

# Public Document Pack



## Development Control Committee

Monday, 6 January 2020 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 Zygadlo

*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, 3 February 2020*

**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 - 5</b>
<b>2. DECLARATIONS OF INTEREST</b>	
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.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>6 - 102</b>
<b>4. MISCELLANEOUS ITEMS</b>	<b>103 - 106</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, 4 November 2019 at Civic Suite - Town Hall, Runcorn*

Present: Councillors Nolan (Chair), Carlin, R. Hignett, V. Hill, J. Lowe, C. Plumpton Walsh, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley and June Roberts

Absence declared on Council business: None

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

Also in attendance: 18 members of the public and one member of the press.

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

	<i>Action</i>
DEV11 MINUTES	
<p>The Minutes of the meeting held on 7 October 2019, having been circulated, were taken as read and signed as a correct record.</p>	
DEV12 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV13 - 19/00235/FUL - PROPOSED DEVELOPMENT OF 243 DWELLING HOUSES, INCLUDING ACCESS, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH OF RAILWAY AND WEST OF TANHOUSE LANE, WIDNES	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	
<p>Officers advised the Committee that a letter of objection relating to noise had been received today which</p>	

required investigation by the Environmental Health Department at the Council, so the application could not be determined today. It was agreed that the application be deferred to a future meeting of the Committee.

RESOLVED: That the application be deferred to allow consultation with the Environmental Health Department, following receipt of an objection.

DEV14 - 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 THE WEST COAST RAIL LINE, SANDYMOOR

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

Since the publication of the Committee agenda, Officers advised that a further 24 letters of objection had been received plus a further 10 letters from an individual objector. It was noted that many of these sought to raise the same issues already raised in the report or just to reaffirm them. A number of further issues had been raised and these were outlined in the Officer's update together with 11 main issues which were outlined together with a summary response to each. Details of one letter of support were also summarised.

Members were advised that Councillor John Bradshaw, Ward Councillor for Daresbury, had contacted Officers via email, as he was unable to attend today, with his concerns regarding the proposal. These included traffic generation and routing, and the size, location and look of the sheltered housing block. Officers also provided updates with regards to the queries made by the Council's Open Spaces Officer on page 51 of the report.

The Committee was addressed by Nick Fillingham on behalf of the applicant. He commented that (*inter alia*):

- the objections made had been noted, however the scheme for extra care homes was much needed in Halton and was on the Government's agenda;
- the homes would be situated so that they were part of the community with a bistro that would be

- open to the public;
- following an amended plan, there was now a generous separation distance from the site to neighbouring houses of 55 metres;
- the houses on the development would all have off road parking and the extra care homes would have visitor parking as well as their own parking; and
- so far engagement had been positive with all parties.

Mr Mackintosh, a resident of Sandymoor for 26 years, then addressed the Committee objecting to the 100 extra care homes scheme. He stated (*inter alia*) that these were not part of the masterplan and that due to the height and scale of them they were inappropriate and out of character for the area. He stated that Homes England had assured that any further house building would mirror existing houses on Sandymoor. Further, he questioned the need for this type of housing; the lack of affordable housing on Sandymoor; the impact on wildlife; noise disturbance; increased traffic and road safety.

The Committee was then addressed by Bernadette Tarry, Clerk to Sandymoor Parish Council, who raised her objections to the scheme on behalf of local residents. Following a meeting held with residents, she outlined three main areas of concern discussed by them:

- the 100 bed extra care housing block; they claimed that the housing block was so large it would dominate the area and was out of character with the surrounding properties:
- the lack of bungalows in the area; and
- the entry and exit routes for construction traffic; she suggested an alternative route was used for construction traffic.

In response to a comment made by a speaker regarding the 'extra care' housing block being 50% taller than the School, Officers referred Members to the comparison massing drawing and provided the heights of each building, which showed that the sheltered housing block was approximately 2 metres higher than the school when comparing the principle flat roof elements of each scheme. Officers acknowledged that central pitched roof features did add to the overall height but reaffirmed their position outlined in the report.

Following Members' queries, the following was clarified/noted:

- Merseyside Environmental Advisory Service (MEAS) was the Council's retained advisor for environmental matters;
- That the potential status of Bog Wood as an area of 'ancient woodland' was outlined in the report;
- Affordable housing provision did not form part of the policy for house building on Sandymoor;
- The consultations and missed properties referred to on page 39 – some properties had been missed initially, however this was resolved and a further process of re-consultation had been undertaken and that Officers' were satisfied that all relevant properties had been consulted on the proposal;
- The need for housing for the over 55's welcomed as Halton had an aging population which was increasing year on year as per the Core Strategy Policy; and
- The applicant had submitted a revised application to take account of the unduly close proximity of elements of the development to Bog Wood. In so doing the revised development proposal adversely affected a single mature oak tree outside of Bog Wood. This was not acceptable and further discussions with the applicant would be required to secure relatively minor amendments to resolve this issue.

After consideration of the application and hearing the speakers' comments and officers' responses and updates to the proposal, the Committee agreed that determination of the application be delegated to the Operational Director, as recommended in the Officer's report.

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

DEV15 - 19/00382/FUL - PROPOSED EXTENSION TO LIGHT INDUSTRIAL UNIT TOGETHER WITH ANCILLARY WORKS AT VENTRCROFT LTD, FARADY ROAD, RUNCORN, WA7 1PE

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

of the site.

After consideration of the application the Committee agreed that the application be approved, subject to the conditions listed below.

RESOLVED: That the application be 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 conditions(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); and
12. There shall be no external storage (BE1).

*Meeting ended at 7.10 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 6 January 2020

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

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

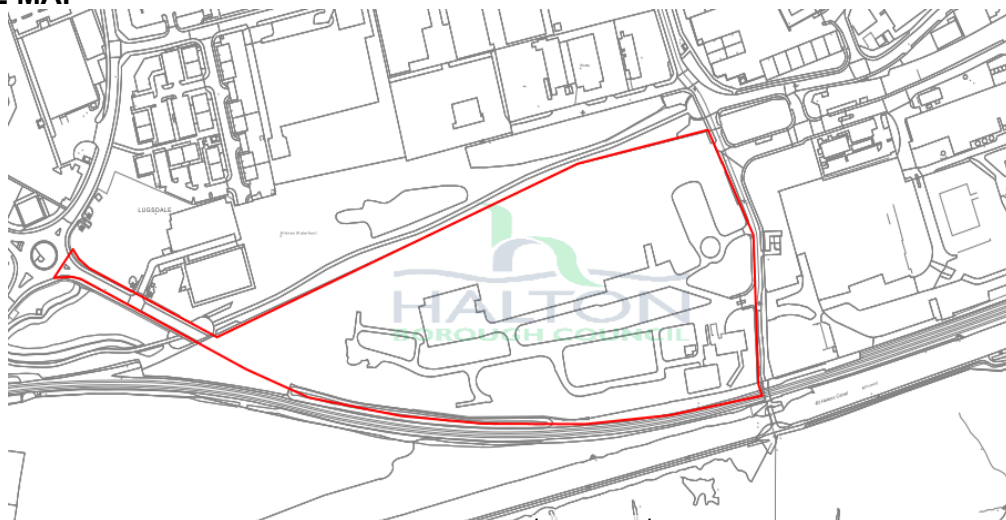
**WARD(S):** Boroughwide

Application No	Proposal	Location
19/00235/FUL (Page 7)	Application for proposed development consisting of 243 dwelling houses including access, open space and associated infrastructure.	Land to the North of Railway and West of Tan House Lane, Widnes, Cheshire
19/00379/OUT (Page 51)	Outline application, with appearance, landscaping, layout and scale reserved, for demolition of existing outbuildings, conversion of barns to 4 no. dwellings and erection of new build residential development to a maximum of 10 units together with access.	Woodfalls Farm Stockham Lane Runcorn, Cheshire, WA7 6PT
19/00506/FUL (Page 72)	Proposed demolition of former public house and construction of 15 no. 1 bed apartments for assisted living (use class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works.	The Croft Halton Lodge Avenue Runcorn Cheshire WA7 5YQ



<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**



**A report was originally prepared for the November Development Control Committee in relation to this application but was not considered due to receipt of a late detailed objection.**

**Members are directed to consider the original report as prepared below in combination with the subsequent update title “UPDATE SINCE NOVEMBER COMMITTEE REPORT”.**

**For clarity a review of the proposal has been undertaken by the applicant in light of the late objection received and officer advice including amendments to the layout/apartment design to improve the methods to mitigate the impact on future residents from noise, an updated noise assessment and to address those matters that were identified as outstanding.**

## **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 advice 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 rail ways 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<sup>th</sup> 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>L<sub>aeqT</sub></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 tannoys 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;*

*I. 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 of 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.

#### PREVIOUS 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.

#### UPDATE SINCE NOVEMBER COMMITTEE REPORT

##### Introduction

Members will be aware that the above report was originally prepared for the November Development Control Committee in relation to this application but was not considered due to receipt of a late detailed objection. The following is an update to that report, which sets out the review of the proposal that has been undertaken by the applicant since then, including amendments to the layout/ apartment design to improve the methods to mitigate the impact on future residents from noise and address those matters that were identified as outstanding.

##### Summary Of Submissions Intended for Reporting at the November Committee

###### Objector submission

Following the publication of the November committee report, an objection was received on the day of the Committee from ICoNiChem as follows:-

*“NOVA Acoustics Ltd have been commissioned to provide an appraisal of the second acoustic report provided by e3p report reference: 50 – 033 0 R1 – 3 (07/10/2019). There are still very serious concerns that the issue of noise from ICoNiChem and the effect of these industrial premises on the surrounding noise environment has not been addressed in sufficient detail or adequately mitigated in order to protect the future position and viability of the business. These concerns are outlined below:*

*1) Firstly, it is pertinent to outline the policy in which the proposed development is required to adhere to. The NPPF 2019 contains the following paragraph which is highly relevant to the consideration of this application:*

***Paragraph 182 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). 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 new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.**

*The amended report addresses noise generated by the surrounding industrial and commercial premises including ICoNiChem, but it is disputed that enough evidence has been presented that the proposed mitigation measures have the capability of reducing the likelihood of noise complaints from the future occupants of the proposed site.*

*2) In section 3.1 of the report, it is outlined that an unattended background sound survey was undertaken at NMP 1, the background sound levels measured are outlined in Table 3.1. The location of the measurement is described in the text, however it is unclear as to the exact location of this unattended measurement. Some of the surrounding commercial premises operate 24 hours per day, including Iconichem. The purpose of ascertaining a background sound level is to measure the prevailing background sound level during a period where the source of noise under assessment is not operational or at a location where comparable background sound levels can be justified. It is unclear how this has been done. As the measurements were unattended, we are unsure how the author can justify that the unattended measurement location was not affected by the surrounding industrial noise sources and is truly representative. Therefore, the baseline for the BS4142 assessment is questionable.*

*3) The background sound levels during the day range from 41.6dB LA90,t to 55.1dB LA90,t and during the night they range from 41.5dB LA90,t to 54.5dB LA90,t. In section 4.2.1 and 4.2.2 the report outlines that values of 47.0dB LA90,t is representative of the daytime (07:00 – 23:00 and 45.0dB LA90,t is representative of the night time (23:00 – 07:00) both are described in the report as the "lowest median measured background sound level". The purpose of ascertaining the background sound level is not to choose the lowest background sound level but a level that would be deemed typical. No statistical analysis of the background sound levels has been conducted and the background sound levels have been averaged thus it is unknown if the majority of the measurement period was lower or higher than the average background sound levels presented. Statistical analysis should be undertaken to ensure the background sound levels used are representative of what would be deemed typical.*

*4) An adequate background sound level for the assessment should be based upon the level of risk associated with the proposed development, we would deem that introducing a large residential development adjacent to a primarily industrial area with 24-hour operation poses a 'High Risk' development. Thus, it is important that the baseline for the assessment is stringently considered and we would consider it pertinent to take consideration for the lowest typical measured background sound level rather than the averaged. This would inform a robust baseline for the BS4142 assessment.*

*5) Section 3.2 of the report outlines attended measurements that were conducted to assess "all existing operations surrounding the site". Multiple periods during varying times of the day have been chosen to attend site to measure the noise emissions from the surrounding industrial noise sources. There is no map outlining where the monitoring locations were, or description of the activities being monitored from the surrounding businesses. There is also no subjective impression of the sources of noise. It is unclear what noise sources were included during the measurements defined as 'ICoNiChem on Boundary', the noise emissions from ICoNiChem specifically are complex and vary significantly throughout the day and night, some very noisy operations only operate sporadically through the week. It is unclear if these sources of noise were included in the measurements.*

*6) Table 3.2 outlines a measurement 'ICoNiChem Plant Item – at source' taken at 7m from the source. The exact source has not been defined and no description of what has been*

*measured has been provided, thus it is unclear if this measurement is truly representative of the noise emissions from the site including all noise sources that could be active.*

*7) The report goes on to explain that “the up-close source measurement has been used to inform the model and the boundary measurements used to calibrate”. The potentially unrepresentative measurements outlined above, have then reportedly been used to “model” industrial noise emissions across the site. It is unclear how ICoNiChem has been input into the models as a noise source, but the models have, it is suggested, been built by being “calibrated” to produce an industrial sound level which matches the measured sound levels at the source and boundary. This is a very crude, and highly flawed approach, which assumes that the measured specific sound levels are correct and makes no allowance for discrete noise sources, mobile sources, intermittent sources, different propagation distances from individual sources or characteristics of any particular source. Given the complexity of the industrial noise sources, which includes multiple noise sources, buildings containing high level noisy machinery, external extraction equipment, external HGV and forklift movements and various other sources of activity noise, these crudely produced and technically flawed computer models cannot be relied upon in any way to provide a detailed analysis of noise from ICoNiChem or the other surrounding industrial noise sources. In order to accurately measure the noise emissions from a site such as ICoNiChem and accurately model the noise emissions a visit to ICoNiChem would be required to conduct a review and measurement of all activities conducted on-site.*

*8) Section 4.2 outlines the resultant BS4142 assessment that has been compiled. This outlines penalties that have been applied to the different industrial noise sources, it is unclear how these have been arrived at as there is no description of the nature of the noise measured. It is also unclear at what point on the development site the noise emission has been assessed. Considering the size of the site and size of the surrounding industrial premises it would be prudent to clearly outline the specific noise levels across the site and how they vary.*

*9) Section 4.2.1 states that in the garden areas of plots 7 – 12 the rating level exceeds the background sound level by 0.5 – 2.0dB. Considering the points raised above this outcome cannot be relied upon.*

*10) Section 4.2.2 states that they have not deemed it appropriate to conduct a BS4142 at night because “Given the likeliness for residents to be in bed asleep at night, it is considered more prudent to assess internal specific noise levels due to commercial sound in bedrooms”. There is no real justification for not applying the appropriate standard (BS4142) and BS4142 does not state that the criteria should be altered to a criterion that will clearly benefit the developer of the proposed site. The night-time BS4142 assessment is particularly prudent to the assessment as this is the period of time where the background sound levels will be lowest, and any industrial and commercial noise sources will be clearly definable. The advice in the report presents double glazing and ventilation to mitigate noise from industrial noise sources. The provision of a sound insulation scheme at the development does not reduce the likelihood of complaints and thus does not apply the ‘agent of change’ principle in accordance with the NPPF.*

*11) The assessment goes on to explain that the occupant will be protected from industrial and commercial noise because they will have appropriate glazing and ventilation installed which will lead to adequate internal noise levels in accordance with BS8233:2014. This standard is applicable to steady-state anonymous noise sources and does not take account for the character of industrial noise sources. Thus, additional consideration needs to be taken for the character of the noise source.*

*12) The provision of glazing and ventilation to the future dwellings outlines a reliance on closed windows. This is of concern where the noise for residents is unpredictable and not continuous (i.e. sporadic industrial noise, especially external machinery and yard activity). On nights when the surrounding industrial noise sources do not currently operate, or have a lower level of*



activity, for example, the urge may be to open windows for ventilation to bedrooms. The following night, with the surrounding industrial noise sources operating at a higher level, windows are then expected to be closed to control the higher levels of noise. The unpredictability of this is highly likely to be tiresome to residents, leading to complaints about noise from and pressure to curtail the business.

13) The provision of appropriate glazing and ventilation (a sound insulation scheme) does not reduce the likelihood of the future occupants of the development complaining due to the surrounding industrial noise sources. The assessment has not considered the fact that the occupants of the proposed development still have the right to open their windows thus removing the effect of the sound insulation. At which point the occupants would be exposed to industrial noise and likely to complain, which subsequently would affect the viability of ICoNiChem's business. The site should be designed to ensure that industrial and commercial noise is defined as 'Low Impact' across the entire site for both internal and external areas, thus removing the likelihood of complaints.

14) A large proportion of local authority's base acceptable noise criteria on a BS4142:2014 excess of rating level over the background sound level. Neither the NPPF or BS4142 prescribe a definitive noise level for this type of development but most local planning authorities tend to set a rating level limit equal to the background sound level or up to 5dB above that point. Commonly an excess rating, termed the 'complaint prediction level', of between 0 – 3dB above the background sound level is used and this is the level applied by the Environmental Agency in their horizontal guidance. In this case it would be deemed suitable to assess the worst-case noise emissions from the surrounding industrial noise sources against a typical worst-case background sound level to a criterion of a maximum of 3dB above the background sound level. This would provide the Local Authority confidence that the proposed development would not lead to future complaints due to all business's including ICoNiChem.

15) In summary, the noise assessment: a. does not properly consider the "agent of change" principle in the NPPF

b. does not consider the risk of complaints from residents

c. does not contain adequate justification that the background sound level measured was not influenced by the industrial activity under assessment

d. does not contain adequate statistical analysis of the background sound level to quantify a typical worst-case background sound level

e. does not present a background sound level that is robust of a typical worst-case scenario

f. does not contain adequate measurements or subjective observations on the effect of ICoNiChem and other industrial noise sources on the noise environment across the site;

g. contains flawed measurements of specific (industrial) noise;

h. contains flawed noise modelling of industrial noise based on those flawed measurements;

i. does not contain site-specific noise modelling of multiple noise sources across the ICoNiChem site;

j. contains an BS4142 daytime assessment that cannot be relied on and no BS4142 night time assessment

k. places reliance on residents closing (acoustically glazed) windows to control unpredictable and variable industrial noise.

16) There is a very serious risk that allowing such a development in its current form will lead to an undesirable noise climate for future residents, ultimately leading to significant adverse impacts, likely complaints and pressure to curtail or control Iconichem and surrounding business' legitimate and long-standing business activities. The noise assessment which

*accompanies the application does not go far enough to even begin to properly consider, in the design of the development, the multiple significant noise sources, or the protection of this legitimate and important local business.*

*17) Further detailed investigations are necessary and should be required of the applicant, in order to properly address this very significant issue. I am of the view that the Council cannot properly determine the application without such an assessment being undertaken in sufficient detail, and it should be refused."*

#### Applicant Response to Objection

The applicant provided the following response to this objection as follows:

*"E3P have been asked to provide a written response to an objection letter completed by Nova Acoustics on behalf of ICoNiChem in relation to the planning application 19/00235/FUL for a proposed development of 243 dwelling houses including access, open space and associated infrastructure at land to the north of the railway and west of Tan House Lane in Widnes. This letter is in response of this objection letter on behalf of the client, Mulbury Homes.*

*This Letter has been completed by Lee Faulkner, Associate Director at E3P, who holds the Post Graduate Diploma in Acoustics and Noise Control and is a full member of the Institute of Acoustics (MIOA). I have over 8 years' experience in the measurement and assessment of noise and vibration for various clients, sites and applications.*

*The Letter will consider each point, in turn, and provides my professional opinion on the objection and its contents in relation to the work completed by E3P and detailed in the most recent Noise Impact Assessment (50-033-R1-3 dated 7th October 2019). The points from the objection letter are not repeated here, given their length, and so the reader should refer to the Nova Acoustics Letter of Objection dated 30th October 2019.*

*1. The author suggests that insufficient evidence has been provided to show that the proposed mitigation is sufficient. With regards evidence, E3P would highlight the detailed break-in calculations undertaken for all affected habitable rooms to the rear of the report within Appendices IV and V.*

*The author then suggests that the report is not sufficient in determining the likelihood for complaints. E3P suggest that a Noise Impact Assessment for planning purposes cannot determine the likelihood of complaints. Only an Environmental Health Officer can determine this, following occupation, with regards to Statutory nuisance. Likelihood of complaints, in planning terms, only relates to the 1997 version of BS4142, which has now been superseded with the advice given to avoid adverse impact rather than reduce the likelihood of complaints.*

*2. I would point the author in the direction of Figure 1 within Appendix II which details the position of all Noise Measurement Positions (NMPs) so I am unclear as to why they state there isn't. This suggests that the author has not fully reviewed the report which is apparent in further points below.*

*Also, they suggest that the background sound levels cannot be relied upon due to the unattended nature of the measurements. We attended at different positions, across various days and periods while NMP1 was active, these periods are detailed in Section 3.0 of the report but we also attended site walkovers prior to the measurement to determine the measurements that were required. An unattended measurement of this length of the time is standard and adopted by most consultants in order to provide a wider range of data.*

*3. The author questions that we haven't undertaken a statistical analysis of the background sound data. We took the lowest measured median noise levels as typical, i.e. middle value. In fact, upon analysis, the median levels used are lower than the modal (most frequent) values by some 1- 2 dB. As such, our assessment is considered worst case and more robust than using the modal value.*

*4. The lowest typical background sound level was used. We took the lowest measured median level for day and night.*

5. Again, Figure 1 details the NMPs.

*Subjective analysis of the sound sources was undertaken but, where possible, objective analysis was used for accuracy. The author states that ICoNiChem sound sources are complex and vary significantly. During all our visits, across multiple days, the main sound source was a steady state hum that originated from the items at the roadside, as measured close up. No access to ICoNiChem was available and this is not considered standard practice. We are confident that the main sound source from ICoNiChem, which was clearly audible and dominant along the eastern boundary, has been accounted for. Any other sources associated with ICoNiChem were either masked or not operational at the times of our attendance. Given the dominance and importance of the sound from ICoNiChem we made absolute sure that all sources were accounted for. During all walkovers, surveys and attendance at the side of ICoNiChem, the main source was noted to be the hoppers/pipes on the side of the building adjacent to Moss Bank Road.*

6. Again, this information is provided in the report, as follows from Page 14:

*“It was noted that the source of the noise was from the hopper-like items and the pipes that feed them.”*

7. ICoNiChem was inputted as point sources for the dominant source at the correct height.

*Without access to ICoNiChem, we can only make reasonable assumptions based on numerous site visits. Given the distance from the source and that the model is calibrated to achieve the noise level measured up-close and the boundary measurements, it is reasonable to assume a significant level of accuracy from the noise model.*

8. This information is in the report in the detailed Table 4.3 of page 18.

9. Previous points address this suggested lack of accuracy and reliability.

10. *It is considered reasonable to assess internally at night and this approach has been adopted, and accepted by the Local Planning Authority, for numerous other sites across the Country. Given the residents will be inside, asleep, it is considered reasonable to assess internally given the steady state nature of the sound source. Any acoustic features are accounted for here given the tonal nature of the sound source; the detailed break-in calculations have ensured any tonal noise is mitigated by way of the façade insulation. BS 8233:2014 states the following:*

*Noise levels generally apply to steady sources, such as those due to road traffic, mechanical services or continuously running plant, and should be the noise level in the space during normal hours of occupation but excluding any noise produced by the occupants and their activities.*

*The sound measured from ICoNiChem is considered steady state and from continuously running plant and so it is considered perfectly reasonable to apply internal noise criterion at night as per BS 8233:2014.*

11. This goes against the advice given in the quoted guidance.

12. *The suggestion that the provision of alternative ventilation to achieve internal noise levels is unacceptable is considered an incorrect statement. This is considered standard practise, following good acoustic design. As an experienced acoustic consultant, I am confident in stating that it is a rarity that alternative ventilation is not required for a proposed residential scheme due to a nearby noise source, whether that be industrial/commercial, road or rail traffic.*

*Higher specification glazing and alternative ventilation is considered completely reasonable and a standard mitigation measure to achieve internal noise criterion. Indeed, the ideal situation would be to have no habitable rooms facing the sound sources but with modern homes and developments, this is not always possible. Here, good acoustic design has been followed, in accordance with ProPG, with apartments providing a barrier to the development and a stand-off from the boundary incorporated into the design. Furthermore, the assessment*

and detailed break-in calculations have shown compliance with the applicable criterion, most importantly to protect against sleep disturbance.

13. Again, at the planning stage, the likelihood of complaints cannot be determined, especially by an independent noise consultant. The residents will have the right to open windows but will be provided with a mechanical system that negates the need of this. Which is standard practice. The means to provide background ventilation and summer cooling will be provided to ensure internal noise criteria can be achieved by way of mitigation.

14. The E3P report achieved the more robust criterion of not exceeding the background sound level during daytime periods.”

#### CONSULTEE RESPONSES NOT ADDRESSED THROUGH THE ORIGINAL REPORT:-

In addition, further comments were received prior to the November committee but not included in that report, from statutory consultees as set out below.

**Network Rail** have commented as follows:-

*“The proposal area is adjacent to Carterhouse Junction Level Crossing.*

*Given the 243 dwellings to be delivered within the development area adjacent to the level crossing, Network Rail believes that the developer and council must include consideration of the impact of the proposal on the level crossing as part of the planning application process.*

*The NPPF underpins this requirement stating:*

*“Considering Development Proposals:*

*108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*b) safe and suitable access to the site can be achieved for all users;*

*110. Within this context, applications for development should:*

*c) create places that are safe, secure...which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*

*“182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

*The Halton Core Strategy (adopted 2013) states:*

*Policy CS18: High Quality Design*

*Development proposals, where applicable, will be expected to:*

- *provide safe, secure and accessible routes for all members of society, with particular emphasis on walking, cycling and public transport;*

*Network Rail believes that the development will have an adverse impact on risk on Carterhouse Junction Level Crossing. Assessment of the impact upon the level crossing would need to consider both the increase in the volume and the change in character of users (including vulnerable users, which are defined below in Appendix 1). Network Rail is submitting a Narrative Risk Assessment (NRA) for Carterhouse Junction Level Crossing.*

*As part of the proposal, and in order to comply with the NPPF, Network Rail would seek specific wording in the planning consent to ensure that the developer fully funds installation of a VAMOS system at the level crossing, in order to mitigate the increased risk posed by the development.*

*As a publicly funded organisation, Network Rail is not funded to mitigate the impact of new development proposals on its infrastructure.*

*Also attached in Appendix 2 are a list of asset protection requirements.”*

The Council’s view is unchanged from the earlier report. This objection from Network Rail is acknowledged, 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 Helen 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.

**HBC Open Spaces** have commented as follows:-

*"A financial contribution (S106) to provide four bird viewing screens and improvements to the path at that location, two to the east and two to the west of the site designed to match the existing screens already in use along Widnes Warth. Mersey Gateway Environmental Trust have been part of discussions. Halton Borough Council as land manager would undertake the installation and manage the assets."*

**Cheshire Police Designing Out Crime Officer** has commented as follows:-

*"The proposed site currently suffers from off road biking which is difficult for the local officers to combat. With this in mind having this land developed will help reduce this problem and improve the area. A residential dwelling will also increase natural surveillance of the commercial area which currently suffers from crime due to being so quiet. Undesirables and drug users do tend to use the canal path as they feel they are currently out of sight, the proposed houses will mean they are more likely to be seen which may reduce the attraction of the area for them."*

*The apartments must be fitted with good quality access control to UL 293 and defensible space should be clearly defined so unauthorised people do not get access to areas belonging to the apartments. Antisocial behaviour and criminal damage is a significant issue in other apartment blocks across Widnes.*

*The site is highly permeable due to the number of footpaths leading from the public open space (as indicated on the above section of the plan). I appreciate the need for permeability in communities but strongly feel that given previous issues in the area the number of links could promote crime and antisocial behaviour. With this in mind I would recommend a minimum of a 1.2 metre fence is installed along path as represented by black line and I would also recommend consideration is given to fitting the entrance of the footpaths with chicanes or A frames to reduce the speed at which off road bikes and cyclists could enter the estate, while this will not stop them it will slow them down and make them more likely to be seen (or worry about being seen).*

*The footpath adjacent to plot 4 (as shown above) seems a little excessive given how close it is to the main entrance to the site and this could lead to this plots being vulnerable from crime and antisocial behaviour especially given the front of the house faces on to the footpath. It is going to be difficult to appropriately fence this without making the footpath too enclosed.*

*The section of the plan above shows a great deal of ambiguous open space particularly between the apartments and plot 123. Plot 123 may be vulnerable to criminal damage / ASB as there is limited natural surveillance or defensible space at the front of the property. I would suggest that the 1.2 metre fence is continued round apartment blocks O, P and N. I would*

also recommend that a minimum of 0.5-metre-high fence is installed round the front of plot 123 and the path leading to the front of the property.

I would recommend additional fencing is planned to protect property 4 and plot 232 above, while these properties are providing excellent natural surveillance of the footpath they lack defensible space and it would be easy for an offender to gain easy access to these properties. I would recommend that the covered footpath from the car park through the apartment blocks to the rest of the estate is fitted with access controlled gates to prevent these being areas where people could loiter and commit antisocial behaviour. I would also recommend that the parking spaces are covered by CCTV and a perimeter fence is installed round the area.

This development could enhance the local area if the following points are considered: -

- Reduction in permeability
- Chicanes or similar put on footpaths to slow down access
- Development to be designed to the principles of Secured by Design

However, if appropriate target hardening is not put in place this area may become vulnerable to crime and antisocial behaviour.

I would welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits. Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com). Research has shown that this can reduce burglary by up to 75 % and criminal damage by up to 25%.”

**Merseyside Environmental Advisory Services**, the Council's Retained Adviser in relation to ecology has commented as follows:-

*“Habitats Regulations*

3. The applicant has submitted a shadow Habitats Regulations Assessment Report in accordance with Local Plan policy CS20 (Habitats Regulations Assessment Report, Tyler Grange, 30th September 2019, report ref: 12535\_R01\_LC\_GP) which meets BS 42020:2013. I advise the report is acceptable.

4. Previous MEAS advice (HA19-016, 3rd July 2019) had discounted ecological receptors on site due to clearing in relation to future development. An updated site visit in August 2019 has confirmed a lack of ecological value in relation to qualifying bird species of the Mersey Estuary due to site composition of hardcore, bare ground and small areas of ruderal vegetation. The ALSE of the shadow HRA determines the following impacts to constitute likely significant effects:

- Noise impacts during construction (alone and in-combination); and
- Recreational pressure during operational phase (in-combination).

5. I agree with the potential for the above alone and in-combination impacts and this is consistent with previous MEAS advice. As a result, the identified impacts the project requires Appropriate Assessment (AA), which is also included within the shadow HRA Report.

6. With reference to recreational pressure, the shadow AA includes the following mitigation:

- A CEMP to include location of toolbox talk for sensitive working approach, noise reduction apparatus, and screening along the southeast boundary;
- 1.68ha of public open space located between proposed housing and Widnes Warth LWS;
- Planting of hedgerow and ‘gapping up’ existing vegetation along the Trans Pennine Trail coastal path to reduce opportunities for access onto the saltmarsh;
- Erection of signage at the location of the stock gate, which provides access onto the saltmarsh via level crossing and bridge;
- Information leaflet within sales packs which includes information on SANG to direct residents away from the coast;

- A financial contribution (S106) to provide four bird viewing screens, two to the east and two to the west of the site designed to match the existing screens already in use along Widnes Warth. Mersey Gateway Environmental Trust have been part of discussions and have agreed to manage installation of the bird screens as the current land managers on behalf of Halton Council.

7. The above mitigation measures are consistent with those determined during previous discussions. In addition, I have completed my own assessment of potential construction noise impacts using DEFRA's construction noise database<sup>1</sup> and Inverse Square Law to calculate potential disturbance to birds on the saltmarsh and have reached the same conclusions regarding appropriate mitigation. This can be provided upon request.

8. The Appropriate Assessment within the shadow HRA Report concludes that, with mitigation measures, there will be no adverse effect upon the integrity of European sites and I am in agreement with this conclusion.

9. In order for the conclusions of the HRA to be upheld the following mitigation is required to be secured by a suitably worded planning condition(s):

- The CEMP to include detailed information in relation to toolbox talk for sensitive working approach, noise reduction apparatus, and screening along the southeast boundary;
- Planting of hedgerow and 'gapping up' existing vegetation along the Trans Pennine Trail coastal path to reduce opportunities for access onto the saltmarsh;
- Erection of signage at the location of the stock gate, which provides access onto the saltmarsh via level crossing and bridge; and
- The design of an information leaflet to be distributed within sales packs.

10. The financial contribution to provide four bird screens must be **secured by Section 106** (or other) legal agreement.

11. I advise that both the ALSE (Assessment of Likely Significant Affects) and Appropriate Assessment within the HRA Report are accepted and can be adopted by the Council to demonstrate its duties under the Habitats Regulations. Natural England must be consulted on the outcome of the Appropriate Assessment **prior to determination and any points which may arise should be addressed**. Its views, together with the outcome of the Appropriate Assessment, are required to be included within the Planning Committee/Delegated report."

**Natural England** have commented as follows:-

"No objection subject to appropriate mitigation being secured.

In summary, Natural England advises that the proposed development will not result in adverse effects on the integrity of any of the sites in question, providing that appropriate mitigation is secured through the planning permission. We advise that the identified impacts on the designated sites can be appropriately mitigated with the measures outlined within the shadow HRA and with additional information to be provided as highlighted in our advice below. Therefore, we have no objections to the proposed development."

Followed by:-

"Thank you for sight of the comments from MEAS. We have nothing further to add and are satisfied that providing the listed mitigation in the response is secured there will be no impacts on designated sites."

**The Lead Local Flood Authority** have commented as follows:-

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

- The site is approximately 7.6ha, it is a Brownfield development site which has been demolished to slab level. The proposed development is a residential site which would likely increase the area of hardstanding land.

- *The Environment Agency Flood Map for Planning shows the site to have a low Fluvial Flood risk. The site does not benefit from flood defences.*
- *The Environment Agency Long Term Flood Map shows the majority of the site to be at very low Surface Water Flood Risk. However there are three distinct Surface Water flow paths through the site, one along the Northern boundary of the site and one from Carter House Junction to Tan House Lane and one along Tan House Lane. The current and future surface water flood risk has not been considered through the drainage strategy.*
- *The Drainage Statement submitted in November 2019 (OTH\_2019.11.01 Drainage Statement.pdf) states there is an existing publically adopted system on the site which is to be utilised for the disposal of foul drainage. The developer has been in discussions with United Utilities regarding a Section 104 agreement under the Water Industry Act 1991.*
- *The updated strategy for surface water is for the water to be collected from the development and connected to an oversized surface water attenuation system, which would discharge through a surface water culvert within Tan House Lane to the River Mersey.*
- *The Drainage Statement submitted in November 2019 states the proposed development has been calculated to generate a flow of 245l/s, which is 60% to 70% less than the original flows emanating from the site previously. The site is 7.6ha, however the Micro drainage 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 Micro drainage calculations do not include the parameters used for the calculations.*
- *There are ongoing works to ascertain the condition and structural integrity of the existing 600mm connecting pipeline that has been identified on a recent CCTV survey for its intended reuse. The LLFA is still unclear whether this is either a private sewer or a culverted watercourse and its ownership. 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;*

- I. Further information of the private sewer/ culverted watercourse arrangement if the applicant wishes to discharge into this. This should include the ownership 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.*

*No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:*

- i) Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.*
- ii) An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*
- iii) Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.'*

The LLFA has been consulted further on the basis of the additional drainage information that has been submitted.

**The Canals and Rivers Trust** had no further comments to make.

## SUMMARY OF APPLICATION/ PROGRESS FOLLOWING NOVEMBER COMMITTEE

### Introduction

The previous officer report was based on a method to mitigate future occupiers from the impact of noise which relied on methods including non-opening windows and mechanical ventilation. On further discussion with the applicant, it was agreed that a review of the layout and apartment house types should take place to enable better living conditions for future occupiers and to provide a more robust scheme in response to objections received from adjoining business'.

Following the November Committee the applicant provided amended drawings and an accompanying updated Noise Report 50-033-R1-4 Dated December 2019. The amended layout Drawing 17083 01 Rev H and amended apartment types on Drawings 17083 HT 23 Rec C – Block A and 17083 HT 24 B provide an improvement in how the impact from identified noise sources could be addressed. In addition, more information has been submitted in relation to outstanding matters raised by the Lead Local Flood Authority.

Since receipt of the above amended plans and updated noise report\_The Council has undertaken a full public consultation and as a result has received the following subsequent responses:-

**The Coal Authority** has informed the Council that their standing advice should be provided to the applicant.

Any further responses will reported orally to the Committee.

## FURTHER CONSIDERATION OF ISSUES ARISING

In addition to matters addressed through the original report the main issues to be considered on the basis of the submission of the amended plans and updated noise assessment are;- Impact from noise; impact on flood risk; provision of appropriate boundary treatment; open space accessibility improvements.

### Noise:-

Additional information in relation to noise impact has been submitted to the Council and is under further consideration by the Council's Environmental Protection Officer, the Committee will be updated and advice in relation to their conclusions will be provided.

However it should be noted that the amended drawings have been submitted in direct response to the guidance given by officers to the applicant and it considered that the amendments respond appropriately to the noise issue previously identified.

### Flood Risk:-

Additional information in relation to flood risk has been submitted to the Council and is under further consideration by the Lead Local Flood Authority, the Committee will be updated and advice in relation to their conclusions will be provided.

### Other Amenity Issues:-

The layout has introduced an apartment block arrangement which proposes seven blocks arranged in two ranks on the eastern edge of the site. The blocks are internally designed to avoid the need for the future occupiers to rely on mechanical ventilation so as to allow windows to habitable rooms, especially bedroom windows, to be opened without the occupiers suffering significant impact from external noise. This has resulted in the following design changes:-

- The proposed Block B has no habitable room windows facing east i.e. the direction of the identified noise sources.
- The east facing elevation comprises the apartment corridor access and electric and service metres.
- All habitable room windows face west, into the wider site.
- End units have only a kitchen and bathroom windows facing east, with a single dining or secondary habitable room window facing north and south at each end.
- A reduction in interface between apartment blocks and between apartment blocks some dwellings which would not comply with the normal separation distances as set out within the Council's adopted New Residential Development SPD. Where such reductions exist these are not considered to result in unacceptable impacts on the amenity of future occupiers or so significant to justify refusal on this basis when considered in the context of the wider benefits of the scheme.

### Boundary Treatment:-

The amended drawings have addressed the concerns of Cheshire Police and Council officers with the introduction of changes to boundary types and the enclosure of spaces around the apartment to ensure that defensible space is provided.

### Open Space Accessibility:-

The amended drawings have addressed the concerns of Cheshire Police with the introduction of chicanes onto the open spaces and realignment of some of the plot houses.

### Other Material Considerations:-

There are some outstanding technical highway matters which can be resolved through minor alterations to the layout. Members will be updated with the latest comments from the Highway Authority.

All other matters have been dealt with in the earlier attached report.

### CONCLUSION:-

Subject to the technical issues in relation to highways, flood risk and landscaping being resolved and subject to any noise mitigation measures required that may be required by condition, 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' housing needs.
- 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, including provision 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

The above benefits need to be considered in relation to the remaining two dis-benefits:-

- Any potential remaining impact resulting from noise on future occupiers
- The potential impact on surrounding business as a result of any such impacts

With respect to noise it is clear that the revised application represents a significant improvement on the earlier scheme. The fundamental problems identified, which would result in a refusal of the application, now no longer exist, with the revision of apartment types and layout to ensure that no habitable room windows face the identified source of noise to the east. Importantly there are no bedroom windows in the most effected elevations which will as a result benefit from being able to ventilate by opening windows.

With respect to the potential harm to surrounding businesses from the proximity of the proposed development, it should be noted 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 amendments made to the apartment types and layout will 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.

Whilst there are a number of outstanding matters mentioned in the report including highways and flood risk, 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. Members will be updated orally at the Committee.

## 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 obligations in relation to the payment of a commuted sum for on-site open space; payment of financial contribution towards off-site open space; off-site provision of a bird hide; off-site hedgerow improvement works.

## 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

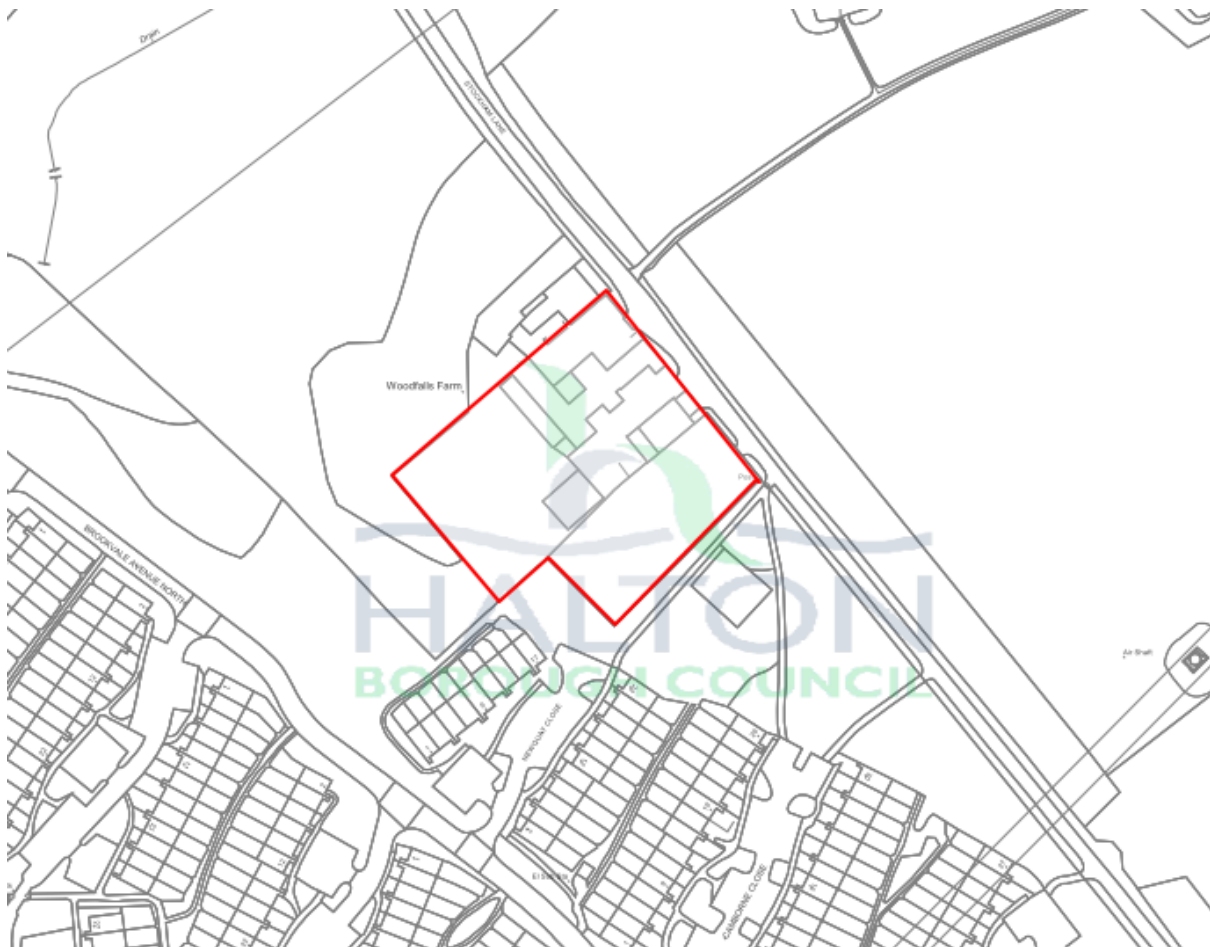
## SUSTAINABILITY STATEMENT

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>	19/00379/FUL
<b>LOCATION:</b>	Woodfalls Farm, Stockham Lane, Runcorn, Cheshire, WA7 6PT.
<b>PROPOSAL:</b>	Outline application, with appearance, landscaping, layout and scale reserved, for demolition of existing outbuildings, conversion of barns to 4no. dwellings and erection of new build residential development to a maximum of 10 units together with access.
<b>WARD:</b>	Norton South
<b>PARISH:</b>	None
<b>AGENT (S):</b>	Mr K Kirkham c/o Mr Steve Goodwin, Goodwin Planning Services Ltd, Old Church Hall, Old Coach Road, Kelsall, CW6 0QJ
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Part Phase 2 Allocated Housing Site / Part Unallocated – Unitary Development Plan Proposals Map.
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	One representation has been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Residential Development and Access Arrangements.
<b>RECOMMENDATION:</b>	Grant outline planning permission subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space.
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is land at Woodfalls Farm located adjacent to Stockham Lane in Runcorn. The site is 0.51ha in area. Stockham Lane lies to the north east of the site and an public open space lies to the south east. The curtilage of Woodfalls Farmhouse lies to the north west of the site. There is existing residential development in relative close proximity to the site.

The site itself is made up of barns, associated yards and an area of rough grassland beyond.

The north western part of the site which encompasses the barns and yards is designated as Phase 2 Allocated Housing Site on the Halton Unitary Development Plan Proposals Map. The south eastern part of the site which is an area of rough grassland is unallocated on the Halton Unitary Development Plan Proposals Map.

### **1.2 Planning History**

The site has some planning history relating to its redevelopment for residential purposes. The most recent application (94/00035/OUT) was an outline

application for residential development (max. 12 dwelling houses) re-submission of previous application 93/00580/OUT.

## **2. THE APPLICATION**

### **2.1 The Proposal**

This is an outline application, with appearance, landscaping, layout and scale reserved, for demolition of existing outbuildings, conversion of barns to 4no. dwellings and erection of new build residential development to a maximum of 10 units together with access.

### **2.2 Documentation**

The application is accompanied by a Design and Access Statement, Planning Statement, Phase I Geo-Environmental Desk Study, Ecological Appraisal, Bat Activity Report, Tree Survey and Arboricultural Plans along with the planning drawings.

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

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

The site is partly designated as a Phase 2 Allocated Housing Site and partly unallocated on the Halton Unitary Development Plan Proposals Map.

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

- S22 Unallocated Land in Urban Areas;
- BE1 General Requirements for Development;
- BE5 Other Sites of Archaeological Importance;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP17 Safe Travel For All;
- H1 Provision of New Housing;
- H3 Provision of Recreational Greenspace.

### 3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS23 Managing Pollution and Risk.

### 3.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

## **MATERIAL CONSIDERATIONS**

The majority of material considerations are identified in the analysis section of this report.

### 3.4 Halton Borough Council - Design of Residential Development Supplementary Planning Document

The purpose is to provide additional practical guidance and support for those involved in the planning and design of residential development within Halton.

### 3.5 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.

#### Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*



Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states *so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:*

#### The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

### Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

### Determining Applications

Paragraph 47 states that *planning law requires for planning permission to 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.*

### 3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS**

### 4.1 Highways and Transportation Development Control Response

*The development proposes mainly 3 and 2 bed dwellings on a site of former farm with a mix of property types including barn conversion properties. The application proposes 14 residential properties with 28 parking spaces provided.*

#### **PARKING**

*The parking appears to be accommodated either by courtyard arrangement, driveway or driveway and garage combination dependent upon the property type. The re-submitted application provided for driveways of adequate capability to accommodate two cars as per our requirements as as such Highways have no objections to the parking provision presented in the re-submission. (03/10/19)*

#### **ACCESS ARRANGEMENTS**

*The submitted design includes a 4.8m shared surface carriageway with associated 2m footways. The Highway Authority have no objections to this design.*

## DRAINAGE

*Separate details from the LLFA have been provided.*

## APPLICATION SUMMARY

*The application is acceptable in highway terms and the Highway Authority would have no objections to the application. I would happily concede that the developer has considered each of the points I have identified in my previous comments and made alterations necessary for me to withdraw my objections in full. My only remaining requirement would be the submission of a construction management and demolition plan as and when Planning Permission is obtained and a works programme is established.*

### 4.2 Contaminated Land Officer Response

*"I have considered the contaminated land implications and would make the following comments;*

*The application is supported by the following document;*

- *Phase 1 geo-environmental desk study, Woodfalls Farm, Runcorn, ref A3129/19, Earth Environmental Geotechnical Ltd, July 2019.*

*The report presents a preliminary risk assessment and conceptual site model based upon a review of the available documentary information and a site walk over.*

*The site has been in use as a farm from the earliest available mapping, with a number of changes in the layout of the various associated buildings. The current use is predominately storage with vehicle maintenance and repair. The site walkover identified a number of possible contamination sources, notably the vehicle maintenance area and likely asbestos containing materials. The desk study flagged the previous development of the site and the possible storage of fuels and chemicals for agricultural purposes.*

*Development of other former farm sites have commonly found ash and clinker to have been used to create tracks and yard areas, with associated contamination with metals and poly-aromatic hydrocarbons.*

*The above referenced report concludes that further assessment of the site is required to fully assess the potential land contamination risk posed to the development. It recommends that geo-technical investigation is necessary for foundation design and some soil samples should be included for environmental assessment.*

*Whilst I am in agreement that further on site investigations are required, there needs to be a clear investigation strategy and proposals for assessing land contamination (best practice does state that integrated investigations, geotechnical and environmental, can be appropriate, but only if the clear objectives of both elements are set and one not compromised by the other).*

*I would also recommend that further investigation/inspection of the buildings to be converted to residential use is conducted to assess past usage and contamination potential (this may have occurred but it wasn't clear from the text).*

*In summary I do not object to the proposals, but only if any approval is conditioned to require the submission of site investigation, risk assessment and, if determined to be necessary, remediation strategy and verification reporting”.*

#### 4.3 Lead Local Flood Authority

*After reviewing 19/00379/OUT planning application LLFA found the following:*

- The site is shown to have a low fluvial, tidal and surface water flood risk on the Environment Agency Long Term Flood Risk Maps and lies within a Critical Drainage Areas as shown in the Strategic Flood Risk Assessment (SFRA).*
- The proposed development involves the land use change which reduces the permeability (greenfield to impermeable land). This change would increase the surface water runoff at the proposed site.*
- The information submitted with the proposed application does not include any form of Flood Risk Assessment or Drainage Strategy, however there is mention of the foul water being discharged to a mains sewer and the surface water to a soakaway in the application form.*

*LLFA would recommend the following general considerations to be made at full application stage when considering the suitability of a site and proposed use relating to drainage and flood risk:*

- Vulnerability class for the proposed use should be considered using the 3<sup>rd</sup> document link below. Consideration of the site area should be made together with EA (Environment Agency) flood risk maps to determine flood zone and whether a Flood Risk Assessment is required.*
- Treatment of current and future surface water risk on EA flood maps will need to be considered (threshold levels/compensatory storage etc) (see 4th link below – consideration should also be given to any river (fluvial) risk in discussion with the Environment Agency).*
- Drainage strategy should follow SUDS (Sustainable Urban Drainage System) hierarchy – i.e. in preferential order – Soakaway, Watercourse, Surface Water Sewer, Combined Sewer. Infiltration tests would be required to demonstrate whether soakaway is feasible. It should be noted that United Utilities also apply this strictly, and detailed consideration of the hierarchy will need to be demonstrated in supporting documentation.*
- Appropriate discharge rates should be calculated for 1, 30 and 100yr flood events for use in drainage design. In line with NPPF this should be attenuated to greenfield rates for greenfield sites/site area, and as close as possible to greenfield rates for brownfield areas (Halton BC SFRA requires minimum 50% reduction from existing). Climate change should be considered appropriately.*
- A conceptual drainage layout should be prepared indicating runoff areas and calculations provided including attenuation. Interceptors/filtration may also be deemed appropriate in accordance with SUDS hierarchy/guidance.*

- Details of the implementation, maintenance and management of the sustainable drainage (SuDS) scheme for the disposal of surface water in accordance with the SuDS hierarchy. This should be reported within the Drainage Strategy, this should include the following details:

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) not feasible connection to any system adopted by, any public body or statutory undertaker.
- 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 (50% reduction required as a minimum in critical drainage areas). Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + 40% climate change allowance)
- Consultation with the Environment Agency and assessment of safe access and egress to the site.
- Separate consent will be required from LLFA should a development affect the flow in a watercourse or land drain, and discussions held with the LLFA if development is proposed within 8m of a watercourse.
- There are public foul and surface water sewers within a reasonable distance of the development. Permission from United Utilities will be required to connect the drainage from the development to the public sewer. It should be noted that United Utilities will expect to see that the drainage hierarchy, as described in Part H of the Building Regulations, has been considered before allowing any discharges to the public sewer.
- Further information on consideration of flood risk can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>;  
<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>;  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6000/2115548.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf);  
<https://flood-warninginformation.service.gov.uk/long-term-flood-risk/map>
- In addition it should also be noted that the Council are currently working jointly with the Cheshire Authorities on a SUDS guidance document which will require a checklist to be completed to show that the developer has considered drainage and flood risk. This is likely to be adopted as SPD and will require a reasonable amount of information to be submitted and listed by the developer at each stage. The draft checklist is attached for information.

Should the planning authority be minded to approve this application, the LLFA would recommend the following conditions to ensure drainage and flood risk on site is considered:

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 in a site specific flood risk assessment and drainage strategy. 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 soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) is not feasible then drainage to watercourse or iii) if i) or ii) is not feasible 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 (50% reduction required as a minimum in critical drainage areas). Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + climate change allowance).*

*No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:*

*iii. Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners and maintainers plus information that SuDS are entered into the land deeds of the property.*

*iv. An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*

*v. Submission of As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.*

#### 4.4 Ecology and Waste Advisor (Merseyside Environmental Advisory Service)

##### Ecological Information

*The applicant has submitted an Ecological Appraisal in accordance with Local Plan policy CS20 (Ecological Appraisal, Leigh Ecology, 14<sup>th</sup> June 2018, ref: Kirk/18-001). I advise the report is acceptable.*

*The amended site layout is unlikely to lead to significant additional impacts to ecology on or adjacent to the site.*

##### Habitats regulations

*The development is in close proximity to the following European sites which are protected under the Habitats Regulations 2017 and Local Plan policy CS20 applies:*

- *Mersey Estuary SPA; and*
- *Mersey Estuary Ramsar site.*

*I have reviewed the proposal submitted by the applicant and considered the possibility of likely significant effects under the Habitats Regulations using the*

*source-pathway-receptor model. I advise there is no pathway that could give rise to likely significant effects on the European sites and it does not warrant a detailed Habitats Regulations Assessment report for the following reasons:*

- *The small-scale of the construction, when taken into account with the distance to Mersey Estuary (4.8km) and lack of functionally-linked land in the urban fringe vicinity;*
- *The Manchester Ship Canal acts as a significant barrier to coastal access for proposed residents of the development and Halton residents in general; and*
- *There are many SANGs (Sustainable Alternative Natural Greenspaces) in the local area, including the adjacent Phoenix Park. It is likely this will significantly reduce visitation to the coast both from the development's residents and residents in the Halton area.*

### Bats

*The applicant has submitted a Bat Activity Survey Report in accordance with Local Plan policy CS20 (Bat Activity Survey Report, Leigh Ecology, 22 October 2019) which meets BS 42020:2013. I advise the report is acceptable.*

*The report states that no evidence of bat use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations).*

### Ecologically sensitive lighting

*Habitats adjacent to the site may provide roosting, foraging and commuting habitat for bats and other animals. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the areas 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>*

### Reasonable avoidance measures for hedgehog and common amphibians

*The habitats on site are suitable for terrestrial mammals and common amphibians, including hedgehog and common toad (Priority species, NERC). The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:*

- *All trenches and excavations should have a means of escape (e.g. a ramp);*
- *Any exposed open pipe systems should be capped to prevent mammals gaining access; and*
- *Appropriate storage of materials to ensure that mammals do not use them for shelter.*

*These measures can be secured by a suitably worded planning condition.*

### Breeding birds

*Confirmed breeding of house sparrow and robin has been observed in on site structures during survey, with trees also likely to provide nesting opportunities for breeding birds, which are protected. The following condition is required.*

#### CONDITION

*No tree felling, scrub clearance or vegetation management or building works 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 buildings, 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.*

#### Landscaping Plan

*A detailed and appropriate landscape plan is required that provides adequate mitigation for the loss of trees and other habitats to development. This should include the following:*

- *Native tree and hedgerow species of local provenance, which are informed by the aims of the Mersey Forest and Bridgewater Canal, Keckwick Road and Runcorn Ancient Woodland Corridor Nature Improvement Area (NIA)<sup>1</sup>, both of which lie adjacent to the development boundary;*
- *Trees and shrubs which provide berry-bearing fruit to encourage foraging by birds; and*
- *Trees and shrubs which attract a range of insects which can encourage foraging by bats.*

*The Landscape Plan can be secured by a suitably worded planning condition.*

<sup>1</sup> Mersey Forest and Bridgewater Canal, Keckwick Road and Runcorn Ancient Woodland Corridor NIA. Available online at <http://www.lcreconet.uk/?mdocs-file=304>

#### 4.5 Archaeology Advisor (Cheshire Archaeology Planning Advisory Service)

*The barns that form part of the proposed development scheme and which are to be converted to four dwellings, together with the associated farmhouse (not part of the development scheme), are depicted on the Tithe Map for Stockham township dating to 1843. Accordingly, the farmhouse and associated barns are no later in date than early nineteenth century. The period 1750-1880 has been recognised as the most important period of farm building development in England (Historic Farmsteads: Preliminary Character Statement – North West region, English Heritage 2006, p. 6); the Council for British Archaeology's 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' (Brennand 2007) has indicated that farm buildings are "an important historical research resource" (p. 140), that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" so that "a regional database of farm buildings can be derived and variations across the region examined." (ibid.)*

*Consequently should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that the applicant be required to undertake a programme of archaeological building recording of the long barn building (at level 2, as defined*



*in Historic England 2016, Understanding Historic Buildings p.26) and that such works be secured by means of the following condition:*

*No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.*

*The use of such a condition is in line with the guidance set out in Paragraph 199, Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2019), published by the Department for Communities and Local Government and Managing Significance in Decision-Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2 (Historic England 2015).*

*The Cheshire Archaeology Planning Advisory Service does not carry out archaeological work and the applicants will need to appoint an archaeological contractor to organise the mitigation. I will be able to supply further details of the work on request.*

#### 4.6 United Utilities

United Utilities have requested that foul and surface water shall be drained on separate systems and that a surface water drainage scheme be secured by condition. Their other observations can be attached as an informative on the decision notice.

#### 4.7 Sabic UK Petrochemicals Ltd

*SABIC would have no observations to make in this instance, as the proposed works are outside of the current LUP Land Use Planning Consultation Zone and would therefore not affect SABIC pipeline apparatus.*

*Please note that the INOVYN Hydrogen Pipeline is within the immediate vicinity and we would respectfully suggest that you contact them if you have not already done so.*

#### 4.8 Cheshire Police

*When looking at the crime figures for a 1-mile radius of the site they have been consistently very high over recent months.*

*ADQ (Building Regulations – Approved Document Q: Security – Dwellings) sets out strict requirements for the use of SBD (Secured by Design) standard (PAS 24 2016, equivalent, or higher) doors and windows. Whilst this aspect of the planning and building lifecycle is inspected by Building Control, I am more than happy to provide the applicant with advice.*

*I have listed a few points below for consideration, which will assist in enhancing the security of the development:-*

- *The crown of any trees on the parking court and other parts of the development should be above two metres to allow for maximum natural surveillance.*
- *I would strongly recommend that trellis is used to raise the height of the 1.5 metre screen fences (plot dividers). This will make the fences more difficult to climb.*
- *It is good to see many of the properties have gable windows to allow for extra surveillance of paths and parking areas.*
- *I would like to see all properties have gates flush with the front of the properties where this does not obstruct the driveways.*
- *All properties should be fitted with appropriate fuse spurs to allow an alarm to be fitted easily by the owner.*
- *Given that Stockham Lane is very dark, I would like to see the lighting proposals for this development.*
- *Stockham Lane is very dark and overgrown. There is not much passing natural surveillance so it would be easy for an offender to approach the area unseen. There have been incidents where people have been robbed and assaulted in the area. I would recommend some consideration is given to opening up the area and improving the lighting before the development was given approval.*

*I would welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits. Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com). Research has shown that this can reduce burglary by up to 75 % and criminal damage by up to 25%.*

## **5. REPRESENTATIONS**

5.1 The application was advertised by a press advert in the Widnes & Runcorn Weekly News on 15/08/2019, a site notice posted on Stockham Lane on 08/08/2019 and sixteen neighbour notification letters sent on 08/08/2019.

5.2 One representation has been received from the publicity given to the application. A summary of the issues raised is below:

- Stockham Lane is a heavily pedestrianised link-way and bridleway, used by dog walkers, ramblers, cyclists and horse riders. Using this road as the main access for the development from either end of the lane will drastically increase traffic flow and endanger pedestrians.

5.3 Following the receipt of amended plans, a further seventeen neighbour notification letters were sent on 15/11/2019. No further representations have been received at the time of writing this report.

## **6. ASSESSMENT**

6.1 Suitability of the proposed use

The north western part of the site which encompasses the barns and yards is designated as Phase 2 Allocated Housing Site on the Halton Unitary Development Plan Proposals Map and as such is considered acceptable in principle for residential development. It is noted that there has been previous planning permissions for residential development on this part of the site.

The south eastern part of the site which is an area of rough grassland is unallocated on the Halton Unitary Development Plan Proposals Map. Policy S22 of the Halton Unitary Development Plan is relevant. It assumes that the present use will continue and that any proposals to change the use of unallocated land will be judged in accordance with the relevant policies of the Plan. There are no site specific policies in this case.

Considering the suitability of residential development on the unallocated land, it is noted that the parcel of land directly bounds with an allocated housing site and there is existing residential development in the locality and associated greenspace. It is considered that residential development on this unallocated parcel of land would be sympathetic to surrounding land uses and is acceptable in principle.

The principle of residential development on the wider site is therefore considered to be acceptable.

## 6.2 Affordable Housing

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

The applicant notes the requirement for affordable housing in their planning statement and it is considered that a planning condition which secures the submission of an affordable housing scheme would ensure compliance with Policy CS13 of the Halton Core Strategy Local Plan.

## 6.3 Open Space

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

The Open Space Requirement Calculator has identified that there is a deficit of Amenity Greenspace and Allotments in this particular neighbourhood.

As the open space requirements are not being proposed to be met on site, the policy indicates that a commuted sum in lieu of on-site provision is required. This has been sought from the applicant.

The applicant has agreed to making this commuted sum and this would be secured by legal agreement to ensure compliance with Policy H3 of the Halton Unitary Development Plan.

#### 6.4 Access

This is an outline application in which means of access (covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site) is under consideration. Whilst layout is reserved for future consideration, the means of access would be fixed should this application be granted.

The Highway Officer has commented that the means of access includes a 4.8m shared surface carriageway with associated 2m footways and no objection is raised to this access arrangement for the new build dwellings. The proposal demonstrates that a large refuse collection vehicle can enter and exit the site in forward gear.

The one representation received raises concerns over an increase in traffic which would compromise the safety of dog walkers, ramblers, cyclists and horse riders. The proposed development may increase the usage of Stockham Lane, however the Highway Officer is satisfied that this would not result in an unacceptable impact on highway safety.

The parking would be accommodated either by courtyard arrangement, driveway or driveway and garage combination which would provide space for two cars in accordance with the Transport Parking Standards for Family Housing set out in the Appendix 1 of the Halton Unitary Development Plan.

Conditions which secure the implementation of the site access, parking and servicing provision and visibility splays are suggested.

From an access perspective, the proposal is considered to be acceptable and compliant with Policies BE1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

#### 6.5 Layout

Layout is reserved for future consideration. There is no longer a requirement to provide an indicative layout to accompany an outline planning application; however the applicant has chosen to provide one to demonstrate the suitability of the amount of development being sought. The layout would not be restricted to that shown on the indicative layout. As stated in the access section above, the access arrangements which include the accessibility for all routes to and within the site would be fixed by the granting of this application.

The application seeks to gain permission for a residential development of up to 14 dwellings (4 of which would be a residential conversion and up to 10 new build dwellings) which would equate to the site being developed at a density of up to 27.5 dwellings per hectare. This is below the minimum density on

individual sites of 30 dwellings per hectare which is sought to ensure the efficient use of land in accordance with Policy CS3 of the Halton Core Strategy Local Plan, however it is not considered that a refusal on this issue alone could be sustained.

The layout provided with the application is purely indicative, however does demonstrate that a layout showing 14 dwellings can be achieved which has regard for the Council's guidelines including the Design of Residential Development SPD. The conversion of the historic agricultural buildings is welcomed and would help retain the historic character of the area along with the adjacent farmhouse.

Cheshire Police have made some observations which could influence the layout and design at a reserved matters stage and it is considered appropriate to attach these observations as an informative.

The layout detail would be considered as part of a reserved matters application.

#### 6.6 Scale

Scale is reserved for future consideration. There is no longer a requirement to provide scale parameters with an outline planning application; however the indicative elevations show the proposed new build dwellings to be two storey in height which would reflect the scale of dwellings in the wider locality. Scale is something which would be considered as part of a reserved matters application.

#### 6.7 Appearance

Appearance is reserved for future consideration. This is something which would be considered as part of a reserved matters application.

It is considered that a scheme of appropriate external appearance can be achieved which has regard for the location of the site along with a residential conversion of the former agricultural buildings in order to retain their character.

#### 6.8 Landscaping

Landscaping is reserved for future consideration. Landscaping would be considered as part of a reserved matters application.

Tree Survey and Preliminary Arboricultural Plans accompany the application. This indicates that a number of trees would need to be lost to facilitate residential development. The trees which would be lost would be of low quality and it is considered that a replacement landscaping scheme would compensate for any loss as a result of the proposed development.

The Council's Ecological Advisor has made some suggestions with regard to the detail of a landscaping scheme which can be attached as an informative.

#### 6.9 Ground Contamination

The application is accompanied by a Phase I Geo-Environmental Desk Study.

This has been reviewed by the Contaminated Land Officer and no objection has been raised subject to the attachment of a condition which secures the submission of a site investigation, risk assessment and, if determined to be necessary, remediation strategy and verification reporting to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.10 Flood Risk and Drainage

The Lead Local Flood Authority have advised that the site is shown to have a low fluvial, tidal and surface water flood risk on the Environment Agency Long Term Flood Risk Maps and lies within a Critical Drainage Areas as shown in the Strategic Flood Risk Assessment.

The proposed development involves the land use change which reduces the permeability (greenfield to impermeable land). This change would increase the surface water runoff at the proposed site.

There is a requirement for a detailed drainage strategy for the site to be submitted.

The drainage strategy for the development should/shall demonstrate use of the drainage hierarchy, as described in Part H of the Building Regulations/ NPPF, (This is the same as the standard condition requested by United Utilities). The requirement for the submission of an appropriate drainage strategy and its subsequent implementation to satisfy both the Lead Local Flood Authority and United Utilities can be secured by condition.

This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.11 Ecology

The application is accompanied by an Ecological Appraisal and a Bat Activity Survey Report. It is recommended that these documents are accepted as an accurate assessment of the current ecological content and value of the future housing site. Our Ecological Advisor raises no objection to the proposed development subject to the attachment of conditions which secure breeding bird protection, reasonable avoidance measures for hedgehogs and common amphibians and an ecologically sensitive lighting scheme.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

#### 6.12 Archaeology

The Council's Archaeology Advisor has noted that the farmhouse and associated barns are no later in date than early nineteenth century. The period 1750-1880 has been recognised as the most important period of farm building development in England and that there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" so that "a regional database of farm buildings can be derived and variations across the region examined.

They advise that the applicant should undertake a programme of archaeological building recording of the long barn building (at level 2, as defined in Historic England 2016, Understanding Historic Buildings p.26) and that such works be secured by condition.

This would ensure that the proposal is compliant with Policy BE5 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

#### 6.13 Risk

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. This site is outside of the consultation distance for major Hazard sites / pipelines including the nearby SABIC Ethylene Pipeline. SABIC have been consulted on the application and have no observations to make in this instance. Accidental risk is therefore not considered to be a constraint to the proposed development.

#### 6.14 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan.

In terms of on-going waste management, there is sufficient space on site to deal with this.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

## **7. CONCLUSIONS**

In conclusion, the proposal would bring forward residential development on designated housing allocation and whilst part of the application site is unallocated, the proposal demonstrates that a residential land use would be sympathetic to surrounding land uses.

The Highway Officer has commented that the means of access to the proposed development is acceptable. The proposal demonstrates that a large refuse collection vehicle can enter and exit the site in forward gear. Sufficient parking would be provided to accord with the Transport Parking Standards for Family Housing set out in the Appendix 1 of the Halton Unitary Development Plan.

A reserved matters application which provides detail relating to layout, scale, appearance and landscaping would be required.

The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton.

The application is recommended for approval subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space.

## **8. RECOMMENDATION**

Grant outline planning permission subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space.

## **9. CONDITIONS**

1. Time Limit – Outline Permission.
2. Submission of Reserved Matters.
3. Development Parameters.
4. Breeding Birds Protection – (Policy GE21)
5. Hours of Construction – (Policy BE1)
6. Implementation of Site Access – (Policy BE1)
7. Parking and Servicing – (Policy BE1)
8. Visibility Splays on Stockham Lane – (Policy BE1)
9. Reasonable Avoidance Measures – Hedgehogs and Common Amphibians – (Policy GE21)
10. Ecologically Sensitive Lighting Scheme – (Policy GE21)
11. Foul Water – (Policy PR16)
12. Drainage Strategy – (Policy PR16)
13. Ground Contamination (Phase 2 Site Investigation, Remediation Strategy, Validation Report) - (Policy PR14)
14. Programme of Archaeological Building Recording – (Policy BE5 and Policy CS20)



15. Affordable Housing Scheme – (Policy CS13)

Informatives:

1. Highway Informative.
2. Landscaping Informative.
3. Cheshire Police Informative.
4. United Utilities Informative.

**10. 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.

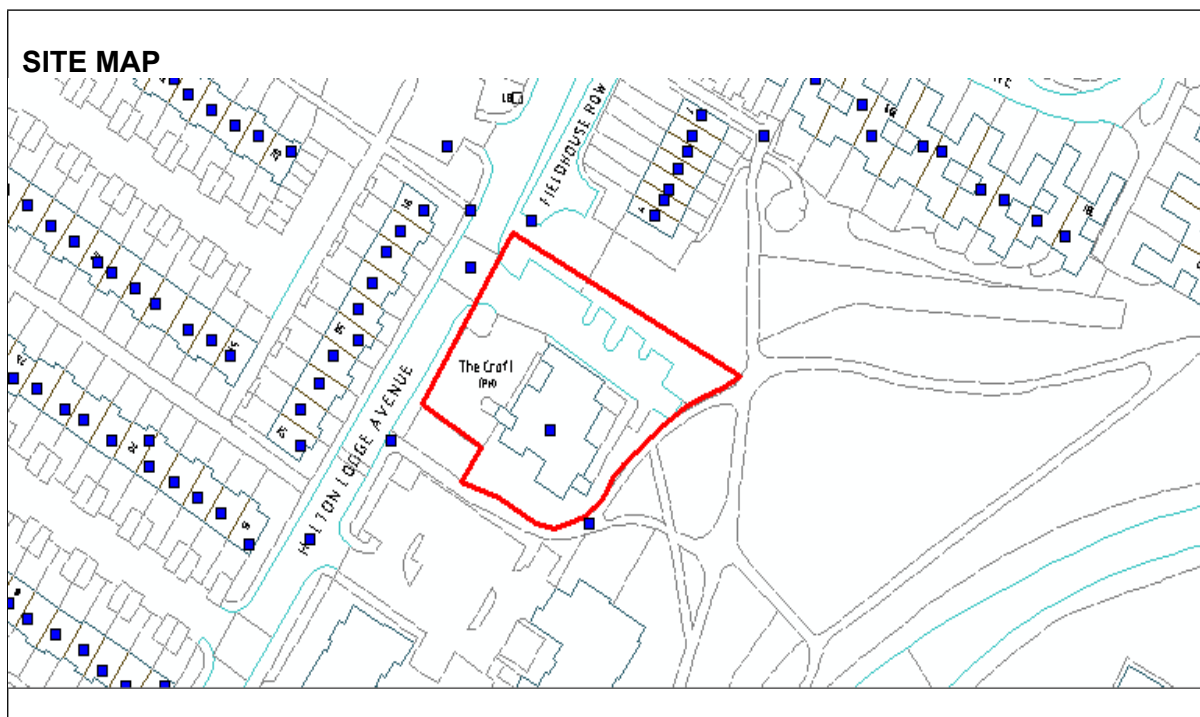
**11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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>	19/00506/FUL
<b>LOCATION:</b>	The Croft Public House, Halton Lodge Avenue, Runcorn
<b>PROPOSAL:</b>	Proposed development of 15 No.1 bed apartments for assisted living (use class C2) with associated communal amenity space, car/cycle parking, refuse storage and ancillary works
<b>WARD:</b>	Grange
<b>PARISH:</b>	
<b>AGENT(S) / APPLICANT(S):</b>	Hindle Property Investments Ltd, Hindle House, Tan House Lane, Parbold, Wigan WN8 7HG
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013) Joint Waste Local Plan ( )	Primarily Residential Area
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	
<b>KEY ISSUES:</b>	Principle of development, loss of public house; loss of tree; highway, car parking and traffic issues; impact on bat habitat; design
<b>RECOMMENDATION:</b>	Refuse



## **THE APPLICATION SITE**

### The Site

The application site is an existing but closed public house which was built circa 1970's as part of the Halton Lodge new town estate. The public house appears to have been closed since November 2014. The site is adjacent to an adopted greenspace to the east of the site which includes several trees. The site is located with a Primarily Residential designation in the Halton UDP.

### Planning History

The site has a planning history dating back to September 1984 pertaining to its use as a public house. None of the permissions are of particular relevance to determination of this current application.

## **THE APPLICATION**

### The proposal and Background

The proposal seeks permission to demolish the current building and replace it with a building containing 15 No. 1 bedroom apartments for assisted living use with associated communal amenity space, parking/cycle parking, refuse storage and ancillary works.

### Documentation

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

- Design and Access Statement
- Planning Statement
- Noise Impact Assessment
- Tree Survey
- Preliminary Roost Assessment Survey
- FRA

- Transport Statement
- Phase 1 Site Investigation

## **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 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
BE22	Boundary Walls and Fences
GE21	Species Protection
H8	Non Dwelling House Uses
LTC5	Protection of Community Facilities
PR1	Air Quality
PR2	Noise 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

## 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
CS12	Housing Mix
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

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.

## 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:

United Utilities – Recommended conditions in relation to separate systems for foul and surface drainage and should follow sustainable drainage requirements.

Natural England – No objection.

Health & Safety Executive – Do Not Advise Against.

National Grid – no objection in principle and their comments will be added as an informative.

## Council Services:

Local Highway Authority – outlined in report below.

Lead Local Flood Authority – No Objection subject to the following condition:-

*“Details of the implementation, maintenance and management of the sustainable drainage (SuDS) scheme for the disposal of surface water in accordance with the SuDS hierarchy.”*

Merseyside Environmental Advisory Service –outlined in report below.

HBC Environmental Health (Noise) -.The Council’s EHO Officer has provided the following comments:-

*“The applicant has provided a noise report which applies the standards in BS8233:2014 to the internal noise environment within the residential units, and applies the standards within BS4142:2014 to the external plant, taking into account the impact on the surrounding residential properties.*

*The site is surrounded by housing and therefore the proposed development is consistent with the existing nature of the area. There are no known noise sources that would result in an adverse noise environment for residential use.*

*The report states that the internal noise levels within BS:8233:2014 can be achieved with double glazing and closed windows. Trickle vents are included to ensure that the required level of ventilation is obtained with the windows closed. The nature of the noise in the area is likely to be local road traffic, trees and birds, and therefore it is considered a suitable solution. With regard the external plant, the consultant has given the levels that the plant needs to achieve at the nearest window to prevent noise disturbance. The developer will need to ensure that these levels are adhered to, or exceeded when purchasing plant, and this can be conditioned.*

**Proposed Conditions**

*I would ask that the following conditions are included, to protect residential amenity, in any planning consent granted for this applications:*

*1- Prior to commencement of the development the applicant shall, provide a noise report demonstrating that all plant on site (to include but not limited to air conditioning, heating and refrigeration units) shall achieve the following noise levels 1m from the nearest noise sensitive or habitable room (bedrooms and living rooms):*

*a. Daytime (07:00-23:00 hours) 42dB(A)*

*b. Night time (23:00-07:00 hours) 36dB(A)*

*2- All habitable rooms shall be fitted with 6/16/6mm conventional double glazing.”*

HBC Contaminated Land Officer – Raises no objections subject to conditions

Open Spaces – The Council’s Open Spaces Officer has commented as follows:-

*“There are no trees afforded statutory protection on the site, and the site is not within a Conservation Area. I visited the site in relation to this application on 19/11/2019.*

*It is stated in the document *Trees and Construction BS5837:2012 Tree Survey, Arbicultural Implications Assessment & Method Statement Ref 19446/A3 (hereafter: Doc Ref: 19446/A3)* that it is the applicant’s intention to remove and prune a number of trees around the site in order to facilitate the build; in these comments I will address the trees which fall on HBC Registered Land only, the applicant should contact neighbouring landowners in relation to trees which neighbour the site but are affected by the proposal. All trees are plotted on the submitted drawing *Tree Constraints Plan (hereafter; 19446/A1/TCP/01)*; I will reference the trees in these comments using the numbering system in *Doc Ref: 19446/A3* and *19446/A1/TCP/01*.*

*Section 4.2 of Doc Ref: 19446/A3 states “Consideration for G1, T5 and T6 – 4.2.1 Both trees*

*will require removal to allow the proposal*"; the works to remove both trees is acceptable in my opinion. It is stated in 19446/A1/TCP/01 that the removal of group G1, a group consisting of small Sycamore regeneration, is also required to facilitate the build; this would be acceptable.

Section 4.2.2 of *Doc Ref: 19446/A3* states that the applicant wishes to prune T7, T30, and T31 to accommodate the build: *"The crown will require pruning (selective reduction) to accommodate the proposed new block"*. These trees appear to be outside of the site boundary and so the applicant should consult the tree owners in regards to the proposals. It is stated within the submitted drawing 19446/A3/TCP/01 that trees T32 and T33 are to be removed, this work is acceptable.

The applicant also states in Section 4.2.2 of *Doc Ref: 19446/A3* that the applicant deems that T7 *"will require pruning (selective reduction to accommodate the proposed new block"*. I recommend that this work is acceptable providing the crown reduction is no more than 1.5 metres.

Clarification is required on whether the new development will use the existing hard standing and require no further earthworks around the foundations of the existing building.

Concerns in relation to encroachment into the Root Protection Area (RPA) of the trees situated on land adjacent to the proposed development are addressed by the measures in place within the submitted drawing 19446/A3/TCP/01 providing the construction makes use of the existing hard standing only, and that the works comply with *BS5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'*.

No landscape designs have been submitted; Section 5.4 of *Doc Ref: 19446/A3* states *"The new tree planting illustrated on the 'proposed site plan' will need supplementary detail on species and nursery selection, planting method and maintenance."*

All tree works should be carried out in accordance with *BS 3998:2010 Tree Work Recommendations*.

We would recommend that all works comply with current bird nesting legislation.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1)

Consult W&C Act 1981 (with amendments) for full details of protection afforded to wild birds."

## REPRESENTATIONS

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

## ASSESSMENT

### Particulars of Development

The applicant has provided the following information as background to the application:-

*"The building, which is on a site of about 0.175 hectares, is of brick construction with a tiled roof. The property has been vacant since about 2014 and the windows and doors are currently boarded. The site has been the subject of anti-social behaviour and makes little contribution to the streetscene in terms of its design.*

*The Proposal seeks permission to demolish the existing building and to erect 15 no 1 bedroom apartments for supported living with communal areas and car park for 10 vehicles. The development will provide supported accommodation for people with disabilities and on*

*completion by the applicant it will be leased to Hilldale Housing Association who, working with 1st Enable (a social care provider), will take over full management responsibility. The primary function of the development will be to offer suitable, supported accommodation to people with learning disabilities and enduring mental health problems. Some adults will also have autism and / or physical disabilities.*

*Hilldale Housing Association is a specialist housing association. The sole purpose of the operation is to provide high quality supported living to people that need additional support. Formed in 2009, they are a Not for Profit Company, whereby any money made is put back into providing further quality homes or investing in better services for their residents. In 2013 they became a Registered Provider with the Homes and Community Agency (Registered Number 4760).*

*Each unit within the development provides living accommodation to include a bedroom, bathroom, living area and kitchen with residents being given personal support to help them live more independently. There are also internal and external communal areas for residents to socialise. There will be at least one member of staff on site at all times with the number of staff increasing dependant on needs. There is a dedicated staff room located within the development to enable staff to be available at all times. This includes sleeping accommodation and bathroom facilities.”*

#### Principle of Development

The site is designated as a within a Primarily Residential Area. The proposed end use is C2, includes uses such as a residential care home. The type of property proposed is that of ‘supported living’ with one unit acting as an office and used for an on-site carer, with the remaining 15 units provided as self-contained apartments. As such UDP Policy H8 applies.

H8 allows for the provision of non-dwelling house uses are considered mainly with regard to their effect on residential amenity and this can be approved providing the following criteria are met:-

- a. The development itself would not detract from the character of the area or the amenity of residents.
- b. The development would not result in an over-concentration of non-dwelling house uses to the detriment of the character of the area or the amenity of residents.
- c. Where parking is to be provided in any area fronting a highway, one third of that area should be provided with soft landscaping and screening.”

Core Strategy Policy CS12: Housing Mix encourages proposal for new specialist housing for the elderly, including extra care and supported accommodation in suitable locations particularly those providing easy access to local services and community facilities.

Both these policies support the principles of the proposal subject to other matters of amenity being met and those are dealt with below.

#### Loss of Public House

The site is currently a disused public house, “The Croft” located in a former new town development of Halton Lodge. The Council agreed the sale of the freehold to this land in 2016.

In relation to the loss of public houses, these are classed as a ‘community facility’ in the NPPF which seeks to protect them. Halton UDP Policy LTC5 seeks to protect community facilities



were they serve an important local need unless a replacement facility or other facility of equivalent community benefit is provided in no less convenient location. In this instance, given that the public house has not functioned since its closure in 2014, it is not considered to have served an important local need and in fact the applicant has indicated that there is evidence to show that it was in decline before this time.

The NPPF paragraph 92 states planning decisions should :

“c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;  
d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and  
e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”

In addition paragraph 93 states that Planning decisions should consider the social, economic and environmental benefits of estate regeneration.

The applicant has provided the following statement:-

*“The applicant recognises the importance given to meeting community needs and the role public houses can play in this as set out in paragraph 92 of the NPPF and the support LTC5 gives to community facilities.*

*However, in this case the public house has been vacant for many years and does not fulfil any community role. Indeed, it has been of detrimental impact with it being the location of anti-social behaviour and having a poor appearance. As such we do not consider that the closed public house serves an important local need.*

*Before its closure in 2014 The Croft, which was principally a wet led estate pub, suffered several years of decline in trade. This is a result of several factors common through the industry including: -*

- 1. The general decline in the Estate pub associated with behavioural changes of customers and a reduction in the availability of spare cash.*
- 2. The smoking ban which led to a general decline in pub usage.*
- 3. The availability of other sources of entertainment including Sky Sports, Netflix, online streaming.*
- 4. The proportionate increase alcoholic consumption in the home and the lower cost of doing so compared to drinking in pubs.*
- 5. The high cost of living – mortgages, living expenses.*
- 6. The competing alternatives for expenditure including holidays.*

*As a result of these competing forces the pub became uneconomic and was closed. It was then marketed through Colliers.*

*The closure of The Croft could also have been in part as a result of competition within the area. Trident Retail Park and Shopping City with its various attractions is a 9 minute walk*

*away. There are also further facilities including public houses accessible by bus in the centre of Runcorn, a 15 minute journey by bus, which runs every 30 minutes.*

*As such it is considered that the redevelopment of the site will not result in the detrimental loss of an existing community use, as the use has already ceased (and has been the location of anti-social behaviour), nor would it create a shortfall in the provision or quality of such uses as there are other facilities located nearby.”*

The Council arranged for disposal of the site in 2016 and the following is an extract from the report to the Executive Board 15<sup>th</sup> December 2016:-

*“ The Croft Public House was built in the early 1970’s on land owned by Runcorn Development Corporation. The RDC granted a 99 year lease of the land to Unique Pub Properties Ltd at a rent of £9,400 pa now succeeded by Enterprise Inns. The Council is the freeholder.*

*The Croft public house closed circa 2 years ago and the site has been the subject of anti-social behaviour and is visually unattractive.*

*A proposal has come forward via the agents for Enterprise Inns for development of the site for residential use as assisted living unit.”*

The Executive Board approved the sale subject to contracts being agreed and planning permission.

It is on this basis that the loss of the building as a public house does not conflict with UDP Policy LTC5 nor the NPPF, as the redevelopment of a failed and redundant former new town public house, which is currently subject to vandalism and fly tipping, will result in betterment and a wider benefit to the amenity of the community.

### Design and Character

The proposed front elevation of the proposed building is in the approximate position of the existing public house. This is 32m distance from the nearest affected residential occupiers directly opposite on Halton Lodge Avenue, numbers 53 to 61. The proposal is two-storey only therefore the Council’s minimum interface distance of 21m is more than achieved. There are no residential properties to the rear (east of the site).

To the south the existing building which is in use as a YMCA establishment which has residents living in the building as a multi-occupied unit. The building occupies a similar plot line on this side of the site. There are no habitable room windows which face this property and as such there are no significant impact on the occupiers in excess of that resulting from the existing building and the amenity of the occupiers of it is not significantly adversely affected.

The nearest affected occupiers to the north are those on the end terrace at 7 Fieldhouse Row. There are no windows on the side elevation of this property which faces the proposal and, given relative separation distances the proposals are not considered to impact unduly on occupiers of those properties.

The proposed design of the building is two storey brick face at ground floor and render at 1<sup>st</sup> floor with a profiled flat roof. The building is of a modern appearance with a good amount of glazing on the front and rear elevation, with window casements frames on the front elevation

at first floor. The proposal includes a feature porch and name plate. The side elevations (north and south facing) were quite blank and amended plans were requested to address this. The side elevations now include obscure and ghost windows to break up the elevation massing and to provide the perception of overlooking on both sides of the building.

Boundary treatment is provided to enclose the on-site amenity space in the form of close boarded fencing. This will result in a visually dominant structure that will close down an existing open area and provide opportunities for vandalism. The applicant has confirmed that they have amended the plans to provide for a metal railing type which will increase visual permeability of the site. This is considered acceptable.

Landscaping is proposed indicatively to the side and front of the building. A bin collection area is provided on the frontage of the property adjacent to the highway with secure bin storage provided closer to the building. Secure cycle parking is provided to the side of the car parking area and close to the building for adequate surveillance. Additional Sheffield cycle stands are provided for visitors. Two Electric vehicle charging points are provided within the car parking area as well as two marked out disabled parking bays. These are considered acceptable.

On balance and with the design improvements which have been submitted, it is considered that the proposal meets the design requirements of the Council and is appropriate for its location. On this basis it complies with Policy BE1, BE2, BE22 and CS18 of the Halton development plan and the NPPF.

### Impact on Trees

The application was accompanied by a Tree Survey and Method Statement for construction. There are several mature trees that the proposal will affect and the Council's Open Spaces officer has been asked to comments on the submitted information.

The Council's Open Spaces officer has agreed with the proposed tree removal and reduction, albeit that the applicant is required to obtain the permission from adjacent land owners for some of the reduction work proposed.

The officer has raised questions in relation to the amount of additional hard standing proposed and requested a detailed landscaping scheme. The applicant has confirmed that there is no additional hard standing other than that already there and that a landscaping scheme could be the subject of a planning condition.

The Council's Open Spaces Officer has confirmed that there is no objection as follows:  
*"The confirmation that the earthworks will not extend further than the current hard standing is also acceptable.*

*All works (including the erection of the boundary fencing) should be compliant with BS5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'."*

On this basis the proposed impact on the existing trees at the site is acceptable and will not result in a significant detrimental impact on the amenity of the area. On that basis the proposal complies with Policy BE1 and H8 of the Halton UDP and NPPF.

The applicant has been requested to undertake a bat survey of the trees affected and this as yet has not been submitted. On this basis the proposal fails to comply with UDP Policy GE21, Core Strategy Policy CS20 and the NPPF.

## 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 and they have provided comments as follows:-

*“Based on a C2 Nursing Home/ Care Home with 6 employees and 15 residents the required car parking provision would be 9 spaces therefore the current proposal is considered acceptable in terms of catering for the proposed development.*

*We would expect there to be robust conditions to secure the use and if possible employee and resident numbers to ensure that the approved parking provision is suitable for the life of the development.*

*With regards to the required parking study we would refer back to similar applications where existing informal/ unapproved car parking was present on a development site. This baseline information was supplied at application and it greatly assisted in the decision making process by demonstrating that the proposed development would not be detrimental to the surrounding residential area.*

*As noted in the Highway Officers previous response there was high demand in the surrounding area during site visits and it was unclear where the existing users of the car park associated with the former public house would be displaced to. We would reference NPPF 108 (c) when considering the potential impact of the scheme on the surrounding area and would look to the developer to carry out a suitable parking study to demonstrate that no detrimental issues would arise. This study would be a simple practical exercise of viewing the area throughout a non-conflicting day to establish parking habits and capacity at key times i.e. early morning, peak hours and night time (the Highway Officer would be happy to scope the survey to agree study area and times etc.).*

*The inclusion of EV charging within the scheme is welcomed and we trust the full details will be secured by condition.*

*The Highway Officer would disagree with the supplied information regarding cycle parking for short dwell times and consider the addition of 2 Sheffield type stands to be practical and proportionate measure to cater for visitors. It remains the Highway Officers opinion that space could be made available within the curtilage of the development to provide this cost effective solution. If the applicant could demonstrate that the relatively small footprint of the stands cannot be located suitably within the development we could consider a trade off by losing the equivalent long stay provision within the covered bike store. We would stress the importance of providing suitable facilities to meet the needs set out in NPPF to promote cycling as an attractive, sustainable mode of travel.*

*We note the applicant is to be informed of the potential issue surrounding the informal path to the rear of the site and would recommend seeking appropriate advice on both this issue and the informal parking prior to commencement on site.”*

The applicant has been requested to undertake the car parking study and their response will be reported to committee. However, given that the use of the car park is on what is private

land and is currently unauthorised, the Council cannot insist on the study being undertaken, The use of the site for this current car parking could easily be terminated should the land owner decide to do so.

In addition, it would be unreasonable for the decision to be dependent on a planning condition to restrict staff numbers, the Council should assess the scheme before them based on the use applied for. However, a condition restricting the use to class C2 – assisted living accommodation is reasonable and will ensure that the car parking provision is appropriate for this use.

As such the proposal is acceptable based on NPPF, and UDP Policies TP6, TP7, TP12, TP15 and TP17.

### Ecology

The application is accompanied by a Preliminary Bat Roost Survey. The Council's retained adviser for ecology have provided the following comments:-

#### *“Priority Habitat*

*Trees adjacent to the north and east boundaries are Priority Habitat deciduous woodland (Natural Environment and Rural Communities (NERC) Act 2006/Habitats Regulations 2017) and Local Plan policy CS20 applies. This habitat is a material consideration. I advise that tree protection and construction exclusion zone measures recommended by the submitted Arboricultural Implications Assessment are sufficient to protect the woodland during construction and can be secured by a suitably worded planning condition.*

#### *Bats*

*The applicant has submitted a Preliminary Bat Roost Assessment Survey report in accordance with Local Plan policy CS20 (Preliminary Bat Roost Assessment Survey v2, Arbtech, 1st October 2019). The survey identified potential roost features including loose and missing tiles and the report concludes a categorisation of low bat roost potential. This is accepted. However, to prevent significant delay in determining the application the report recommends reasonable avoidance measures rather than emergence survey. This is not in line with BCT (Bat Conservation Trust) guidance<sup>1</sup> or BS 42020:2013 and is not sufficient to determine absence of a roost during the active bat period. The report is not accepted.*

*An emergence bat survey is required **prior to determination**. Bats are protected species and Local Plan policy CS20 applies. Protected Species are a material consideration.*

*The survey and report are essential to determine if bats are present. If present, the Local Planning Authority is required to assess the proposals against the three tests (Habitats Regulations) and determine whether an EPS (European Protected Species) licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance<sup>1</sup>. Any deviation from these guidelines must be fully justified. The applicant should note that timing for this survey is May to August inclusive.*

*The Preliminary Bat Roost Assessment Survey report does not contain assessment of trees. The Arboricultural Implications Assessment states a total of three mature sycamore, two mature ash and a group of young self-seeded trees are to be lost to development. I advise preliminary roost assessment of mature trees is required **prior to determination** and can be*

*undertaken immediately before the emergence survey and submitted as part of an updated bat report.*

*Breeding birds*

*Trees on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy CS20 applies. The following planning condition is required.*

**CONDITION**

*No tree felling 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 affected trees 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.*

*Biodiversity enhancements*

*In line with NPPF paragraph 175 and the NERC biodiversity duty I advise that bird boxes should be provided on site.”*

Following further discussion with the Council, the ecological adviser has maintained his advice with regard to bats. As a protected species, bats are a material consideration in the planning process and bat use on site has not yet been determined. At present, there is insufficient information with which to conclude an absence of bats on site or to allow the Council to assess the proposal against the three test of the Habitats Regulations 2017.

The applicant is currently not in a position to undertake an emergence bat survey as this can only be achieved between May and September. The applicant has provided the following in response:-

*Bats*

*We acknowledge the requirements imposed by paragraph 175 of the NPPF and Circular 06/2005. Unsurprisingly, my client and I also accept that the potential presence of a protected species is a material consideration when considering our proposal. However, we are less convinced that there is strong evidence that illustrates that material harm will occur in the future to protected species caused by this scheme, based on our earlier work. Nevertheless, my client is keen to progress his planning application to the satisfaction of all interested parties and to work in a co-operative way with the Council to achieve a positive outcome. Consequently, my client has agreed to provide the relevant Bat Survey to be helpful and to aid all parties, as much as he can, in the proper consideration of this application. However, because of the time this bat survey would take, he considers that this matter can reasonably be conditioned to ensure this survey work and mitigation takes place before any other works are undertaken on the site, thus allowing the principle of the proposal to become established, but ensuring that no harm occurs to protected species. To be clear, my client is happy to be tied to a pre-commencement condition that requires that the bat survey work, and any subsequent mitigation, is carried out before any works commence on site. He hopes that this offer will allow you to deal with MEAS's current objection and this application to be determined, as no harm can possibly occur because of the restrictive nature of this condition.*

*To be clear, whilst not encouraged in most instances, Paragraph 99 of Circular 06/2005 does state that, in exceptional circumstances, a permission “may also impose a condition preventing the development from proceeding without the prior acquisition of a (bat) licence...”*

*The exceptional circumstances here are that a delay to this application, by not imposing a pre-commencement condition, could potentially:*

- *affect the funding of this project detrimentally. To be clear, my client has advised that he could lose his funding and this could subsequently leave the site undeveloped, increasingly becoming derelict, looking unattractive and a potential genesis of ASB behaviour.*
- *delay a decision on the application unnecessarily or even produce an unnecessary refusal; and,*
- *delay the delivery of this sustainable scheme, that would provide much needed assisted living accommodation in a Borough where this type of accommodation is not plentiful and there is a strong demand for such accommodation.*

*Additionally, there is no evidence, to date, of protected species actually being on this site, rather there is just potential for it.”*

It is the Council's responsibility to demonstrate compliance with the requirements of the Habitat Regulations 2017 and until such time that the evidence of bat habitat has been fully assessed, the Council is therefore unable to exercise that function.

In reaching this decision the Council considers that the 2017 European regulations would have primacy over the 2005 Circular and disagrees that this proposal qualifies as an 'exceptional circumstance' that would override the requirement to undertake the emergence bat survey prior to decision.

It is on this basis that the proposal is recommended for refusal due to insufficient information in relation to the habitat of a protected species (Habitat Regulations 2017) and conflicts with NPPF Chapter 15 and Halton development plan policies GE21 and CS20.

### Flood Risk and Drainage

The proposal has satisfied the requirements of the Lead Local Flood Authority subject to their recommended conditions and on this basis the proposal satisfies UDP Policy PR16 and the NPPF. United Utilities raise no objections subject to conditions.

### Contaminated Land

The Council's Land Contamination Officer has raised no objection to the proposal subject to further detailed phase 2 investigation which can be secured by approximately worded planning condition. On this basis that the proposal satisfies UDP Policy PR14 and the NPPF.

### Sustainable Development and Climate Change

Whilst the design of the building had regard to a wide ranging issues, which included passive design and energy efficiency, the provisions were limited given the small scale nature of the proposal and the end use.

The applicant has therefore ensured that the building is flexibly designed, will meet Building Regulations across several areas. It is considered that the imposition of conditions to require further installations is not at this time supported by policy.

### Equality Act 2010

The applicant has provided confirmation within their submitted Design & Access Statement Addendum that the proposed development will not result in any discrimination in relation to

age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

On this basis the applicant has shown that the proposal meets the requirements of the Equality Act 2010.

### CONCLUSIONS

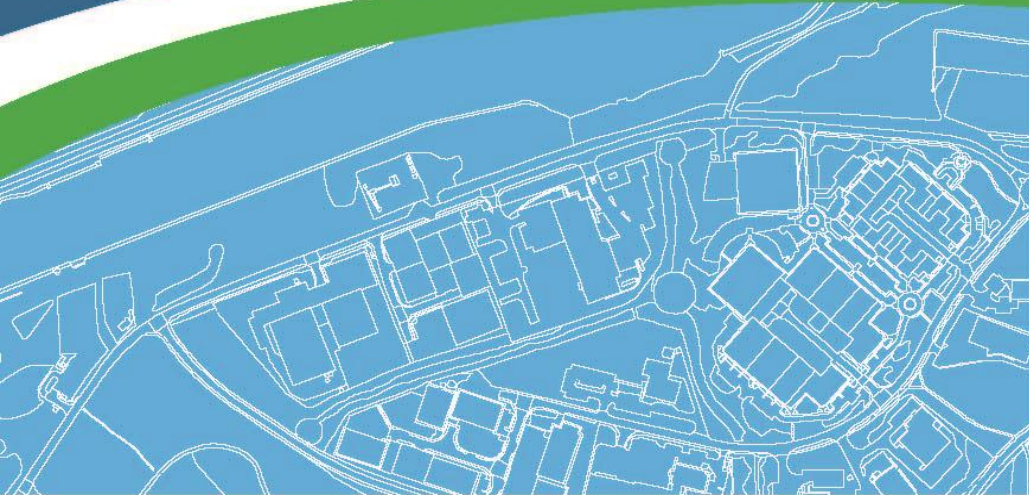
Whilst it is accepted that the principle of the use as a C2 assisted living apartments is appropriate for the location and site, it relies on the removal of a derelict building which has the potential for bat habitat. The applicant has provided insufficient evidence to establish whether or not the site is habitat for bats and thus provide appropriate mitigation. As such the Council is unable to assess the proposal under the terms of the Habitat Regulations 2017 and could result in the loss of protected species habitat and is therefore contrary to national and local planning policy.

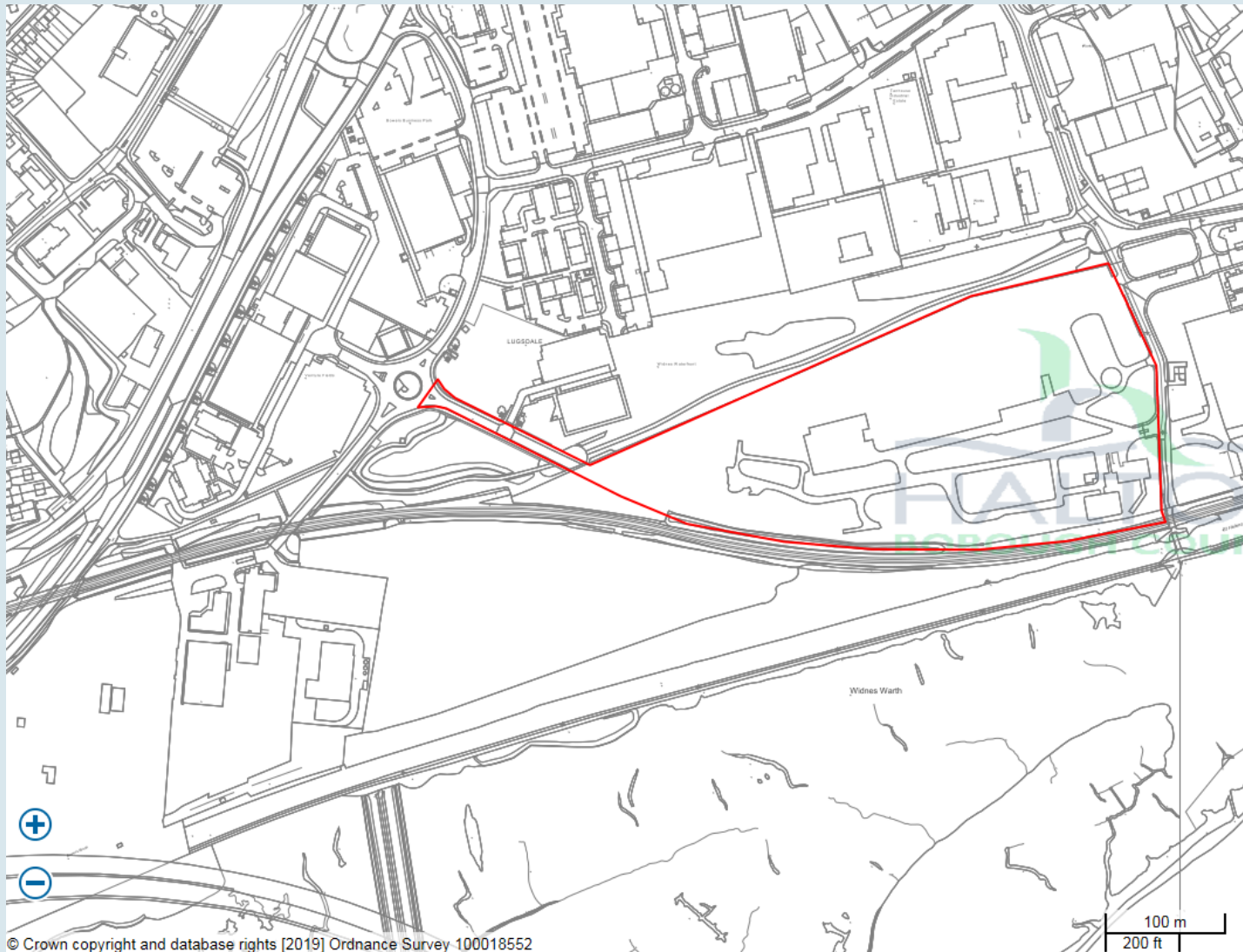
### RECOMMENDATION

That planning permission is refused on the basis that:

The application presents insufficient information on bat population and ecology data to demonstrate that there would not be a detrimental impact on bat species and other species protected under the Wildlife and Countryside act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2017 and as such is contrary to CS20 of the Halton Core Strategy and GE21 of the Halton UDP and the NPPF in particular paragraph 170(d) and Circular 06/2005.















FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION



GROUND FLOOR

FIRST FLOOR

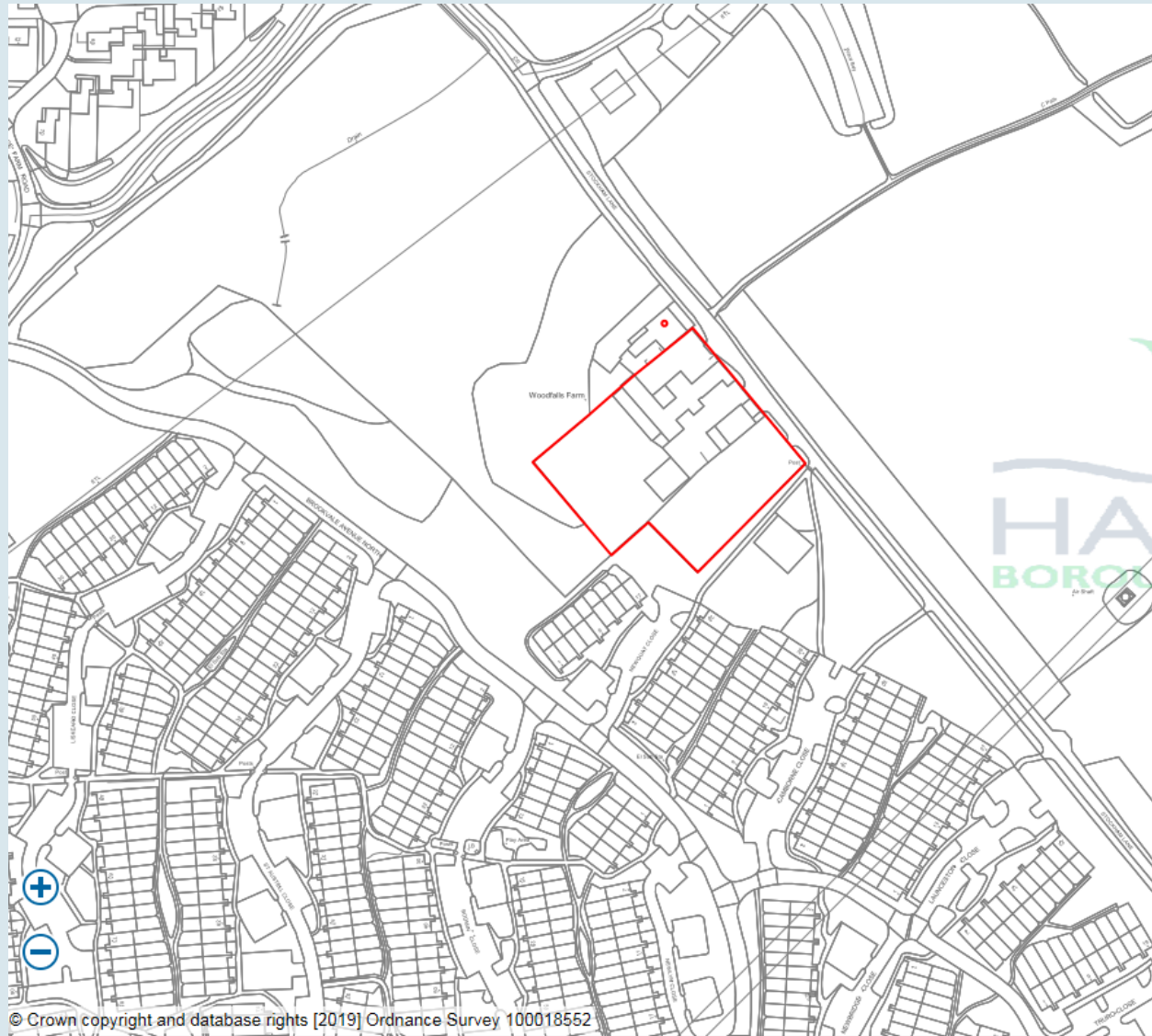


SIDE ELEVATION

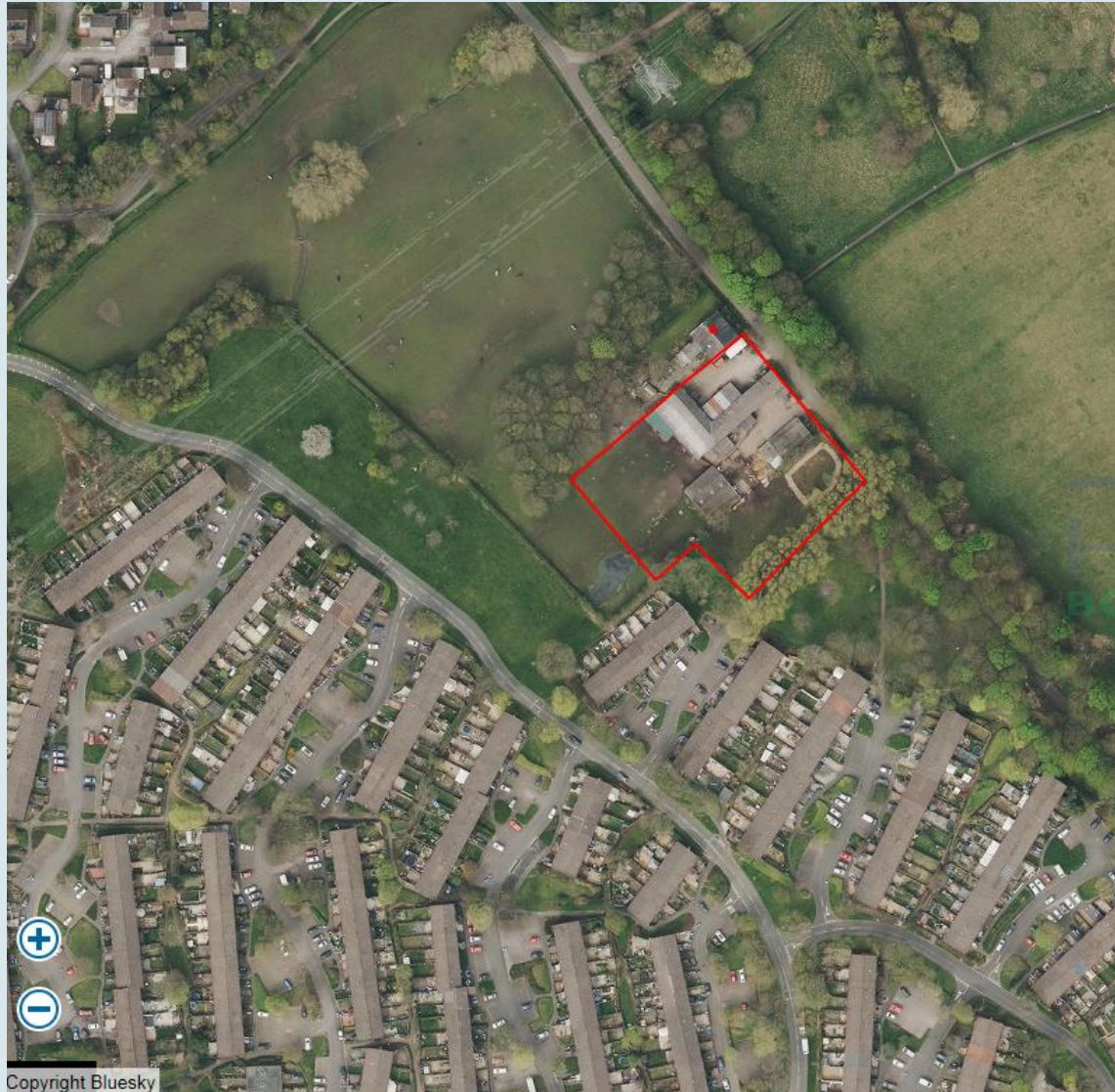




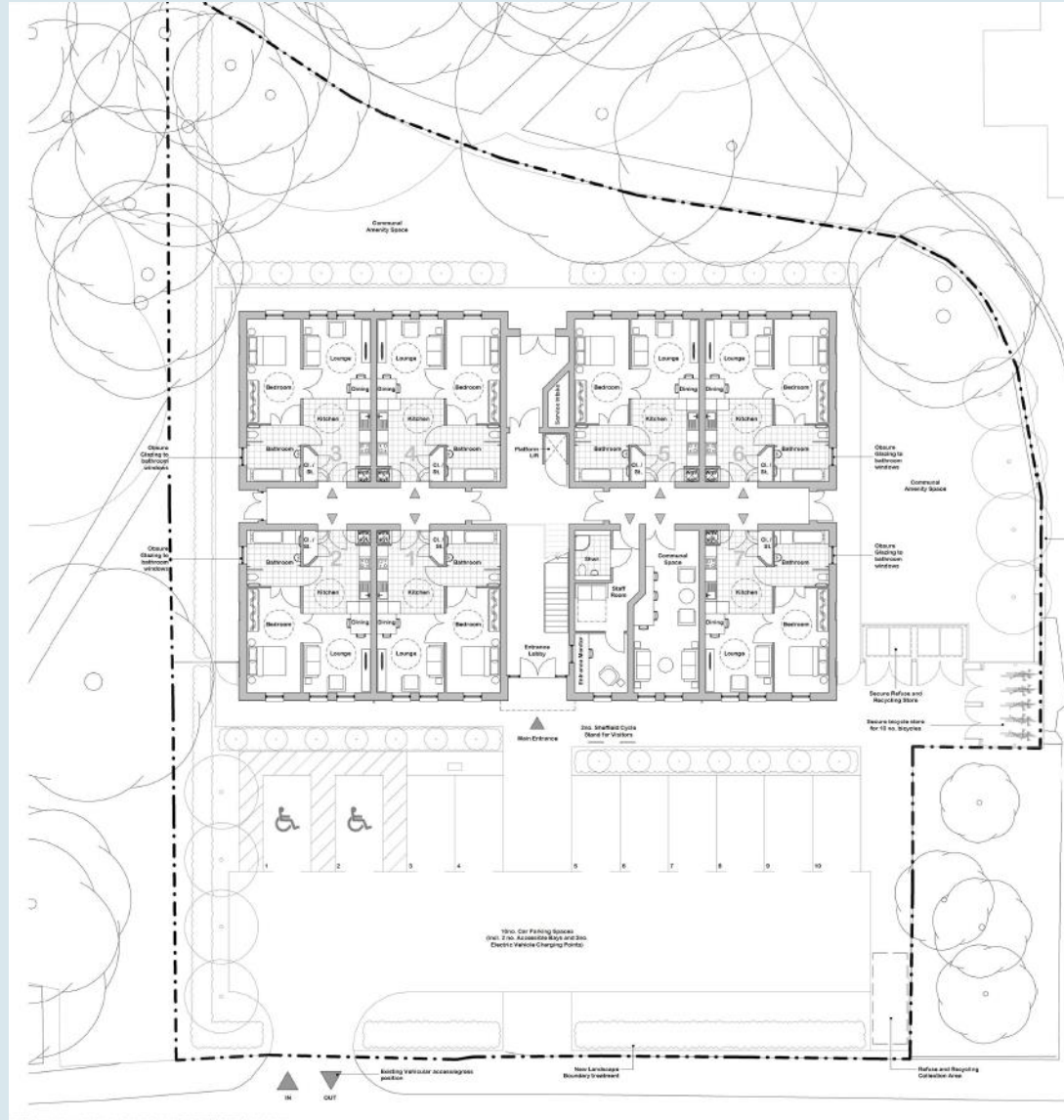










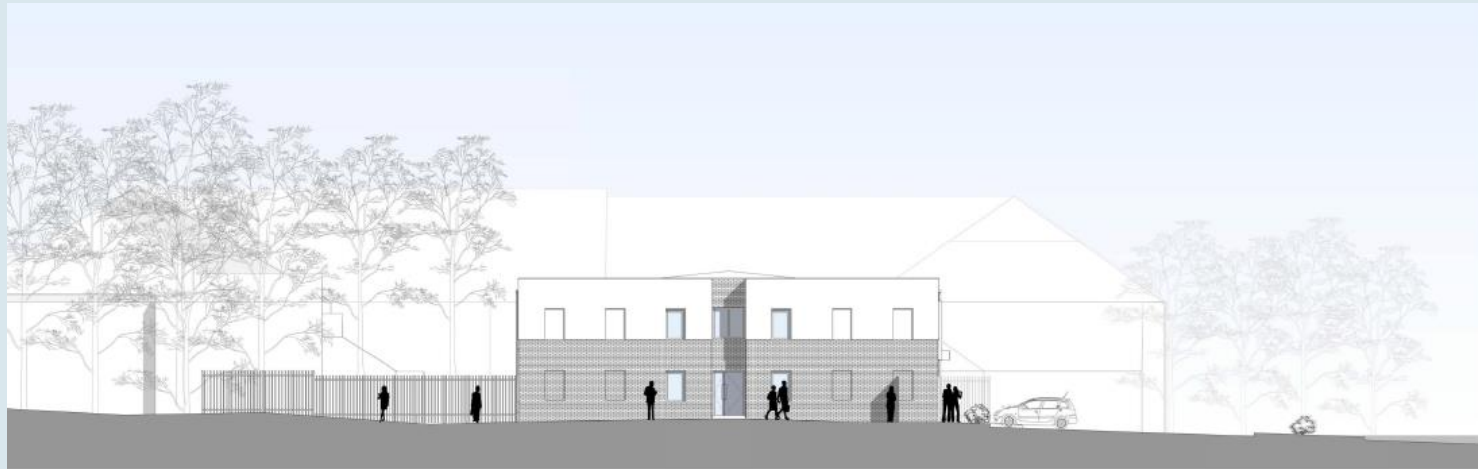




North West Elevation



South East Elevation



North East Elevation



South West Elevation





**REPORT TO:** Development Control Committee

**DATE:** 6 January 2020

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

**SUBJECT:** Miscellaneous Information

**WARD(S):** Boroughwide

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The following applications have been withdrawn:

**19/00351/PDE**

Proposed single storey rear extension projecting from the rear wall by 4.050 metres the extension has a maximum height of 3.638 metres and an eaves height of 2.951 metres at 7 Marsden Court, Widnes, Cheshire, WA8 9PG.

**19/00299/ADJ**

Adjoining authority consultation by Liverpool CC for installation of ground mounted solar photovoltaic pv array including boundary treatment, control buildings and internal access track at land bounded By Dungeon Lane, Hale Road and Baileys Lane to the East of Liverpool John Lennon Airport, Hale Road, Liverpool, L24 1UU.

**19/00284/FUL**

Proposed siting of 2 no. shipping containers at the rear of the car park for storage and to act as a plant room for the swimming pool at Beechwood Community Centre CIC Beechwood Avenue, Runcorn, Cheshire, WA7 3HB.

**19/00071/PDE**

Proposed single storey rear extension projecting from the rear wall by 8 metres the extension has a maximum height of 4 metres and an eaves height of 2.9 metres at Lenox Farm, Ramsbrook Lane, Hale, Liverpool, L24 5RP.

**19/00159/S73**

Application under section 73 of the Town and Country Planning Act to vary condition 2 of permission 11/00007/FUL to substitute new plan drawing DRG no. 2 for previously approved plans to amend elevations and layout and to remove condition 12 restricting the use of the barn to agriculture for livestock barn and associated interpretation centre at Water Garden, Harefield Cottage, Warrington Road, Rainhill, St Helens, L35 6PG.

**15/00213/COU**

Proposed temporary change of use from land used as part of Thermos site to fabrication yard and compound for the rebar which is to be used for the construction of the Mersey Gateway Bridge and the approaches at Former Thermphos Site, Earle Road, Widnes, Cheshire.

**19/00345/COU**

Proposed change of use from use class B8 (storage and distribution) to use class D2 (assembly and leisure) at Unit 1 Kingfisher Business Park, Brown Street, Widnes, Cheshire, WA8 0RE.

**19/00336/PLD**

Application for a certificate of proposed lawful development for use of the property as a home for the care of up to 3 children between the age of 8 to 17 years with the provision of 24 hour care by not more than 2 day time and 2 night time carers at 4 Bamford Close, Runcorn, Cheshire, WA7 5NT.

**19/00355/FUL**

Proposed part single, part double storey side/rear extension and creation of 4 no. parking spaces together with Change of Use from dwelling house (Use Class C3) to a Sui Generis mixed use comprising dwelling house and consulting/treatment rooms at 101 Birchfield Road, Widnes, Cheshire, WA8 7TG.

**19/00437PLD**

Application for a certificate of proposed lawful development for single storey rear extension and garage conversion at 4 Portside, Runcorn, Cheshire, WA7 3LE.

**18/00331/FUL**

Proposed erection of new vehicular access to Windmill Lane at Ryecroft, Windmill Lane, Preston Brook, Cheshire, WA4 4AZ.

**19/00442/COU**

Proposed change of use to ground floor restaurant with separate first floor residential accommodation at 82 Pit Lane, Widnes, Cheshire, WA8 9HW.

**19/00339/FUL**

Proposed first floor rear extension at 41 Gregson Road, Widnes, Cheshire. WA8 0BX.

**19/00443/COU**

Proposed temporary change of use for two years from domestic dwelling (use class C3) to Sui Generis mixed use of office and storage to ground floor and garage, with the first floor to remain residential at 2 Elworth Avenue, Widnes, Cheshire, WA8 9JW.

**16/00176/FUL**

Proposed erection of factory / production building together with associated infrastructure at former Cameron House, 351 Hale Road, Widnes, Cheshire, WA8 8TS.

The following appeals have been received / are in progress:

**17/00497/FUL**

Proposed erection of two storey block containing 4 no. one bedroom apartments at Rear Garden of 67 Main Street Runcorn Cheshire WA7 2AT.

**19/00252/OUT**

Outline application (with appearance, landscaping, layout and scale reserved) for demolition of one dwelling (32 Ash Lane) to create access and development comprising 4 dwellings at land to the rear of 26-38 32 Ash Lane Widnes Cheshire WA8 8JQ.

The following appeals have been allowed:

NONE

The following appeals have been dismissed:

**18/00117/FUL**

Proposed removal of the existing equine and WC building and erection of 1 no. residential static park home at "Ponderosa", land to South West of Junction between Newton Lane and Chester Road, Daresbury, Cheshire.

**18/00218/FUL**

Proposed erection of 1 no. dwelling attached to the side of the existing property at 20 Maple Avenue Runcorn Cheshire WA7 5LB.

The following appeals have been withdrawn:

NONE

### **High Court Judgement**

A challenge was made to the High Court of Justice to the decision of Halton Borough Council to grant planning permission for the proposed change of use to waste transfer and treatment facility with ancillary development, at the former J Bryan Victoria Ltd. site, Pickering's Road, Widnes by Hale Bank Parish Council on the following three grounds:

- a. Breach of s.38(6) Town and Country Planning Act 1990 by failing to properly apply WM1 of the Joint Waste Management Development Plan (JWDP) or a failure to give adequate reasons in respect of the same matter;
- b. Failure to provide the required mandatory information in accordance with policy WM12 of the JWDP;
- c. Failure to provide the relevant background papers as required by s.100D of the Local Government Act 1972.

The judgement dated 14 October 2019 was that Grounds One and Three is made out but that Ground Two is not made out. The planning permission has been quashed and the application falls back to the Council to be determined.