> attenuation storage needed to accommodate the Q100 with climate change design event. The proposed additional storage is from the drainage network and cellular attenuation. The remaining volume of 111m<sup>3</sup> will be attenuated within the car park. Therefore the proposed scheme is shown to provide a betterment to the existing scenario.*

*LLFA would recommend the following conditions, should the planning authority be minded to approve on this basis:*

*No development shall take place until details of the implementation, maintenance and management of a SuDS for the disposal of surface water in accordance with the SuDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:*

*i. A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to attenuation, including*

*calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime and ii) connection to any system adopted by, any public body or statutory undertaker.*

*ii. Interceptors, attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield runoff rates for the new hardstanding areas as a minimum, with additional improvements for existing runoff where practical. Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + climate change allowance).”*

On this basis, subject to the recommended conditions, the proposal will comply with the drainage hierarchy and thereby satisfy UDP Policy PR16 and the NPPF.

Other Waste Issues, Sustainable Development and Equality

The applicant has provide the following information in relation to waste from construction:-

*“The proposed extension will be of portal frame construction and clad with coated metal sheeting. In addition, very little ground excavation work will be involved. As a consequence, the construction of the proposed development is unlikely to generate significant quantities of construction waste. Any construction waste that does arise will be separated out into metals (and other recyclable materials) that will then be removed off-site for recycling. Any non-recyclable waste arisings will be removed from site for disposal at a licensed landfill site.*

*As a Company, Ventcroft seeks to minimise waste generation and, for example, encourages electronic communication which helps to reduce the quantities of wastepaper produced. Ventcroft’s operations generate little waste, however, separate bins will be provided within the building for recyclables and non-recyclable materials.”*

The applicant has provide the following information in relation to sustainable development:-

*“The proposed extension will satisfy current Building Regulations, in full, including requirements for carbon efficiency. Ventcroft has provisionally selected a contractor, well experienced in developments of this nature, to undertake the proposed development. This selection has been made not only on the grounds of cost but also having regard to build quality.”*

The applicant has provide the following information in relation to equality:-

*“Ventcroft complies, in full, with the requirements of the Equality Act 2010. At a practical level, the Company makes provision for disabled parking spaces, disabled toilets and level access within the building.”*

Officers can confirm that the building does have disabled spaces and has level access. This will be considered as part of Building regulations.

On this basis, the proposal satisfies the aims of the Council’s Core Strategy, Waste Local Plan appropriate conditions are recommended to secure this. The above information also satisfies the local authority obligations in relation to the Equality Act 2010.

Conclusions

The application seeks permission for proposed extension to an existing unit in Astmoor totalling 3,472sqm; (2950sqm sqm portal frame building and 522sqm canopy delivery area).

Core Strategy Policy CS2, WLP Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The proposals are considered appropriate to the character of the existing unit and wider area.

The Local Highway Authority, Lead Local Flood Authority, Environmental Health Officers and the Council’s retained ecological advisers have confirmed that they raise no objections.

The proposal will provide an improved facility without resulting in significant impacts on the surrounding area. The applicant has demonstrated compliance with the Council’s

development plan and NPPF and members are requested to support the recommendation of approval.

## RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Matching materials condition(s) (BE2)
4. Condition requiring submission of a method statement for the control of Japanese Knotweed (GE21)
5. Condition requiring submission of a verification report on completion of treatment of Japanese Knotweed (GE21)
6. Condition requiring submission and agreement of cycle parking details (TP6)
7. Condition restricting surface water run-off onto the adopted highway (TP17)
8. Condition requiring submission; agreement; implementation; of a sustainable drainage scheme (BE1 and PR5)
9. Submission and agreement of Site Waste Management Plan (WM8)
10. Submission and agreement of a lighting scheme (BE1)
11. Submission and agreement of site and finished floor levels (BE1)
12. There shall be no external storage (BE1)

Informatives will be added to advise that Building Regulation approval is required and for compliance with the Wildlife and Countryside Act 1981 in relation to bird nesting protection.

## Background Papers

The submitted planning applications and the Council's standard conditions are background papers to the report.

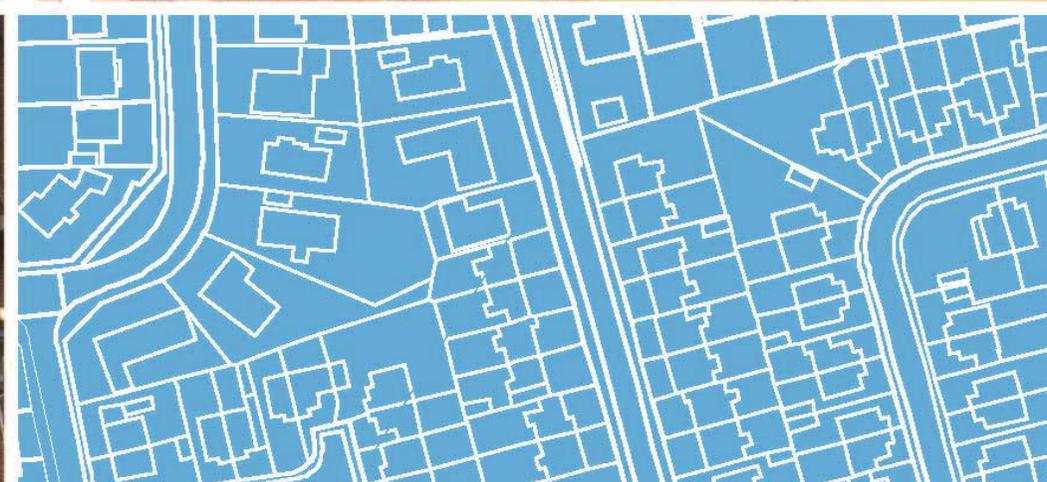
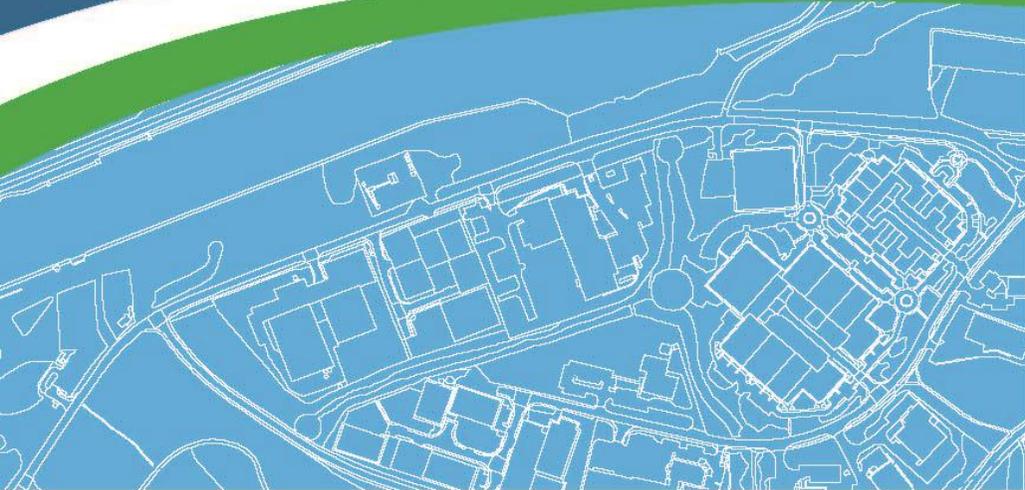
Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

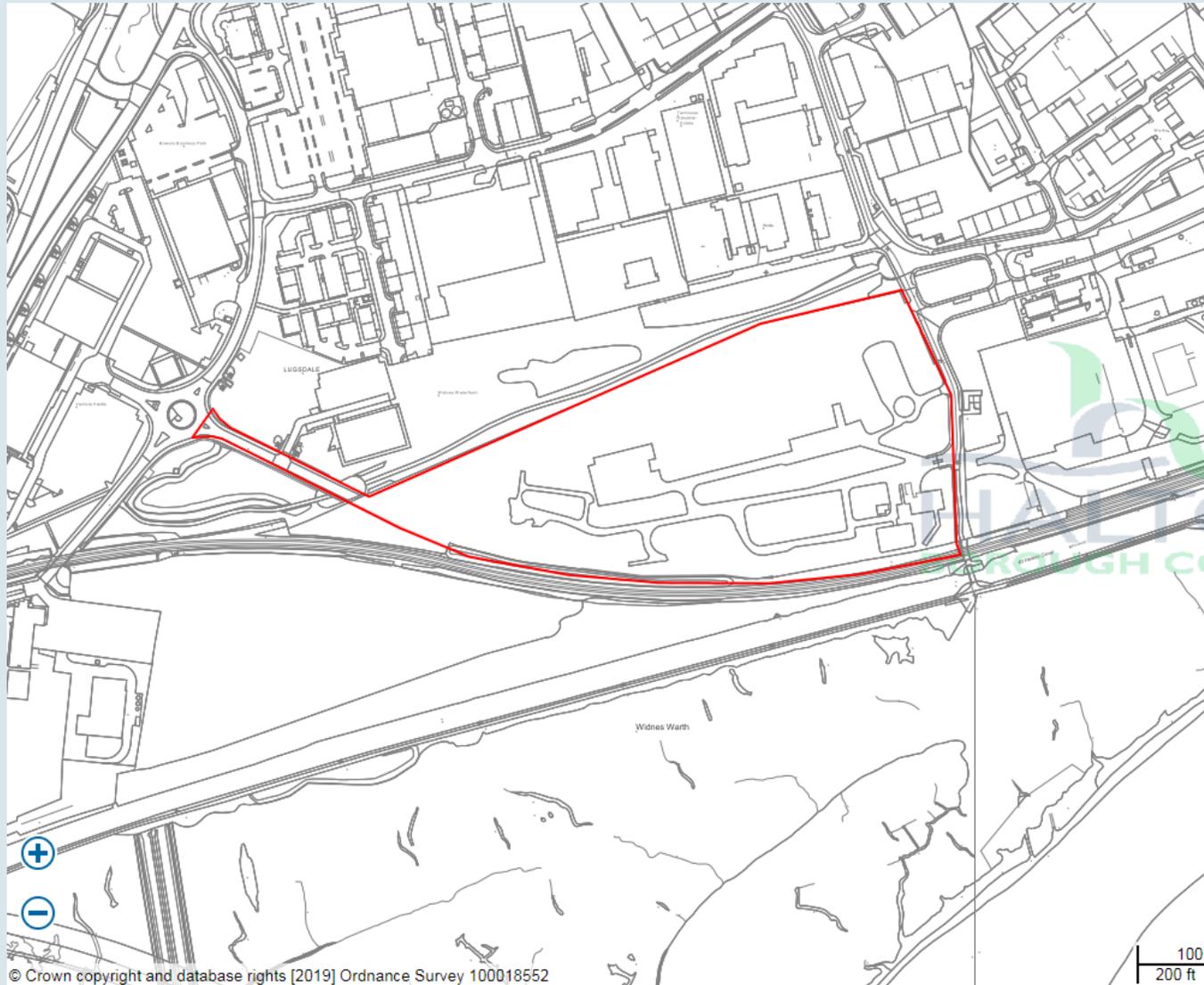
## SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

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.











FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



GROUND FLOOR

FIRST FLOOR



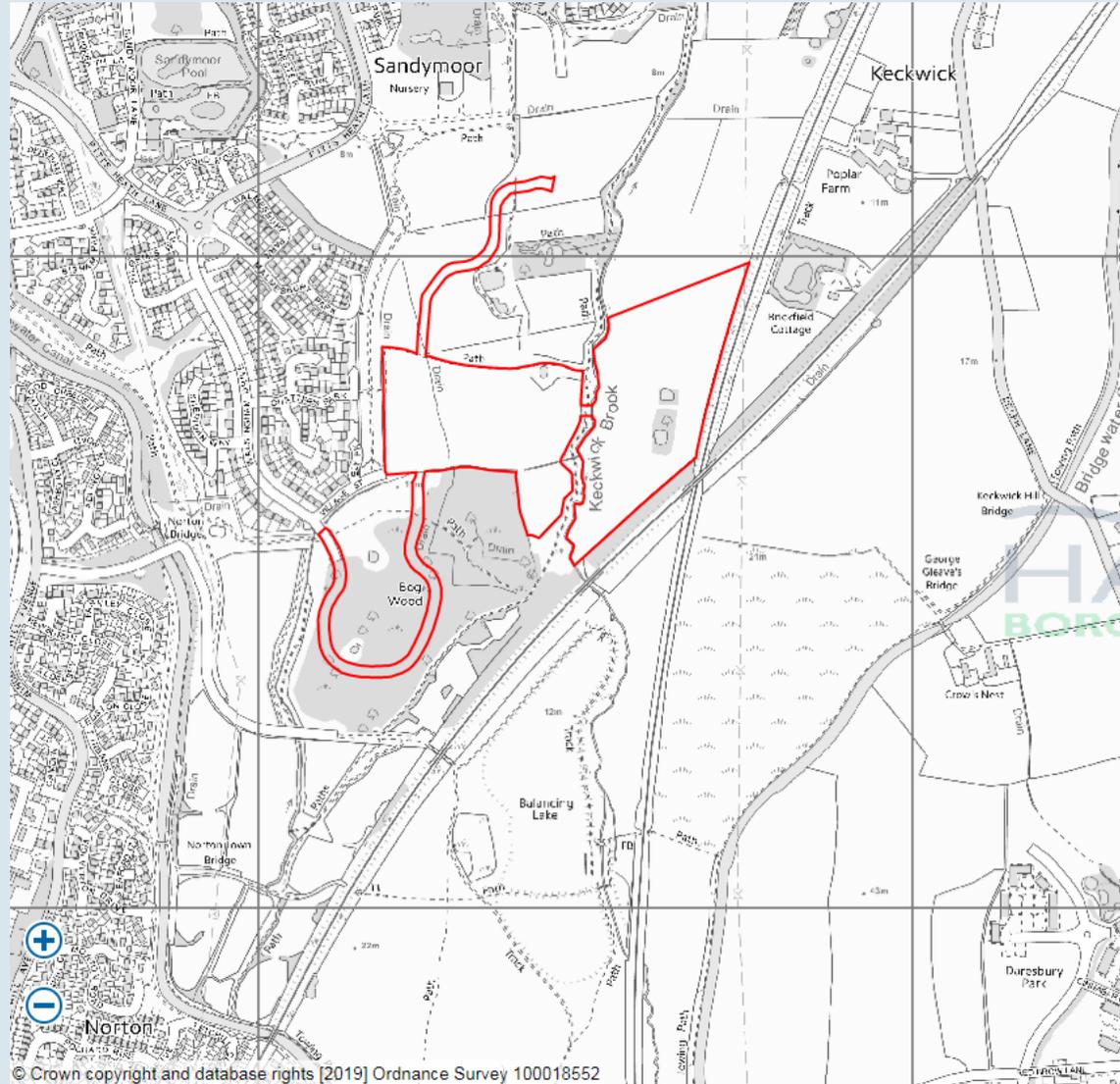
SIDE ELEVATION

















East Facing Elevation (1)



West Facing Elevation (1)







