

Public Document Pack



Development Control Committee

**Monday, 2 November 2020 6.30 p.m.
To be held remotely - contact below for
access**



Chief Executive

COMMITTEE MEMBERSHIP

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

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 7 December 2020*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 11
2. DECLARATIONS OF INTEREST	
<p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	12 - 209

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, 5 October 2020 via remote access

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

Apologies for Absence: Councillors Morley, R. Hignett and Thompson

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry, P. Peak, M. Webster and K. Thompson

Also in attendance: Councillors Ratcliffe and Whitley and 26 Members of the public and one member of the press

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

	<i>Action</i>
DEV4 MINUTES	
<p>The Minutes of the meeting held on 27 July 2020, having been circulated, were taken as read and signed as a correct record.</p>	
DEV5 URGENT DECISIONS	
<p>The Committee was presented with the urgent decisions taken by the Chief Executive in respect of the Development Control Committee, due to the Covid-19 Pandemic and subsequent suspension of meetings.</p> <p>These were provided at appendix 1 and noted by Members.</p> <p>RESOLVED: That the report and urgent decisions made be noted.</p>	
DEV6 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>	

DEV7 - 17/00468/FUL - PROPOSED DEMOLITION OF PAVILLIONS CLUBHOUSE FOLLOWED BY DEVELOPMENT COMPRISING 139 DWELLINGS WITH ASSOCIATED ANCILLARY DEVELOPMENT AT THE PAVILLIONS, SANDY LANE, RUNCORN , WA7 4EX

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

The Committee was advised that since the publication of the agenda four representations had been received from Elected Members of the Heath and Mersey Wards, these were circulated to Members today via email. Further representations had been received. One from a member of the public raising issues with regard to access. One from the supporters of Runcorn Town Football Club, in support of the application as they were now aware that the football club were going to enter into a binding agreement for lease subject to planning. One from a member of the public stating that safety issues with the Energy from Waste facility should prevent the proposed development from being granted. The representation alleged that the boiler panels were made of substandard material which are a risk to people in the area. One from Viridor who operate the Energy from Waste facility who reiterated the content of Paragraph 8 of the National Planning Policy for Waste and whilst disappointed by the recommendation, they requested that sufficient mitigation measures are secured by condition.

Also, further observations had now been received from the Council's Ecological Adviser in relation to the Habitats Regulations Assessment and also bats and breeding birds. Officers advised that the adoption of the Assessment following consultation with Natural England and the resolution of issues relating to bats and breeding birds would ensure the proposal was acceptable from an ecology perspective.

The Committee was addressed by Mr Matt Smith, from Gleeson Homes. He stated that they provided entry level housing aimed at first time buyers, thus providing customers at the beginning / lower end of the housing ladder a chance to own their own homes. He announced that the starting price of a new two bedroom family house would be approximately £115,000 and explained how this would be affordable through the new *Help to Buy Scheme* and Gleeson's newly introduced *Key Worker Priority Programme*. He also confirmed that Gleeson did not sell to landlords or sub-letters, ensuring that the homes would go to

people who actually needed them. He ended by commenting that this £11.8m investment would go some way to contributing to the local economy and was a predominantly first time buyer led low cost home ownership scheme and hoped it would be supported by the Committee.

In response to Members queries it was noted that the scheme would consist of freehold sales only. In response to concerns regarding access to the development being via one road, Members were advised that as the access road met the requirements as per the relevant design standard and it was considered to be acceptable, there were no objections from the Highways Officer to the access strategy. With regards to queries regarding car ownership, Members were advised that the *trip generation methodology* was used to establish the number of vehicle movements in the peak hours associated with the development and therefore impact on the Highway network. Car parking spaces were assessed in line with relevant policy and all dwellings benefit from 200% parking provision (two spaces per dwelling).

Members were reminded to give significant weight to the advice of the HSE and their public safety concerns, giving it the most careful consideration. HSE considered its role to be discharged when it is satisfied that the Local Planning Authority had given its advice the most careful consideration and it is acting in full understanding of that advice and the consequences that could follow.

After considering the application, hearing representations made by speakers and updates from Officers, the Committee agreed that the application be delegated for approval as stated below subject to a satisfactory outcome from a), b), c) and d) and then subject to the following conditions:

RESOLVED: That delegated powers be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee, to make the decision once the following have occurred:

- a) a Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council had engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary;
- b) the satisfactory resolution of issues relating to bats and breeding birds and the attachment of any

additional conditions necessary;

- c) the satisfactory completion of a Section 106 Agreement to secure the following and also to remove the Sport England holding objection:
- £525,330 payment to mitigate for the loss of playing fields;
 - £45,151.86 payment in lieu of on-site open space provision; and
 - £3,000 payment to fund local future road safety or traffic management schemes; and
- d) the application not being called in by the Secretary of State following referral to the Health and Safety Executive.

And then subject to the following conditions:

1. Time limit – full permission;
2. Approved plans;
3. Construction Phase Management Plan (phasing of overall development) (BE1);
4. Proposed site levels (BE1);
5. External facing materials (BE1 and BE2);
6. Landscaping and boundary treatment scheme – residential development (BE1 and BE22);
7. Landscaping and boundary treatments scheme – Runcorn Town FC (BE1 and BE22);
8. Landscaping and boundary treatments scheme – Bowling Club (BE1 and BE22);
9. Tree protection measures (GE27);
10. Breeding birds protection (GE21 and CS20);
11. Bird nesting boxes scheme (no demolition of Pavilions building until scheme is implemented) (GE21 and CS20);
12. Bat mitigation measures (GE21 and CS20);
13. Ecological supervision of the felling of T95 (GE21 and CS20);
14. Public open space implementation and management plan (H3);
15. Hours of construction (BE1);
16. Electric vehicle charging point scheme – residential development (CS19);
17. Electric vehicle charging point scheme – Runcorn Town FC (CS19);
18. Electric vehicle charging point scheme – Bowling Club (CS19);
19. Off-site highway works (BE1, TP6, TP7, TP12, TP15 and TP17);
20. Access road from Picow Farm Road serving

- Runcorn Town FC and the emergency link to the residential development (BE1);
21. Parking and servicing provision – residential development (BE1, TP6, TP7, TP12, TP15 and TP17);
 22. Parking and servicing provision – Runcorn Town FC (BE1, TP6, TP7, TP12, TP15 and TP17);
 23. Parking and servicing provision – Bowling Club (BE1, TP6, TP7, TP12, TP15 and TP17);
 24. Implementation of noise mitigation measures (PR2);
 25. Ground contamination (PR14 and Policy CS23);
 26. Drainage strategy (PR16 and CS23);
 27. Foul and surface water on a separate system (PR16 and CS23);
 28. Building recording and analysis for the Pavilions Building (BE5); and
 29. Waste audit (WM8).

DEV8 - 18/00516/OUT - APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH LANDSCAPING RESERVED) FOR PROPOSED DEVELOPMENT OF 27 NO. APARTMENTS (CONSISTING OF 19 NO. 2 BED AND 8 NO. ONE BED) AND 31 ASSOCIATED CARE PARKING SPACES AT FORMER HALLWOOD RAVEN PUB AT EAGLES WAY, HALTON LEA, RUNCORN

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

The Committee agreed that the application be approved subject to conditions and entering into legal agreements listed below.

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

- a) a legal or other appropriate agreement relating to securing financial contributions to Open Space;
- b) conditions relating to the following:
 1. Time limit;
 2. Approved plans;
 3. External facing materials (BE1 and BE2);
 4. Soft landscaping scheme (BE1);
 5. Boundary treatments scheme (BE1);
 6. Electric vehicle charging points scheme (CS19);
 7. Provision and retention of parking (BE1);

8. Provision and retention of cycle parking;
9. Requirement for acoustic report and implementation of noise mitigation measures (PR2);
10. Affordable housing scheme (CS13);
11. Ground contamination (PR14);
12. Drainage strategy/scheme (PR16);
13. Waste audit (WM8);
14. Submission and agreement of site and finished floor levels;
15. Surface water drainage strategy; and
16. Conditions relating to tree protection through the course of the development; and

- c) that if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee to refuse the application.

DEV9 - 20/00053/REM - APPLICATION FOR APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) OF OUTLINE PERMISSION 17/00602/OUT ON LAND TO THE EAST OF 137 RUNCORN ROAD, MOORE, CHESHIRE, WA4 6UQ

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

The Case Officer advised the Committee of an error in the report pack, top of page 90, which refers to a lounge window on the side elevation – this should refer to side facing windows within a conservatory to the rear.

It was noted that the receipt of amended plans had addressed officer concerns relating to the scale and appearance of the proposed dwelling within the street scene. Further, the objections received by two neighbouring properties and Moore Parish Council and comments made by Ward Councillor John Bradshaw had been addressed in the report.

Officers advised the Committee that since the preparation of the report issues had arisen regarding the impact that the excavation for the house might have on surrounding trees and potential compliance with conditions attached to the original outline planning permission, which

required further investigation by officers. It was suggested that the recommendation be amended to delegated powers being given to the Operational Director to determine, once the issue had been resolved.

The Committee was addressed by Miss Harris-Grave who lived in the neighbouring property of the site and made the following objections in relation to the plans. Incidentally, she stated that reference to a conservatory window (correction above) was incorrect. She advised Members that when they purchased the property in 2018 they were aware of the outline planning permission of the neighbouring land as it formed part of the sales particulars. However, she stated that this proposal did not comply with the Local Planning Authority (LPA) policies. Additionally there was a huge tree that was not identified on the plans and to excavate around it would make it unstable; she said this was brought to the attention of the LPA but it was dismissed. She stated that although they were not opposed to the construction of a dwelling on the site, they requested reassurance that all outline conditions and planning policies be adhered to and monitored throughout construction. She added that this had not been the case so far.

Mr Craig Foster, a Moore Parish Councillor, then addressed Members arguing that the issues around the neighbour's windows and other issues raised by the neighbour had not been addressed. He stated that the proposed development would be in breach of the neighbour's 'right to light' and the Council's adopted SPD. He requested that a better design solution be found.

The Committee then heard Mr Keith Summers, the agent representing the applicants. He stated that the principle of the dwelling had already been established in the outline planning approval which also included its access from Runcorn Road. He confirmed that no objections had been received from the statutory consultees, other than the Parish Council; and no objections had been received from the trees officers or highways officers. He added that the proposal met the LPA's policy requirements and those of the National Planning and Policy Framework (NPPF).

Members were reminded that the application was for reserved matters as the outline planning permission acts as the permission for the development which was granted previously. The Officer advised that the impact of the window on the neighbouring property was a consideration of amenity for the purposes of planning and its right to light came under separate legislation and explained this.

Officers reverted to the last minute issues that had arisen regarding the trees on the site and advised the Committee that this should be investigated further. In light of this an amendment to the recommendation was moved – that once the matters relating to the trees had been resolved satisfactorily, that the determination of the application be delegated to the Operational Director in consultation with the Chair or Vice Chair of the Committee. The amendment to the recommendation was seconded.

After hearing the officers and speakers presentations and representations and taking into consideration the last minute information regarding the trees on site, the Committee voted to agree that the application be delegated to the Operational Director, as stated above.

RESOLVED: That the Operational Director – Policy, Planning and Transportation, be given delegated powers to determine the application, in consultation with the Chair and Vice Chair of the Committee, once the outstanding issues around the trees have been resolved.

DEV10 - 20/000241/FUL - PROPOSED CONSTRUCTION OF 15 NO. 1 BED APARTMENTS FOR ASSISTED LIVING (USE CLASS 2) WITH ASSOCIATED COMMUNAL AMENITY SPACE, CAR/CYCLE PARKING, REFUSE STORAGE AND ANCILLARY WORKS AT THE CROFT, HALTON LODGE AVENUE, RUNCORN, WA7 5YQ,

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

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. Time;
2. Approved plans;
3. Confirming permitted use class;
4. Site levels;
5. Material details;
6. Landscaping details;
7. Boundary treatments;
8. CEMP;
9. Vehicle access, parking, servicing etc. constructed prior to occupation / use;
10. Cycle parking details;

11. Surface water;
12. Drainage scheme;
13. Contaminated land;
14. Tree protection;
15. No tree felling; and
16. Provision of bird nesting boxes and bat boxes.

DEV11 - 20/000329/P3JPA - PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF OFFICES (USE CLASS B1) TO 108 NO. RESIDENTIAL APARTMENTS (USE CLASS 3) (PRIOR APPROVAL APPLICATION)

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

It was noted that this application and the next application related to the same building complex so due to the interrelated nature they were presented as one report and were considered by the Committee under one report.

The Committee was presented with a proposed change of use from Class B1(a) offices to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

Members were advised of a number of instances where this change of use was not permitted development by Class O, as listed from (b) to (g) in the report. It was noted that none of these instances applied to these proposals so they were therefore permitted by Class O, subject to the condition that before beginning the development the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority would be required as to the following:

- a) Transport and highways impact of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) Impacts of noise from commercial premises on the intended occupiers of the development; and
- e) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

It was noted that the provisions of paragraph W (prior approval) of this Part applied in relation to this application also.

The Committee was addressed by Lydia Sadler, who represented the Planning Consultants for the applicant. She introduced the applicant and stated that they had worked closely with the Local Planning Authority (LPA) to address concerns relating to parking and access to the site, as required under the prior approval application. These concerns had now been satisfied through the provision of an on-site car park and a pedestrian link to the Town Park to the North.

The Committee considered the representations made from Mike Amesbury MP, Cheshire Fire and Rescue Service and the results of the investigations made in relation to the above prior approval matters as described in the report. They agreed with the Officer's conclusion that the proposals were acceptable and prior approval was required for the change of use.

RESOLVED: That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) was required and that the application be approved subject to the following conditions:

1. Time limit;
2. Approved plans;
3. Parking and servicing;
4. Cycle parking
5. Electric vehicle charging scheme;
6. Residential travel plan; and
7. Highway improvement works.

DEV12 - 20/000354/COU - PROPOSED CHANGE OF USE OF PART OF THE GROUND FLOOR AND THIRD FLOOR FROM OFFICES INTO 5 RESIDENTIAL APARTMENTS, RESIDENTS GYM AND EXTERNAL ALTERATION (PLANNING APPLICATION)

It was noted that this application and the previous application related to the same building complex so due to the interrelated nature they were presented as one report and were considered by the Committee under one report.

The Committee was presented with an application proposing a change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration.

The Committee was addressed by Lydia Sadler, who represented the Planning Consultants for the applicant. She advised that the applicant had worked closely with the LPA

and consultees throughout the process to arrive at a scheme which matched the aspirations of the applicant and the Council. She further added that this development would provide regeneration of this key Town Centre site through the provision of a high quality development leading to wider and long term community benefits. The proposal included significant enhancements to the external appearance of the building and would increase activity to this area of the Town Centre once future residents had moved in thus contributing to the existing retail and service provision.

In response to Members queries over the sizes of apartments, it was confirmed that these were much larger than plans submitted previously by the same applicant. In relation to parking concerns, with the provision of 70 parking spaces and easy access in and out of the site, the Highways Officer raised no objections. Also, the site was adjacent to the Town Centre and would benefit from improved pedestrian links and would be close to public transport links, so was considered to be a sustainable location.

Members considered the representations made by Mike Amesbury MP and the Officer's responses to this, and after considering the information and investigations relating to the application, they agreed that this be approved, subject to the conditions listed in the report and summarised below.

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

1. Time limit;
2. Approved plans;
3. External facing materials (BE1, BE2 and CS18);
4. Implementation of bin and cycle storage (TP6 and WM9);
5. Provision of parking and servicing (BE1, TP12 and TP17);
6. Pedestrian link to the north (TP7 and TP17);
7. Electric vehicle charging points (CS19);
8. Travel plan (TP6, TP7, TP16 and TP17);
9. Soft landscaping (BE1);
10. Hard landscaping and boundary treatments (BE1 and BE22);
11. Tree protection (BE1 and GE27);
12. Breeding birds protection (GE21); and
13. Drainage scheme (PR16 and CS23).

Meeting ended at 7.45 p.m.

REPORT TO: Development Control Committee

DATE: 2 November 2020

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

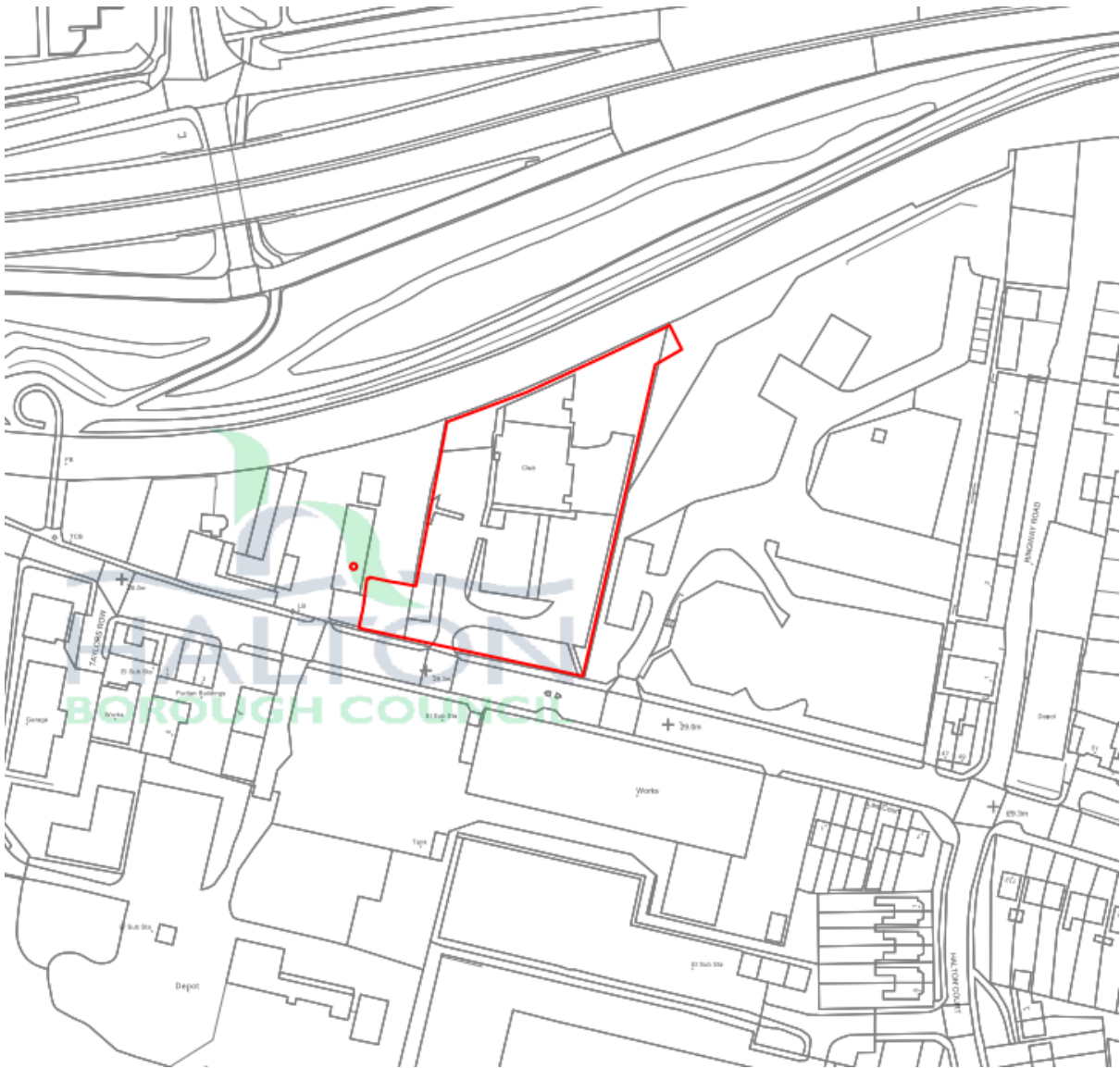
SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
20/00028/FUL (Page no 14)	Proposed demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development.	Canal Walks site, Halton Road, Runcorn, WA7 5QS.
20/00064/FUL (Page no 57)	Proposed construction and operation of 20MW peaking power gas fired generating facility comprising 5 no. generators, site fencing, acoustic fencing, associated plant, car parking and related development.	Land to the South East of junction between Weaver View and Cholmondeley Road, Runcorn.
20/00206/FUL (Page No 105)	Proposed demolition of existing buildings and the erection of a two storey leisure centre with associated access, parking, landscaping and substation.	Land at Moor Lane, Widnes.
20/00219/OUT (Page no 119)	Outline application, with all matters other than access reserved, for demolition of all existing buildings and development of up to 33 no. residential apartments, or 32 no. apartments for residents over 55 years old, together with parking and associated infrastructure.	33-37 Irwell Lane, Runcorn, Cheshire, WA7 1RX.

20/00238/FUL (Page no 136)	Proposed development consisting of two industrial and warehousing units for B1, B2 and B8 uses with associated landscaping, service yards and car parking.	Units 2 and 3, land off Gorse Lane, Widnes.
19/00020/FUL (Page no 147)	Proposed development of local district centre comprising convenience store (Use Class A1), 5 no. retail units (Use Classes A1, A3, D1 with a maximum of 1 unit to be D1), children's nursery (Use Class D1), 43 no. residential apartments and 5 no. dwellings (Use Class C3) to provide living facilities for the over 55's together with ancillary development.	Land bounded by Pitts Heath Lane and Otterburn Street, Sandymoor, Runcorn

APPLICATION NO:	20/00028/FUL
LOCATION:	Canal Walks Site, Halton Road, Runcorn, WA7 5QS.
PROPOSAL:	Proposed demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development.
WARD:	Halton Brook
PARISH:	None
APPLICANT:	Magenta Living
AGENT:	Mr Greg Milton – B.Y.A. Ltd Architects.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Primarily Employment Area – HALTON UNITARY DEVELOPMENT PLAN PROPOSALS MAP
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE REPRESENTATIONS:	Yes.
KEY ISSUES:	No representations have been received from the publicity given to the application.
RECOMMENDATION:	Principle of Residential Development in a Primarily Employment Area, Noise, Design, Amenity, Affordable Housing, Open Space, Access, Ground Contamination, Relationship with the Bridgewater Canal.
SITE MAP	Grant 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.



1. APPLICATION SITE

1.1 The Site

The site subject of the application is the Canal Walks Site located on Halton Road in Runcorn. The application site is 0.59ha in area and is designated as Primarily Employment Area on the Halton Unitary Development Plan Proposals Map.

The site is located on the northern side of Halton Road.

To the west of the site is a Builders Merchant which is currently accessed through the Canal Walks Site. The proposed development would involve the creation of a new access point off Halton Road which would serve the Builders Merchant.

To the east of the site is a large site occupied by a self-storage occupier and a smaller site which has planning permission for the proposed construction and operation of 2 no. 2.5 mw gas fired power plants and associated equipment (application reference 19/00283/FUL).

To the north west of the site is the Bridgewater Canal which designated as a canal on the Halton Unitary Development Plan Proposals Map. A proposed greenway is shown on the opposite side of the canal to the application site.

To the south of the site on the opposite side of Halton Road is an area which is also designated as Primarily Employment Area. On the Halton Road frontage, there is a site of a former industrial unit and a hand car wash site. Further to the south behind these sites is residential development which is currently being built out.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as a Mixed Use Area. This is now a material planning consideration, however at this point carries very little weight in the determination of this planning application.

1.2 Planning History

The site has some planning history relating to alterations to the Canal Walks Site, none of which is of particular relevance to this application.

2. **THE APPLICATION**

2.1 The Proposal

Proposed demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Ecological Scoping Survey, Bat Emergence Survey, Phase I Desk Study Report, Phase II Geo-environmental Report, Noise Assessment, Arboricultural Implications Assessment, Drainage Statement, Flood Risk Assessment, Employment Land Statement, Housing Land Statement, Interim Travel Plan and a Transport Statement.

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 designated as Primarily Employment Area on the Halton Unitary Development Plan Proposals Map.

Located on the opposite side of the Bridgewater Canal is a Proposed Greenway as shown on the Halton Unitary Development Plan Proposals Map.

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

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE22 Boundary Walls and Fences;
- E3 Primarily Employment Area;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- GE29 Canals and Rivers;
- H3 Provision of Recreational Greenspace;
- PR1 Air Quality;
- PR8 Noise Sensitive Developments;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP9 The Greenway Network;
- TP12 Car Parking.

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;
- CS4 Employment Land 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 for New Development.

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.4 Halton Borough Council – Planning for Risk Supplementary Planning Document

1.1 The purpose of this Supplementary Planning Document (SPD) is to:

- complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:
 1. deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
 2. deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;
- explain in more detail how UDP policies should be interpreted.

1.2 The reduction in the potential for certain land uses (hazardous installations and Liverpool Airport) to create harm through accidents to people or the environment outside the boundary of these land uses is a sustainable objective of this SPD as is the improved potential to create a safe, healthy and prosperous economy, environment and society.

3.5 Halton Borough Council – Design of Residential Development Supplementary Planning Document

3.6 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.*

3.7 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 SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

4.3 Contaminated Land Officer

No objection to the proposed development subject to a condition.

4.4 Environmental Protection

No objection to the proposed development subject to conditions.

4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

4.6 Natural England

No objection to the proposed development.

4.7 Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site.

4.9 Bridgewater Canal Company

No objection to the proposed development subject to conditions/informatives and a financial contribution towards local towpath improvements.

4.10 Cheshire Police

No objection to the proposed development.

4.11 United Utilities

No objection to the proposed development subject to conditions.

5. REPRESENTATIONS

5.1 ORIGINAL CONSULTATION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 05/02/2020, a site notice posted on Halton Road on 03/02/2020 and thirty-three neighbour notification letters sent on 30/01/2020.

5.2 FURTHER CONSULTATION ON AMENDED SUBMISSION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 13/08/2020, a site notice posted on Halton Road on 06/08/2020 and thirty-three neighbour notification letters sent on 31/07/2020.

5.3 No representations have been received from the publicity given to the application.

6. ASSESSMENT

6.1 Residential Development in a Primarily Employment Area

The site is allocated in the Halton Unitary Development Plan as a Primarily Employment Area in which development falling within Use Classes B1, B2, B8 and Sui Generis industrial uses will be permitted. This proposal for residential development in this location is a departure from the development and has been advertised as such.

In order to address Policy CS4 of the Halton Core Strategy Local Plan, the applicant has produced an Employment Land Statement. This examines the wider employment land situation in the Borough as well as the suitability of this site for employment uses and relationship to other uses.

The report concludes that the loss of employment land resulting from the application proposal is negligible in relation to the overall supply of employment land in the Borough and that the proposed residential development provides a more suitable and sustainable use of the site than for employment uses which are shown to be no longer viable through marketing due to the location of the site and the changing character of the surrounding area.

It is acknowledged that whilst the site is allocated as part of the local employment area, it is now peripheral to and divorced from the main section of the employment area at Astmoor. The area has now become more residential in character by virtue of the recent permissions for residential development which are being implemented.

The content of the Employment Land Statement is acknowledged and is considered to form a justification for the development of the site for residential purposes in compliance with Policy CS4 of the Halton Core Strategy Local Plan.

6.2 Housing Supply and Locational Priorities

Policy CS3 of the Halton Core Strategy Local Plan states that a minimum of 9,930 new additional homes should be provided between 2010 and 2018 to ensure an adequate supply of suitable housing for the Borough's existing communities and to accommodate projected growth in the Borough's population.

This proposal would deliver new dwellings on a previously developed site in a sustainable location.

The proposal would be in compliance with Policy CS3 of the Halton Core Strategy Local Plan.

6.3 Principle of Residential Development

Based on the market not considering the site suitable for employment uses, the character of the area becoming more residential in nature given recent permissions in the locality, it is generally considered that the proposed residential use would be sympathetic to surrounding land uses.

The proposal would make a contribution towards attempting to ensure that there is an adequate supply of suitable housing for the Borough's existing communities and to accommodate projected growth in the Borough's population.

Issues in terms of relationships to existing commercial operations will be considered in more detail later in the report to ascertain if residential amenity would be unduly compromised.

The principle of residential development on this site is considered to be acceptable.

6.4 Relationship with the Bridgewater Canal and the Proposed Greenway

The site is directly adjacent to the Bridgewater Canal and the proposed development is orientated as to provide a frontage which would represent an enhancement over the current development on the site. There no towpath on the side of the canal on which the proposed development is located.

A representation has been received from the Bridgewater Canal Company Limited (BCCL) who own and operate the Bridgewater Canal. They have requested detail regarding the development's relationship with the canal and they note that this can be secured by condition/informatives.

BCCL consider that the applicant should make appropriate contributions to local towpath improvements. They note that this type of approach is endorsed in the Council's 2014 Infrastructure Plan. Policy CS7 'Infrastructure Provision' of the Halton Core Strategy Local Plan is relevant.

It is acknowledged that the Council's 2014 Infrastructure Plan makes reference to "Improvements to the Bridgewater Canal at West Runcorn" and that this could be secured by Section 106 contributions from development / Community Infrastructure Levy. In respect of Community Infrastructure Levy, the Council has not introduced a charging schedule, however the use of Section 106 contributions remains an option where it is justified. In this particular case, it is not considered that the proposed development would create or exacerbate deficiencies in infrastructure which would warrant the applicant making a commuted sum in this instance.

The site is located in relative close proximity to a Proposed Greenway as shown on the Halton Unitary Development Plan Proposals Map. This would run on adjacent to the Bridgewater Canal on the opposite side of the canal to the application site. It is not considered that the proposed development would prejudice the future implementation of the Proposed Greenway shown on the Halton Unitary Development Plan Proposals Map which fall outside the

application site. The proposal is therefore considered to be compliant with Policy TP9 and GE29 of the Halton Unitary Development Plan and Policy CS7 of the Halton Core Strategy Local Plan.

6.5 Highways, Transportation and Accessibility

The Highway Officer has noted that in general terms, the principle of a residential development on the site is acceptable. The Transport Statement submitted in support of the application is considered suitable in terms of impact of the residential proposal.

The latest layout has addressed previous concerns with regards to loss of existing parking for the adjacent business by including a new car parking area and direct access from Halton Road. The implementation of the access prior to commencement of works associated with the housing including groundworks should be secured by condition.

The site is considered to have good access to sustainable modes of travel and is within walking distance of local amenities.

The Highway Officer has expressed some concerns over the amount of development and the internal layout, however does not object to the development as there is no severe Highway Safety or Capacity Impact generated by the development. The concerns expressed by the Highway Officer are noted and the scheme could be improved if the amount of development were to be reduced, however it is not considered that a refusal could be sustained based on the concerns raised and the applicant is aware of the observations that have been made.

In terms of car parking, each property would have the requisite number of car parking spaces in accordance with the Council standards.

No cycle parking is proposed, however there is sufficient space within the curtilage of each property to provide such provision if the occupier of the houses requires this. It is however considered that provision should be made for the occupiers of 6no. apartments who would not have dedicated garden areas and this should be secured by condition.

The Highway Officer has requested that a condition be attached securing the submission of a construction management plan. This is an issue for the applicant to manage accordingly and it is considered reasonable to deal with this by way of an informative relating to the Considerate Contractors Scheme. Based on all the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies BE1, TP1, TP6, TP7, TP9 and TP12 of the Halton Unitary Development Plan.

6.6 Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority. The issues raised in the first

consultation response have now been addressed and no further information is being sought by the Lead Local Flood Authority.

The implementation of the submitted drainage strategy should be secured by condition.

Based on the above, the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.7 Noise

The application is accompanied by a Noise Assessment which assesses the potential impact of the below noise sources on the proposed residential units gardens and internal noise levels and compared them to the standards in BS8233:2014.

- Traffic on Halton Road
- Traffic on the Expressway
- The energy plant that has planning permission, adjacent the development (application reference 19/00283/FUL)

Firstly considering traffic on Halton Road, the proposed a 1.8m acoustic fence would reduce the daytime levels in the habitable areas so that they are in line with BS8233:2014 standards, with the windows open.

Secondly considering traffic noise from the Expressway, the standards in BS8233:2014 cannot be met in the bedrooms, although the exceedance of the standard is minimal, trickle vents should be fitted to the double glazed units to ensure that residents have the option to keep windows closed, should they choose, to ensure a suitable noise environment can be achieved.

Thirdly considering the energy plant, this benefits from planning permission and noise from the plant will however be audible at the properties proposed by this development during operating hours which were restricted to 07:00-23:00 hours, therefore it will not impact the proposed housing development at night.

In order to deal with the daytime noise, the acoustic consultant has proposed a 3m barrier along the eastern boundary which will reduce the daytime noise levels from the noise sources at a low level. It cannot however mitigate noise from the stack, which is significantly taller than the barrier. The acoustic consultant has demonstrated that although the noise will be audible to future residents in their gardens and with windows open the levels should still fall within the BS8233:2014 standards for habitable rooms and gardens.

The Environmental Health Officer did have concerns regarding the impact of the potential future use of the adjacent site as an energy plant on the proposed housing development, however the acoustic report demonstrates that this impact can be reduced to an acceptable level with the inclusion of the referenced mitigation measures. These should be secured by condition.

Based on the above, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.8 Ground Contamination

The application is accompanied by a Phase I Desk Study Report and a Phase II Geo-environmental Report.

These have been reviewed by the Contaminated Land Officer and they are satisfied that the site has been adequately investigated and characterised in terms of risks posed by contamination. A condition covering unexpected contamination encountered during the development phase, a remedial strategy and verification reporting is suggested.

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

6.9 Ecology

The application is accompanied by an Ecological Scoping Survey and Bat Emergence Survey.

Firstly considering Protected European Sites, the Council's Ecological Advisor has stated that due to the development's potential pathways and impacts on the European Protected sites as detailed in the consultation response at Appendix 1, this proposal requires Habitats Regulations Assessment for likely significant effects. The Council's Ecological Advisor has undertaken a Habitats Regulations Assessment report (located in Appendix 1) which concludes that there are no likely significant effects. Natural England have been consulted on this. They note that the homeowner packs should be secured by condition and are satisfied with the conclusions of the report. Their observation on closer access points is noted.

Secondly considering Protected National Sites as set out in the Ecological Advisor's observations in Appendix 1, these are assessed in the Habitats Regulations Assessment and the conclusions made above in relation to

European Protected Sites again are applicable in that no likely significant effects would result.

Thirdly considering Protected Species, the Bat Emergence Survey states that no evidence of bats was recorded within the building. Our Ecological Advisor has stated that the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions securing protection for breeding birds, the removal by hand of potential bat roost features and the implementation of a suitable bat and bird boxes scheme are suggested.

Fifthly considering Invasive Species, it is noted that Japanese Knotweed and Cotoneaster are present within the site boundary. A method statement securing the information outlined in the Council's Ecological Advisor's observation in Appendix 1 should be secured by condition along with a condition which secures the submission of a validation report.

The proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.10 Trees

The application is accompanied by an Arboricultural Implications Assessment.

There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area.

The proposal would result in the loss of the existing trees located on the site, however it is considered that a replacement planting scheme would mitigate for their loss. An indicative scheme is shown on the site plan, however the submission of a detailed scheme, its implementation and maintenance should be secured by condition.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.11 Layout

The proposed site layout is considered to provide active frontages, appropriate relationships between the proposed dwellings and sufficient parking provision.

The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document. The applicant has included some secondary openings in habitable rooms in the side elevations which are not considered to be particularly desirable from a privacy perspective, however in terms of overlooking driveways, this benefit is noted. Whilst not being particularly desirable, it is not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application.

Proposed site level details have been provided which are considered to be acceptable having regard for the site's topography. Implementation in accordance with the submitted details should be secured by condition.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit with properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit. The private outdoor space for the proposed houses generally accords with the guidance and is considered to be acceptable.

For apartments, the Design of Residential Development Supplementary Planning Document requires usable private outdoor space for flats/ apartments, to be appropriate to the size of the development scheme and as a guide, 50sqm per residential unit should be used. The proposed apartments would have communal garden areas adjacent to the canal which are considered to be acceptable.

It is noted that the scheme generally comprises of semi-detached houses with parking provision located to the sides of properties which allows space for soft landscaping to the front of properties which improves the overall appearance of the scheme.

The site plan details an appropriate range of boundary treatments according to their location within the scheme. A condition is suggested which secures the implementation and subsequent maintenance.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 1, 2 and 3 bedroom homes. In terms of tenure, all units would be social rented units. There is considered to be properties to meet a variety of needs on site.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing

Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

6.12 Scale

The proposed buildings are two storey in height and would not be dissimilar in height to the many of the existing residential properties in the surrounding area and are considered acceptable in respect of scale.

The proposal is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

6.13 Appearance

The elevations show that buildings proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. The submission of precise external facing materials should be secured by condition along with implementation in accordance with the approved details.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.14 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.

The proposed scheme would be 100% affordable which is in excess of the 25% policy requirement.

The proposal is considered to be compliant with Policy CS 13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

6.15 Open Space

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

The Open Space Requirement Calculator has identified that there is a deficit of Parks & Gardens, Amenity Greenspace, Provision for Children and Young Persons and Formal Playing Fields 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.

6.16 Risk

Policy PR12 of the Halton Unitary Development Plan is relevant to the determination of the application. It states that development on land within consultation zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The justification for the above policy indicates that the accidental risk level from the COMAH site is not considered to be significant where an individual accidental risk level does not exceed 10 chances per million in a year.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

On this basis, the likely individual accidental risk would not be considered significant.

During the processing of the application, the proposed dwellings adjacent to Halton Road have been repositioned further into the site to ensure the building proximity distance to the high pressure gas main in Halton Road is met. This has resulted in the following response from the Health and Safety Executive.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Their assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE does not advise, on safety grounds, against the granting of planning permission in this case.

In terms of risk, for the reasons outlined above, it is considered that the proposal is in compliance with the Council's adopted policies in Policy PR12 of the Halton

Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and also the Council's Planning for Risk Supplementary Planning Document.

6.17 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

NPPF states that to further enhance the opportunities for sustainable development any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles can be realistically achieved for residential development and the applicant is proposing to introduce such provision for the majority of the properties on the proposal. It is suggested that a condition is attached securing the precise details of the scheme, its implementation and maintenance.

One of the principles referred to in the policy is Code for Sustainable Homes. Whilst it is desirable to meet such a standard, given links with Sustainable Development and Climate Change, following the Government's Written Ministerial Statement in March 2015, it is no longer for Local Authorities to secure the implementation of a particular level of Code for Sustainable Homes by planning condition.

The proposal is compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.18 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. 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. The submission of a waste audit should be secured by condition.

In terms of on-going waste management, there is sufficient space within private amenity spaces on the development 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 and policy CS24 of the Halton Core Strategy Local Plan.

6.19 Planning Balance

Based on the above assessment, it is considered that the proposed scheme would not have an adverse impact that would outweigh its benefits through the delivery of affordable homes in a manner which would be sympathetic to surrounding land uses.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF and Policy CS2 of the Halton Core Strategy Local Plan carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Development Plan subject to appropriate planning conditions / obligations.

7. CONCLUSIONS

In conclusion, the proposal would deliver affordable homes for which there is requirement for over the plan period. It is acknowledged that the proposal would result in the loss of an employment site, however the Employment Land Statement provided indicates that there are better quality locations for the delivery of employment opportunities which would be more attractive to the market than this particular site which is evident from the marketing undertaken.

The character of the area is becoming more residential in nature and the proposed residential use would be acceptable on this site from an amenity perspective as a result of the implementation of the suggested noise mitigation measures.

An appropriate access point to site from Halton Road would be achieved as well as an appropriate level of car parking.

The residential layout proposed demonstrates sufficient separation for both light and privacy and each property would have an appropriate amount of private amenity space.

The proposal is considered to be of an appropriate design with active frontages provided to Halton Road and also within the scheme. The elevations indicate a mix of materials to add interest and result in well-designed properties.

The application is recommended for approval subject to conditions.

8. RECOMMENDATION

Grant 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 – Full Permission.
2. Approved Plans.
3. Implementation of Proposed Site Levels (Policy BE1)
4. Submission of Facing Materials (Policies BE1 and BE2)
5. Submission of Soft Landscaping Scheme and subsequent maintenance (Policy BE1)
6. Implementation of Submitted Boundary Treatments Scheme and subsequent maintenance (Policy BE1)
7. Breeding Birds Protection – (Policy GE21 and Policy CS20)
8. Submission of a Bat and Bird Boxes Scheme – (Policy GE21 and Policy CS20)
9. Removal by hand of potential bat roosts – (Policy GE21 and Policy CS20)
10. Submission of an Information Leaflet for new residents regarding access to natural greenspace – (Policy GE21 and Policy CS20)
11. Submission of Method Statement – Invasive Species – (Policy GE21 and Policy CS20)
12. Submission of Validation – Invasive Species – (Policy GE21 and Policy CS20)
13. Hours of Construction – (Policy BE1)
14. Electric Vehicle Charging Points Scheme (Policy CS19)
15. Implementation of Noise Mitigation Measures – (Policy PR8)
16. Ground Contamination - (Policy PR14 and Policy CS23)
17. Off Site Highway Works – (Policy BE1)
18. Provision & Retention of Parking and Servicing for Residential Development – (Policy BE1 and TP12)
19. Submission of a Cycle Parking Scheme for the Apartments – (Policy BE1 and TP6)
20. Implementation of Submitted Drainage Strategy – (Policy PR16 and Policy CS23)
21. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
22. Waste Audit (Policy WM8)

Informatives

1. Considerate Constructor Scheme Informative.
2. Cadent Gas Informative.
3. Bridgewater Canal Company 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.

Appendix 1 – Full Consultation Responses.

1.1 Highways and Transportation Development Control

In general terms the principle of a residential development on the site is acceptable.

The transport statement submitted in support of the application is considered suitable in terms of impact of the residential proposal. We would question the trip generation in that we consider it to be low but, for a development of this scale the discrepancy is not consider large enough to result in a negative impact on the capacity of the existing junction.

The applicant has now addressed the Highway Officers previous concerns with regards loss of existing parking that is linked to the adjacent business by including a new car parking area and access to the business on the latest plans. These provisions should be constructed and available for use prior to commencement of works associated with the housing including groundworks.

The site is considered to have good access to sustainable modes of travel and is within walking distance of local amenities.

For clarity layout the Highway Officers comments are based on drawing number 1902-25 E.

Although the majority of the Highway Officers previous observations have been addressed within the latest plans there are still some concerns with regards to layout of driveways that could result in issues during the Highway Adoption process. These issues mainly sit around between proposed Highway and demised properties, and concern levels at the interface and need to meet building regulations.

With regards to the North of the site it is considered to represent over intensification with, in the Highway Officers opinion, too many residents utilising the private driveway and parking court.

These points however do not result in a Highway Objection as there is no severe Highway Safety or Capacity impact generated by the development.

Provision should be made to encourage the use of electric vehicles has been made to an acceptable number of dwellings which is welcomed. Submission and approval of detail for type of equipment should be a pre-occupation condition.

Halton Road is a busy classified road and therefore we would recommend that a full construction management plan should be submitted prior to commencement of works. All construction related vehicle parking should be accommodated on site and deliveries to site be suitably managed. Wheelwash facilities and a road sweeper regime should be provided as appropriate, with winter management/gritting plan. Details of how underground services will be dealt with should also be included.

1.2 Lead Local Flood Authority

OBSERVATIONS RECEIVED 09/03/2020

After reviewing 20/00028/FUL planning application the LLFA has found the following:

- The site is 0.56ha, it is a mixed use brownfield site occupied by The Canal Walks, a club and function rooms and its associated car parking
- The proposed development is for demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development. This is considered 'More Vulnerable' development by PPG. The development would increase the hardstanding area currently on site.
- The applicant has provided the following documents as a Flood Risk assessment for the site 'OTH_halton_road_fra_redacted.pdf' and 'OTH_flood risk map for planning.pdf'. These show the site lies within Fluvial Flood Zone 1.
- The documents show the closest watercourse to the site is the Bridgewater Canal which extends along the northern site boundary. The document 'OTH_halton_road_fra_redacted.pdf' states the risk of onsite flooding associated with these features is very low.
- The document 'OTH_halton_road_fra_redacted.pdf' states there are no areas nearby which are utilised for flood storage or defence within 250m of the site, the site has a limited potential for groundwater at surface level and the site is not located in in a Source Protection Zone.
- The document 'OTH_halton_road_fra_redacted.pdf' presents a Groundsure report which shows a low to significant risk of Surface Water Flooding affecting the study site. The document does not reference the Environment Agency Long Term Flood Risk Maps which show the site to have a medium to low Surface Water Flood Risk.

- The document 'OTH_halton_road_fra_redacted.pdf' does not consider treatment of current and future Surface Water Flood Risk with relation to the proposed development as recommended by the LLFA in the pre-application advice dated 15/10/2019.
- The document 'OTH_halton_road_fra_redacted.pdf' shows the proposed development to increase the hard standing on site by approximately 1000m², effectively reducing the permeable area on site by half and increasing the percentage run-off on site from 54% to 69%.
- Surface water run-off rates have been calculated for pre-development, post-development, post-development minus 20% flow and Greenfield scenarios for a variety of return periods. It is unclear from the flood risk assessment what value % increase is being used for Climate Change return period within the runoff calculations provided.
- The applicant has provided a Drainage Strategy documents for the site 'OTH_DRAINAGE STATEMENT.pdf' and 'PLAN_D100 Main Plan Prelim drainage layout.pdf'.
- The document 'OTH_DRAINAGE STATEMENT.pdf' indicates the applicant plans to discharge foul drainage from the site to the existing 225mm diameter foul sewer from the site that connects to the existing adopted 450mm diameter combined sewer to the north east of the site. The drainage statement states United Utilities have confirmed the foul drainage can be discharged at an unrestricted rate at this location and the new foul sewers on site will be covered by a section 104 agreement. Evidence of this correspondence has not been provided to the LLFA.
- The document 'OTH_DRAINAGE STATEMENT.pdf' states the following with regard to the drainage hierarchy being applied on site:
 - o Soakaways/ Infiltration – Soakaways tests have been carried out on site and are reported in document 'OTH_halton_road_pii_report_redacted.pdf'. The conclusion does '*not recommend soakaways due the ground conditions being unsuitable*'.
 - o Watercourse / Ditches – '*There are no watercourses or ditches adjacent to the site.*' The LLFA disagrees with this statement as the flood risk assessment clearly details the Bridgewater Canal extends along the northern site boundary.
 - o Surface Water / Combined Sewers – '*The site was previously occupied by "The Canal Walk Social Club", the existing on site drainage system is combined and directly discharges to the adopted combined 450mm diameter sewer... There are no surface water sewers or watercourses or ditches abutting the site*'.

Based on the above the LLFA considers the applicant has not adequately assessed the site with regards to the drainage hierarchy.

- The Drainage Statement states '*the site should be restricted to a pass forward rate of 39.04l/s. The extra over discharge ... to be stored on site in oversized pipes, with the discharge being controlled by use of a hydrobrake in the last manhole, before connecting into the existing combined drainage system. It is proposed that the, on site, surface water system is covered by a section 104 agreement with United Utilities.*' As mentioned in the pre-application advice dated 15/10/2019 by the LLFA, detailed consideration of the hierarchy will need to be demonstrated in supporting documentation and it should be noted that United Utilities also apply this strictly. The LLFA do not consider consideration

of the hierarchy has been adequately demonstrated and would note United Utilities is unlikely to enter into a Section 104 agreement without the applicant doing so.

- With regard to the 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided the LLFA would like to comment the current layout shows development is proposed within 8m of a watercourse, this would require consultation with the LLFA as detailed in the pre-application advice dated 15/10/2019 by the LLFA. This has not been undertaken.
- The 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided shows the diameter of the main foul drain through the site as 150mm. The LLFA would request the applicant to consider if this is suitable to service the proposed 28 properties and provide evidence that it has been sized appropriately.
- The 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided shows a council drain with easement extending along the eastern site boundary. The LLFA holds no details of this drain, the flood risk assessment nor does the drainage statement make reference to the drain. Therefore the LLFA requests the applicant provide further detail regarding this drain.

The applicant has not provided sufficient evidence for the LLFA to consider the hierarchy has been adequately considered. The applicant has not followed LLFA advice dated 15/10/2019 regarding the drainage hierarchy, development within 8m of watercourse and consideration and treatment of current and future Surface Water Flood Risk with relation to the proposed development. The LLFA would therefore object to the application as proposed and would recommend the applicant review the documents submitted with regard to the LLFA comments above and address them.

OBSERVATIONS RECEIVED 01/09/2020

After looking at the updated drawings, I'm happy that I don't need anything further.

1.3 Contaminated Land Officer

I've reviewed the submitted preliminary risk assessment, site investigation and detailed risk assessment documents.

- Phase 1 desk study report for land off Halton Road, ref CCG-C-10-11257, CC Geotechnical Ltd, September 2019
- Phase II geoenvironmental report for land off Halton Road, ref CCG-C-19-11258, CC Geotechnical Ltd, October 2019

Broadly, I am satisfied that the site has been adequately investigated and characterised in terms of risks posed by contamination. Site remediation is recommended to address the contamination identified in the near surface soils, by use of a soil cover system, and ground gas protection measures are also recommended. I suspect that a reconsideration of the ground gas data could reduce the risk rating and minimise the protection measures (but this would need to be a recommendation from the applicant's consultant).

Therefore, I don't have any objection to the application, but would require a condition covering unexpected contamination encountered during the development phase, a remedial strategy and verification reporting.

1.4 Environmental Protection

Environmental Health has considered this application in relation to noise. There are 3 noise sources that could potentially cause disturbance to future residents:

- 1- Traffic on Halton Road
- 2- Traffic on the Expressway
- 3- The energy plant that has planning permission, adjacent the development.

The applicant has employed the services of a noise consultant to assess the potential impact of the above on the proposed residential units. The consultant has calculated the gardens and internal noise levels across the site and compared them to the standards in BS8233:2014.

Traffic on Halton Road.

The consultant has proposed a 1.8m acoustic fence which will reduce the daytime levels in the habitable areas so that they are in line with BS8233:2014 standards, with the windows open.

Traffic noise from the Expressway

The standards in BS8233:2014 cannot be met in the bedrooms. Although the exceedance of the standard is minimal, trickle vents should be fitted to the double glazed units to ensure that residents have the option to keep windows closed, should they choose, to ensure a suitable noise environment can be achieved.

Energy Plant

The energy plant has planning consent on the plot of the land to the east of the site, although no construction has started on this site to date. There is noise associated with this type of plant and some mitigation was achieved during the planning process for the development. Noise from the plant will however be audible at the properties proposed by this development.

To mitigate against the noise impact from the plant its operating hours have been restricted to 07:00-23:00 hours, therefore it will not impact the housing development at night. This is a material consideration in determining the current application.

Noise during the day will impact this residential development. The acoustic consultant has proposed a 3m barrier along the eastern boundary which will reduce the daytime noise levels from the noise sources at a low level. It cannot however mitigate noise from the stack, which is significantly taller than the barrier. The acoustic consultant has demonstrated that although the noise will be audible to future residents in their gardens and with windows open the levels should still fall within the BS8233:2014 standards for habitable rooms and gardens.

The acoustic consultant further points out that the energy plant is only intended for peak hour energy usage, and therefore the hours of use will be restricted to peak day and evening times. The initial calculations were based on the plant operating for 16 hours from 07:00-23:00 hours, and so are based on a worst case scenario. The reality is that the plant is unlikely to operate for this length of time. By reducing the number of hours for which it operates the acoustic average over 16 hours also reduces, further reducing the internal levels.

Conclusion

Whilst Environmental Health has had concerns regarding the impact of the potential future use of the adjacent site on the proposed housing development, the acoustic report demonstrates that this impact can be reduced to an acceptable level with the inclusion of the proposed mitigation measures.

Therefore Environmental Health would have no objection to the application subject to the conditions included in any planning consent granted that achieve the following:

- 1- A 1.8m close boarded fence to be constructed adjacent the properties closest to Halton Road.
- 2- The bedrooms to the 6 apartments shall be provided with standard double glazed units and trickle vents to allow adequate ventilation with windows closed.
- 3- A 3 metre acoustic barrier to be constructed along the eastern boundary of the site adjacent the site.
- 4- I would ask that the applicant provide the details of points 1-3 prior to commencement of the development.

1.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

OBSERVATIONS RECEIVED 07/02/2020

Having reviewed the application and supporting documentation, our advice is set out below in two parts.

- Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
- Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
- Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 16, while Part Two comprises paragraphs 17 to 19.

Part One

Habitats Regulations

The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 and Core Strategy policy CS20 applies:

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

I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The development site is within walking distance of the Mersey Estuary. Evidence shows that approximately 3-3.5km is a standard requirement for dog walking. At 1.7km from the European sites, the development site is within the 5km ZoI (Liley *et al* 2017¹) from where the majority of recreational pressure occurs. However, the estuary is largely inaccessible from the Runcorn area due to the Manchester Ship Canal;
- SANG at Bridgewater canal, Wigg Island and Stenhills Open Space LWS are both closer and more accessible than the coast for regular walkers and dog walkers living at the development;
- Runcorn Sands and Astmoor Saltmarsh WeBS core count area is located 350m north along the southern banks of the estuary and forms functionally linked land for the Mersey Estuary European sites. Other than potential informal access at limited places on Wigg Island, the estuary is not accessible to the public due to the Manchester Ship Canal.

Ecological Information

The applicant has submitted an Ecological Scoping Survey report in accordance with Local Plan policy CS20 (*Ecological Scoping Survey- Land at Halton Road, Runcorn, Mulberry, 10th December 2019*) which meets BS 42020:2013. I advise the report is accepted.

Designated Sites

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

- Stenhills Open Space LWS;
- Wigg Island LNR & LWS;

¹ Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) *Recreational Activity and Interactions with Birds within the SSSIs on the North-West Coast of England*. Footprint Ecology / Natural England.

- Upper Mersey Estuary Intertidal Areas LWS;

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

- Stenhills Open Space LWS is located across Halton Road and beyond an active residential construction site. These barriers mean construction impacts from this development will not be significant;
- The remaining LWSs are at least 450m to the north and separated by Astmoor Industrial Estate and the Daresbury Expressway. I do not therefore anticipate any connectivity or construction impacts from the proposal;
- Residents from the proposed development are likely to recreationally use Stenhills Open Space and Wigg Island LNR and LWS sites. These sites are already subject to regular human recreational disturbance but the proposal of 28 dwellings will not lead to a significant increase in recreational use of these sites alone;
- Wigg Island LWS is already subject to regular recreational disturbance, with formal pathways aimed at limiting trampling of on-site habitats. There is no formal access to the intertidal zone and saltmarsh and estuary habitats for walker and dog walkers and the site contains a visitor centre and has a strong volunteer presence on hand to maintain the site. Bridgewater canal is immediately adjacent to the development site and provides direct recreational access via a footbridge along Halton Road. This will reduce the frequency of visitation of other SANG and I advise the proposal can be discounted from in-combination recreational pressure impacts.

Bats

Emergence and re-entry bat survey is required **prior to determination**. Bats are protected species and Core Strategy 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 licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance². Any deviation from these guidelines must be fully justified. The applicant should note that timing for this survey is May to August inclusive.

Breeding birds

Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy policy CS20 applies. The following planning condition is required, which can be included as part of a CEMP.

CONDITION

² Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

No tree felling or scrub clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season, then all trees and scrub 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.

Invasive species

Japanese knotweed and cotoneaster are present within the site boundary. These plant species are listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies³. The applicant should submit a method statement, prepared by a competent person, which includes the following information:

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

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

For Japanese knotweed only

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

Waste

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition. The details required within the waste audit or similar mechanism is provided in Part Two paragraph 18.

Information to comply with policy WM8 could be integrated into a Construction Environment Management Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of

³ <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

construction on-site to improve resource efficiency and minimise environmental impacts. Any protection measures to the Bridgewater canal can also be included within the CEMP.

Part Two

Waste Local Plan policy WM8

A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
- <https://www.gov.uk/guidance/waste>
- <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

Biodiversity Enhancements

In line with paragraph 4.2 of the submitted Ecological Scoping Survey report, Core Strategy policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that of integral bat and bird nesting boxes affixed to new dwellings should be provided on site and that landscaping should incorporate native tree and shrub species.

OBSERVATIONS RECEIVED 22/05/2020

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. This advice relates to ecological appraisal submitted by the applicant (bats) and response to consultation with Natural England regarding Habitats Regulations Assessment (recreational pressure).

2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.
 - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in Part One with regards to Habitats Regulations Assessment.

In this case Part One comprises paragraphs 3 to 12.

Part One

Habitats Regulations

3. The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 and Core Strategy policy CS20 applies:
 - Mersey Narrows and North Wirral Foreshore SPA;
 - Mersey Narrows and North Wirral Foreshore Ramsar site;
 - Dee Estuary SAC;
 - Dee Estuary SPA;
 - Dee Estuary Ramsar site;
 - Mersey Estuary SPA;
 - Mersey Estuary Ramsar site;
 - Liverpool Bay SPA
4. Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy policy CS20 applies. I attach a Habitats Regulations Assessment report (Table 1 of Appendix) which concludes that there are no likely significant effects. The outcome of the Habitats Regulations Assessment report must be included within the Planning Committee/Delegated Report to show how the Council has engaged with the requirements of the Habitats Directive.
5. However, as a measure of good practice, and as a precaution only, the applicant should produce an information leaflet for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace

(SANG) away from the coast. This can be secured by a suitably worded planning condition.

SSSIs

6. Impacts to the Dee Estuary, Mersey Estuary and Mersey Narrows SSSIs have been included within the assessment in Table 1 of the Appendix as the qualifying features for the SSSIs and their corresponding European sites are essentially the same or are not significantly different to require separate assessment.

Bats

7. The applicant has submitted a letter containing the results of a single bat emergence survey (Richard Roe (Mulberry Ltd), letter to Dave (surname unspecified), 6th May 2020- *Bat Emergence Survey- Canal Walk Clubhouse, Halton Road, Runcorn, WA7 5QS*). The letter and survey are accepted.
8. The Bat Emergence Survey letter 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).
9. The letter recommends careful removal by hand of potential roost features and I agree due to the location adjacent to the suitable bat habitat along the canal and frequent bat activity observed during survey. This can be secured by a suitably worded planning condition accompanied by the following informative comment:
10. **The applicant, their advisers and contractors should be made aware that if any bats are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.**

Bat boxes

11. The report categorises the clubhouse building as having low suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, I advise details of bat boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site be provided to the Local Planning Authority for agreement. This is in line with recommendations in the Bat Emergence Report letter commissioned by the applicant and can be secured by the following planning condition:

CONDITION

12. The development hereby permitted shall not be occupied until details of bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Daniel Finegan
Ecologist

**Appendix: Habitats Regulations Assessment
(Source-Pathway-Receptor table)
20/00028/FUL
Canal Walks Site Halton Road Runcorn WA7 5QS**

The source-pathway-receptor model is used to assess individual elements of the project likely to give rise to effects on the Natura 2000 sites. In using this method all potential effects are assessed to determine whether there is a pathway which could lead to an effect on the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites. If there is a source-pathway-receptor link for any potential effect, then this effect is assessed for likely significant effects within the HRA. Where no source or pathway is present then these effects are screened out at this stage. All potential effects, no matter how small are identified and the assessed for their level of significance. Even if the potential effects are small and thought likely to be insignificant, they must be assessed to confirm this is the case. Figure 1 below shows how the model works.

On 12 April 2018, the ECJ issued a judgement (known as *People Over Wind and Sweetman v Coillte Teoranta*) which ruled that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Assessment of Likely Significant Effects (ALSE) stage and should instead be assessed within the framework of an Appropriate Assessment. This will require a distinction to be made during the ALSE between essential features and characteristics of a project (e.g. its nature, scale, design, location, frequency, timing and duration) and measures which have been added to a project which are intended to avoid or reduce the harmful effects of a project on a European site.

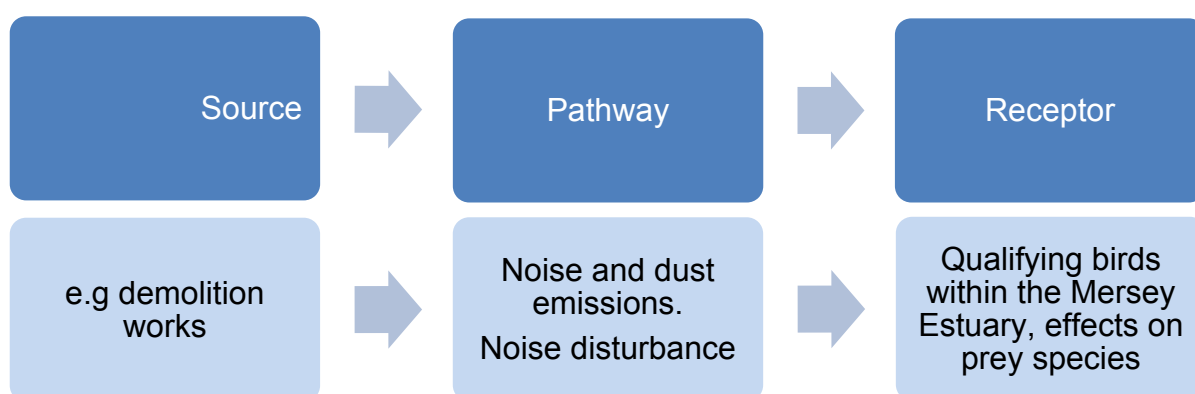


Figure 1 – Source-Pathway-Receptor Model

Source	Pathway	Receptor	Likely Significant Effects?
Site construction	Loss and degradation of habitat through direct land	Qualifying habitats and species of the	The proposals are situated

<p>- habitat loss</p>	<p>take.</p>	<p>Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>approximately 1.7km from the Mersey Estuary SPA and Ramsar sites, as the nearest European sites. The proposal will not result in direct land take. The application site is not functionally-linked to the European sites, the nearest suitable habitat being coastal mudflats 500m north of the site, with a WeBS⁴ core count area established at around that location. However, the development site and coast are separated by barriers in the form of the Bridgewater canal, Bridgewater Expressway, Manchester ship canal and Wigg Island. The proposals will not, therefore, result in direct loss of functionally linked land. No likely significant effects</p>
<p>Site construction - noise and visual disturbance</p>	<p>Noise and visual disturbance to qualifying species from construction related activities such as piling works, diesel vehicle noise and human movement.</p>	<p>Qualifying species of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>Construction-related noise and visual disturbance (e.g. earth works, piling and foundations) can affect qualifying species. Runcorn Sands and Astmoor Saltmarsh WeBS core count area is located 350m north along the southern banks of the estuary and forms functionally linked land for the Mersey Estuary European sites. The development will be</p>

⁴ Wetland Bird Survey- <https://www.bto.org/>

			<p>subject to a Construction and Environmental Management Plan (CEMP) which contains embedded mitigation measures designed to construction-related reduce noise pollution. In addition, the development site and coast are separated by barriers in the form of Bridgewater canal, Bridgewater Expressway, industrial premises and tall tree lines along Astmoor Road, the Manchester ship canal and Wigg Island which are likely to greatly reduce impacts and the proposals will not, therefore, result in significant noise and visual disturbance of qualifying bird species on functionally linked land. No likely significant effects.</p>
<p>Site construction - transfer of construction related pollutants</p>	<p>Transfer of dust and construction-related pollutants</p>	<p>Qualifying habitats and species (and functionally-linked land) of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>The development will be subject to a Construction and Environmental Management Plan (CEMP) which contains embedded mitigation measures designed to construction-related pollution. This will ensure construction-related pollutants do not travel a significant distance beyond the site boundary.</p> <p>The Bridgewater</p>

			<p>canal, which is located at the northern boundary, lacks hydrological connectivity with the European sites. Measures to prevent pollution into the canal are included within the project design.</p> <p>Due to the distance which separates the application site from the European sites, and barriers in the form of two canals, a busy Expressway and industrial large industrial premises, the transfer of construction-related pollutants into the designated areas or functionally-linked land during the works is highly unlikely. No likely significant effects</p>
<p>Operational phase - recreational pressure</p>	<p>Loss and degradation of habitats and displacement of qualifying species due to increased visitor numbers</p>	<p>Qualifying habitats and species (and functionally-linked land) of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>The development for 28 houses is not a significant increase upon the baseline in Runcorn or areas surrounding the European sites. Recreational pressure impacts from the development alone can be determined as contributing no likely significant effects.</p> <p>The HRA of the Core Strategy has identified the potential for in-combination recreational pressure effects on European sites. The</p>

			<p>development site is within walking distance of the Mersey Estuary. Evidence shows that approximately 3-3.5km is a standard requirement for dog walking. At 1.7km from the Mersey Estuary, the development site is within the 5km Zol (Liley <i>et al</i> 2017⁵) from where most recreational pressure occurs. However, the estuary is almost entirely inaccessible from the Runcorn area due to the Manchester Ship Canal. More accessible areas of the Mersey Estuary exist north of the river, such as Lighthouse Road (8km by car) in Hale, provide informal access but are unlikely to be frequently visited by residents in Runcorn due to the toll bridge and travel distance.</p> <p>The development is located over 20km from Dee Estuary, Liverpool Bay and Mersey Narrows & North Wirral Foreshore European sites, even more so when driving distances are considered. Liley states that developments located over 10km from the</p>
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⁵ Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) *Recreational Activity and Interactions with Birds in the Mersey Estuary on the North-West Coast of England*. Footprint Ecology / Natural England.

			<p>coast are not significant due to the infrequency of visitation. As a result, I advise that the development can be discounted from in-combination recreational pressure impacts due to the unique location and the lack of coastal access or distance to European sites. No likely significant effects</p>
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Conclusion of Test of Likely Significant Effects

The test of likely significant effects in Table 1 demonstrates that the proposed development would be unlikely to have significant effects on European sites and Appropriate Assessment is therefore not required.

However, as a measure of good practice, and as a precaution only, the applicant will produce an information leaflet for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace (SANG) away from the coast. This can be secured by a suitably worded planning condition.

1.6 Natural England

OBSERVATIONS RECEIVED 04/02/2020

Habitat Regulations Assessment (HRA) Screening required

For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations').

Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England.

Where the HRA Screening cannot rule out a likely significant effect on the coastal designated sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of further comment from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

OBSERVATIONS RECEIVED 10/06/2020

Many thanks for the HRA. Having reviewed the document and noting that homeowner packs are to be secured by a planning condition we are satisfied with the conclusions on this occasion. We do however question the reference to Lighthouse Road, Hale as there are closer access points e.g. Pickering Pasture so would advise that this is referenced within the HRA for additional clarity.

1.7 Health and Safety Executive

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Halton (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

1.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site. Their observations should be attached as an informative.

1.9 Bridgewater Canal Company

Thank you for consulting the Bridgewater Canal Company Limited (hereafter 'BCC') in relation to the above application. As you are aware, BCC is part of the Peel Group and owns and operates the historic Bridgewater Canal and its towpath. BCC is a Statutory Undertaker and has statutory obligations relating the repair, maintenance, operation and navigation of the Canal and its components.

Following a review of the further information, noted below, submitted to the Council by the applicant;

- 1902-023C Site Cross Sections
- D100D New Layout & D101C

BCC are now in a position to be satisfied that the proposals, as outlined on the submitted information, will have no foreseeable impact on the integrity of the Canal.

BCC notes that the removal of tree T5 is proposed as part of this submission. As outlined within our earlier representations, trees and vegetation play an important role in the ensuring the stability and longevity of the Canal. Whilst it is understood that tree T5 is located outside of the puddle stank area, we request that due care and attention be paid by the applicant when removing this tree – as covered below, BCC reserves the right to inspect any of the works within the proximity of the Canal, this is to ensure the long term protection of this historic asset.

BCC hereby removes our holding objection of 20th August 2020 and have no objection in principle to the submitted application.

Please note that the removal of our holding objection relates to the submitted information and we request that the BCC is kept informed and are able to review, comment and approve any works which may impact the integrity of the Canal before they take place. In particular, it is essential that we are consulted upon and are able to approve both the detail and methodology statements proposed for the delivery of:

- Any ground level changes and
- Any new above or below ground structures to be built and
- The use of plant and equipment within 5 metres of the canal bank

It is also imperative that the scheme maintains a 2m maintenance zone which includes the Canal's Puddle Stank and that no development will take place within 5m of the Canal. The applicant should be aware that BCC may wish to inspect any works as they take place. BCC may require restrictions on the use of any machinery, plant or additional ground loadings in proximity to the Canal.

The applicant has confirmed the provision of the method statements for BCC approval once a contractor has been appointed. We would ask that BCC's requirements be recorded as conditions or an informative on any consent that may be issued – this is to ensure that BCC is fully consulted on any further submissions made in relation to this application and any relevant condition discharge submissions. The applicant should note that BCC may wish to use their own consulting engineers to consider the detail of the proposals and to be able to recover the costs of doing so from the applicant / developer.

The Canal Setting – Bridgewater Way

Whilst we note the charitable status of the applicant, the applicant should recognise the importance of the historic Canal and its corridor, and the intention to ensure high quality urban design alongside waterfront environments; taking opportunities to increase leisure and recreational potential, while integrating with and improving the canal corridor are all objectives within the adopted Core Strategy (CS). In line with the aspirations set out in the CS and the objectives which underpin shared initiatives such as The Bridgewater Way, BCC hopes that the Council will continue to seek to ensure that new developments in the vicinity of the Canal always make the most of potential interfaces with the Canal.

New development in the locality of the Canal benefits from this asset and if planning consent is to be granted we reiterate our position that the Council should give consideration to the potential for the applicant / developer to make a contribution towards local towpath improvements. CS Policy C21 – Green Infrastructure includes reference to "... using developer contributions to facilitate improvements to the quality, connectivity and multifunctionality of the Borough's green infrastructure network." This type of approach is also endorsed in the Council's Infrastructure Plan – 2014 Review, which includes reference to securing 'Improvements to the Bridgewater Way for Leisure Use' funded by 'Section 106 contributions / Community Infrastructure Levy' in the context of 'Borough Wide Infrastructure' (table on page 97).

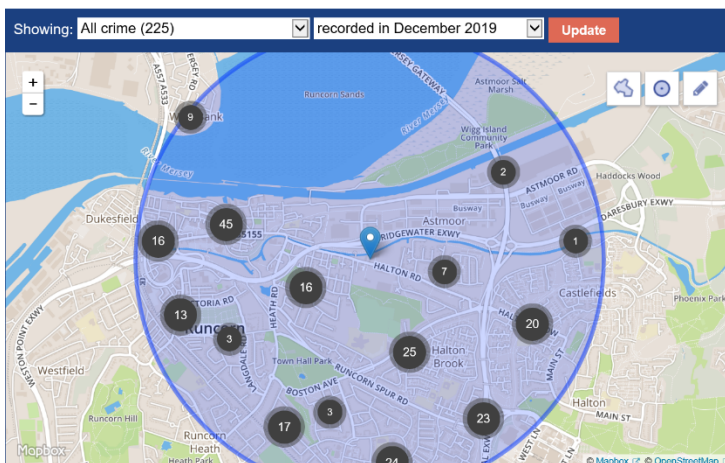
In Conclusion

Having completed our review of the submitted information, BCC has **no objection** to the principle of the development on this site. To ensure the development does not inadvertently affect the integrity of the Canal, we ask that the matters detailed above which relate to the physical relationship between the site, its development proposals and the Canal are recorded as either planning conditions or informative on any planning consent that may be granted.

BCC also suggests that the Council gives consideration to the potential to secure an appropriate and proportionate financial contribution from the applicant / developer towards the future maintenance and management of the Canal and its corridor, in line with local planning policy objectives.

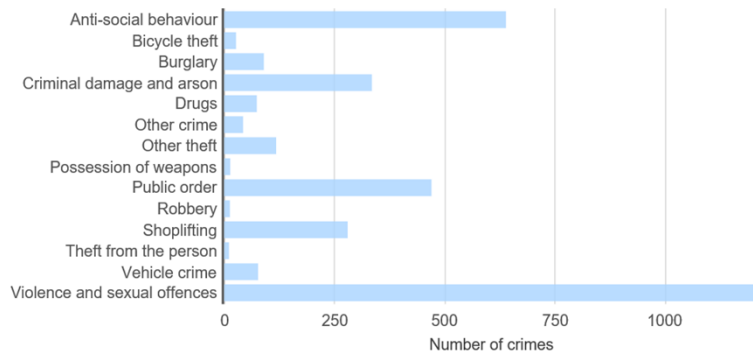
1.10 Cheshire Police

I have shown some crime statistics below:-



Crime types in the wider ward area are shown below for the previous 12 month period.

Comparison of crime types in this area between January 2019 and December 2019



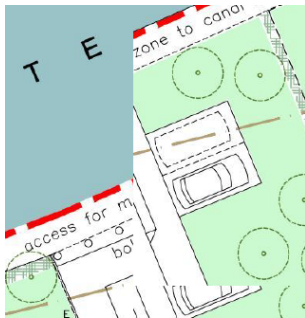
I have listed a few observations below:-

- It is good to see Secured by Design is being discussed, having previously worked with the developer I am aware they have made Secured by Design applications for similar developments. There is a slightly confusing reference in the Design and Access statement regarding doors, doors and windows should both comply to PAS 24:2016
- I appreciate the need for the bollards to access the canal bank but this does potentially mean an easy access from this area with limited natural surveillance.
- It is good to see a large number of the properties have gable windows to maximise surveillance of the in curtilage parking areas.
- The shrubbery on site needs to be well maintained to maximise natural surveillance and must allow a clear line of sight across the development.
- The lighting must comply to BS 4589-1:2013 and provide a constant uniform level of light without creating any pools or shadows.
- Care needs to be taken to ensure the staggered nature of the apartments (property type C in below section) does not limit the natural surveillance. Clarification needs to be provided as to the boundary treatment in the ambiguous green space at the front of these developments.



- It looks as if the ambiguous green space is going to be contained with low shrubbery, some form of demarcation in this area is strongly advised otherwise

the parking area (indicated in the section of plans below) could be informally expanded.



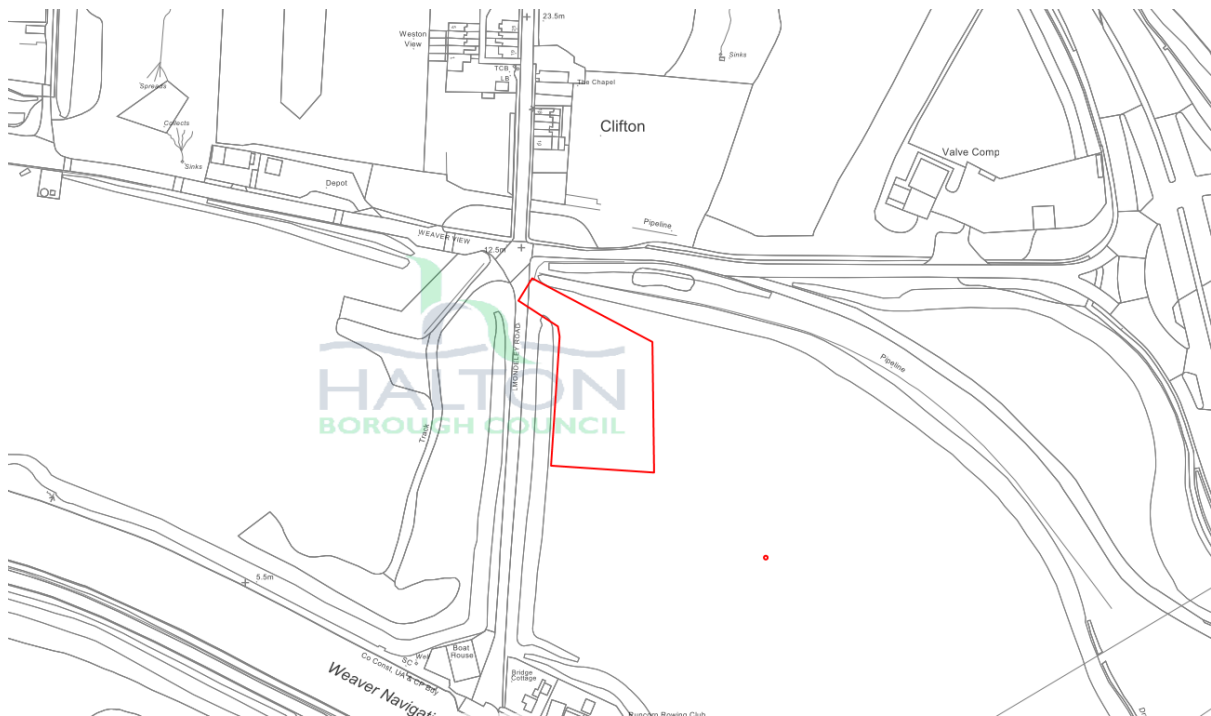
OBSERVATIONS RECEIVED 18/08/2020.

Comments for this previously sent to you on the 10/2/20 and I have since liaised directly with the architect regarding some tweaks for securing Secured by Design.

1.11 United Utilities

No objection to the proposed development subject to the attachment of conditions relating to surface water and foul water. Their full observations should be attached as an informative.

APPLICATION NO:	20/00064/FUL
LOCATION:	Land to the South East of Junction Between Weaver View and Cholmondeley Road, Runcorn.
PROPOSAL:	Proposed construction and operation of 20MW peaking power gas fired generating facility comprising 5 no. generators, site fencing, acoustic fencing, associated plant, car parking and related development.
WARD:	Heath
PARISH:	None
APPLICANT:	Mr B Foden – Riverside Estates Ltd.
AGENT:	Mr Harry Dodd – Nuko Planning.
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Greenspace & Site of Importance for Nature Conservation – HALTON UNITARY DEVELOPMENT PLAN PROPOSALS MAP
DEPARTURE	Yes.
REPRESENTATIONS:	Representations from thirty contributors have been received from the publicity given to the application.
KEY ISSUES:	Development on a designated Greenspace, Impact on Nature Conservation, Ground Contamination and Land Instability, Access, Noise, Air Quality.
RECOMMENDATION:	Grant planning permission subject to conditions.
SITE MAP	



THIS APPLICATION IS TO BE CONSIDERED BY THE DEVELOPMENT CONTROL COMMITTEE FOLLOWING A CALL IN REQUEST BY HEATH WARD MEMBERS.

1. APPLICATION SITE

1.1 The Site

The site subject of the application is Land to the South East of Junction Between Weaver View and Cholmondeley Road, Runcorn. The application site is 0.32ha in area and is small part of wider site which is 9.7ha in area all of which is designated as Greenspace and a Site of Importance for Nature Conservation on the Halton Unitary Development Plan Proposals Map.

The site is in relative close proximity to both Weaver View and Cholmondeley Road with access being gained from Cholmondeley Road. The site was previously used as a sludge-settling lagoon.

The site is bound by Clifton Road to the north, the Clifton Roundabout to the north east, the M56 motorway to the east, Cholmondeley Road to the west, the Runcorn Rowing Club development to the south-west and the Weaver Navigation to the south. There are a number of residential properties in Clifton Village further north of the site on Cholmondeley Road. Further to the west along Weaver View is a large Primarily Employment Area located along the edge of Runcorn.

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton

Road and the other one runs along the north eastern boundary of the Site of Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as Greenspace, a Local Wildlife Site and Local Ecological Network. This is now a material planning consideration, however at this point carries very little weight in the determination of this planning application.

1.2 Planning History

The site has no planning history.

2. THE APPLICATION

2.1 The Proposal

Proposed construction and operation of 20MW peaking power gas fired generating facility comprising 5 no. generators, site fencing, acoustic fencing, associated plant, car parking and related development.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Air Quality Assessment, Ecological Constraints Report, Ecological Assessment Report, Biodiversity Management Plan, Phase 1 Geo Environmental Desk Study, Noise Impact Assessment, BS5837: 2012 Tree Survey, Arboricultural Implications Assessment & Method Statement, Visual Survey and Qualitative Stability Assessment of Existing Bund.

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 designated as Greenspace and a Site of Importance for Nature Conservation on the Halton Unitary Development Plan Proposals Map.

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton Road and the other one runs along the north eastern boundary of the Site of

Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

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

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE19 Protection of Sites of Importance for Nature Conservation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- GE28 The Mersey Forest;
- PR1 Air Quality;
- PR2 Noise Nuisance;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP9 The Greenway Network;
- TP12 Car Parking.

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;
- CS7 Infrastructure Provision;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS21 Green Infrastructure;
- CS23 Managing Pollution and Risk.

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.3 Halton Borough Council – Planning for Risk Supplementary Planning Document

1.1 The purpose of this Supplementary Planning Document (SPD) is to:

- complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:

1. deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
 2. deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;
- explain in more detail how UDP policies should be interpreted.
- 1.2 The reduction in the potential for certain land uses (hazardous installations and Liverpool Airport) to create harm through accidents to people or the environment outside the boundary of these land uses is a sustainable objective of this SPD as is the improved potential to create a safe, healthy and prosperous economy, environment and society.

3.4 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.*

Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Paragraph 148 states that *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

Paragraph 154 states that *when determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

3.5 National Policy Statement on Energy – EN-1 (Overarching National Policy Statement for Energy)

This National Policy Statement (NPS) sets out national policy for the energy infrastructure defined in Section 1.3 below. It has effect, in combination with the relevant technology-specific NPS, on the decisions by the Infrastructure Planning Commission (IPC) on applications for energy developments that fall within the scope of the NPSs.

In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis.

Paragraph 2.1.2 of EN-1 states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy.

Paragraph 2.2.1 of EN-1 states that we are committed to meeting our legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels.

Paragraph 2.2.16 of EN-1 states that about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable.

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 SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

4.2 Contaminated Land Officer

No objection to the proposed development subject to a condition.

4.3 Environmental Protection

No objection to the proposed development.

4.4 Open Spaces – Trees

No formal tree constraints associated with this site, however the proposal would result in the loss of trees which form part of the Local Wildlife Site. All construction and protection should be in accordance with BS5837 2012.

Opinions have been provided in respect of Ecology and clarification on these is provided both at the relevant part of the assessment (paragraph 6.12) and in Appendix 1.

4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

4.6 Natural England

No objection to the proposed development.

4.7 Health and Safety Executive

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site.

4.9 SABIC

No observations to make in this instance.

5. REPRESENTATIONS

5.1 ORIGINAL CONSULTATION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 05/03/2020, a site notice posted on Cholmondeley Road on 24/02/2020 and seventeen neighbour notification letters sent on 13/02/2020.

5.2 FURTHER CONSULTATION ON AMENDED SUBMISSION - The application was advertised by thirty-two neighbour notification letters sent on 07/08/2020.

5.3 Representations from thirty contributors have been received from the publicity given to the application. A summary of the issues raised is below:

- Contrary to the Development Plan;
- This is a Site of Nature Conservation;
- Inappropriate development in the Green Belt;
- There are Grade II listed assets within 100m of the site;
- Loss of trees;
- Loss of wildlife, flora and fauna;
- The site has orchids found nowhere else in Cheshire;
- Ecological considerations appear to be overriding human considerations;
- The potential increase in noise and pollution would potentially change the area and the routines of wildlife;
- The mitigation in the biodiversity plan does not take into account the air quality and noise findings;
- The Japanese Knotweed present on site is not a benefit and this along with Himalayan Balsam should be dealt with by the site owner;
- Plant would be as high as a five storey building and a further negative visual impact for existing residents;
- Clifton would be surrounded by industrial plants;
- It would not be in keeping with the immediate locality;
- The cumulative impact that the proposal would have when considered alongside other development in the locality;
- It would set a precedent for further development;
- Noise, smells, pollution, dust, vibration and visual impacts would result from the proposed development;
- A full report with air quality data should be conducted. Not just a desk study;
- Conditions should be applied ensuring emissions are not harmful and to ensure operating noise is within acceptable limits;

- Repairs to the M56 viaduct with quiet tarmac which will have a considerable impact on noise levels in the area. A new noise survey should be conducted;
- 14m high vent stacks would be a blot on the landscape;
- The size of the plant is not clear;
- The documents state both 8MW and 20MW. Which is correct?
- Construction noise/dust/road mess;
- A construction management plan would be useful to manage traffic and utilities issues;
- Effect on property prices;
- Ongoing operational traffic;
- Why can't this be built at Fiddlers Ferry which is closing?
- Why couldn't the proposed development be further down Cholmondeley Road?
- Enough is enough in Runcorn;
- Halton is high on the multiple deprivation index and doesn't need to be made worse;
- How are more power generating entities required?
- There is another let down power facility for National Grid only 400 yards to the south;
- This doesn't conform with the plans of the Government for renewable energy sources;
- Did Halton no sign an agreement with the Government to stop all further fossil fuel projects?
- The impact that the proposal would have on climate change due to emissions;
- This is not a landfill site, however it does contain unknown chemical waste from the 1960's;
- Travellers have got stuck on this site previously and have had to be treated in accordance with the HAZCHEM regulations;
- Potential contamination of canals and waterways;
- Will the previous disaster at Weston Village be repeated?
- Further consultation in Beechwood West should have been undertaken;
- A meeting with residents could have been held to discuss the proposal;
- Concerns over site safety due to the unmanned nature of the facility;
- The use of CCTV would be an intrusion of privacy;
- The proposal would compromise the continued survival of the Runcorn Rowing Club;
- Appeal decisions provided by the applicant are not relevant to this specific application.

5.4 It should be noted that Mike Amesbury MP has made the following representation:

I would like to raise my objections to the plans for the following reasons;

1) Beechwood is a large residential area very close to this proposed development. I am informed that there has been no neighbour consultation to residents in areas such as Martindale, Embleton and Honister Groves as well as Wisenholme and Ambleside Closes, which seems like a missed opportunity to consult residents who are close enough to be impacted by the operation and emissions from the plant, if built.

2) It seems to me that this proposal is the wrong type of development in the wrong place.

3) There are already significant emissions in the area from the Rocksavage power station and the Energy from Waste plant as well as Inovyn operations. I am concerned about the additional air quality impact of this plant alongside significant road and rail infrastructure within close proximity of a large residential area in my constituency (Beechwood).

5.5 Councillor Chris Loftus has also sought assurances that objections for Beechwood residents will be taken into consideration.

6. ASSESSMENT

Key Policy Consideration leading to Principle of Development Assessment

6.1 Development on a Greenspace Designation

The site is designated as Greenspace on the Halton Unitary Development Plan Proposals Map.

Protection is provided to designated Greenspaces within Policy GE6 of the Halton Unitary Development Plan and there is a presumption against development unless it is ancillary to the enjoyment of the Greenspace.

Policy GE6 does however set out some exceptions which may be made where the loss of the amenity value, which led to the designation of the site as greenspace is adequately compensated for. Policy GE6 sets out the following:

Loss of amenity value may be compensated for where either of the following criteria can be satisfied:

a Development on part of the site would fund improvements that raise the overall amenity value of the greenspace, as measured against the criteria for designation of greenspace set out in the justification to this policy. In assessing whether a proposal would raise the overall amenity value of the site,

consideration will also be given to the extent to which accessibility to and through the site, including linkages with other greenspaces, would be improved.

b The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace. In assessing whether a proposal would significantly improve the amenity value of a nearby greenspace, consideration will be given to the extent to which the quality and accessibility of the space would be enhanced.

c No proposal should result in a loss of amenity for local residents by forcing them to travel to a less convenient location.

d In all exceptional cases there would have to be clear and convincing reasons why development should be permitted or that loss of amenity value could be adequately compensated.

6.2 National Planning Policy relevant to Development on a Designated Greenspace

Paragraph 97 of the National Planning Policy Framework (NPPF) states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The scope of Paragraph 97 is broad and whilst the terminology used differs from that in the Unitary Development Plan (Open Space rather than Greenspace), it is considered that the site's use fits within this definition and is therefore a material consideration in the determination of this application.

6.3 Protection of Sites of Importance for Nature Conservation

Policy GE19 of the Halton Unitary Development Plan relates to the Protection of Sites of Importance for Nature Conservation and is worded as follows:

1 Development and land use change will not be permitted if it is likely to have a significant effect on a Site of Importance for Nature Conservation, as defined on the Proposals Map, unless it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation of the site.

2 In all cases where development or land use change is permitted which would damage the nature conservation of the site or feature, such damage will be kept to a minimum. Where appropriate, the authority will consider the use of conditions or planning obligations to provide compensatory measures.

3 New sites identified during the Plan period will receive the same protection as those identified on the Proposals Map.

6.4 National Policy relevant to Habitats and Biodiversity

Paragraph 175 of the National Planning Policy Framework (NPPF) states that:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

6.5 Principle of Development

The relevant policy on which the principle of development needs to be assessed is set out in paragraphs 6.1 to 6.4 above. Paragraph 47 of NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It is considered that the development plan policies referenced are in general conformity with the NPPF and full weight should be given to these.

Firstly considering Policy GE6 of the UDP, the proposal would result in approximately 0.32ha of the 9.7ha site which is designated Greenspace being developed for a 20MW peaking power gas fired generating facility.

The justification for Policy GE6 sets out a criteria on which the amenity value of a greenspace is measured.

The table below will consider the impact that the proposed development would have on the amenity value of this designated greenspace.

AMENITY VALUE OF GREENSPACE	IMPACT OF THE PROPOSED DEVELOPMENT
An important link in the greenspace systems.	This designated greenspace is located adjacent to other designated greenspaces and whilst only a small proportion of the site would be developed, it would have some impact in this regard.
An important link in the strategic network of greenways.	The site does not form part of any existing, proposed or potential greenways and is not part of the strategic network of greenways in Runcorn. The site is however adjacent to two proposed greenways. The proposed development would not impact on their potential future implementation.
Value for organised sport and recreation.	The site has no value for organised sport and recreation.
Value for informal or unorganised recreation.	This site is in private ownership and is not available for informal or unorganised recreation.
Value for children's play, either as an equipped playing space or more casual or informal playing space.	This site is in private ownership and is not available for children's play.
Value as an allotment.	This site is not used as an allotment. The proposed development would therefore not compromise the site's value as an allotment.
Wildlife and landscape interest.	The site is a designated Site of Importance for Nature Conservation designated for its grassland and woodland habitats (more recently described as a Local Wildlife Site). The site's designation makes clear the value of the site in this regard. The proposed development would inevitably have an impact on the site,

	<p>however the Council's Ecological Advisor is satisfied that that this can be appropriately mitigated on the wider Local Wildlife site in the applicant's control in the form of a long-term habitat management plan. This would ensure that the site's amenity value in respect of wildlife and landscape interest would not be compromised.</p>
<p>Value for an existing or potential role as part of the Mersey Forest.</p>	<p>The map accompanying Policy GE28 'The Mersey Forest' of the Halton Unitary Development Plan states that the site is in an area which should have woodland cover of 20-30%. The wider Local Wildlife Site already comprises of areas of woodland along its northern and eastern boundaries and the long term habitat management plan would ensure the appropriate management of these areas. The proposed development would result in the loss of a group of Category C trees, however they could be adequately compensated for through appropriate woodland management / additional tree planting within the Local Wildlife Site. This would ensure compliance with Policy GE28 and that the site's value as part of the Mersey Forest would not be compromised by the proposed development.</p>
<p>Value for environmental education</p>	<p>This site is currently in private ownership and is not available for environmental education. The proposed development would therefore not compromise the site's value for environmental education.</p>
<p>Visual amenity value (such as providing a visual break or visual variety in an otherwise built up area)</p>	<p>The wider Local Wildlife Site has a positive visual amenity value in Clifton by virtue of its woodland boundaries which conceal views of the centre of the site somewhat. The proposed development would be located inside of the woodland boundary, however it is noted that the 14m stacks would be visible from outside of the site which would have</p>

	some impact on the site's overall visual amenity value.
Its structural value, such as defining local communities or providing a buffer between incompatible uses (such as noise attenuation zones)	The site is not considered to be buffer between incompatible uses.
The enhancement of the attractiveness of the area.	The wider Local Wildlife Site has a positive visual amenity value in Clifton, however due the positioning of the proposed development, it is not considered that the attractiveness of the area would be unduly compromised.
A contribution to the health and sense of well-being of the community.	The site is a greenspace not accessible by members of the public, however its visual amenity value particularly for people residing in the locality is noted. It is not considered that the appearance of the area would unduly compromise the health and sense of well-being of the community.

The above table demonstrates the amenity values that result from the designated Greenspace and how the proposed development would impact on these. It is evident that some loss of amenity value would result if the proposed development were to be permitted on this site.

Where a loss in amenity value would result, there are exceptions set out in Policy GE6 which indicate where a loss in amenity value may be adequately compensated for.

The applicant acknowledges that the proposal would result in the loss of amenity value as is highlighted in the assessment above with the key value being its wildlife and landscape interest. The applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development. The applicant is of the view that their proposal meets exception a) of Policy GE6 as set out at paragraph 6.1.

PARAGRAPH 97 OF THE NATIONAL PLANNING POLICY FRAMEWORK

The site's use fits within the definition of paragraph 97 of NPPF and is therefore a material consideration in the determination of this application. As set out above, the applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development to ensure that the overall quality of the open space is enhanced to compensate for development on part of the site to meet exception b) within paragraph 97 of NPPF.

POLICY GE19 OF THE HALTON UNITARY DEVELOPMENT PLAN

The policy indicates that development and land use change will not be permitted if it is likely to have a significant effect on a Site of Importance for Nature Conservation. The wider site designated as a Site of Importance for Nature Conservation (now termed a Local Wildlife Site) is 9.7ha in area and the application site is small part of it at 0.32ha. The development would inevitably have an impact on the Local Wildlife Site, however the applicant considers that the Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures would provide appropriate compensatory measures to ensure compliance with this policy.

PARAGRAPH 175 OF THE NATIONAL PLANNING POLICY FRAMEWORK

The proposal demonstrates that harm to biodiversity resulting from a development can be compensated for through the Outline Biodiversity Management Plan which accompanies the application. The application needs to be considered based on the suitability of this site for the proposed development. As the harm to biodiversity can be compensated for in this instance, it is not considered that the proposal is contrary to the provisions of paragraph 175 of the NPPF.

PRINCIPLE OF DEVELOPMENT CONCLUSION

The proposed development would result in the loss of designated greenspace with the amenity values highlighted as well as the loss of a small part of a Local Wildlife Site.

The applicant has presented an Outline Biodiversity Management Plan which sets out draft ecological mitigation and enhancement measures in relation to the proposed development. The Council's Ecological Advisor is satisfied that the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals.

It is considered that the qualitative improvements proposed to the Local Wildlife Site in the form of the Outline Biodiversity Management Plan would ensure that the proposal meets the policy requirements of Policies GE6 and GE19 of the Halton Unitary Development Plan and Paragraphs 97 and 175 of the National Planning Policy Framework.

The necessary mitigation and enhancement would be need to be secured by condition. The proposed development is therefore considered to be acceptable in principle having regard for site designations.

6.6 Proposed Greenways

The site is located in relative close proximity to two Proposed Greenways as shown on the Halton Unitary Development Plan Proposals Map. One is adjacent to the Weaver Navigation to the south of the site linking with Clifton

Road and the other one runs along the north eastern boundary of the Site of Importance for Nature Conservation of which the application site is part of linking with Clifton Lane.

It is not considered that the proposed development would prejudice the future implementation of the Proposed Greenways shown on the Halton Unitary Development Plan Proposals Map which fall outside the application site. The proposal is therefore considered to be compliant with Policy TP9 of the Halton Unitary Development Plan.

6.7 Energy Considerations

The application proposes the construction and operation of 20MW peaking power gas fired generating facility

The National Policy Statement on Energy – EN-1 at paragraph 2.1.2 is clear that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. At Paragraph 2.2.16 of EN-1, it states that about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable.

The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all energy generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this. Support for such proposals is contained in policy CS19 'Sustainable Development and Climate Change' of the Halton Core Strategy Local Plan subject to unacceptable harm to the environment not resulting from the proposal.

It is noted that peaking power generation forms an important part of the balancing services procured by the National Grid in order for it to balance demand and supply, and to ensure security and quantity of electricity supplies.

It is also noted that the proposal would rely on a non-renewable energy source to provide energy to the National Grid, however peaking power generation capacity does form part of the renewable energy infrastructure in order to cover intermittency of generation. The appeal decisions provided by the applicant emphasise this point and the Inspectors conclude that this type of plant could reasonably be described as low carbon energy 'associated infrastructure'.

NPPF is clear at Paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate and at Paragraph 154 should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. NPPF is clear that the application should be approved if its impacts are (or can be made) acceptable.

The representations raise a number of questions with regard to energy matters. With regard to the requirement for more power generating entities, there is a clear requirement for these as set out in the National Policy Statement on Energy and that applicants should not have to demonstrate need for such facilities as set out in NPPF. In respect of the question regarding Halton signing an agreement with the Government to stop all further fossil fuel projects, the Council as Local Planning Authority needs to determine the application in accordance with the Development Plan and also in accordance with other material considerations which are set out in this report. The refusal of this application based on the fact that it is a non-renewable energy source cannot be sustained.

The impacts of the proposal will be considered in detail throughout the report, however the in principle support for such plants is noted above.

6.8 Highways, Transportation and Accessibility

The Highway Officer notes that the application proposes the provision of 3 formally laid out car parking spaces within the site. It is considered that this will likely be sufficient for the use of service engineers however it is reasonable to assume that intermittently there will be need for replacement of parts equipment which will require the use of heavier machinery to the site. The Highway Officer is satisfied that such space is available within the site a condition securing the submission of servicing layout demonstrating how larger service vehicles can enter and exit the site in forward gear in the interests of highway safety.

The Highway Officer has also stated that a detailed scheme for the construction of the site access which would constitute off-site highway works (entering into a Section 278 agreement with the Highway Authority) should be secured by condition. The maintenance of a safe visibility splay at the site access should also be secured by condition.

The Highway Officer has requested that a construction management plan condition be attached. This is something which would be more appropriately dealt with by way of an informative relating to the Considerate Contractors Scheme.

Based on all the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies BE1, and TP12 of the Halton Unitary Development Plan.

6.9 Flood Risk and Drainage

As the site is less than 1ha in area, located in Flood Zone 1 and not in a critical drainage area, the site is not affected by flooding from either surface water or from rivers according to the Environment Agency's flood mapping and a Flood Risk Assessment is not required in this instance.

It is considered that a detailed drainage strategy which should be secured by condition.

Based on the above, the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.10 Noise

The application is accompanied by a Noise Impact Assessment. This has been conducted at the nearest noise sensitive property to the proposed development. The results of the survey have been used to assess the background sound at the nearest receptors and specify appropriate noise limits for the new plant and equipment.

The assessment results indicate that the rating level is -7dB below the background and therefore in accordance with BS4142 is below the level considered to be an adverse impact on the nearest human receptors.

The Environmental Health Officer has considered the Noise Impact Assessment and notes the nearest existing houses are 130m from the proposed site and that the assessment is in line with BS4142:2014.

The Environmental Health Officer has advised that the result of the BS4142 assessment indicates that noise from the plant will be 7dB below the existing background levels at night and this represent a worst case scenario as the difference will be even greater during daytime hours. 7dB below background indicates that the plant should generally be inaudible at the residential properties.

A representation has been received stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

Dependent therefore on the wind direction the noise would still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which we could justify an objection or request additional noise attenuation through conditions. For an objection to be upheld, the noise levels would have to be a minimum of 5db above existing levels and possibly closer to 10 dependent on the circumstances.

Based on the above, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR2 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.11 Air Quality

The application is accompanied by an Air Quality Assessment which considers the combustion emissions from the plant which have the potential to cause air quality impacts during normal operation. The results of the assessment indicated that the operation of the facility is not predicted to result in exceedances of the relevant air quality standards at any location of human exposure within the vicinity of the installation. Impacts were classified as not significant at all human and ecological receptor locations in accordance with the relevant guidelines.

The Environmental Health Officer notes that the proposed site will require an environmental permit from the Environment Agency to operate, which will control emissions to within certain parameters.

The Environmental Health Officer has stated that the applicant has provided an air quality report that assesses the impact of nitrogen dioxide in relation to the nearest residential area which is 130m from the site. The report compares current levels and predicted levels with the national air quality objectives. The rationale is based on the plant operating for 1500 hours of the year (approximately one sixth of the year). The report uses ADMS-5 to predict the level and distribution of the nitrogen dioxide utilising weather data, and taking into account the topography and ground type in addition to various other parameters. The methodology is consistent with good practice and indicates that there is likely to be a negligible impact on local air quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant will not increase the levels beyond 50%. On this basis, the Environmental Health Officer does not object to the application in respect of air quality.

Based on the above, the proposal is considered acceptable from an air quality perspective in compliance with Policy PR1 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.12 Ground Contamination

The application is accompanied by a Phase 1 Geo Environmental Desk Study and a Visual Survey and Qualitative Stability Assessment of Existing Bund.

These have been reviewed by the Contaminated Land Officer. There have been discussions with the applicant regarding ground conditions at the proposed site, specifically in relation to the ground stability given the site's previous use as a sludge-settling lagoon. The main point of concern is the stability of the main body of the waste upon which the development is to be sited as there is evidence of very soft or thixotropic material.

The applicant acknowledges that specific site investigation will be necessary to determine the exact ground conditions (for both geo-technical and contamination purposes), but has proposed to undertake such works if planning permission is granted as part of a package of pre-commencement works, to be controlled by condition on the permission. The applicant has also provided reassurances that there are solutions to the potential ground stability that are both technically and financially viable for this project.

Considering the above points and the low sensitivity to contamination of the development, the Contaminated Land Officer has concluded that the site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition.

The above suggested condition would ensure that the issue raised in representations regarding ground stability in that people have got stuck on the site previously.

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

6.13 Ecology

The application is accompanied by an Ecological Constraints Report, Ecological Assessment Report, Biodiversity Management Plan

Firstly considering Protected European Sites, the Council's Ecological Advisor has stated that there is no pathway that could result in likely significant effects on the European sites for the reasons set out in their consultation response in Appendix 1 and the proposals do not warrant a detailed Habitats Regulations Assessment in this instance. It should also be noted that Natural England consider that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Secondly considering Protected National Sites as set out in the Ecological Advisor's observations in Appendix 1, except for the Mersey Estuary SSSI (designated for wintering and migrant birds) the SSSI's within 5km of the site are designated for woodland habitats. Due to the simple nature and small size of the proposals and that minimal trees works are required it is considered highly unlikely that construction work and land take would harm the features for which the SSSI sites are designated.

Operation of the site has the potential to negatively impact on air quality. However, the submitted air quality assessment report concludes that air quality impacts at the ecological receptors (designated sites) are predicted to be not significant in accordance with the IAQM guidance. The Council's Ecological Advisor accepts this and it is concluded that the proposals will not harm the designated sites surrounding the development site.

Thirdly considering the 12 local non-statutory designated sites all designated either for wetland or woodland habitat, the Council's Ecological Advisor considered it highly unlikely the proposed development will harm the features for which the Local Wildlife Sites are designated.

The site itself is a Local Wildlife Site designated for its grassland and woodland habitats. The following protected habitats are present within the site:

- Lowland Calcareous Grassland;
- Lowland mixed deciduous woodland;
- Open mosaic on previously developed land;
- Ancient Semi-natural woodland;
- Unimproved Cheshire Grassland; and
- Lime Beds.

The proposed development would affect these Priority Habitats (Natural Environment and Rural Communities (NERC) Act 2006). The Council's Ecological Advisor has stated that detailed mitigation measures can be secured in the form of a long-term habitat management plan to include, but not be limited to, the following:

- Grassland management;
- Management of open mosaic habitat/scrub control;
- Woodland management;
- Invasive species management;
- Management of bare ground;
- The installation of suitable bird boxes; and
- The creation of basking and invertebrate banks, wood/log piles (hibernacula).

During the processing of the application, the applicant has submitted an Outline Biodiversity Management Plan which adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. The Council's Ecological Advisor considers the principles of mitigation to be acceptable and implementation should be secured by condition.

Fourthly considering Protected Species, the Ecological Assessment Report states that no evidence of bats or Great crested newt was recorded within the site. Our Ecological Advisor has stated that the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions securing protection for breeding birds and the implementation of Reasonable Avoidance Measures (RAMs) for common lizard and terrestrial mammals during the construction phase are suggested.

Fifthly considering Invasive Species, it is noted that Japanese Knotweed is present within the site boundary. A method statement securing the information outlined in the Council's Ecological Advisor's observation in Appendix 1 should be secured by condition along with a condition which secures the submission of a validation report.

One of the representations states that Himalayan Balsam should be dealt with by the site owner. This is not one of the botanical species that has been identified on the application site.

Members will note that the Open Spaces Officer has expressed some opinions with regard to Ecology in their consultation response. Clarification has been sought on the observations made and it was advised that the Local Planning Authority employ an ecological consultant to review the proposal and that the observations made in respect of Ecology are only opinions. The Open Space Services observations were made in advance of the proposal being reviewed by the Council's Ecological Advisor – Merseyside Environmental Advisory Service. The observations made by Merseyside Environmental Advisory Service are noted and it is understood that the Local Planning Authority should follow the observations made by their own qualified professional advisor in relation to Ecology.

The proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.14 Trees

The application is accompanied by an BS5837: 2012 Tree Survey, Arboricultural Implications Assessment & Method Statement.

There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area.

The submission shows that tree groups 4, 5 and 9 are affected by the proposal. Groups 4 and 5 would be subject to pruning and group 9 would be removed. These trees are afforded a tree retention category as C, which in terms of a BS5837 2012 survey would not see them as being a constraint to development. The Open Spaces Officer has stated that the retention category does not appear to take into account that the trees are situated within a designated Local Wildlife Site, however the Outline Biodiversity Management Plan is considered to ensure appropriate mitigation for Priority Habitats as concluded by the Council's Ecological Advisor. On this basis the trees works are not considered to be a constraint to development and the applicant's submission indicates that mitigation planting is recommended as part of a landscape scheme and can suitably replace and enhance the initial loss of canopy cover. This would also ensure that the site's contribution to the Mersey Forest is acceptable. Conditions relating to mitigation planting and tree protection in accordance with British Standard are suggested.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1, GE27 and GE28 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.15 External Appearance

As noted previously within the report, the wider Local Wildlife Site already comprises of areas of woodland along its northern and eastern boundaries and a bund which has been constructed along the western boundary. This restricts views of the site from outside its boundaries.

The main structure of the plant would be a maximum of 8.02m in height with 5no. flues at a height of 14m and would be functional in appearance. Given the size of the plant proposed in particular the flues, the development would be visible from outside of the site.

In respect of the appearance of the locality and other features within the landscape, the site is located in relative close proximity to a swathe of plant and machinery associated with the chemical industry which forms the western edge of Runcorn. Other landscape features in relative close proximity to the site include electricity pylons, wind turbines and the M56 Weaver Viaduct.

The site's position in relation to the residential properties at Clifton Village is noted, however based on the appearance of the wider locality and the screening which exists around the site, it is not considered that the proposal would be seriously detrimental to the appearance of the locality. It is suggested

that the submission of existing and proposed site levels are secured by condition.

It is noted that the site would need to be enclosed in an appropriate manner and that details should be secured by condition.

The applicant makes reference to the requirement for CCTV. A detailed scheme is not provided and should be secured by condition to ensure satisfactory appearance.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.16 Risk

Policy PR12 of the Halton Unitary Development Plan is relevant to the determination of the application. It states that development on land within consultation zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The justification for the above policy indicates that the accidental risk level from the COMAH site is not considered to be significant where an individual accidental risk level does not exceed 10 chances per million in a year.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

On this basis, the likely individual accidental risk would not be considered significant.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Their assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE does not advise, on safety grounds, against the granting of planning permission in this case.

In terms of risk, for the reasons outlined above, it is considered that the proposal is in compliance with the Council's adopted policies in Policy PR12 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and also the Council's Planning for Risk Supplementary Planning Document.

6.17 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. 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 and policy CS24 of the Halton Core Strategy Local Plan.

6.18 Issues raised in the representations not addressed above

The application site is not located in the Green Belt as designated by the Halton Unitary Development Plan. The proposal does not therefore constitute inappropriate development in the Green Belt.

The representation that there are Grade II listed assets within 100m of the site is incorrect and they are in fact over 250m away from the application site. It is not considered that the proposed development would compromise the character and setting of the listed building.

It is not considered that the granting of this planning application would set a precedent for further development. Each application would need to be considered on its merits.

In relation to the representation regarding the size of the plant not being clear, the plans are scaled and the elevations dimension both the height of the main structure plus the height to the top of the flues.

The representations questions whether the peaking power gas fired generating facility is 8MW or 20MW. As per the description of the development, the proposal is for a 20MW facility.

As with most forms of development, it is inevitable that there will be some form of disruption. The Highway Officer has requested that a construction management plan condition be attached. This is something which would be more appropriately dealt with by way of an informative relating to the Considerate Contractors Scheme. The appropriate site construction management would ensure that implementation of the development is not

significantly detrimental to the amenity of the locality. In this regard, a restriction on the hours of construction is considered appropriate.

The potential effect on property prices is not a reason on which a refusal could be sustained. The planning system does not exist to protect the private rights of one individual against another.

In relation to the location of the proposed development, questions have been posed as to why the development cannot be located elsewhere. This application has to be considered on its merits and the suitability of this site for the proposed use.

Halton's position on the multiple deprivation index is not a reason on which a refusal could be sustained. The suitability of the use proposed and the impact on amenity is considered in detail throughout this report.

In respect of the issues raised regarding potential contamination of canals and waterways and a repeat of the previous disaster at Weston Village, as considered in the ground contamination assessment, the undertaking of a site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition and should ensure that the site is dealt with in an appropriate manner.

Representations have been made that further neighbour consultation in Beechwood West should have been undertaken. Publicity in excess of the statutory requirements has been undertaken on this planning application. All representations received have been summarised and addressed within the report.

Representations state that a meeting with residents could have been held to discuss the proposal. The applicant has not entered in pre-application discussions with the Council nor have they undertaken any public consultation on the proposal ahead of the submission of the application. Whilst these are encouraged, they are not mandatory.

Concerns have been raised over site safety due to the unmanned nature of the facility. This is a management issue for the applicant along with the implementation of appropriate site security. Concerns have also been raised that the use of CCTV would be an intrusion of privacy. If CCTV were to capture images beyond the site boundary, the use of the system is subject to the data protection laws.

Concerns have been raised that the proposal would compromise the continued survival of the Runcorn Rowing Club. This issue has not been raised by the Runcorn Rowing Club themselves and it is not considered that their operation would be unduly compromised by the proposed development.

An issue has been raised that the appeal decisions provided by the applicant are not relevant to this specific application. It is acknowledged that they may relate to different sites with different locational characteristics, however the purpose of providing these is set out in the applicant's planning statement in terms of the categorisation of the proposal as low carbon energy.

6.19 Planning Balance

Based on the above assessment, it is considered that the proposed scheme would not have an adverse impact that would outweigh its benefits through the creation of low carbon energy to allow National Grid to balance demand and supply, and to ensure security and quantity of electricity supplies whilst ensuring that the impacts on the designated Greenspace and Local Wildlife Site are appropriately mitigated as well as the proposal being sympathetic to surrounding land uses.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF and Policy CS2 of the Halton Core Strategy Local Plan carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Development Plan subject to appropriate planning conditions.

7. CONCLUSIONS

The proposed development would result in the loss of designated greenspace with the amenity values highlighted as well as the loss of a small part of a Local Wildlife Site, however the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. These qualitative improvements secured by condition would ensure that the proposal mitigates for both the loss of designated Greenspace and the loss of a small part of a Local Wildlife Site.

The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all energy generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this. This type of plant could reasonably be described as low carbon energy 'associated infrastructure for which is supported by national planning policy.

An appropriate site access would be provided along with space within the site for parking and servicing.

The noise assessment accompanying the application indicate that the proposal would have a rating level of 7dB below the background noise level and would not result in an adverse impact.

A representation has been received stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport

Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

Dependent therefore on the wind direction, the noise would still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which would justify an objection on noise grounds or allow additional noise attenuation to be requested by condition.

The air quality assessment accompanying the application indicates there is likely to be a negligible impact on local air quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant would not increase the levels beyond 50%.

Given the low sensitivity to contamination of the proposed development, the Contaminated Land Officer concludes that a site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting for both land contamination and ground stability risks can be dealt with by condition.

The proposed development would not have likely significant effects on statutorily protected European or National sites. In terms of impact on the Local Wildlife Site, the Outline Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. In relation to protected species, the Ecological Assessment Report supporting the application states that no evidence of Bats or Great Crested Newt was recorded within the site.

The proposed trees works are not considered to be a constraint to development and the applicant's submission of the Outline Biodiversity Management Plan along with a condition securing mitigation planting can suitably replace and enhance the initial loss of canopy cover.

Based on the appearance of the wider locality and the screening which exists around the site coupled with existing landscape features, it is not considered that the proposal would be seriously detrimental to the appearance of the locality which would warrant the refusal of the application.

The proposal would therefore allow for the creation of low carbon energy whilst ensuring that the impacts on the designated Greenspace and Local Wildlife Site are appropriately mitigated as well as the proposal being sympathetic to surrounding land uses. The proposal is therefore considered to be acceptable.

8. RECOMMENDATION

Grant planning permission subject to conditions:

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Existing and Proposed Site Levels (Policy BE1)
4. Boundary Treatments Scheme (Policies BE1 and BE22)
5. CCTV Scheme (Policy BE1)
6. Mitigation Planting Scheme (Policies BE1 and GE27)
7. Tree Protection Measures – (Policy GE27)
8. Breeding Birds Protection – (Policy GE21 and Policy CS20)
9. Outline Biodiversity Management Plan – (Policy GE21 and Policy CS20)
10. Reasonable Avoidance Measures – Common Lizard and Terrestrial Mammals – (Policy GE21 and Policy CS20)
11. Japanese Knotweed Method Statement – (Policy GE21 and Policy CS20)
12. Japanese Knotweed Validation Report – (Policy GE21 and Policy CS20)
13. Hours of Construction – (Policy BE1)
14. Off Site Highway Works – (Policy BE1)
15. Visibility Splay – Site Access with Cholmondeley Road (Policy BE1)
16. Parking and Servicing Provision – (Policies BE1 and TP12)
17. Ground Contamination / Ground Stability - (Policy PR14 and Policy CS23)
18. Detailed Drainage Strategy – (Policy PR16 and Policy CS23)

Informatives

1. Considerate Constructor Scheme Informative.
2. Cadent Gas 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.

Appendix 1 – Full Consultation Responses.

1. Highways and Transportation Development Control

APPROVAL SUBJECT TO CONDITIONS

The details list car parking as part of the development in the description however the application itself provides no details on vehicle parking. Given the units size we would expect to see some level of parking provision for service vehicles and for staff. Other applications which have been received within the borough have all been subject to some small level of parking provision.

In the interests of highway safety we would require a construction management plan which outlines the provision within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of employees and visitors vehicles during the construction period. This should also address the hours of construction works.

I would also condition the construction an access into the site to prevent debris from the verge being tracked onto the highway from vehicles. We would require proposed boundary treatment details submitted prior to any start on site and it will be necessary for the applicant to enter into a Section 278 agreement with the Highway Authority in order to have this access constructed. Through the same agreement the vegetation can also be managed as it will be necessary for cutting back of vegetation on the junction of Clifton Lane and Cholmondeley Road in order to achieve the necessary safe visibility splay at the access.

The application proposes the provision of 3 formally laid out car parking spaces within the site. This will likely be sufficient for the use of service engineers however it is reasonable to assume that intermittently there will be need for replacement of parts equipment which will require the use of heavier machinery to the site. As such we would require details which demonstrate how larger service vehicles can enter and exit the site in forward gear in the interests of highway safety.

CONDITIONS

- Construction management plan as per provisions included above.
- Section 278 agreement for the construction of the access
- Tracking details for a larger service vehicle.

2. Contaminated Land Officer

Further to my comments made 26 March 2020, there has been some discussion with the applicant regarding ground conditions at the proposed site, specifically in relation to the ground stability (given the site's previous use as a sludge-settling lagoon).

The applicant was asked for further detail regarding the ground stability and the suitability for the intended use. An assessment on the bank stability has been provided and it is concluded that there is very low risk of bank instability effecting the development, and vice versa. However, the main point of concern is the stability of the main body of the waste upon which the development is to be sited (there is evidence of very soft or thixotropic material).

The applicant acknowledges that specific site investigation will be necessary to determine the exact ground conditions (for both geo-technical and contamination purposes), but has proposed to undertake such works if planning permission is granted as part of a package of pre-commencement works, to be controlled by condition on the permission. The applicant has also provided reassurances that there are solutions to the potential ground stability that are both technically and financially viable for this project.

Considering the above points and the low sensitivity to contamination of the development, it is reasonable to conclude that the outstanding issues can be controlled by condition. So further to my previous comments, I have no objection to the proposed scheme but any permission should include conditions requiring site investigation, risk assessment and, where necessary, a remedial strategy with follow up verification reporting. Such assessment should consider both land contamination and ground stability risks.

3. Environmental Protection

Environmental Health has considered this application with regard to air quality in relation to human health impacts, and noise.

Air Quality

The proposed site will require an environmental permit from the Environment Agency to operate, which will control emissions to within certain parameters.

The applicant has provided an air quality report that assesses the impact of nitrogen dioxide in relation to the nearest residential area which is 130m from the site. The report compares current levels and predicted levels with the national air quality objectives. The rationale is based on the plant operating for 1500 hours of the year (approximately one sixth of the year). The report uses ADMS-5 to predict the level and distribution of the nitrogen dioxide utilising weather data, and taking into account the topography and ground type in addition to various other parameters. The methodology is consistent with good practice and indicates that there is likely to be a negligible impact on local air

quality on the basis of limited operating hours. The general background levels are currently less than 50% of the national objective levels and proposed plant will not increase the levels beyond 50%. There is no tangible reason to object to the application on the basis of air quality.

Noise

The nearest existing houses are 130m from the proposed site. The applicant has provided an acoustic assessment in line with BS4142:2014. The assessment compares the existing noise environment with the proposed noise generated by the plant, and adjusts the figures to take into account the distinctive acoustic characteristics of the plant. The methodology and its application appears satisfactory.

The result of the BS4142 assessment indicates that noise from the plant will be 7dB below the existing background levels at night. This represent a worst case scenario as the difference will be even greater during daytime hours. 7dB below background indicates that the plant should generally be inaudible at the residential properties.

Conclusion

Both the air quality and noise reports indicate that there should be minimal disturbance or exposure to existing residents and Environmental Health would therefore have no material reason to object to the application.

Update Sept 2020

Comments have been received from a member of the public stating the re-surfacing of the M56 in the past 6 months will have reduced the existing background levels. TRL (Transport Research Laboratory) data indicates that the reduction in noise from a resurfaced road, is 1-6dB dependent on weather conditions and wind direction.

For an objection to be upheld the noise levels would have to be a minimum of 5db above existing levels and possibly closer to 10 dependent on the circumstances. Dependent therefore on the wind direction the noise will still be inaudible at residential properties for a significant amount of time and where it may be audible it will still be at 1db below background which would not be a figure on which we could justify an objection or request additional noise attenuation through conditions.

4. Open Spaces – Trees

There are no formal tree constraints associated with this site however the site is a designated Local Wildlife Site and sits within the Liverpool City Region Ecological Network Nature Improvement Area.

Section 10 of the submitted Planning Application Form highlights the boxes that there are 'no' trees or hedges either on or adjacent to the proposed

development site that could influence the development. Submitted drawing 'Proposed Site Plan' highlights trees both within and outside of the proposed development plot for removal. The submitted Trees and Construction document shows that tree groups 4, 5 and 6 are significantly affected by the proposal. These trees are afforded a tree retention category as C, which in terms of a BS5837 2012 survey would not see them as being a constraint to development. However that retention category does not appear to take into account that the trees are situated within a designated Local Wildlife Site and that they are a significant contributor to the sites Nature Conservation value. The submitted Trees and Construction (section 5.5.2) document also '*suggests*' that load bearing systems such as cellweb should be used for roadways over tree roots. HBC should insist that any such constructions are complicit with the guidance in BS5837 2012.

Planning Statement

The submitted Planning Statement (section 4) states that Avian Ecology have identified the eastern side of the site as the highest in ecological value and therefore the proposals are contained to the western fringes of the site. It should be noted that it was not only the eastern side of the site that satisfied the selection criteria for Local Wildlife Site, it was the whole of the site including the area proposed for development. The Non-Technical Summary of the submitted ecological report also states '*it is also considered that the entire site meets the qualifying criteria for the priority habitat: Open Mosaic on Previously developed Land*'. This would be in addition to the selection criteria already met and documented in the sites Citation (Lowland Calcareous Grassland BAP Priority Habitat, Inventory for England, Lowland Meadows BAP Priority Habitat Inventory for England).

Section 6 of the statement describes the location as having '*rich biodiversity across the site*'. However a percentage of that rich biodiversity will be lost as a result of this proposal and it is not known what long term impact this development could have on the remainder of the site and the surrounding habitats/ associated species.

Ecological Constraints Report

The submitted Ecological Constraints Report (Non-Technical Summary) states '*A number of notable botanical species were recorded within the former lagoon basin during the survey, including species listed as being of regional and national importance. Badger, common lizard and Schedule 1 bird species (Cetti's warbler and kingfisher) were all confirmed to be present within the site boundaries*'.

It also records that a number of ecological sensitive receptors within the proximity of the proposed development site are a material consideration at planning whereby Natural England need to be consulted.

The submitted Ecological Constraints Report (section 2.3 Determining the Risk) affords the '*Risk Rating*' to the site as '*Moderate*' however as quoted in the document, this '*is a subjective process based on all relevant and available information*'. It is my opinion, based on the evidence provided, that the risk to this site is high. The submitted document records a number of protected

habitats and species (some which are the only record for Cheshire) present on the site that could be directly, and/or indirectly affected by the proposal.

Table 3.1.3, Priority Habitats, records three NERC S.41 and three CBAP priority habitats on the site. Sections 3.2.8, 3.2.17, 3.2.18, 3.2.9, 3.2.10 and 3.2.14 go on to detail the species and habitats found across the site. Paragraphs 3.2.10 and 3.2.14 describe the habitats that would be directly affected by this proposal.

Section 3.3.2 (Birds) records that twenty nine species were recorded within the site, fourteen of those species being of conservation value. Table 3.3.1 lists those species and their conservation status. Section 3.3.4 states that *'the mosaic of habitats within the site are considered likely to support an assemblage of ground and arboreal nesting species of conservation value'*. The proposed permanent removal of trees and woodland could compromise these species. Sections 3.3.5 – 3.3.9 describe the species and associated habitats within this site and its wider value.

Section 3.3.12 records that the site is of value to bats and though omitted from the document text, but recorded in the Non-Technical Summary, it is believed that badger has been recorded on the site.

Section 3.3.24 states *'At least 12-15% of nationally rare and scarce invertebrates are recorded on UK brownfield sites, including at least forty invertebrate species which are largely or wholly confined to brownfield sites. It is considered that the habitat mosaics present within the Site may support a diverse range of terrestrial and aquatic invertebrate species'*.

Table 3.3.22 records the site as having excellent Great Crested Newt habitat suitability and section 3.3.22 records a common lizard at the site. Both are protected species.

This site was subject to a planning proposal in 2015. The Planning Officer dealing with that proposal, Rob Cooper, wrote:

'the site is a local wildlife site which benefits from protection in the Unitary Development Plan as a 'SINC', and policy. The site comprises of calcareous grassland surrounded by a bund of neutral grassland. Its unusual conditions mean its species-rich with many unusual species of flowering plants and bryophytes. There is a good spider population. Lapwings breed on the lagoon and water birds frequent Clifton Drain which borders the lagoon. The habitat is identified as priority habitat in the Biodiversity Action Plan for Halton and England.

Unfortunately for this reason the Local Planning Authority could not support your proposals for this site as they would be detrimental to this habitat and be contrary to Policy GE19 and GE21 of the Unitary Development Plan and Policy CS20 of the Core Strategy Local Plan.

It is my opinion that the Nature Conservation value of this site will be compromised by this proposal and the statement from Rob is still appropriate. I would also advise that the council employ an ecological consultant to review this proposal.

If this proposal is successful, 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.

CLARIFICATION ON OBSERVATIONS MADE BY OPEN SPACE SERVICES IN RELATION TO ECOLOGY FROM DIVISIONAL MANAGER – PLANNING AND DEVELOPMENT

As discussed I have spoken with Paul Wright and he has agreed that Open Space Services advised the Local Planning Authority employ an ecological consultant to review the proposal and that the observations made in respect of Ecology are only opinions. The Open Space Services observations were made in advance of the proposal being reviewed by the Council's Ecological Advisor – Merseyside Environmental Advisory Service. The observations made by Merseyside Environmental Advisory Service are noted and it is understood that the Local Planning Authority should follow the observations made by their own qualified professional advisor in relation to Ecology.

5. Merseyside Environmental Advisory Service – Ecology and Waste Advisor

OBSERVATIONS RECEIVED 03/03/2020

1. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 20, while Part Two comprises paragraphs 21 to 25.

Part One

2. The purpose of the power plant is to meet electricity demand at peak times, as large coal fired plants close and before the infrastructure is in place to store all waste generated from renewables. It is therefore supportive of renewable generation and will be supplementary to this.

3. The proposal is in compliance with the penultimate bullet point of Core Strategy Local Plan policy CS19 (Sustainable Development and Climate Change) subject to other technical specialist being satisfied that unacceptable harm that cannot be mitigated does not arise from the proposal.

Ecology

4. The applicant has submitted an ecology report in accordance with Local Plan policy CS20 (*Ecological Constraints Report, Avian Ecology, 10 October 2019*) which meets BS 42020:2013. The report is acceptable.

Protected Sites

European

5. The site is approximately 2.6km east of the Mersey Estuary SPA and Ramsar sites. I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The proposals will not result in any direct land take of the European sites;
- The habitats and topography within the site make it highly unlikely the site provides functionally linked land; and
- Due to the distance between the European sites and the proposed development site it is highly unlikely noise or emissions will harm the features for which the European sites are designated.

National

6. The site is close to the following Nationally designated sites:
 - Flood Brook Clough SSSI – 300m north-east;
 - Frodsham Railway and Road Cuttings – 1.5km south-west;
 - Mersey Estuary SSSI – 2.6km west;
 - Beechmill Wood and Pasture SSSI – 2.7km west;
 - Dunsdale Hollow SSSI – 3.3km south-west;
 - Warburtons and Well Wood SSSI – 3.7km south-east; and
 - Hatton's Hey Wood, Whittles Corner and Bank Rough SSSI – 3.9km south-east.
7. Except the Mersey Estuary SSSI (designated for wintering and migrant birds) the SSSI's within 5km of the site are designated for woodland habitats. Due to the simple nature and small size of the proposals and that minimal trees works are required it is considered highly unlikely that construction work and land take would harm the features for which the SSSI sites are designated.
8. Operation of the site has the potential to negatively impact on air quality. However, the applicant has submitted an air quality assessment report (*Air Quality Assessment, Redmore Environment, 22 January 2020, Ref: 3262r1*) which assesses both potential daily and annual deposition rates during operation of the engines. The report concludes that air quality impacts at the ecological receptors (designated sites) are predicted to be not significant in accordance with

the IAQM guidance. This is accepted and it is concluded that the proposals will not harm the designated sites surrounding the development site.

9. The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (January 2020). As the proposed development falls within the category “*All general combustion processes. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion*”. Natural England must be consulted on the planning application **prior to determination**.

Local (non-statutory)

10. The site is close to 12 non-statutory designated sites all designated either for wetland or woodland habitat. For the reasons stated above it is considered highly unlikely the proposed development will harm the features for which the Local Wildlife Sites are designated.

Protected Habitats

11. The site itself is a Local Wildlife Site designated for its grassland and woodland habitats. The following protected habitats are present within the site:
 - Lowland Calcareous Grassland;
 - Lowland mixed deciduous woodland;
 - Open mosaic on previously developed land;
 - Ancient Semi-natural woodland;
 - Unimproved Cheshire Grassland; and
 - Lime Beds.
12. The proposals affect these Priority Habitats (*Natural Environment and Rural Communities (NERC) Act 2006*) and Local Plan policy CS20 applies. The principles of appropriate mitigation are required to be agreed with the Council **prior to determination**.
13. Once the principles have been agreed, detailed mitigation measures can be secured through a suitably worded planning condition or legal agreement. I advise the production of a long-term habitat management plan to include, but not be limited to, the following:
 - Grassland management;
 - Management of open mosaic habitat/scrub control;
 - Woodland management;
 - Invasive species management;
 - Management of bare ground;
 - The installation of suitable bird boxes; and
 - The creation of basking and invertebrate banks, wood/log piles (hibernacula).

General Ecology *Breeding Birds*

14. Built features or vegetation 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

15. No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance 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 trees, scrub, hedgerows and vegetation and the old lagoon are to be checked first by an appropriately experienced ecologist to ensure no arboreal and terrestrial breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Bats

16. The proposed site plan and Arboricultural Impact Assessment (*Arboricultural Implications Assessment and Method Statement, Indigo Surveys, December 2019, Ref: 19571/A3*) indicate that trees will be affected by the proposals. The trees may provide potential roost features for bats. Bats are protected species and a material consideration. Local Plan policy CS20 applies. I advise that a preliminary roost assessment is required **prior to determination**. Further details are provided in Part Two.

Amphibians

17. Great crested newt is known in the area and the site may provide habitat for great crested newt which is a protected species. Local Plan policy CS20 applies. Protected Species are a material consideration. In line with Government guidance a great crested newt presence survey is required **prior to determination**. Further details are provided in Part Two. Common toad is protected and may also be present within the site. A search for evidence of this species should also be included during the Great crested newt survey.

Reptiles

18. Common lizard is present within the site. However, due to the small scale of the proposals and proportion of reptile habitat that will be lost full reptile surveys are not considered necessary. As a precaution, the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase should be secured by a suitably worded planning condition:

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets to prevent reptiles from seeking shelter or protection within them; and
- Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil (or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, to remove any hazard to reptiles.

Mammals

19. Terrestrial mammals may be present within the site. The RAMs required for the protection of reptiles (paragraph 17) are considered sufficient to ensure the proposals will not harm the local mammal population.

Part Two

Bats

20. A preliminary roost assessment assesses the trees on site for their suitability for roosting bats and the value of the habitats for foraging and commuting. The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance¹. Any deviation from these guidelines must be fully justified.
21. If the preliminary roost assessment categorises the trees as having a greater than low suitability further surveys will be required. These can only be carried out between May and August/September.

Great crested Newt

22. The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance² which states that a minimum of four visits are undertaken with at least two undertaken between mid-April and mid-May. Any deviation from these guidelines must be fully justified.
23. It should be noted that the presence of great crested newts does not normally prevent the grant of planning permission, provided that avoidance, mitigation and/or compensation measures submitted are satisfactory.
24. Please note that if the e-DNA survey is positive or returns false positive or negative results, full traditional surveys for great-crested newts will be required. As these surveys are time sensitive, it may be in the applicant's best interest to proceed with full advice from their ecological consultant which is likely to include two traditional surveys from mid-April to mid-May.

Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

² <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-methods>

OBSERVATIONS RECEIVED 07/09/2020

¹ Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

² <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects#survey-methods>

25. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
- Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 8, while Part Two comprises paragraph 9.

Part One

26. The applicant has submitted the following additional information to address previous comments:
- *Ecological Assessment Report, Avian Ecology, 18/06/2020; and*
 - *Outline Biodiversity Management Plan, Avian Ecology, 24 June 2020.*

Protected Species

27. The report states that no evidence of bats or Great crested newt was recorded within the site. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Protected Habitats

28. The Biodiversity Management Plan adequately outlines the principles of appropriate mitigation to ensure the Priority Habitats are not harmed by the proposals. The principles of mitigation are accepted and the Outline Biodiversity Management Plan should be accepted as an approved document.

Invasive Species

29. Japanese knotweed is present within the site boundary. Japanese knotweed is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies³. The applicant should submit a method statement, prepared by a competent person, which includes the following information:
- A plan showing the extent of the plant(s);
 - The methods that will be used to prevent the plant/s spreading further, including demarcation;
 - The methods of control that will be used, including details of post-control monitoring; and
 - How the plants will be disposed of after treatment/removal.

³ <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

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

30. A validation report is then required confirming the remediation treatment carried out and that the site has been free of Japanese knotweed for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a suitably worded planning condition.
31. All previous comments regarding Protected sites, detailed mitigation, breeding birds, reptiles and mammals remain valid.

Part Two

32. **The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.**

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

6. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England’s SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

1 <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2 <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habspeciesimportance.aspx>

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for

AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access

land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

7. Health and Safety Executive

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order

2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Halton (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

8. Cadent Gas

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

9. 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 Zones and would therefore not affect SABIC pipeline apparatus.

1. APPLICATION SITE

1.1 The Site

The proposed site is to the South West of Widnes town Centre. It lies to the South of Moor Lane and is bordered by Rhyl Street/Ellis street to the west and Witt Road to the East.

The application site is currently occupied in the main by car parking. The western part of the site is currently occupied by Enterprise Rent a Car and Essentials Hair and Beauty. The site is an area of approximately 1.19 Off Moor Lane, Widnes.

The site is approximately 300 metres from the existing leisure centre site.

The application site is identified as within the central Widnes Action Area in the Unitary Development Plan and within the South Area Key Area of Change in the Core Strategy.

1.2 Planning History and Background

- None directly relevant to the application. A number of change of use applications relating to the Enterprise/ Hair and Beauty building and the prior notification for the former Moor Lane Business Centre.

2. THE APPLICATION

2.1 The proposal

The application seeks planning permission for a new leisure centre facility to replace the existing one on Moor Lane. This will comprise of the following:

- 25m x6 lane competition swimming pool (25m x 13m) with a learner pool (13m x 7m)
- Circa 150 swimming pool spectator seating provision
- 100 station health and fitness provision (gym)
- 4 court sports hall
- A medium sized exercise

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement
- Tree Survey
- Plans
- Topographic Survey
- Energy and Sustainability Statement

- Planning Statement
- Transport Assessment,
- Ecological Appraisal
- Noise Statement
- Contaminated land Desk Study
- Drainage Strategy
- Flood Risk Assessment

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 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 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”.

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.”

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is identified as an action area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- RG2 Action Area 2 Central Widnes
- BE1 General Requirements for Development;
- BE2 Quality of Design
- BE3 Environmental Priority Areas
- BE18 Access to New Buildings Used by the Public
- BE20 Disabled Access in Public Places
- GE11 Protection of Incidental Greenspace
- PR1 Air Quality
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP1 Public Transport Provision as Part of New Development

- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessment
- TP17 Safe Travel for All
- LTC3 Development of Major Leisure and Community Facilities in out of Centre Locations
- LTC5 Protection of Community Facilities

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS5 A Network of Centres
- CS9 South Widnes
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS22 Health and Well-being
- CS23 Managing Pollution and Risk

3.4 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 for New Development.

Supplementary Planning Guidance

Designing for Community Safety

4. CONSULTATIONS

4.1 The application has been advertised via the following methods: Press notices, site notices posted near to the site and on the Council Website. Surrounding residents have also been notified by letter.

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

- **Natural England**

No Comments

- **Merseyside Environmental Advisory Service**
No objections
- **Environment Agency**
No objection recommend conditions around flood risk.
- **United Utilities**
No objection recommend conditions regarding surface water and drainage.
- **Cheshire Police**
No objection, comments discussed below

Council Services:

- **HBC Highways and Transport**
No objection see relevant section below
- **Open Space Service**
No objection Tree works acceptable and make recommendations in relation to bird nesting season
- **HBC Contaminated Land**
No objection recommends conditions
- **Lead Local Flood Authority**
No objection recommends conditions
- **HBC Major Projects**
No comments
- **Archaeological Advisor**
Condition in relation to Archaeology
- **Merseyside Environmental Advisory Service**
No objections

5. REPRESENTATIONS

5.1 The application was originally advertised by neighbour notification letters and site notices.

5.2 At the time of writing the report, representations have been received from 10 addresses. These comments are summarised below:

- Investment in Widnes not Runcorn
- There should be two squash courts and have concerns over only one
- Reduction in swimming lanes of 8 to 6 is a concern and may impact on swimming club and competitions.

- Refurbishment of existing is better than a full replacement
- Concerns over the location and safety as Moor Lane is 40mph
- Good idea in need of update and new facility
- Creche/play is important for people exercising
- Should look at leisure provision in Runcorn
- Local business has concerns over the use of Car Park and future provision.
- Support for the new facility but concerns over the size and is there enough space for storage etc
- Due to Covid will the soft play be a good idea going forward?
- What buildings are being demolished does this affect the bus depot?

6. ASSESSMENT

Principle of Development

The site is identified in the Unitary Development Plan proposals map as an Action Area. The site is within the Action Area for Central Widnes and Policy RG2 applies. This policy sets out the acceptable uses within this area. It identifies Assembly and Leisure as an acceptable use. Policy RG2 sets out principles of development that applies to applications in this area. The relevant ones are Para 2,3,5,6 and 7. The development is considered to comply with these principles as the development is well related to the town centre, is of high quality of design and in respect of transport and parking is considered sustainable (this is discussed in the relevant sections below. In addition the proposal is not going to be unsightly nor a source of noise, dust odour or pollutions that is considered detrimental. Therefore the proposal is considered to comply with Policy RG2.

UDP Policy LTC3 Development of major leisure and community facilities in out of centre locations would be applicable on the basis that the application site is located over 400metres (approximately 450m walking distance) away from the primary and secondary shopping areas identified in the UDP. However on the basis that Core Strategy Policies CS5 Network of Centres and CS9 South Widnes Key Area of Change are more up to date policies LTC3 is not considered to apply. Policy CS5 requires that Retail and Leisure proposals in excess of 2,000sqm floor space not located within a defined primary shopping area will be subject to sequential and impact assessments. The applicant has undertaken an a sequential assessment of other sites closer to the town centre, this contained within the planning statement. These sites include the former police station site, existing site, Widnes Retail Park and Albert Square car park. The retail park and Albert square car park have been ruled out on the basis of size. The redevelopment of the existing and the former police station sites are considered to cause disruption to the delivery of leisure functions during the construction phase and not considered as suitable alternatives to the proposed site given that the site is a gateway to the town and will provide well designed

building in this location and be located directly opposite the health centre that could provide an area for health and well-being. In relation to the impact assessment given that this is a replacement facility and that the existing facility is not within the primary shopping area it is anticipated therefore there would be no impact in the vitality and viability of the town centre. As the proposal was outside of the town centre the application was advertised as a departure from the development plan. Given the above the application is no longer considered to be a departure. The proposal is considered to comply with CS5.

Policy CS9 sets out the acceptable uses within the key area of change of South Widnes. This states that leisure facilities should be focused on Widnes Town Centre in accordance with CS5 (this analysis is dealt with above) Figure 9 of the policy identifies the site within Widnes Town Centre. The proposal also accords with the Principles of Development set out in Policy CS9 as it does not impact on the Waterfront, takes advantage of transport provision, and provides a good quality design. The proposal is therefore considered to comply with policy CS9 and CS22.

UDP policy LTC5 Protection of Community facilities. The policy states that "Development that would result in the change of use or loss of community facilities will not be permitted if they serve an important local need unless a replacement facility or other facility of equivalent community benefit is provided in no less convenient location. As the Proposal is a replacement facility approximately 200 metres from the existing site. The proposal complies with policy LTC5.

The proposal does result in the loss of incidental Greenspace adjacent to the Moor Lane/ Kingsway roundabout therefore Policy GE11 and the criteria in GE6 are applicable. Given the size of the area the greenspace does have high amenity value for most the criteria it does provide visual variety to the area some of this will be compensated by improvements to the public realm and proposed landscape however the overall benefits of the scheme from the provision of new leisure facility would outweigh the loss of the incidental open space. The application is also accompanied by a tree survey and the Council's Open Spaces officer has confirmed that the works proposed are acceptable.

Design, Layout and Appearance.

The proposal is for a new leisure facility fronting on to Moor Lane. The proposal provides a high quality building and public realm. With Some parking to either site. The Main access is from Moor Lane with anther access off Witt Road. The facility will contain of the following:

- 25m x6 lane competition swimming pool (25m x 13m) with a learner pool (13m x 7m)
- Circa 150 swimming pool spectator seating provision
- 100 station health and fitness provision (gym)
- 4 court sports hall

- A medium sized exercise
- Soft play area
- Access ramps to provide disabled access

The elevations of the building will contain glazed areas and a mix of cladding and brick work and is designed so that the building will stand out on the moor lane frontage. Final materials will be agreed by condition along with a landscaping scheme and boundary treatments.

The design, layout and appearance of the proposed development is considered to be acceptable and compliant with Policies BE1, BE2, BE3, BE18 and BE20 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

Contaminated Land and Pollution

The application is supported by a contaminated Land desk study, this document presents an initial conceptual site model, preliminary risk assessment and makes recommendations for further work.

There are a number of historical land uses on and adjacent to the site that could give rise to significant contamination, e.g. paper bag works, business centre and other developments. Heavy industry and waste disposal has been a feature of the surrounding area.

The overall risk is assessed as low to moderate, given the historical uses and the proposed end use. It is therefore recommended that a condition should be imposed on any permission for the submission of a detailed contaminated land report.

The proposal is not considered to raise any Air Quality, Noise or light pollution issues therefore the proposal is considered to comply with Policies PR1, 2, 4, and 14 of the Unitary Development Plan and Policy CS23 of the Core Strategy.

Flood Risk and Drainage

The application has been supported by a Flood Risk assessment. This has been reviewed by officers and further information has been provided in response to the LLFA concerns about the original drainage strategy. From the information given the updated scheme provides confidence that the site will be able to be adequately drained.

The responses Ramboll has given regarding the floodplain compensation and SuDS features chosen is acceptable.

The increased discharge rate to 12.7l/s agreed by United Utilities is positive, confirmation has been provided that they would accept the proposed surface water connections to the existing 450 diameter sewer at MH 1206 and a new manhole installed between MH0203 and MH1202 on the existing 225 VC sewer.

The LLFA are satisfied with the submitted drainage strategy and the additional documentation that has been submitted. The LLFA request conditions to secure the submission of update drange strategy and plans including appropriate connection agreements. Therefore the proposal complies with policy PR16.

Highway Considerations

The scheme includes a new left in and left out access on to Moor Lane and another access from Witt Road. With parking shown to both the sides of the new building.

Amended plans and an addendum to the Transport Statement has been submitted by the applicant.

The scheme proposes changes to the existing Highway Network including a new access point into the site and narrowing of the Westbound Moor Lane frontage from two lanes to a single lane.

The position and type of the new access (left in/ left) onto Moor Lane was considered to be appropriate for the volume of traffic utilising it with suitable visibility splays. A revised plan has now been submitted including more detail to address concerns and the proposed arrangement for the access is now acceptable.

The capacity impact of narrowing Moor Lane has been considered within the Transport Assessment submitted to support the application and this section of the network continues to operate within capacity.

Another consideration is the provision for non-motorised users to access the site given existing barriers to movement i.e. lack of suitable pedestrian routes and connection to existing cycle provision.

The applicant's consultants have reviewed the submitted information in line with the relevant policies that need to be met (TP1, TP6, TP7 and TP17) and produced a plan showing a series of indicative improvements to improve access.

The Highway Officer has considered the proposed improvements works and considers them to be implementable and fit for purpose, these will need to be conditioned.

Improvements have been made to the North of the site including widening of the Moor Lane central reservation, increasing capacity for users waiting mid crossing. Upgrades to the shared cycleway/ footway linking to the on carriageway provision Northbound on Kingsway which will assist cyclists.

To the East of Kingsway two opportunities for cyclists to leave the on carriageway have been proposed linking to the shared use cycleway/ footway provision and improvements to the uncontrolled crossing to the Northern arm of the roundabout are proposed.

To the South of the roundabout on Victoria Road new crossing provision is proposed which assists on-motorised movements from the South of Widnes and connects to the existing bus stops.

All works on existing and proposed adopted Highways including the proposed access off Moore Lane will require a suitable agreement from the Highway Authority and will be subject to suitable design checks and Road Safety Audits.

The Highway Officer would recommend a suitably worded condition to ensure that said works (access and wider access improvements are submitted for approval and implemented prior to the facility being brought into use.

The Transport Assessment uses suitable trip generation and distribution and is considered robust in its approach in relation to vehicular access.

The report does identify that the Kingsway Roundabout experiences capacity issues during peak hours of the Kingsway approach within the 2020 which with growth will worsen. It is the Transport Consultants opinion that the proposed development will have only a minor impact on the peak hour operation of the roundabout.

On request additional information has been supplied within the Transport Statement addendum that demonstrates the proposal will not have a significant impact on the approaches to the Kingsway Roundabout and therefore will not have a detrimental impact on network capacity in the area.

With regards to vehicular access and circulation to the site the overall approach taken by the applicant is considered appropriate in that there are two points of access onto the highway network. These access points are linked through the site offering various access/ egress options for users and servicing.

In terms of car parking provision the proposed centre will benefit from 157 spaces with a suitable number of accessible and disabled bays.

A Concern was raised by the Highway Officer with regards to the potential Impact of displaced vehicles using the existing car park on the site and questioned if there was enough provision in the area to sustain both the existing demand and the new development.

To address this the applicant has identified a new area of parking off site that will accommodate between 60 and 90 vehicles.

The Highway Authority is therefore comfortable that the proposed number of spaces within the site cater for the needs of the future leisure centre use. A separate public car park is formed to the South of the site that will serve the existing businesses on Witt Road to ensure they still benefit from the current amenity they enjoy.

The Highway Officer took into consideration the existing provision at the current Leisure Centre site which offers 114 spaces. These spaces are split between the East and West of the site and are known to serve not only the Leisure

Centre but also surrounding businesses, residential streets and the local college.

It is the Highway Officers considered opinion that the proposed provision on the new site would accommodate not only the patronage of the existing centre but the anticipated increase in numbers associated with a “new build” facility.

The inclusion of Electric Vehicle charge points and cycle storage is welcomed although full details of provision will need to be submitted for approval and implemented prior to first use.

Therefore the proposal is considered to comply with Highways and transport policies listed above.

Waste prevention/management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application.

The proposal involves major construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

In terms of waste management, the applicant has demonstrated the proposed locations for bin stores within the site

It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

Ecology

The application is supported by an ecological appraisal. This appraisal has not found any particular issues and recommends conditions in relation to installing bat and bird boxes and tree protection measures for trees shown to be retained. An informative would also be included in relation to bird nesting season.

Designing out crime

The Designing for Community Safety Supplementary Planning Document outlines guiding principles which should be incorporated into new developments to achieve safer places.

Cheshire Police Designing Out Crime Officer has provided comments on the proposed scheme these are set out below:

“It is good to see that the main entry is viewable from the street, this will maintain good natural surveillance of the site. It will be important that any staff in this area are solely for this purpose and not pulled away to do anything else.

- The café area is great, however clear rule setting and possibly CCTV should be considered so it does not become a gathering place for local teenagers to use and possibly become an anti-social behavior hotspot.*
- The gym and pool area have good natural surveillance due to the use of glazed curtain walls.*
- The single corridor running through the centre is good as it will ensure people can be easily challenged as they move round the site.*
- The canopy at the front of the building should be less than 600mm to discourage loitering.*
- I was a little concerned regarding the cycle storage on the side of the building, there is no natural surveillance, there is a risk it may become a site of antisocial behavior and also that the bikes are at risk of theft. I would strongly recommend CCTV is installed to cover this area.*
- The side entry with ramp may become a site for antisocial behavior and should be covered by CCTV.*
- I was a little concerned regarding the proposed bin store and seating being in timber. I would prefer these were of metal or masonry as they would be less vulnerable to damage. There are many different anti-graffiti / vandal resistant products on the market.”*

Based on the comments above where appropriate conditions will be imposed.

Archaeology

The Council's advisers on archaeology have looked at the application. As the proposal will involve significant groundworks within the proposed development area, it is clear there are several potential archaeological deposits which are likely to be disrupted or destroyed during the groundworks for this development. These archaeological deposits primarily relate the housing visible on the first, second and third edition OS maps. The housing extends along Rhys Street, Ellis Street and to the west of Witt Street, it is likely that these buildings may have been cellared and therefore there is a likelihood of surviving archaeological remains relating to these present on the site.

Further to the housing, there are two religious buildings and a former theatre present within the proposed development area, the two religious buildings may have associated remains and most notably the presence of the Chapel on the 1st edition would pre-date the burial act of 1857 and therefore there is limited potential for human remains to be present. The Spiritual house may also have religious depositions associated with it within the former footprint. Lastly the former theatre, although less likely to have substantial remains, should be monitored for any remaining foundations.

Given the potentially sensitive archaeological remains associated with the religious buildings, and the moderate likelihood for surviving below ground remains associated with the housing, it would be advised that a programme of archaeological monitoring is undertaken during key aspects of this development. This archaeological monitoring may take the form in the first instance of a developer funded watching brief, during site clearance and excavations for foundations and services, and in the instance of archaeological deposits becoming apparent further archaeological works may be warranted. These works can be secured by condition

Issued raised from consultation.

In relation to the comments raised as part of the consultation, HBC commissioned an Indoor and Built Facilities Strategy which identified the 'Core' facility mix for a new Leisure Centre. This was based on the assessment of need, consultation with governing bodies of sport and local sports clubs and Sport England's Market Segmentation. The proposed facilities enabled an operator to provide services at minimal subsidy. Offering a range of community based activities, such as, Soft Play enables operators to maximise income to underpin the cost of the operation by taking a more commercial approach to programming activity areas. Squash courts were not identified, based on affordability and need. Following public consultation in January 2020, 1 squash court was added to the facility mix.

Comments regarding the proposed Leisure Centre being 6 lanes (compared to current 8 lane facility). Following consultation in January 2020, managers met with swimming club personnel and reviewed the design of the pool. Pool specification was changed from community use to regional competition standard use, resulting in increased surrounds (allowing for timing boards etc), it was then agreed 6 lanes sufficient for competitions. The local club host 3 or 4 galas a year, it is not a requirement of their current competitive league to have an eight lane pool. Out of 359 main pools in North West only 15 have 8 lanes (Jan 20). Access to pools for training, would be down to the programming of the pools.

7. CONCLUSIONS

The proposal seeks to bring forward a High quality replacement Leisure Centre in Widnes. within the key area of change of South Widnes. This states that leisure facilities should be focused on Widnes Town Centre in accordance with CS5 (this analysis is dealt with above) Figure 9 of the policy identifies the site within Widnes Town Centre.

8. RECOMMENDATIONS

Grant planning permission subject to conditions:

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Boundary Treatments Scheme
4. CCTV Scheme
5. Off Site Highway Works
6. Parking and Servicing Provision
7. Ground Contamination
8. Drainage/ flood risk conditions
9. Archaeological condition
10. Electric charging points
11. Materials
12. Landscaping
13. Boundary treatments
14. Offsite highway improvements
15. Cycle storage.

Informatives

1. Breeding bird protection

10. SUSTAINABILITY STATEMENT

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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 by contacting Dev.control@halton.gov.uk in accordance with Section 100D of the Local Government Act 1972

APPLICATION NO:	20/00219/OUT
LOCATION:	33 - 37 Irwell Lane, Runcorn, Cheshire, WA7 1RX
PROPOSAL:	Outline application, with all matters other than access reserved, for demolition of all existing buildings and development of up to 33 no. residential apartments, or 32 no. apartments for residents over 55 years old, together with parking and associated infrastructure
WARD:	Mersey
PARISH:	None
AGENTS(S)/APPLICANT(S):	SATPLAN Ltd.
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	Six representations have been received from the publicity given to the application.
KEY ISSUES:	Principle of Residential Development and Access Arrangements
RECOMMENDATIONS:	Grant outline planning permission subject to conditions
SITE MAP:	<p>The site map shows a residential area with several streets. The proposed development site is highlighted with a red outline. The site is located on Irwell Lane, between Stanley Street to the north and Grovenor Street to the east. Parker Street is to the west, and Watkiss Street is to the south. The map shows existing buildings, trees, and the layout of the streets.</p>

1. APPLICATION SITE

1.1 The Site

The site subject of the application is 33-37 Irwell Lane in Runcorn. The site is 0.29Ha in area. The application site is bound by an existing park to the north, Irwell Lane to the East, a private road to the South and existing terrace properties to the West. The site is currently occupied by vacant semi-detached dwellings and outbuildings.

The application site is designated as Primarily Residential area on the Halton Unitary Development Plan Proposals Map.

1.2 Planning History

There is no relevant planning history associated with this site.

2. THE APPLICATION

2.1 The Proposal

This is an outline application, with appearance, landscaping, layout and scale reserved, for demolition of all existing buildings and development of up to 33 no. residential apartments, or 32 no. apartments for residents over 55 years old, together with parking and associated infrastructure.

2.2 Documentation

The Outline planning application is supported by the following documents:

- SAT199/Irwell Lane, Runcorn/Application Cover Letter/17/04/20
- Planning Statement on behalf of: DMG (Irwell) Ltd. April 2020
- Design and Access Statement P20003-FCH-XX-XX-RG-A-0001-P03 September 2020
- Phase 1 Desk Study Report Job No: 10/1578 Rev.00 May 2020
- UXD Desk Study & Risk Assessment Ref P9842-20-R1 Revision A July 2020
- External Ambient Noise Assessment Ref. J002768/4136/02 April 2020
- Transport Note TECHNICAL NOTE Job Number: J324706 April 2020
- Arboricultural Impact Assessment Report Number: 12790_R02a_MB_MM April 2020
- Preliminary Ecological Appraisal Report Number: 12794_R01_LCD_MM February 2020
- 12794_R03b_Bat Survey Report
- 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.

4. THE DEVELOPMENT PLAN

4.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Primarily Residential on the Halton Unitary Development Plan Proposals Map. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- PR2 Noise Nuisance
- 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
- H4 Sheltered Housing
- H8 Non-Dwelling House Uses

4.2 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.

4.3 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.

5. MATERIAL CONSIDERATIONS

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

5.1 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.

5.1 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.

5.2 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.

6. CONSULTATIONS

- **HBC Contaminated Land**
No objection subject to conditions
- **HBC Highways and Transport**
Support subject to conditions
- **HBC Environmental Protection**
No objection
- **HBC Open Spaces**
No objection
- **HBC Lead Local Flood Authority**
Support in principal, subject to conditions
- **HBC Major Projects**
Support in principal
- **Mersey Ward Councillors**
“On the whole, Mersey Ward councillors support this outline planning application by Halton Housing Trust for a site that is now sadly blighted by dereliction of a former large house, and grounds on this site with the sad ASB this site has now attracted. And whilst the 36 number of flats for generic living is a good proposition, we feel the 31 flats for older people would fit more with the local demographic area”.

Members should note, the application has since been amended to 33 no. flats and/ or 32 no. flats for over 55's. Whilst the submitted planning statement refers to discussions with Halton Housing Trust (HHT) HHT are not the applicant and the Council would have no control over the future developer/ occupier.

- **Merseyside Environmental Advisory Servic**
No objection
- **Natural England**
Habitat Regulations Assessment (HRA) Screening required
- **Peel Holdings**
No comments received
- **Mersey Gateway Environmental Trust**
No comments received
- **Cheshire Police Designing Out Crime**

No objection

- **United Utilities**

No objection

7. REPRESENTATION

7.1 The application was advertised by a press advert in the Widnes & Runcorn Weekly News on 30.05.20, a site notice posted on 20.05.20 and 85 neighbour notification letters sent on 21.05.20.

Following amendments to the scheme, neighbouring properties and objectors were re-consulted on 26.08.20 and 11.09.20

7.2 Six representations have been received from the publicity given to the application. A summary of the issues raised are listed below:

- The site area is too small to accommodate the proposed number of flats plus all of the cars and extra buildings that go alongside it.
- Flats will become a concrete, awful looking, common standard high rise building with other buildings like garages
- Concerns apartments will not go to people over 55 but will become “some sort of YMCA”
- “Housing associations making Runcorn into a dumping ground for immigrants and unsocial housing”
- Parking in the area is an existing problem, it will be worsened by the development and visitor parking
- Increased on street parking will lead to damage caused to cars along Bold Street as it is so narrow
- The site is next to a busy busway and a school which congests the roads at pick up/drop off time, surrounding streets are narrow and getting fuller. The proposed flats will worsen this.
- People will use Bold Street as a shot cut to miss traffic lights so traffic will increase on Bold Street, posing danger to children.
- The road between the Runcorn Old Town swimming baths and The Wilsons pub, is a dangerous corner to drive out of as cars drive fast up Bridge Street so it's a blind corner.
- Loss of privacy
- Loss of views
- Loss of greenery
- Loss of wildlife
- Noise during construction
- Increased noise once the building is up and running
- House values will plummet
- There is a pet cemetery on the site

- There are no drawings to view to show what the flats will look like
- Which outcome/option is going to be built
- Boarding fences put up around the site are suspicious, hiding things from residents in case they object

8. **ASSESSMENT**

8.1 Principle of Development

The application site is designated as a Primarily Residential Area on the Halton Unitary Development Plan Proposals Map and as such proposals for residential development are considered acceptable in principle

The submission also seeks approval for apartments for residents over 55 which includes an element of care. Within the use classes order there exists a grey area between use classes C3 (dwellinghouses including apartments) and C2 which includes uses for the provision or residential accommodation and care to people in need of care. Where use class C2 is proposed, UDP Policy H8 applies.

H8 allows for the provision of non-dwelling house uses (i.e. other than in use class C3) within Primarily Residential Areas, being 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 proposals 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 whether use class C2 or C3 are proposed subject to other matters of amenity being met and those are dealt with below. The applicant has confirmed that the extent of care provision is as yet unknown and therefore whether such cross over between use classes would exist. To allow a degree of flexibility the applicant has requested that the permission, if granted, would allow for both uses. This is considered acceptable. The final use classes has been added to the

description of development by minor amendment and can be reinforced by condition.

8.2 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.

The applicant notes the requirement for affordable housing in their planning statement. They state that, given there are a number of key elements of the proposal yet to be determined (primarily the end use class), it is requested that the tenure of the properties also be deferred to reserved matters stage when there is a definite approach to apartment type and level of care.

It is considered reasonable to attach a condition which secures the submission of a scheme, its subsequent implementation and maintenance thereafter. For the avoidance of doubt and in accordance with the Council's adopted Affordable Housing SPD, such a condition shall only relate to the development in so far that it relates to use class C3 development.

Subject to the proposed condition the proposal is considered to be compliant with Policy CS 13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

8.3 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.

It has been identified that there are open space deficiencies within the area across a number of open space typologies including Parks & Gardens, Amenity Greenspace, Provision for Children and formal playing fields and no open space provision is proposed on-site. In the absence of any form of viability appraisal, a commuted sum in lieu of on-site provision is appropriate which can be secured by way of upfront payment or be secured by a S106 agreement.

Subject to such payment of a commuted sum in lieu of on-site provision / securing of such provision by S106 agreement, it is considered that the proposal would provide sufficient residential greenspace to meet the local needs of the people living there in compliance with Policy H3 of the Halton Unitary Development Plan. For the avoidance of doubt and in accordance with the Council's draft Open Spaces SPD, such a condition shall only relate to the development in so far that it relates to use class C3 development.

8.4 Access

This is an outline application in which means of access is under consideration. Whilst layout is reserved for future consideration, the means of access would be fixed should this application be granted.

The Council's Highway Officer has provided the following comments:

The principle of the development and the proposed residential use is accepted by the Highway Authority and the site is considered to be a sustainable location.

The plans indicate two possible options either a traditional C3 apartment scheme of 33 dwellings with a mix of 1 and 2 bed units or a 32 unit apartment development with some shared facilities again with a mix of 1 and 2 bed units.

A previous set of layout drawings for the scheme with a higher number of apartments was submitted and raised concerns regarding parking provision and layout of external works. This over intensification of the site generated a Highway Authority objection. The applicant has now submitted revised plans with a reduced number of dwellings for consideration.

In terms of access onto the existing highway network the proposed location for the entrance is considered to be suitable in terms of position and achievable visibility splays.

Level details would be required but there is no anticipated issue attaining suitable gradients and highway tie-ins. Surface water will not be permitted to shed onto the adopted highway and a suitable legal agreement would need to be entered into with the Highway Authority to construct the revised access connection and make good the redundant access point.

Although the swan neck access is less than ideal, the constraints of the site are acknowledged by the Highway Officer and the proposed layouts have been revised to improve the situation by widening the roadway and increasing forward visibility. The access arrangements are therefore now considered to be on balance acceptable.

Cycle storage for both potential uses has been brought within the building which is considered to be suitable meeting the requirement to provide covered, accessible and secure provision to encourage the use of bicycles.

Pedestrian provision through the undercroft has also been improved by widening the footway, this has the added benefit of further improving forward visibility for vehicles.

Refuse store has been moved to the front of the building which allows for kerbside collection on Irwell Lane.

The applicant has taken previous comments on board reducing the number of units and increasing parking provision with 41 car parking spaces provided.

The ratio now lies close to 1.25 spaces per dwelling which given the near town centre location and good links to sustainable modes of travel is considered suitable.

It should be noted that provision will be required to encourage the use of electric vehicles with charging facilities incorporated into the car parking layout. We would request that a suitably worded condition be placed on any decision to ensure that full details of EV charging provision are submitted for approval by the Highway Authority prior to commencement and implemented prior to completion.

The Highway Officer notes that the applicant has entered into discussion with regards setting aside land to allow for highway improvements adjacent to the busway. A condition is sought to ensure the land as marked on the submitted plans be dedicated as highway prior to first occupation. Planning Practice Guidance is clear that planning conditions cannot be used to “require that land is formally given up (ceded) to other parties, such as the local highway authority” This matter would therefore need to be secured by way of legal agreement. 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. Other matters raised are considered capable of being secured by appropriately worded planning conditions.

8.5 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.

The layout provided with the application is purely indicative. Whilst issues have been raised with the layout as submitted, this is considered sufficient to demonstrate that a suitable layout showing the proposed footprint of the apartments can be achieved.

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.

8.6 Scale

Scale is reserved for future consideration. There is no longer a requirement to provide scale parameters with an outline planning application. The submitted

indicative elevations show the proposed apartments to be three storey in height. In line with officer advice these have been amended to show a set back to the third storey in an effort to reduce the bulk of the development. Whilst clearly larger and of flat roof construction in contrast to the predominant 2 storey, Victorian terraced properties in the area, similar scale of development exists in the wider vicinity. The submitted indicative scheme is considered to respect the scale of dwellings in the wider locality whilst making efficient use of land.

8.7 Appearance

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

The submitted indicative elevations are considered to demonstrate that a scheme of appropriate external appearance can be achieved which has regard for the location of the site and surrounding area.

8.8 Landscaping

Landscaping is reserved for future consideration. Landscaping would be considered as part of a reserved matters application. The indicative plans show space within the scheme for landscaping albeit it somewhat limited.

An Arboricultural Impact Assessment Report accompanies the application. This indicates that a number of trees would need to be lost to facilitate the proposed residential development.

There are no formal tree constraints on site and the site is not within a designated Conservation Area. The Council's Open Spaces Officer has advised that the loss of trees is acceptable providing satisfactory new tree planting is provided as suggested within the submitted Arboricultural Impact Assessment. Tree protection measures are also shown for trees to be retained surrounding the site. Further advice has been provided by the Council's Open Spaces Officer with regard to suggested pruning of these trees which can be attached as an informative.

8.9 Ground Contamination

The application is accompanied by a Phase 1 Desk Study Report and Risk Assessment. This has been reviewed by the Council's Contaminated Land Officer who has advised the following:

The report presents the findings of a desk study, including a conceptual site model and risk assessment. The site has been in similar use as far as historical mapping shows from the mid-1800s onwards, namely residential with gardens and outbuildings. A number of potentially significant pollutant linkages have been identified, based on the brownfield nature of the site, ash

and clinker deposits, possible asbestos containing building materials and the use/storage of chemicals and fuels in the outbuildings. The report concludes that there is a low to moderate risk associated with land contamination and the proposed end use. An intrusive site investigation is recommended to fully characterise the site and determine the presence or otherwise of contamination.

I am in agreement with the findings of the above report and its recommendations. I would note that there has been previous issues relating to an unsecured well on site. Locating and decommissioning the well, in line with Environment Agency guidance, should be a requirement of the development.

I have no objection to the application, but recommend that if approved it should be conditioned to require site investigation, risk assessment and, if deemed necessary by the risk assessment, remediation strategy. Also the decommissioning of the well should also be conditioned.

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

8.10 Flood Risk and Drainage

The Lead Local Flood Authority have advised that the site is shown to have a very low fluvial, tidal and surface water flood risk on the Environment Agency Long Term Flood Risk Maps and lies outside of Halton Borough Council's Critical Drainage Area as shown in the Strategic Flood Risk Assessment.

The proposed development involves the land use change which reduces the permeability. 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 follow the SUDS hierarchy. Infiltration tests are 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.

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.

Further advice provided by the Lead Local Flood Authority and United Utilities can be attached as an informative.

8.11 Ecology

The application is accompanied by a Preliminary Ecological Appraisal Report and a Bat Survey.

The report states that no evidence of bat roost use of on site habitat was found. The Council does not therefore need to consider the proposals against the three tests (Habitats Regulations). The emergence and re-entry survey effort has confirmed absence of roosting bats within buildings on site. However, due to the high bat roost potential of the buildings and bat activity recorded on site during survey, it is advised that updated emergence and re-entry survey will be required if demolition works have not begun before May 2021. This is in line with recommendations made in the Bat Survey Report commissioned by the applicant and can be secured by appropriately worded planning condition.

The report categorises buildings on site as containing high suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, it is advised that bat boxes be erected on the site. This can be secured by the following planning condition:

The Council's ecological adviser has confirmed that the submitted reports are considered to be acceptable and that no objections are raised to the proposed development subject to the attachment of conditions which secure bat and bird boxes, breeding bird protection, reasonable avoidance measures for hedgehogs and an ecologically sensitive lighting scheme. In addition, they advise that the applicant should produce an information leaflet for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace (SANG) away from the coast. This can be secured by a suitably worded planning condition.

Due to the development's potential pathways and impact on European Sites, the Council's Ecological Advisor has advised that the proposal requires a Habitats Regulations Assessment for likely significant effects. Habitats Regulations Assessment has been undertaken and the report concludes that there are no likely significant effects.

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.

8.12 Environmental Protection

The application is accompanied by an External Ambient Noise Assessment. The application has been reviewed by the Council's Environmental Health Officer who has advised that the proposed development is to be located in a residential area of the Borough with no notable noise sources locally. Environmental Health would therefore have no comments or objections to make to the application.

Based on the above, it is considered that the proposal is compliant with Policy PR2 of the Halton Unitary Development Plan.

8.13 Waste Prevention/Management

The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has not provided information with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan. It is considered that this can be secured by a suitably worded condition. On that basis it is considered that compliance with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan can be demonstrated.

9. CONCLUSIONS

In conclusion, the proposal would bring forward residential development in designated housing allocation, the proposed development is appropriate for the application site.

The Council's Highway Officer has commented that the means of access to the proposed development is acceptable. Sufficient parking would be provided to accord with the Transport Parking Standards set out within 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.

10. RECOMMENDATION

That the application is approved subject to the following:

- a) **The entering into a Legal or other agreement relating to securing financial contributions to Open Space and highway dedication.**
- b) **Conditions relating to the following:**
 1. Time Limit – Outline Permission
 2. Submission of Reserved Matters
 3. Approved Plans
 4. Site Level details
 5. Affordable Housing Scheme
 6. Contaminated Land – Site Investigation
 7. Contaminated Land – Locate and decommission well
 8. Drainage Strategy
 9. Access implementation
 10. EV Charging
 11. Ecologically Sensitive Lighting Scheme
 12. Bat Boxes
 13. Breeding Birds Protection
 14. Bird Boxes
 15. Hedgehogs
 16. Information Packs For New Residents
 17. MEAS CEMP
 18. Waste Audit/Management Plan
 19. Hours of Construction
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

11. 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

12. 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.

APPLICATION NO:	20/00238/FUL
LOCATION:	Units 2 & 3, Land Off Gorsey Lane, Widnes
PROPOSAL:	Proposed development consisting of two industrial and warehousing units for B1, B2 and B8 uses with associated landscaping, service yards and car parking
WARD:	Halton View
PARISH:	None
AGENT(S)/APPLICANT(S):	Commercial Development Projects Ltd.
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	None
KEY ISSUES:	Principle of development, regeneration and employment, drainage, Noise, contaminated land and highway issues
RECOMMENDATION:	Approve
SITE MAP:	<p>The site map illustrates the proposed development layout. It features a large central rectangular area outlined in blue, representing the main industrial/warehouse units. To the south of this area are several smaller rectangular structures, some shaded in grey and others in yellow, likely representing existing or ancillary buildings. A parking area with individual parking spaces is shown to the west of the main units. The site is bounded by a red line, indicating the development boundary. Surrounding infrastructure includes a roundabout at the top, a road labeled 'GORSEY LANE' on the right, and other roads like 'HILL GREEN' and 'WIDNES ROAD'. A north arrow is located to the left of the site. The map also shows existing buildings and green spaces in the vicinity.</p>

1. APPLICATION SITE

1.1 The Site

The site subject of the application measures approximately 7.98 hectares and forms part of a wider brownfield site, formerly occupied by the Bayer Croscience chemical works, which has now been demolished. The site is located within the industrial and commercial area of and accessed from Gorse Lane.

1.2 Planning History

Application ref. 17/00345/FUL was previously approved for the remediation of the wider site which was validated by condition discharge application ref. 18/00385/COND. Since it has been remediated a new road, improvements to existing carriageway to create a right turn lane and extension of existing cycleway provision has been constructed from Gorse Lane under planning permission ref. 17/00274/FUL to enable access to future development.

The plot to the north of the application site has had planning permission approved under application 19/00240/FUL for a similar development to what is proposed: industrial unit with use classes B1, B2 and B8 with associated external lighting, electricity substation, service yard and car parking

2. THE APPLICATION

2.1 The Proposal

Permission is sought for the proposed development consisting of two industrial and warehousing units for B1, B2 and B8 uses with associated landscaping, service yards and car parking.

2.2 Documentation

The application is supported by the following documents:

- Design And Access Statement July 2020
- Planning Supporting Statement July 2020
- Transport Statement Project No:16-1166 Document No:T001 Issue 1 June 2020
- Travel Plan Project No:16-1166 Document No:T001 Issue 2 July 2020
- Noise Impact Assessment Ref: NIA/9203/20/9240/v1/Gorse Lane (Phase 2) July 2020
- Drainage & Flood Risk Statement
- Remediation Summary Statement July 2020
- BREEAM New Construction 2018 Pre-Assessment Report Project Number 556 July 2020

3. POLICY CONTEXT

3.1 National Planning Policy Framework (2019)

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

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

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

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.

3.2 Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE3 Environmental Priority Areas
- PR2 Noise Nuisance
- PR14 Contaminated Land
- PR6 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP16 Green Travel Plans
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

3.3 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
- CS4 Employment Land Supply and Locational Priorities
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS23 Managing Pollution and Risk

3.4 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.

3.5 Supplementary Planning Documents (SPD)

- Designing for Community Safety Supplementary Planning Document
- Design of New Industrial and Commercial Development SPD

4. CONSULTATIONS

- **United Utilities**
Objection
- **Environment Agency**
No objection
- **HBC Highways Authority**
Support the proposed development
- **HBC Environmental Protection**
No objection
- **HBC Contaminated Land**
No comments received at time of writing report
- **Lead Local Flood Authority**
No comments received at time of writing report
- **HBC Major Projects**
No comments to make
- **HBC Halton View Ward Councillors**
No comments received

5. REPRESENTATIONS

The application was advertised by a press advert in the Widnes & Runcorn Weekly News on 13.08.20, a site notice posted on 06.08.20 and 77 neighbour notification letters sent on 06.08.20. No representations have been received from the publicity given to the application.

6. ASSESSMENT

6.1 Proposed Development

The proposal is a full planning application for two modern industrial units for B1, B2 and B8 uses together with the associated landscaping, service yards and car parking.

The proposed two units will be of steel frame construction. Unit 2 will be the larger of the two units measuring approximately 18m to the ridge. The gross internal area of the unit will be 23,922sq m. It is proposed there will be a total of 246 parking spaces including 10 disabled spaces and ten with Electric Vehicle Charging Points. A dedicated area for cycle parking is also proposed with 48 sheltered cycle spaces and 24 motorcycle spaces. There is a service yard with access to 20 loading docks and four level access loading bays.

Unit 3 would measure approximately 13m to the ridge and have a gross internal area of 5,016sq m. It is proposed there will be a total of 87 parking spaces including 2 disabled spaces plus 10 including Electric Vehicle Charging Points. A dedicated area for cycle parking is also proposed with 12 sheltered cycle spaces and 6 motorcycle spaces. There is a service yard with access to three loading docks and two level access loading bays.

6.2 Principle of Development

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan (UDP). UDP Policy E3 provides that development falling within Use Classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) will be permitted in such areas. As such the proposals are considered to accord with this policy and the development can be considered appropriate in principle. The site also falls within an Environmental Priority Area in the Halton Unitary Development Plan. Matters of design and character are covered elsewhere within this report. The proposed is however considered to be of a quality of design that enhances the character of the area and offer a high quality of design in terms of landscaping, boundary treatments and facing materials in accordance with the provisions of Policy BE3.

6.3 Design and Character

In terms of the external appearance of the industrial buildings, these are relatively high quality of similar style and character to previous developments by the same developer, including that previously approved on the adjoining plot. Materials and colour will be consistent with those used for this type of development and other developments by the same developer within the borough. The elevations of the building will be broken up by vehicle docks, windows and fire exits.

The building will be constructed from a palette of modern horizontal and vertical cladding panels in a mix of greys with contrasting red and white red feature detailing. The building and wider development is considered to be of a quality appropriate to the site and wider area.

6.4 Highway Considerations

The application is supported by the following documents:

- Transport Statement Project No:16-1166 Document No:T001 Issue 1 June 2020
- Travel Plan Project No:16-1166 Document No:T001 Issue 2 July 20

The Council's Highway Authority have reviewed the submitted information and have commented as follows:

The Highway Authority support the proposed use of the site for a development of this type and scale.

Consideration has been given to the comprehensive Transport Assessment submitted to support the application and it is the Highway Officers opinion that the existing junctions and network would not be adversely effected by a development of this scale. The Transport Assessment factors in previously committed development on the site namely 19/00240/FUL.

Car parking is considered to be provided to a suitable level with consideration given to accessible sized spaces and disabled bays. Due to the size of the units we have considered office space as ancillary to the main business and a sliding scale for parking based on the main B2/B8 use has been used to calculate provision levels.

Should the applicant wish to bring the units into use as a more intensive B1 use we would have concerns over potential parking issues due to the higher demand generated by office use. We would ask the planning officer to review this and apply suitable restrictions, potentially capping the permitted floor space for the B1 use.

Provision of car parking spaces to charge electric vehicles is welcomed but additional details of the exact specification of charge points should be provided for approval. This additional information could be conditioned or agreed prior to any decision.

Pedestrian access to the site is currently only available to the South of the site off Gorsey Lane but plans also show a path connecting Fiddlers Ferry Road. This Northern link was to be delivered prior to occupation of unit 1 (19/00240/ful) to improve access for non-motorised users and to provide links to the nearest bus services. It is noted that this path has yet to be completed and a pre-occupation condition to secure said link should be applied to any decision relating to the current application. We would modify the condition to state that the path should be constructed and open for use prior to the occupation of Unit 2.

We would request the standard conditions to be applied including CEMP, specification of EV charging, specification of cycle storage, off site highway works.

Implementation of the improved pedestrian and cycle links can be secure by condition. 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 Ecology

No ecological information has been submitted with the application. Whilst the site is considered to be of limited potential with respect to ecology any trees or other vegetation that are to be removed should be checked for bats and/ or should comply with current bird nesting legislation. It is considered that this is covered by other legislation and the applicant can be reminded of their duties in this regard by way of informative attached to any planning permission.

6.6 Flood Risk and Drainage

The application has been supported by a Drainage & Flood Risk Statement. The information has been reviewed by United Utilities who have raised concerns and issued an objection to the proposed development. Those include allowable drainage discharge rates and potential conflict with United Utilities apparatus. The applicant has provided a response to this objection confirming that the proposed discharge rates are within limits previously approved by United Utilities and that apparatus has been fully surveyed and accommodated within the scheme. This has been sent to United Utilities for further comment. Comments are awaited from the Lead Local Flood Authority and it is anticipated that the above mentioned issues/concerns will have been addressed by Committee Meeting. These are considered technical matters capable of resolution and Members will be updated accordingly.

6.7 Noise and Amenity

The application is supported by a Noise Impact Assessment. The Council's Environmental Health Officer has reviewed this and has commented as follows:

The applicant has provided a noise report in support of the application. The report looks at the location of the development in relation to the nearest residential properties, the measured background noise levels and the estimated noise levels from the proposed units. A BS4142 assessment is used to calculate the likely impact on the background noise levels at the nearest residential properties.

The nearest residential properties are at French Street, 225m from the proposed development. Measurements were taken during both daytime and night time periods to establish the pre-existing noise levels. The applicant has predicted the noise levels generated within the proposed units based on technical knowledge and the category of planning applied for. Using these figures and assuming that all the noise is generated inside the units, the mitigating value of the building fabric is calculated. This figure together with distance attenuation and taking into account the type of noise that might be generated by the units is then applied.

The result is a prediction that the noise generated by the units will be 13dB below existing background levels once operational. Whilst there is some margin of error within these figures concerns would not be raised from an acoustic perspective unless the levels were approaching background.

On the basis of the information provided which has been carried out in accordance with the BS4142 methodologies and based on robust assumptions, the development will not have a detrimental impact on the nearest residential properties. This is mostly due to the nature of the immediate area and the distance from the units to the nearest residential properties.

Environmental Health would not therefore raise any objections to the proposed development and would not recommend any conditions.

6.8 Contaminated Land

The wider site has already been remediated under planning permission reference 17/00345/FUL and validation by discharge of condition reference 18/00385/COND. The application is supported by a Remediation Summary Statement which sets out the remediation that has taken place referencing the previous application documents.

The Environment Agency has confirmed that they are satisfied with the information submitted and that no further works are required in respect of controlled waters, however have requested planning conditions are included with any planning permission to ensure controlled waters are adequately protected during the development of the site.

Comments are awaited from the Council's Contaminated Land Officer, Members will be updated accordingly at Committee.

6.9 Waste, Sustainable Development and Climate Change

The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has not provided information with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan. It is considered that this can be secured by a suitably worded condition.

Halton Core Strategy Local Plan Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. The applicant has submitted a BREEAM pre-assessment report which demonstrates that based on the measures recommended within the report the development could achieve a rating of 'very good' without compromising the viability of the scheme. It is considered that these measures can be secured by planning condition.

7. CONCLUSIONS

The application seeks permission for the construction of two industrial units for use classes B1, B2 and B8. Core Strategy Policy CS2 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The use of the site for B1, B2 and B8 development in accordance with UDP Policy E3 securing valuable employment opportunities is therefore considered to be an appropriate use for the site. The quality of design that enhances the character of the area and offers a high quality of design in terms of landscaping, boundary treatments and facing materials is considered to accord with the provisions of Policy BE3.

It is considered that the redevelopment of such a vacant site for a good quality industrial building and offering potential employment opportunities should be welcomed. The proposals are considered to be of a quality suited to the site and in keeping with the area and adjoining developments. It is considered that drainage and any other issues raised as a result of the original submission

can be adequately addressed and that any outstanding issues can be resolved by way of oral update and appropriately worded planning conditions.

8. RECOMMENDATION

The application is recommended for approval subject to conditions and subject to drainage issues discussed above being resolved.

9. CONDITIONS

- Time
- Approved Plans
- Use Restriction
- Materials
- Landscaping
- Boundary Treatments
- Vehicle access, parking and servicing construction prior to occupation
- Cycle parking details
- Electric Vehicle Charging Details
- Drainage
- Site and finished floor levels
- Site Waste Management Plan
- Operational Waste Management Plan
- Implementation of measures recommended within BREEAM Pre-assessment report
- Grampian style condition requiring off-site pedestrian/ cycle crossing improvements and connection within the development
- Tree protection for retained trees
- External lighting

10. INFORMATIVES

- United Utilities
- Environment Agency
- Highways

11. 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

12. 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.

APPLICATION NO:	19/00020/FUL
LOCATION:	Land Bounded By Pitts Heath Lane And Otterburn Street, Sandymoor, Runcorn
PROPOSAL:	Proposed development of local district centre comprising Convenience Store (Use Class A1), 5 no. Retail Units (Use Classes A1, A3, D1 with a maximum of 1 unit to be D1), Children's Nursery (Use Class D1), 43 no. Residential Apartments and 5 no. Dwellings (Use Class C3) to provide living facilities for the over 55's together with ancillary development.
WARD:	Daresbury
PARISH:	Sandymoor
AGENT(S)/APPLICANT(S):	PRP Architects, Lane End
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	Yes – specific residential elements
REPRESENTATIONS:	At the time of writing the report, the following representations have been received from 74 Addresses from the publicity given to the application: 57 Objections 3 Neutral comments 14 Support
KEY ISSUES:	Principle of Development, Design, Parking and Highway Safety, Drainage, Ecology, Trees, Community facilities, noise
RECOMMENDATION:	Approve subject to conditions
SITE MAP:	

1. APPLICATION SITE

1.1 The Site

1.2 The Site comprises the now unoccupied site of the temporary secondary school (vacated once Sandymoor Comprehensive free school opened), and land adjacent to the existing Sandymoor Community Hall comprising an area of approximately 1.37 hectares in Runcorn.

1.3 The Site lies between Pitts Heath Lane to the west, and 'The Meadows' (a Morris Homes scheme) to the East. To the northern boundary is an area of woodland known as Sandymoor Wood. Otterburn Street forms the southern boundary, and on the opposite side of Otterburn is a large area of grassed open space, including a football pitch and children's playground, known as the 'Village Green'.

1.4 Pitts Heath Lane provides the primary road servicing for the Site. The currently un-adopted Otterburn Street serves as a secondary road and provides access for the existing Sandymoor Community Hall. There is also an established network of foot and cycle paths around the site, together with a Greenway Network along the southern site boundary, connecting surrounding housing estates into the proposed Local Centre.

1.5 The application site is identified as a location for a Proposed Local Centre within the Halton Unitary Development Plan and accompanying proposals map, and a 'Key Area of Change' in the Core Strategy Local Plan. The adopted Sandymoor Supplementary Planning Document is a material considering that expands upon UDP Policy TC1 (Retail & Leisure Allocations: New Local Centres).

1.6 Planning History

- 04/00431/OUT - Outline application (with all matter reserved) for development of Sandymoor Local Centre, including 34 No. houses/apartments and 3000sqm of commercial, health, recreation and leisure floorspace. **Permitted 14.07.04**
- 07/00681/OUT - Outline application (with all matters reserved) for development of Sandymoor Local Centre including up to 34 No. dwellings and including up to 3,000 sq.m of commercial, retail, health, recreation and leisure floorspace. **Permitted 06.12.07**
- 10/00482/OUT - Application to extend time limit for implementation of extant planning permission (07/00681/OUT). **Permitted 05.05.11**
- 12/00176/FUL - Proposed erection of temporary buildings, laying out of car parking, hard surfacing, erection of boundary fencing and ancillary development in connection with proposed use for temporary school

premises (use class D1) at land adjacent to Sandymoor Community Centre, Pitts Heath Lane, Sandymoor.

2.0 THE APPLICATION

2.1 The proposal

The application seeks planning permission for the development of a Local District Centre comprising:

- Convenience Store (Co-Op) – Use Class A1
- 5No. retail units
 - o Retail Unit 1 – Use Class A5 (hot food takeaway)
 - o Retail Unit 2 – Use Class A1/A3 (Shops/Restaurants/Cafes)
 - o Retail Unit 3 – Use Class A5 (hot food takeaway)
 - o Retail Unit 4 – Use Class A1 (Shops)
 - o Retail Unit 5 – Use Class D1 (Vets)
- Nursery – Use Class D1
- 5 bungalow properties – C3 Open Market dwellings
- 43 Apartments
 - o 23x one bedroom units
 - o 20x two bedroom units

The proposed 43 'affordable apartments' will also include communal facilities comprising a lounge with kitchenette, communal gardens and a buggy store. There will also be a manager's office, to provide support to residents. Information has been provided in support of the application confirming the proposed affordable scheme will be part of a Registered Provider's shared ownership and / or affordable housing programme.

2.2 Submitted Documentation

The planning application is supported by the following documents:

- Design and Access Statement
- Transport Assessment, December 2018, Ref 2356
- Landscape Strategy Rev P03, July 2019
- Arboricultural Impact Assessment (AIA) Ref 11834-01
- Arboricultural Technical Note September 2019 Project No.:11834
- Ecological Assessment (EA) Ref 11834-03 Rev 03
- Habitat Regulations Assessment – Screening (HRA) Ref 11834-01
- Noise Impact Assessment Report 26504/NIA1 Issue 1
- Combined Preliminary Risk Assessment and Geo-Environmental Assessment Project No.18-0914.01 Issue 2
- Drainage Design Report, Flow+v8.0
- Proposed Drainage Strategy, Ref. CL8355, Dated 27.08.2019
- Flood Risk Assessment project no.18-0914.02 Issue No.3
- Application Scheme Draft Development Appraisal. Prepared by TDC Nov 2019

- Viability Scheme Draft Development Appraisal. Prepared by TDC Nov 2019.
- Viability Scheme Development Appraisal (No residential). Prepared by TDC March 2020
- Arboricultural appraisal October 2020

3.0 POLICY CONTEXT

3.1 Halton Unitary Development Plan (UDP) (2005)

The site is identified as a proposed Local Centre in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development;
- BE2 Quality of Design
- BE18 Access to New Buildings Used by the Public
- BE20 Disabled Access in Public Places
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- GE22 Protection of Ancient Woodlands
- GE27 Protection of Trees and Woodlands
- PR2 Noise 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
- TP9 The Greenway Network
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- LTC5 Protection of Community Facilities
- LTC6 Children's Day Care Provision
- TC1 Retail & Leisure Allocations
- TC5 Design of Retail Development
- H1 Provision of New Housing
- H3 Provision of Recreational Green Space

3.2 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;

- CS3 Housing Supply and Locational Priorities
- CS5 A Network of Centres
- CS11 East Runcorn
- CS12 Housing Mix
- CS13 Affordable Housing
- CS18 High Quality Design
- 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 for New Development.

3.4 **Material Considerations:**

3.5 Supplementary Planning Documents (SPDs)

These documents supplement the policies set out in the development plan by providing specific guidance on how the development plan policies should be interpreted. SPDs are material considerations for the purposes of decision making.

- Sandymoor Supplementary Planning Document (2009)
- Design of Residential Development (2012)
- Designing for Community Safety (2005)
- Affordable Housing (2014)
- Hot Food Takeaway (2012)

3.6 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 to set out the Government's planning policies for England and how these should be applied. Under planning law, the NPPF forms a material consideration in decision making as it does not form part of the 'development plan'.

3.7 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".

3.8 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."

- 3.9 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”.
- 3.10 Due to the presence of ancient woodland adjacent to the Site, Paragraph 175 is of relevance, particularly 175 c) this states “when determining planning applications, local planning authorities should apply the following principles:”
- 3.11 “c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 58) and a suitable compensation strategy exists”
- 3.12 Footnote 58 states “for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

4.0 CONSULTATIONS

- 4.1 The application has been advertised via the following methods: site notice posted near to the site and on the Council Website. Surrounding residents have also been notified by letter.
- 4.2 The following organisations have been consulted and, where relevant, any comments received have been summarised below in the assessment section of the report:
- **Environment Agency**
 - 1st round consultation: objection based on Flood Risk Assessment
 - 2nd round consultation: No objection subject to condition
 - 3rd round consultation: Retained no objection
 - **Merseyside Environmental Advisory Service**
 - 1st round consultation: No objection subject to conditions
 - 2nd round consultation: Additional Ecological assessment is required
 - 3rd round consultation: No significant harm, suggested mitigation measures to improve habitats in the northern woodland.
 - **Natural England**
 - 1st round consultation: No objection
 - 2nd round consultation: Retained no objection, however see woodland section re designation and standing advice in relation to ancient woodland.
 - **The Woodland Trust**

1st round consultation: Objection

2nd round consultation: Maintained objection discussed in sections below

- **United Utilities**

1st round consultation: Unacceptable in principle due to insufficient information, conditions recommended.

2nd round consultation: Acceptable in principle subject to conditions

- **Cheshire Police**

1st round consultation: No objection, comments discussed below

2nd round consultation: Original comments still stand

4.3 Internal Consultees:

- **HBC Highways and Transport**

1st round consultation: Objection

2nd round consultation: Sustained objection

3rd round consultation: No objection subject to conditions

- **HBC Environmental Protection**

1st round consultation: No objection subject to condition

2nd round consultation: Retained no objection see sections below

- **Open Space Service** – objection in relation to stand off distance discussed below

- **HBC Contaminated Land**

1st round consultation: No objection

2nd round consultation: Retained no objection

- **Lead Local Flood Authority**

1st round consultation: No objection subject to condition

2nd round consultation: No objection however more information required or to be conditioned

- **HBC Major Projects**

1st round consultation: No comments received

2nd round consultation: No objection

- **HBC Planning Policy**

1st round consultation: No comments received

2nd round consultation: No comments received at time of report

- **HBC Ward Councillors**

1st round consultation: No comments received

2nd round consultation: No comments received at time of report

- **Sandymoor Parish Council**

1st round consultation: Support application but concerns raised

2nd round consultation: original concerns still stand, see sections below

5.0 REPRESENTATIONS

5.1 The application was originally advertised by 74 neighbour notification letters sent on the 24.01.2019 and site notices posted on 31.01.2019. Following amendments to the scheme the application was re-advertised by 140 neighbour notification letters sent on 29.08.2019.

5.2 At the time of writing the report, representations have been received from 74 addresses consisting of 57 objections, 14 support letters and 3 neutral comments. These comments are summarised below:

5.3 Concerns

- De-valuation of surrounding properties
- Inconvenience to residents on Biggleswade drive
- Better suited locations in Sandymoor for this type of development
- Pre-school/nursery is not necessary
- Sandymoor is a family area and not suitable for over 55 housing
- Proposed new nursery would put the current community hall nursery out of business resulting in loss of jobs
- Nursery would not benefit the community
- Access to the community hall – Developers have no right to move the access to the community hall
- Level of parking provided
- Close proximity of residential dwellings to the community hall
- No retail assessment carried out
- Consequences on the viability of the community hall
- Scale and massing of over 55's accommodation
- Overlooking from apartments to the community hall
- Opening Biggleswade Drive up to be a through road for site access
- Pedestrian safety
- Increased traffic
- No provision for larger delivery vehicles to the Community hall
- Over development of the site
- Residential uses so close to the community hall could restrict the type of functions available to be hosted by the community hall and result in noise complaints and licence restrictions
- Noise concerns from deliveries and waste management
- Community hall will no longer be the focal point of the village centre
- Disturbances caused by construction
- Not suitable for shops to be so close to residential dwellings
- Need the existing bollards on Otterburn Street to be retained
- Increase in anti-social behaviour and rubbish
- Drainage and potential site flooding
- Proposed materials are not in keeping with character of Sandymoor and will affect the character of the area.

5.4 Neutral

- Sandymoor is void of a gym, would like one incorporated into scheme
- A dentist would be a good addition
- Plans should include a café or tea room facility
- We need a doctors' surgery instead of a nursery
- There's a need for local pubs
- Consideration should be given to security measures such as CCTV

5.5 Support

- Welcome the local shopping area
- Welcome bungalows for older generation to downsize and stay in the area
- Retail units would be a great asset for the area and are much needed
- Looking forward to the development being built
- The area is in desperate need of a village centre with shops and services
- The nursery looks first rate, and pleased to see housing for the elderly provided

6.0 **ASSESSMENT**

6.1 Principle of Development

6.2 The site is identified as a Proposed Local Centre, as designated by the Halton Unitary Development Plan within Policy TC1. This policy, expressed on the Proposals Map, primarily identifies the Site for a new neighbourhood centre to serve the local community through new local shops and community facilities.

6.3 The proposed development includes the provision of a convenience store (it is known to be Co-op) and 5 retail units with a mix of A1, A3, A5 and D1 uses.

6.4 Policy CS5 of the Halton Core Strategy Local Plan also indicates that new retail development of an appropriate scale to meet local need will be required in Sandymoor. As the application site is allocated as a Local Centre in the current up to date Unitary Development Plan, the application is not subject to sequential assessment, in accordance with Policy CS5 of the Halton UDP. This is also supported in Paragraph 86 of the National Planning Policy Framework (NPPF). As an allocation and the retail floorspace threshold of 2500m² of gross floor space is not exceeded, there is no requirement for an impact assessment as supported by Paragraph 89 of the NPPF.

6.5 The application site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a mix of uses and continue the development of Runcorn in line with the long term vision for the Borough. The application proposes a mixed use of retail,

residential and a new nursery facility which in accordance with Paragraph 92 of the NPPF ensures an integrated approach to enhance the sustainability of the community in the form of a viable Local Centre.

- 6.6 The Core Strategy also states that the continued development of Sandymoor will be achieved by delivering residential units in line with outstanding consents, including a new local centre and public transport connections. The application has been advertised as a departure from the Development Plan due to the specific locations of residential elements in the proposed development, however UDP housing allocation 406/31 is within the Site and previous outline planning permissions have consented residential units alongside a Local Centre. Therefore the proposal for the residential element has been established on site and is acceptable in principle (04/00431/OUT, 07/00681/OUT, 10/00482/OUT).
- 6.7 Given the Site is allocated as a Proposed Local Centre location, together with a proportion of housing on the UDP Proposals Map, and the proposal accords with policies TC1 and H1 of the UDP and the adopted Sandymoor SPD, the principle of the proposed Local Centre and housing is considered acceptable on the Site.
- 6.8 Layout
- 6.9 The adopted 2009 Sandymoor Supplementary Planning Document sets out broad design principles for Sandymoor with the aim to strengthen the community. As such, development will be arranged to focus on the Local Centre, Community Centre, school, Village Green and leisure and sports activities.
- 6.10 The northern boundary of the application site is not an active frontage due to the direct interface with the Sandymoor Wood woodland area. The southern boundary of the site interfaces with Otterburn Street, and the Village Green beyond. The scheme has been arranged so that the main amenities such as the retail units and proposed nursery face and address the Village Green and remain open to create a visual open linkage to the green space, encouraging natural surveillance and movement between the village green and the Local Centre.
- 6.11 On the eastern boundary of the site, the proposed residential apartments will interface with housing frontages on Biggleswade Drive. The properties on the corner of Biggleswade Drive consist of three storey dwellings and town house style properties. Three storey properties are already present and established within the area.
- 6.12 The proposed bungalow dwellings will interface with existing 2 storey properties to the north-west of the site which is considered to be appropriate. The western boundary of the site will face Pitts Heath Lane and the proposed convenience store will provide good natural surveillance in addition to a more active frontage.

- 6.13 In accordance with the Sandymoor Local Centre Development Brief, parking provision has been accommodated within the scheme, the level of which will be assessed in the Highway section below. There is also provision for a dedicated public 'village square', the size of which has been reduced in accordance in advice from Cheshire Police to avoid creating a gathering place and an opportunity for anti-social behaviour.
- 6.14 In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 1 and 2 bedroom apartments. In terms of tenure, the applicant is aware of the Council's affordable housing policy and has confirmed acceptance to the attachment of a condition, which would secure the provision of affordable housing as per the definition set out in the NPPF.
- 6.15 The layout of the proposed development is considered acceptable and compliant with Policies BE1 & BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered compliant with Policy CS12 of the Halton Core Strategy Local Plan.
- 6.16 Scale
- 6.17 Members will note that representations have been received raising concerns that the proposed three-storey element of the development comprising the apartments would be out of character with the area.
- 6.18 However, there are other three storey developments in this area including the three storey properties directly adjacent to the proposed apartments along Biggleswade Drive within the Morris Homes housing estate. Although larger in massing, the height of the proposed apartment block is not considered excessive given the other three storey properties within the immediate surrounding area.
- 6.19 The Sandymoor Local Centre Design Brief indicates that the buildings should range in height to a maximum of three storeys thus the scale of the proposed apartments are considered to be appropriate.
- 6.20 The design brief also highlights that the layout of the local centre units should successfully incorporate the existing Sandymoor Community Hall and respect the height of it. The proposed nursery building would mirror the scale and height of the existing Community Hall with a slightly taller ridge height over the entrance of the nursery to create a feature.
- 6.21 There is a variety of property types and styles in the locality with two storey properties located to the west and north west of the Site. It is considered that the proposed bungalow properties and the height of the proposed retail units relate well to the scale of the surrounding dwellings within the area.

- 6.22 The scheme is considered acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.
- 6.23 Appearance
- 6.24 In line with the guidance set out within the Sandymoor Local Centre Design Brief, the proposed materials form a simple palette of colours and styles.
- 6.25 The proposed materials are indicative at this stage, as the submitted design and access statement highlights; specific materials, products and colours have yet to be identified. A combination of light brick with elements of brick detailing, timber boarding and standing seam roofs are described. This is considered acceptable.
- 6.26 The submission of precise external facing materials and their subsequent implementation will be secured by condition. This would ensure compliance with Policies BE1 and BE2 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.
- 6.27 Site levels
- 6.28 No details of site or finished floor levels have been supplied, however based on the site's topography and submitted site elevations (Drawing AA7504 2005 Rev C), it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.
- 6.29 It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation. This would ensure compliance with Policy BE1 of the Halton Unitary Development Plan.
- 6.30 Landscaping
- 6.31 A soft landscape plan has been submitted to support the application. The Designing Out Crime Officer has provided comments on behalf of Cheshire Police advising that more defensible landscaping should be included around the ground floor of the proposed apartments. These comments have been passed on to the applicant.
- 6.32 A fencing and furniture plan has also been submitted and is considered to be acceptable. The Designing Out Crime Officer has requested clarification on the proposed gates between the different blocks and has advised a minimum of 1.8m but preferably 2.1m fence along the rear boundary of the bungalow properties to shield potential noise from the proposed service yard. This acoustic fence has also been requested by the Council's Environmental Health Officer. This is detailed within the scheme and will be secured by condition as discussed in the noise section below.
- 6.33 The proposed landscaping is considered to be acceptable in accordance with Policies BE1 and BE2 of the Halton Unitary Development Plan. Members will be updated accordingly on any responses from the applicant.

6.34 Trees

6.35 There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area. It cannot be said that the proposed development is likely to damage or destroy a woodland of the scale and character identified in Policy GE27 of the Unitary Development Plan.

6.36 The application is accompanied by an Arboricultural Impact Assessment. It is noted that a number of trees are highlighted as needing to be removed from the site to facilitate the proposed development. More detail was requested from the applicant with regards to the trees to be removed as these may be located within Sandymoor Wood. Additional information was provided within an Arboricultural Technical Note dated September 2019 and further reports submitted to October 2020.

6.37 The most significant impact of the proposal is to the group of trees along the northern site boundary named as group G12 on the submitted Tree Constraints Plan Dwg No: UG_11834_ARB_TCP_04 Revision P05.

6.38 Sandymoor Wood

6.39 The proposed Local Centre application site lies adjacent to Sandymoor Wood which is a Woodland Trust owned site. The woodland itself is a site of approximately 2.52 hectares. The Woodland Trust have been consulted on the application and have objected to the proposed development on the basis that although Sandymoor Wood is not registered as ancient woodland on Natural England's Ancient Woodland Inventory, the Trust is of the opinion that the site can be considered to be ancient woodland. During 2020, Natural England added Sandymoor Wood to their ancient woodland inventory using a boundary that coincides with the Woodland Trust's ownership boundary. As the proposed development is on land entirely outside of the Woodland Trust's ownership, the proposal is not on land that forms part of the Ancient Woodland Inventory.

6.40 Sandymoor Wood is not defined as Ancient Woodland on the adopted Unitary Development Plan proposals map, however, it is named in Policy GE22 (Protection of Ancient Woodlands) of the Halton Unitary Development Plan. Sandymoor Wood is also identified in the Sandymoor SPD (see SM23 on page 54) under the section on ancient woodlands and semi-natural woodlands, and it is clear from the SPD that the intention has always been to protect this area of woodland.

6.41 The National Planning Policy Framework (NPPF) defines ancient woodland as an area that has been wooded continuously since at least 1600AD.

6.42 The status of Sandymoor Wood is a significant material consideration given the level of protection that is afforded to Ancient Woodland. Paragraph 175c of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.43 NPPF paragraph 175, provides the following principle for decision making:

*175c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons^(*58) and a suitable compensation strategy exists;*

*(Footnote *58): For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

6.44 Sandymoor Wood - Ancient Woodland

- 6.45 As the proposed development is on land entirely outside of the Woodland Trust's ownership, the proposal is not on land that forms part of the Ancient Woodland Inventory. The development does not therefore result in the direct loss of ancient woodland, ancient, or veteran trees.

- 6.46 There is however potential for an impact on the canopy and root protection areas that overlap from Woodland Trust's land onto the development site. This may give rise to the limited deterioration of the edge of ancient woodland habitat.

6.47 Sandymoor Wood - 15m Buffer Zone

- 6.48 The adopted Sandymoor SPD states that in order to protect Sandymoor Woodland a minimum standoff distance of 15m between the tree canopy and any buildings must be implemented and maintained. The Council's Open Spaces Officer has advised that the proposed development should respect this standoff.

- 6.49 The purpose of the 15m buffer is primarily to protect roots of the trees in the ancient woodland (source - Natural England Guidance: Ancient woodland, ancient trees and veteran trees: protecting them from development).

- 6.50 It should be noted that previous developments on the site have already infringed the 15m standoff distance. An area of the Site (adjacent to Pitts Heath) has been used for the Sandymoor temporary school and playing field. This scheme resulted in this part of the Site being cleared, hardstandings laid and the boundary with the woodland being fenced. The existing Sandymoor Community Hall and properties to the west of Sandymoor Wood along Seaton Park are within the 15m stand-off distance between the tree canopy. These facts are relevant when assessing the potential harm to the woodland from the proposed development as the context for assessing harm is one where development has already occurred on the woodland edge. That is not to say that the protective policies should be disregarded. The test in paragraph 175 of NPPF requires an

assessment of any loss or deterioration of irreplaceable habitat that would be caused by the development, therefore the current condition of the development and woodland interface is a significant factor in that assessment. The Arboriculture report submitted in support of the application states that 850sqm of vegetation will be cleared from the 15m buffer zone. The remaining area of the Site within the 15m buffer zone has already been previously cleared to make way for the temporary school and community hall and in this regard, there value of maintaining a full 15m buffer zone along the boundary has been significantly reduced

- 6.51 Specific aspects of the development will not comply with the SPD's suggested stand off distance of 15m. These positions are limited to points along the southern boundary of Sandymoor Wood. The north western edge of the Site, which will see clearance of a 350 sqm area of vegetation within the 15m buffer zone. The eastern side of the Site will see clearance of an area of approximately 500 sqm within the 15m buffer zone. The scheme will result in the loss of some trees within the 15m stand off zone. There is also potential for an impact on the canopy and root protection areas that overlap from the neighbouring land onto the development Site.
- 6.52 The consequence of developing within the 15m buffer zone will lead to:
- reducing the amount of semi-natural habitats next to ancient woodland
 - potentially damaging root systems
 - potentially increasing the amount of pollution, including dust
 - increasing disturbance to wildlife from adjacent activity
 - potentially increasing light or air pollution
 - changing the landscape character of the area
- 6.53 Given the strong guidance, considered above, options to avoid any loss or deterioration of habitat have been considered, including a revised local centre scheme and the availability and suitability of alternative sites for a local centre.
- 6.54 Sandymoor Wood – Other Objections
- 6.55 The Woodland Trust have objected to the proposed development based on concerns regarding noise, light and dust pollution as well as trampling and other human activity; fragmentation as a result of destruction of adjacent semi-natural habitats and changes to the hydrology altering ground and surface water.
- 6.56 Both Natural England and the Merseyside Environmental Advisory Service have no objection to the proposed development at the time of consultation, which was prior to the inclusion of Sandymoor Wood on Natural England's ancient woodland inventory.
- 6.57 Several measures have been recommended to reduce the likelihood of impacts to the woodland and also to alleviate The Woodland trusts's concerns regarding the proposed development. Lighting will be designed to reduce light spill onto the woodland and lighting after darkness will be minimised. Light machinery will

be used within a 10m buffer of the woodland site boundary to avoid compacting soils. Integrated bat bricks will be installed within the build of proposed buildings to provide rooting opportunities. Geotechnical investigations confirm that there are no likely adverse hydrological changes or flooding issues. It is noted that there are three existing public entrances into the wood from the adjoining land which lead onto a network of surfaced paths through the wood. The development is unlikely to lead to significant increases in visitor numbers, therefore the risk of damage and disturbance to the woodland arising from visitors to the proposed development is unlikely.

6.58 Sandymoor Wood - Alternative Scheme and Sites

6.59 Following objections from the Woodland Trust, and the inclusion of the wood on the ancient woodland inventory, the developer put forward a variation of the scheme to maintain a 15m stand-off distance from the woodland.

6.60 This revised scheme was not acceptable to the Local Planning Authority or the Highway Authority for the following reasons:

- The layout was of a poor design and not well connected.
- The layout was poor in designing out crime and of poor quality
- The revised layout would not have resulted in acceptable relationship with the open spaces
- The proposed car parking format was poor
- Servicing is an issue and bin locations would be highly visible

6.61 The revised scheme had too many compromises in terms of quality, layout and public safety concerns for this scheme to be considered deliverable by both the Local Planning Authority and the Highways Authority.

6.62 No suitable alternative sites are available within the area surrounding the allocated local centre site. The wider local centre site already provides a community centre, a compatible use with the local centre. The allocated primary school site needs to be retained for a future primary school. The requirements of parking, playing fields and outdoor facility space, together with a secure site perimeter, results in a need for a larger site than the local centre site could provide. Swapping the locations of the local centre and primary school is therefore not feasible. The Village Green area is a central feature of the design of Sandymoor and the network of active travel routes connect into it. It is now well established and housing units have been sold overlooking this space. The Village Green is not considered a suitable alternative site for the local centre.

6.63 Alternatives locations for a different local centre site have been explore (at Sandymoor South and Wharford Farm), but would not be central to the Sandymoor residential area, would be a considerable distance from existing properties, and would also be many years away from delivery. The existing community has already waited a substantial amount of time (over 15 years) for the delivery of a local centre on the allocated site.

6.64 Sandymoor Wood - Public Benefits

6.65 The Sandymoor residential area is a plan led development. The area was allocated by the 2005 Unitary Development Plan and has now been partially developed out. Many homes on Sandymoor have been sold to private individuals, and the statutory development plan has indicated to purchasers that a local centre will be provided on the site identified on the UDP Proposals Map and in the adopted Sandymoor SPD.

6.66 At a strategic policy level, Sandymoor is a strategic housing site planned as a sustainable urban extension with statutory development plan support in the UDP, Core Strategy and emerging DALP. Local centre facilities are a key component of successful housing areas as they provide residents with access to the goods and services required on a daily basis via sustainable transport modes.

6.67 A local centre on the Site was consented in outline back in 2004. Homes England have been searching for a delivery partner to construct the local centre since that time. Previously, other developers have entered into arrangements with Homes England to deliver the local centre but these have not come to fruition.

6.68 Therefore, there are very strong, legitimate, expectations of existing Sandymoor residents that the statutory development plan system will provide a local centre on the site that has been allocated.

6.69 The scheme is considered to provide essential community and social infrastructure that is critical to Sandymoor succeeding as a sustainable urban extension, which provides a significant amount of new housing for the Borough. The proposal therefore provides a significant amount of public benefit.

6.70 Sandymoor Wood – Mitigation & Compensation Strategy

6.71 The applicant has proposed compensation and mitigation measures to address the loss of habitat caused by the infringement of the 15m buffer zone.

6.72 These measures can be included in the Construction Environmental Management Plan, which will be secured by condition.

6.73 A suitable compensation strategy has been proposed by the developer and consists of:

- planting new native woodland species on a 717sqm of the development
- seeking to connecting veteran trees separated by development with green bridges
- planting individual trees that could become veteran and ancient trees in future
- monitoring the ecology of the site over a 3 year period

6.74 The developer has proposed the following mitigation measures:

- putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution
- noise and light reduction measures
- root protection zones during construction
- Providing a payment to the Woodland Trust to be used for woodland management, monitoring the development, improving the condition of the woodland, and identifying and protecting trees that could become ancient and veteran trees in the future

6.75 Sandymoor Wood - Conclusion

6.76 There is obvious conflict within and between elements of the development plan (for example GE22, TC1 and H1) and the relevant material considerations. The NPPF and SPD are very significant material considerations and are clear the woodland and a 15m stand-off distance should be protected. However, it is also clear that the development plan allocates the Site for housing alongside a Local Centre use, and the masterplan shown within the SPD indicates that the relationship between the development and woodland would have close proximity to each other.

6.77 Given the plan led system, the associated commitment to the local community for the delivery of a local centre in this location, the critical dependency of this sustainable urban extension on local facilities, together with a lack of alternative sites, there are wholly exceptional reasons for the proposed development to be permitted. In this case, the public benefit would clearly outweigh any potential deterioration of habitat caused by the infringement of the 15m standoff distance from the woodland canopy in certain places along the woodland boundary.

6.78 The compensation and mitigation strategy offered by the developer is provided as a last resort, alternative sites have been considered, as has a revised scheme.

6.79 Whilst the identified harm to this habitat is regrettable and a degree of risk remains relating to the deterioration of the woodland's fringe, this must be balanced against the overall public benefits of the social and community infrastructure provided through this local centre and housing allocation identified in the statutory development plan.

6.80 Viability

6.81 The applicant has provided the following documents:

- Application Scheme Draft Development Appraisal Prepared by TDC Nov 2019
- Viability Scheme Draft Development Appraisal Prepared by TDC Nov 2019.

6.82 Upon review of these documents, the professional advice received is that a reduction in unit numbers to allow the full 15m standoff distance to be achieved

along the full boundary length would negatively affect the viability of the scheme to such an extent that would not enable the development to proceed. This conclusion is backed up by the land owner, a public body, Homes England, who have provided a statement indicating that scheme viability is substantially harmed by the reduction of housing numbers.

- 6.83 The identified housing allocation (site 406/31) on the Site has a specified density of 32 units per hectare and a capacity of 12. The current scheme provides only 5 bungalows in this area. The size of the apartment block would also have to be substantially reduced to accommodate the 15m standoff distance.
- 6.84 Homes England have indicated that the scheme is considered by them to be viable and reflective of what the market can deliver. Any significant amendments to the scheme would impact viability, leading to the withdrawal of the developer. In these circumstances Homes England would need to retender the local centre opportunity, with a real risk of Homes England being unable to find a developer to deliver the local centre development. It should be noted that a previous local centre scheme for the Site, promoted by a different developer, failed to be deliverable due to an over reliance upon retail and community facilities, rather than a scheme that included a stronger housing element.
- 6.85 Ultimately, the Local Centre must be provided on a commercial basis in order to fund future phases of Sandymoor, and the associated required infrastructure. and the scheme includes appropriate land uses for a local centre that will ensure the local centre is economically viable to be provided by a developer on a market basis. An element of housing development is required to finance the schemes and wider benefits. The developer has provided a viability appraisal that demonstrates the scheme is not viable without the full quantum of development set out in the submitted scheme.
- 6.86 Ecology
- 6.87 The application is supported by the following documents
- Habitat Regulations Assessment – Screening (HRA), Urban Green, August 2018
 - Ecological Assessment (EA), Urban Green, July 2018, ref:11834-01
- 6.88 The Council's retained ecology advisor, Merseyside Environmental Advisory Service (MEAS) have been consulted, given that the site is in close proximity to the Mersey Estuary SPA and the Mersey Estuary Ramsar Site which are European sites protected under the Habitats Regulations 2017. Policy CS20 of the Halton Core Strategy also applies.
- 6.89 The MEAS Ecologist has advised that given the small-scale of the construction, when taken into account with the distance to Mersey Estuary and lack of functionally linked land in the urban fringe vicinity, significant impacts are

unlikely. The consultant is in agreement with the conclusions drawn in the Habitats Regulations Assessment submitted by the applicant.

- 6.90 The development site is located adjacent to Sandymoor Wood Local Wildlife Site (LWS) and Dorchester Park Local Nature Reserve (LNR) and LWS, and Lodge Plantation LWS. The Merseyside Environmental Advisory Service Ecologist has advised that the development is unlikely to harm the features for which the sites have been designated. The site is already subject to recreational pressure from walkers and dog walkers and any increase will not be significant. Dorchester Park and Lodge Plantation are located at distances considered too great to be impacted by the proposed development
- 6.91 There is potential for noise and light disturbance from construction to impact on the southern border of the woodland. A condition for the submission of a Construction Environmental Management Plan (CEMP) will manage and mitigate the main environmental effects during the construction phases of the proposed development.
- 6.92 Sandymoor Wood is adjacent to the site and may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of this area. MEAS have advised that a lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitat in line with NPPF (paragraph 108) in line with recommendations of the Ecological Assessment, this can be secured by condition.
- 6.93 Bird nesting boxes will be erected on the site, in line with recommendations in the Ecological Assessment. This can be secured by condition.
- 6.94 MEAS also originally advised a condition requiring a pre-commencement check for badgers and hedgehogs to comply with the Protection of Badgers Act 1992 and the Natural Environment and Rural Communities Act 2006, however the paragraphs below address this point.
- 6.95 Supplementary comments from MEAS received on the 19th September 2019 provided in response to the 2nd round of consultation advised that the amended site plan and Arboricultural Impact Assessment require additional ecological assessment and provided further advice that needed to be taken into consideration.
- 6.96 These comments were passed on to the applicant and further information was provided within the Arboricultural Technical Note dated September 2019. The MEAS consultant has reviewed the new information and has advised that the site has interest features which include ancient semi-natural woodland and is valuable for a range of species, including lesser spotted woodpecker and purple hairstreak butterfly. The submitted tree survey of the southern edge of the Local Wildlife Site concluded no ancient trees, with the majority being early mature. Habitat for lesser spotted woodpecker within this area was also classed as suboptimal.

- 6.97 In conclusion the MEAS consultant has advised that despite encroachment from the development meaning a loss of habitat, the areas of loss are not significant, not of high biodiversity value in line with the citation and will not lead to irreplaceable loss of habitat.
- 6.98 Mitigation to improve the quality of habitat in the woodland is therefore appropriate and can be secured by condition and reasonable avoidance measures for protection of badgers can be managed within the Construction Environmental Management Plan.
- 6.99 Natural England have also been consulted and has advised that based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.
- 6.100 It is also advised that all works comply with current bird nesting legislation (Wildlife & Countryside Act 1981 Part 1 Section1 (1) with amendments). This information will be attached as an informative.
- 6.101 On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to Policy GE21 of the Halton Unitary Development Plan.
- 6.102 Highway Considerations
- 6.103 The Council's Highway Officer has provided comments based on the drawing number AA7504 2002 Rev P. The site is considered suitable for the proposed use and the applicant has given due consideration to the potential impact on the existing highway network. Space has been provided within the site for parking, circulation and servicing and no significant impact on road safety or operational capacity is expected.
- 6.104 The proposed scheme has undergone several alterations throughout the planning process with the Highway Authorities advice sought on the various revisions. Access to the site will be as existing, taken off Pitts Heath Lane via the existing un-adopted horseshoe road arrangement utilising a formalised one-way system with an emergency bollarded link onto Biggleswade Drive. The existing bollards at the end of Biggleswade Drive will be retained as existing and this will be secured by condition.
- 6.105 A signage and road marking strategy is requested to be developed and submitted for approval to ensure that access to the site and deliveries are legible. Although Otterburn Street will remain a private road, the Highways Officer has also recommended that a series of road safety audits be undertaken to ensure public safety is fully considered where vehicles and pedestrians interact to ensure compliance with Policy TP7 of the Halton Unitary Development Plan.

- 6.106 The application has been supported by a Transport Assessment, December 2018, ref:2356 Issue 1.
- 6.107 It should be noted that the general site layout has evolved since the submitted report was produced and the access arrangements have now changed in that the existing horseshoe road alignment off Pitts Heath Lane is to remain. This change does not result in a material change to the number of movements or operation of the highway, but will need to be considered in terms of the signage strategy and road markings mentioned above.
- 6.108 The detail contained within the assessment is an accurate reflection of the proposed impact of the development. The trip generation and distribution is proportionate to a development of this scale and nature, and the assessment of impact raises no highway concerns.
- 6.109 Additional tracking diagrams have been received to reflect the latest layout and have been accepted as superseding those within the appendices of the original document.
- 6.110 Given the potential number of trips generated by customers, residents and employees, the Highways Officer has recommended that the applicant submits a travel plan for approval prior to the development being brought into use to promote sustainable modes of travel. This travel plan should be managed and updated throughout the life of the development.
- 6.111 As the proposal is a mixed use development with shared parking provision, the Highways Officer have considered each element utilising the maximum parking standards contained within the Halton Unitary Development Plan document.
- 6.112 The 5 bungalows to the north of the development are a standalone aspect and are served by two car parking spaces each, meeting the desired standard.
- 6.113 The 395 sq.m A1 foodstore would require 22 spaces, the 241 sq.m of A1 retail units would require 12 spaces, as would the A5 units. In terms of the D1 nursery provision no employee details have been provided and therefore an assumption of 3 staff members per room has been used giving a requirement of 21 spaces (including 3 visitor spaces). The maximum requirement for the C3 apartments (mix of 23 x 2 bedroom and 20 x 1 bedroom) with an open tenure would be 50 spaces. For completeness the Highways Officer has considered the existing community hall as D1 public hall with a maximum requirement of 30 spaces.
- 6.114 Provision has been made for accessibility sized bays with a suitable percentage marked for the use of disabled users.
- 6.115 The cumulative total maximum number of car parking bays for the development has been calculated to be 147 spaces, with the number of proposed spaces on site being 132. Given the potential for linked trips and differing peak demand

times for the individual units, the shortfall of 15 spaces on balance is considered to be acceptable, with particular regard given to Policy TP12 of the UDP.

- 6.116 Given the scale of the development and the mixed use nature, the Highways Officer has advised that a car parking strategy be put in place by the developer's management company to ensure adequate measures of control to ensure safe operation whilst meeting the differing demands of the users.
- 6.117 It is noted that there is no mention of parking fees within the submission and the Highways Officer has raised concern over the potential for charging implementation during the life of the development, without prior approval by the Local Planning Authority. The reason for this is to mitigate impact of potential displaced car parking to avoid charges.
- 6.118 The development should promote the use of electric vehicles via provision of suitable charging facilities, further guidance can be found in the document produced by the Liverpool City Region – 'Electric Vehicle Strategy'. Specific regard should be paid to section 3.2.2 Table 3 "Min. provision of parking bays and charging points in new developments". The provision of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved within the scheme and is something that has previously been discussed with and requested from the applicant/agent. A condition requiring details of EV charging points for vehicles prior to commencement of works and the subsequent implementation prior to the development being brought into use is considered reasonable.
- 6.119 Although cycle parking is shown, there is no detail with regards to the type of provision. Sheffield style stands are suitable for short term use but longer dwell times would require covered, secure and overlooked provision to encourage the use of cycles for commuting. Details of cycle storage can be secured by a suitably worded condition to comply with Policy TP6 of the Halton Unitary Development Plan.
- 6.120 Suitable provision has been made within the service yard to turn a large articulated delivery vehicle although a carefully considered management plan would be required to ensure all the end user needs can be met. It is also noted that staff parking has been provided within the service area which will need to be suitably managed.
- 6.121 Tracking diagrams have been provided for the community hall and apartment block to demonstrate that a large refuse collection vehicle can reach a point that will allow suitable drag distances for bins. It is noted that tracking information has been submitted for a vehicle to gain access to the rear of the existing community hall. This movement would require an area of grass to be replaced by a surface that is suitable to carry large vehicles. As the community hall is excluded from the red line planning boundary the Highway Officer is unclear of the exact nature of the proposals and therefore have only accounted for servicing from the car park south of the hall.

6.122 Given the existing use of Otterburn Street by users of the Community Hall and by pedestrians in wider terms including a walking route to school a detailed construction phase management plan should be submitted prior to the commencement of work with detailed phasing set out. The plan would need to ensure the safety of users of the existing amenities and adjacent highway.

6.123 Greenway Network

6.124 The site is well connected to the wider area by good quality pedestrian links and has access to bus services along Pitts Heath Lane. There is a requirement to provide a formalised greenway connection to the south of Otterburn Street connecting Pitts Heath Lane and Biggleswade Drive, taking the form of a 3m shared use cycleway/footway connection. The greenway link should be constructed and open to use by the public prior to the development being brought into use.

6.125 Amended plans have been received incorporating the red line boundary expansion to include the requested pathway connecting to existing infrastructure along the south border of the application site. This element of the scheme will be secured under a Section 106 Agreement, to comply with UDP Policies TP9 and TP7.

6.126 Protection of Community Facilities

6.127 Policy LTC5 of the UDP relates to the protection of community facilities and defines a community facility as an essential element of local life and somewhere that provides a venue for a wide range of community activities such as sports clubs, youth clubs, interest groups, playgroups, community groups and general leisure activities. Community Facilities are particularly important elements of residential areas, providing a focus for local people and generating a feeling of community spirit and sense of place. Sandymoor Community Hall provides a popular community use within the locality.

6.128 Policy LTC5 states that development that would result in the loss of community facilities will not be permitted if they serve an important local need unless a replacement facility or equivalent community benefit is provided by the developer in a no less convenient location. The proposed development would not result in the loss of a community facility as there is no change proposed to the footprint of the existing community hall. There is no physical change proposed to the existing Sandymoor Community Hall, it can continue to function and provide the facilities used by a wide range of organisations from public, private and voluntary sectors and therefore the proposed development does not conflict with Policy LTC5.

6.129 The existing Sandymoor Community Hall is landlocked. The applicant has provided the Land Title document (CH540813) which confirms that the "Community Centre" has the right to pass on foot and with motor vehicles (as

appropriate) over and along such access road and/or footpath constructed on the land, and are designated from time to time for this purpose at the discretion of the owner of the property. An objection was received stating that the developers have no right to change the existing access to the Community Hall, however the information provided confirms that the property owner (of the land surrounding the Community Hall) can relocate the accesses to the Community Hall which they have done in the revised scheme.

- 6.130 There is an area of informal hardstanding to the front of the existing Community Hall which the users of the hall and local meeting groups utilise. It should be noted that this area of land currently used for car parking is not within the ownership of the Community Hall. Concerns have been raised regarding restricted and limited parking provision for Sandymoor Community Hall. Parking provision has been addressed in the Highway section of this report. Tracking diagrams have been provided to confirm the ability for the Community Hall to accept deliveries and continue to be serviced.
- 6.131 Sandymoor Community Hall has raised a number of objections to the proposed development together with concerns regarding the Hall's viability and loss of income that would stem from the provision of a new purpose built nursery which would be in direct competition with the existing Sandymoor Pre-school that has operated from the Community Hall since 2003. This is not considered to be a material planning consideration as it is an issue of competition. In the unfortunate case that the existing nursery would cease operation, the Community Hall would still be available for hire, or would even provide an opportunity for new or existing groups to utilise the available time slots; the Community Hall could still continue to function.
- 6.132 Representations commenting on the close proximity of the windows on the proposed residential apartment block have been received raising concerns regarding overlooking, in particular over the open space surrounding the Community Hall which is utilised occasionally by the Sandymoor Pre-school for outdoor play space. The proposed new windows on the apartment block would maintain a 23m interfacing distance between the Community Hall building which exceeds the policy guidance of 21m to protect the amenity of occupants and neighbouring parties. In addition to this, the land surrounding the Community Hall is not private amenity space, but instead is a community facility and shared space. There is no screening provided by the existing fencing.
- 6.133 Objections state that the close proximity of the residential apartment block to the Community Hall would result in noise complaints being made against the Hall, which would result in restrictions on future community hall events due to licence issues, which in turn would also affect the viability of the Hall. This is addressed in the Noise Section below.
- 6.134 The proposal is capable of demonstrating compliance with the development plan having particular regard to Policy LTC5 of the UDP.

6.135 Noise

6.136 The application is supported by the following document -Noise Impact Assessment Report, Sandymoor District Centre, Hann Tucker Associates, ref: 26504/NIA1, Dated 22 Feb 2019.

6.137 Comments from Environmental Health (EH) regarding noise highlight the impact that noise from the delivery yard will have on the 5 bungalows during overnight deliveries. The submitted report has assumed that deliveries will be limited to one overnight delivery, and that without any mitigation this will result in an increase in noise levels of +11dB. Further mitigation has therefore been proposed in the way of an acoustic fence, which will reduce the noise levels by 10dB. The acoustic report also refers to best practice guidance with regards to noise from deliveries. On the basis that an acoustic fence (to the specification identified within the report) is put in place and operates to best practice there are no objections from EH on noise grounds. A condition is suggested to secure the provision and retention of an acoustic fence along the rear boundary of the bungalow properties to comply with UDP Policy PR2.

6.138 Concerns have been raised during the public consultation by members of the public and the existing Sandymoor Community Hall regarding noise levels during events held at the existing Sandymoor Community Hall and the impact that might have on the proposed residential properties, specifically the proposed apartments, resulting in noise complaints and restrictions on future community hall events. Information has been provided by the Community Hall specifying a catalogue of events held at the community hall. Details provided include the frequency of events, capacity and timings. Indicative noise level readings have also been submitted. However, there is no evidence of ever receiving a complaint of excessive noise from any of the events held on the Community Hall's property, bearing in mind that there are currently residential properties within the vicinity. Therefore historic noise complaints are not a valid ground of objection to the scheme. Premises engaged (pubs etc) in regulated entertainment within close proximity to residential properties are regularly located within housing estates, and it is for the premises to adequately manage the events to prevent noise problems.

6.139 Environmental Health is satisfied that the existing Sandymoor Community Hall could continue to operate, without causing undue disturbance to their proposed residential neighbours, by managing the events responsibly. The proposal is considered compliant with Policies PR2 and PR7 of the UDP.

6.140 Provision of childcare

6.141 Policy LTC6 of the Halton Unitary Development Plan sets out the criteria that will apply to Children's Day Care Provision. The proposed nursery is of an adequate size with appropriate outdoor facilities to provide a satisfactory environment for children. The outdoor play area is separate from any car park or servicing area and so satisfied the criteria for highway safety.

6.142 Parent and child parking spaces are provided within close proximity to the nursery entrance for adequate dropping-off and pick up arrangements. There are good pedestrian links and the site is accessible by public transport off Pitts Heath Lane. On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy LTC6 of the Halton Unitary Development Plan.

6.143 Hot food takeaway

6.144 Two hot food takeaway units are proposed within the scheme and therefore the Hot Food Takeaway Supplementary Planning Document applies.

6.145 The takeaways are proposed within a defined Local Centre as listed in Appendix 5 of the Hot Food Takeaway SPD and in accordance with HFT1, the hot food takeaways would not result more than two units or 10% of the total ground floor units being a hot food takeaway.

6.146 HFT2 states that planning permission for hot food takeaways will only be granted provided that they are located beyond a 400m exclusion zone around any school or playing fields and children's play spaces. However, exceptions to this are defined Town, District and Local centres. As the application site is a designated Local Centre, the site is excluded from the 400m exclusion zone.

6.147 The proposal for two hot food takeaway establishments is considered to be in line with the guidance set out within the Hot Food Takeaway Supplementary Planning Document and is therefore acceptable in principle. A condition will be attached to any subsequent decision restricting the hours of operation.

6.148 Affordable Housing

6.149 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. Affordable housing will be sought at 25% of the total residential units proposed.

6.150 Information has been provided in support of the application confirming the proposed scheme is part of Livv Housing Group's Shared Ownership and Affordable Housing Programme and will contribute to Halton Council's most recent Housing Strategy.

6.151 The proposed 43 'Retirement Housing Apartments' will consist of 23x two bedroom units and 20x one bedroom units and communal facilities comprising lounge with kitchenette, communal gardens and buggy store. There will also be a manager's office, to provide support to residents.

6.152 Summary of affordable housing provision:

- 43 apartments for affordable rent

- The 5 proposed bungalows are for shared ownership.

6.153 The proposed scheme therefore exceeds the affordable housing requirement and therefore on that basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Core Strategy Policy CS13. The provision of the affordable housing will be secured by condition.

6.154 Open space

6.155 The requirements for the provision of recreational greenspace within new residential developments are set out in Policy H3 of the UDP.

6.156 No on-site open space provision is being proposed by the applicant and therefore the scheme is considered deficient with regards to open space provision when measured against UDP policy H3.

6.157 In accordance with the Council's adopted Provision of Open Space Supplementary Planning Document (SPD) financial contributions would normally be required for off-site provision.

6.158 There is provision in the policy for exceptions to on-site requirements. The applicant has provided a statement confirming that the proposals are to provide 100% affordable housing and as such additional costs can affect the viability of a scheme and the ability for planning gain to be secured through the scheme. The site is also in close proximity to Sandymoor Village Green which provides significant green space and recreational functions.

6.159 Given the viability position, it is not considered that contributions for open space can be justified in this case.

6.160 Ground Contamination

6.161 The application is supported by the following document: Combined preliminary risk assessment and geo-environmental assessment, ref 18-0914.01, Delta-Simons Ltd, November 2018.

6.162 The report details the findings of a desk study and site reconnaissance, and an intrusive site investigation based upon the preliminary risk assessment. The site is generally undeveloped, except for the period when it was used for the temporary Sandymoor School. Very few potential sources of contamination were identified, however the report recommended site investigation to assess the soil quality, with particular reference to the possibility of made ground as a result of the temporary use, and to determine any geo-technical constraints posed by the site conditions.

6.163 The site investigation comprised the drilling of shallow boreholes and the hand-digging of small trial pits. Samples of soil were taken for chemical testing and a

programme of ground gas monitoring undertaken (although the preliminary risk assessment determined that such monitoring was not necessary).

6.164 All the testing and analysis confirmed that the site can be considered uncontaminated and that no remedial measures are required to ensure the site is suitable for the proposed use. The Council's Contaminated Land Officer has advised that he is in agreement with the report's conclusions and has no objection to the proposed development and there is no requirement for further works. The proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR14 and Core Strategy Policy CS23.

6.165 Flood risk and drainage

6.166 The application is supported by the following document: Flood Risk Assessment, Sandymoor District Centre, Delta-Simons Project No. 18-0914.02, March 2019.

6.167 The Lead Local Flood Authority (LLFA) has indicated that the site is partly within Flood Zone 3 but benefits from flood defences, and therefore the proposed use is considered to be compatible. The site has some existing risk of surface water flooding and the LLFA has advised that this should be accounted for in final levels; development slab levels may need to be set in accordance with Environment Agency advice.

6.168 Originally, the proposed drainage strategy was still to be finalised and the Lead Local Flood Authority advised that pre-commencement conditions be attached to any decision to require submission of details and implementation of a sustainable drainage scheme and a verification report.

6.169 The following document was submitted on the 6th September 2019 following a revision of the proposed site plan and general arrangement: Sandymoor District Centre, Proposed Drainage Strategy, SWF Consultants, Ref. CL8355, Dated 27.08.2019.

6.170 The Lead Local Flood Authority have been re-consulted on the submitted Proposed Drainage Strategy. They have confirmed that there is some outstanding information but this can be secured by condition.

6.171 The Environment Agency have been consulted on the submitted Flood Risk Assessment (FRA). Comments received advised that the FRA is considered acceptable in principle and that the proposed development will only meet the requirements of National Planning Policy Framework if flood resilient construction methods are incorporated in the proposed development. No specific details of such methods have been provided, however the Environment Agency has suggested an appropriately worded condition and has advised that this would ensure compliance with Policy PR16 of the Halton Unitary Development Plan.

6.172 United Utilities advise that following the submission of additional information, the proposals are now acceptable in principle and suggested a condition relating to foul water and surface water drainage.

6.173 Waste Prevention / Management

6.174 Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application.

6.175 The proposal involves major construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

6.176 In terms of waste management, the applicant has demonstrated the proposed locations for bin stores within the proposed nursery, apartment blocks, adjacent to the bungalows and within the service yard to serve the retail units. Swept path analysis have been submitted to support the application (DRAWING NUMBER: 2356-SP10) and demonstrate the acceptable movements of a Large Refuse Vehicle (3 axle) as well as access to enable collection.

6.177 It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.178 Designing Out Crime

6.179 The Designing for Community Safety Supplementary Planning Document outlines guiding principles which should be incorporated into new developments to achieve safer places.

6.180 Cheshire Police Designing Out Crime Officer has provided comments on the original proposed scheme and noted that the development meets the objectives set out in the National Planning Policy Framework (NPPF). The convenience store has good natural surveillance from Pitts Heath Lane and adequate secure provision should be made for the siting of an ATM.

6.181 Original comments highlighted that the open grass area at the front of the development provides an opportunity for this to become a gathering area. Amended plans have shown this space has been re-arranged to provide additional car parking spaces to address the original parking shortage thus addressing this point. Comments from the 2nd round of consultation for the submitted amended plans reiterate previous comments and advice an informative.

7.0 CONCLUSIONS

- 7.1 The proposal seeks to bring forward the development of a new Local Centre to provide community and social infrastructure that will serve existing and future residents of Sandymoor. The site is allocated for a proposed local centre and housing in the UDP supported by policies TC1 and H1 respectively.
- 7.2 The site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a mix of uses. The application proposes a mixed use of retail, residential and a new nursery facility which in accordance with Paragraph 92 of the NPPF ensures an integrated approach to enhance the sustainability of the community in the form of a working Local Centre.
- 7.3 The Core Strategy also states that the continued development of Sandymoor will be achieved by delivering residential units in line with outstanding consents including a new local centre and public transport connections.
- 7.4 The principle of the proposed development is considered to accord with the development plan.
- 7.5 Policy CS2 of the Core Strategy Local Plan and National Planning Policy Framework set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is considered consistent with the policies relevant to this site.
- 7.6 As discussed in the sections above, the proposed development would infringe standoff distance of Sandymoor Wood. Achieving compliance with the guidance set out within the Sandymoor SPD to maintain a 15m stand-off distance along the full woodland boundary would compromise the viability of the development, with a genuine concern, based on previous unsuccessful schemes, that a local centre would not be delivered. It is considered that there are significant public benefits arising from the provision of the long awaited and much needed local amenities as part of this plan led, sustainable development that out weight the harm caused to Sandymoor Wood and the mitigation/compensation that has already been outlined above.
- 7.7 The application is recommended for approval.

8.0 RECOMMENDATIONS

The application is recommended for approval subject to:

(a) The entering into a Legal or other agreement relating to securing financial contributions to woodland mitigation/ compensation and works to implement footpath along Otterburn Street.

(b) Conditions relating to the following:

1. Time
2. Approved plans
3. Site levels
4. Material details
5. Affordable housing
6. CEMP (MEAS requested)
7. Lighting scheme
8. Bird nesting boxes
9. Scheme of mitigation – MEAS – planting and bins
10. Retain bollards on Biggleswade
11. Signage and road marking strategy
12. Road safety audits
13. Travel plan
14. Car parking strategy
15. EV charging points
16. Cycle storage details
17. Construction phase management plan – phasing plan
18. Acoustic fence
19. Opening hours
20. Site waste management plan

9.0 INFORMATIVES

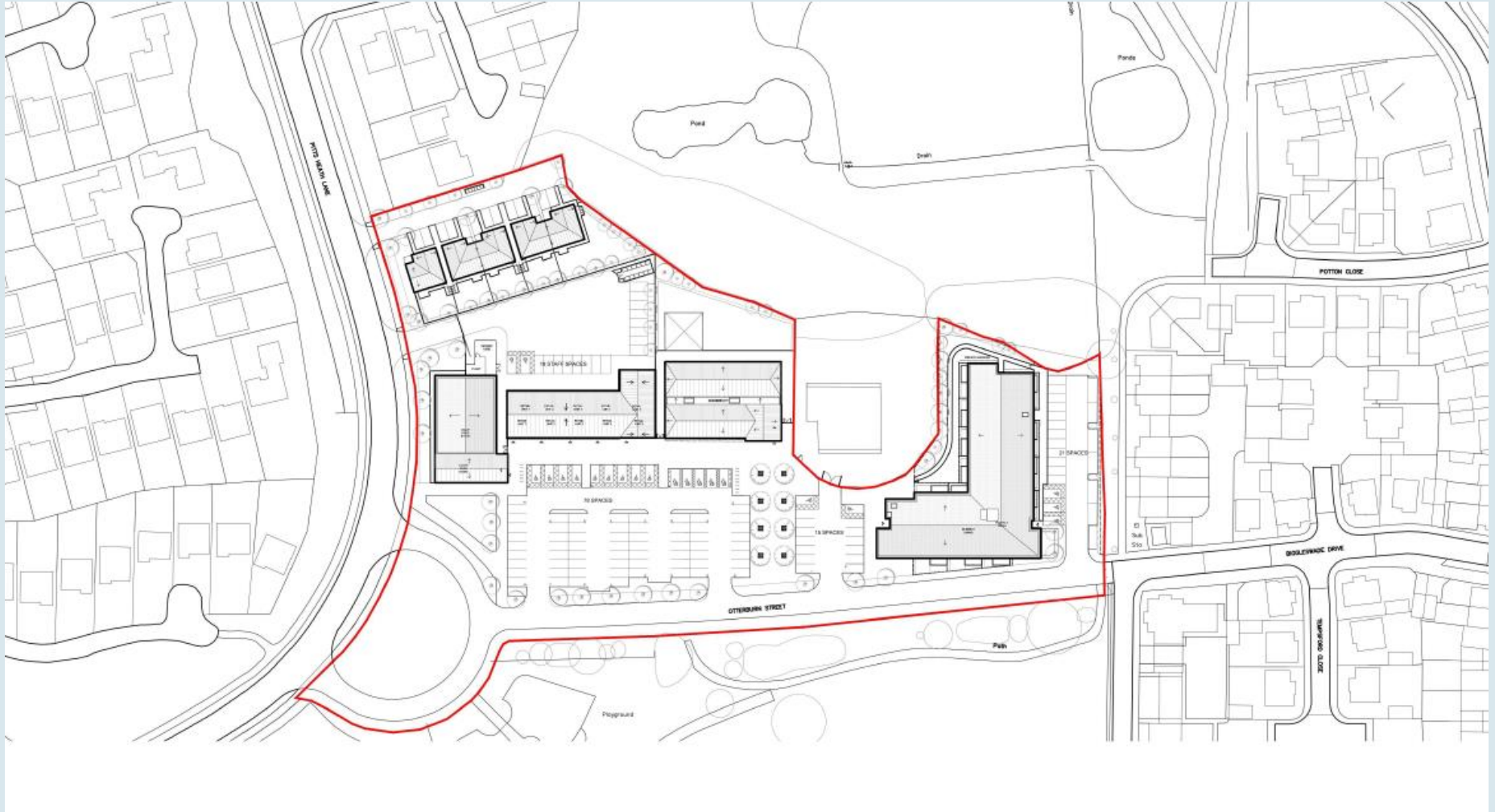
1. Breeding birds protection (Policy GE21)
2. Construction Method Plan and considerate constructors

10.0 SUSTAINABILITY STATEMENT

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).









ELEVATION 1



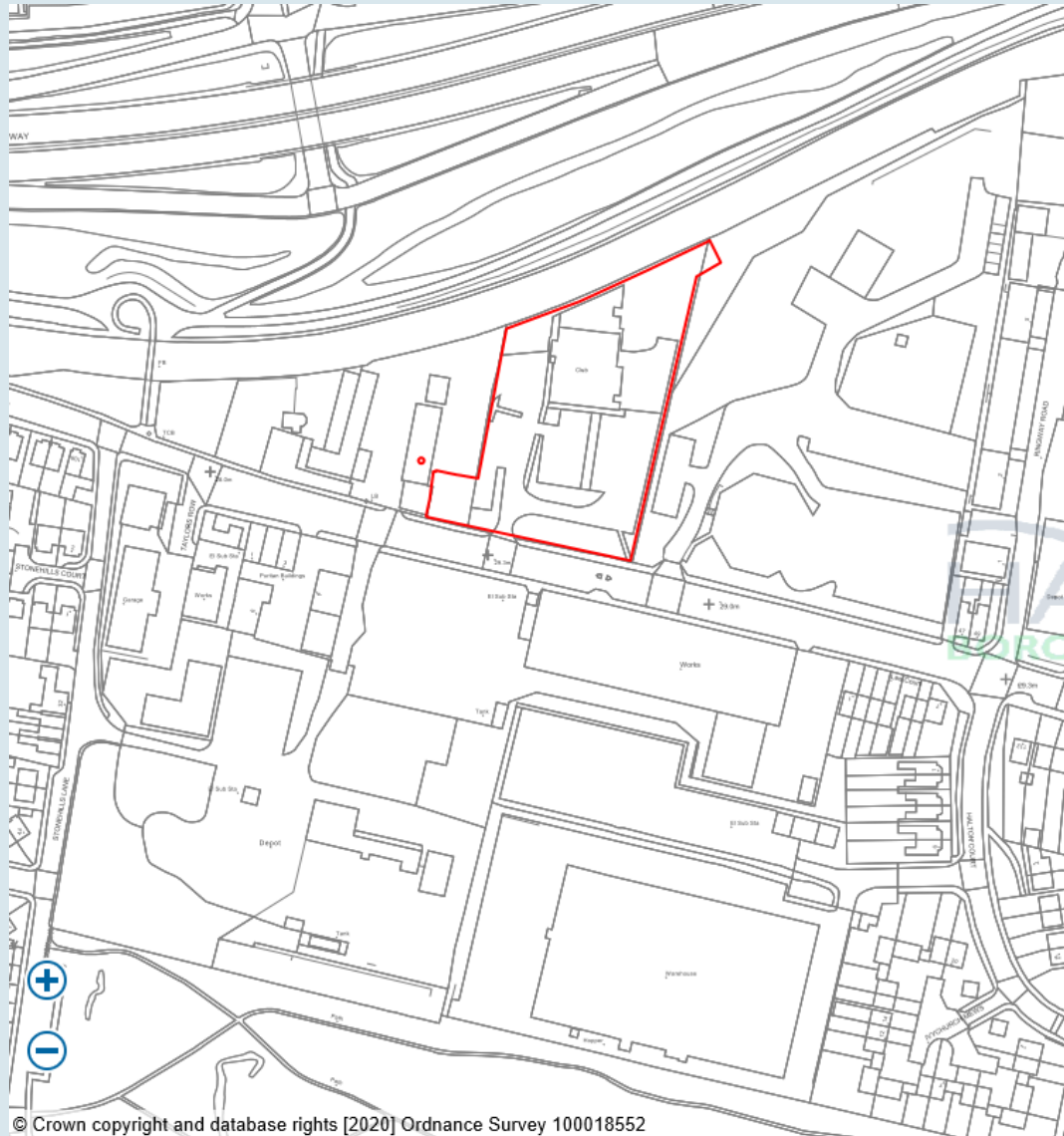
ELEVATION 2



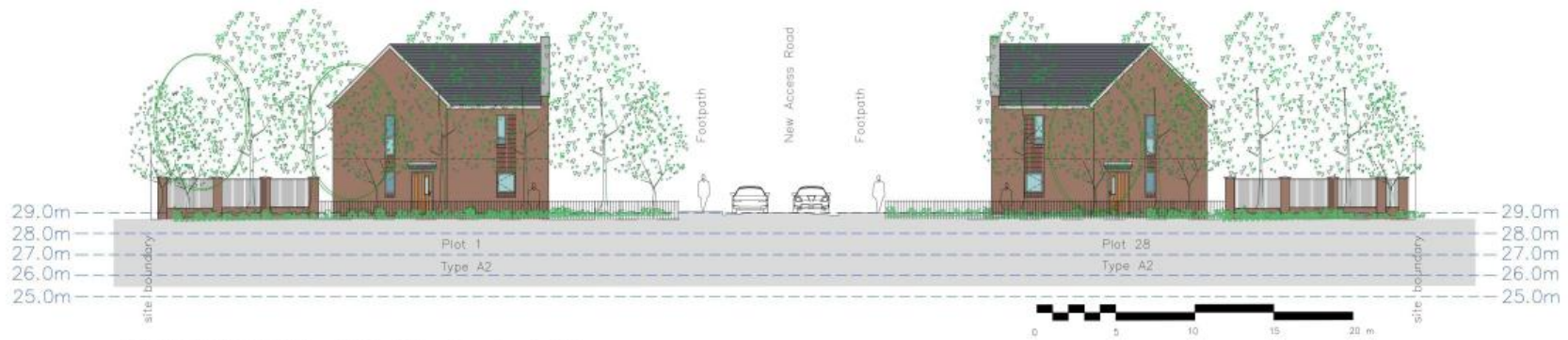








NOTES



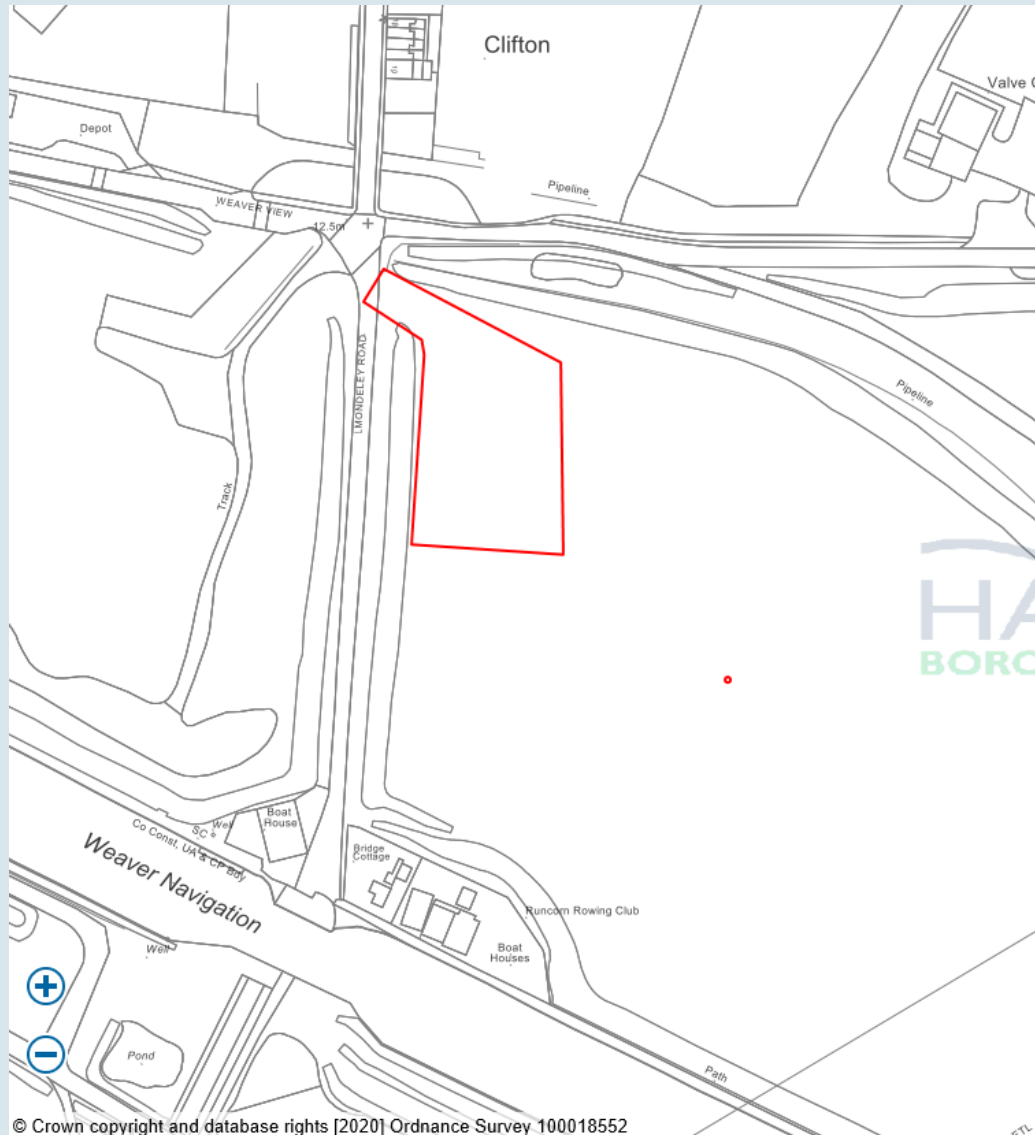
STREET ELEVATION (south) to Halton Road 1:100

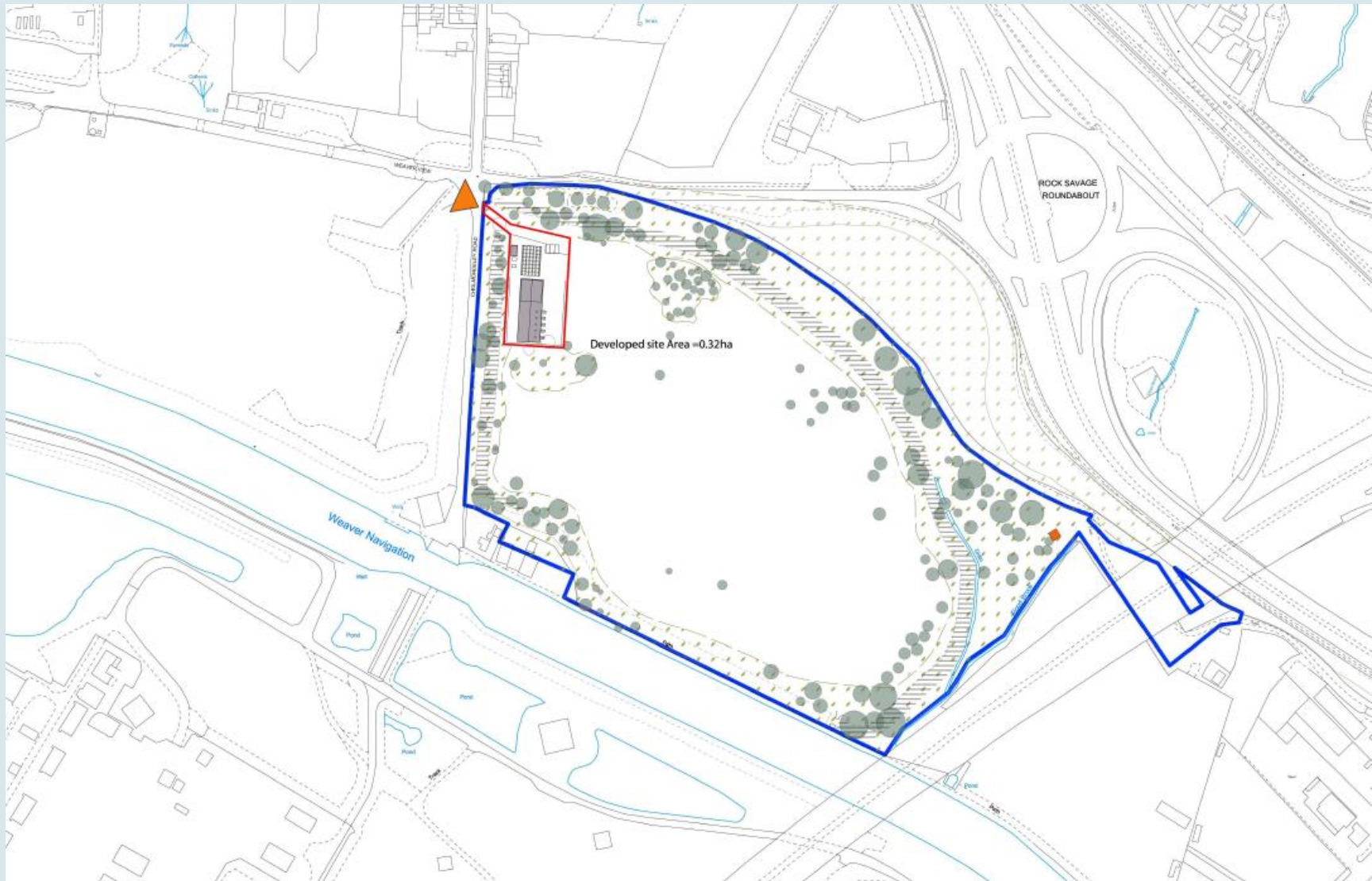


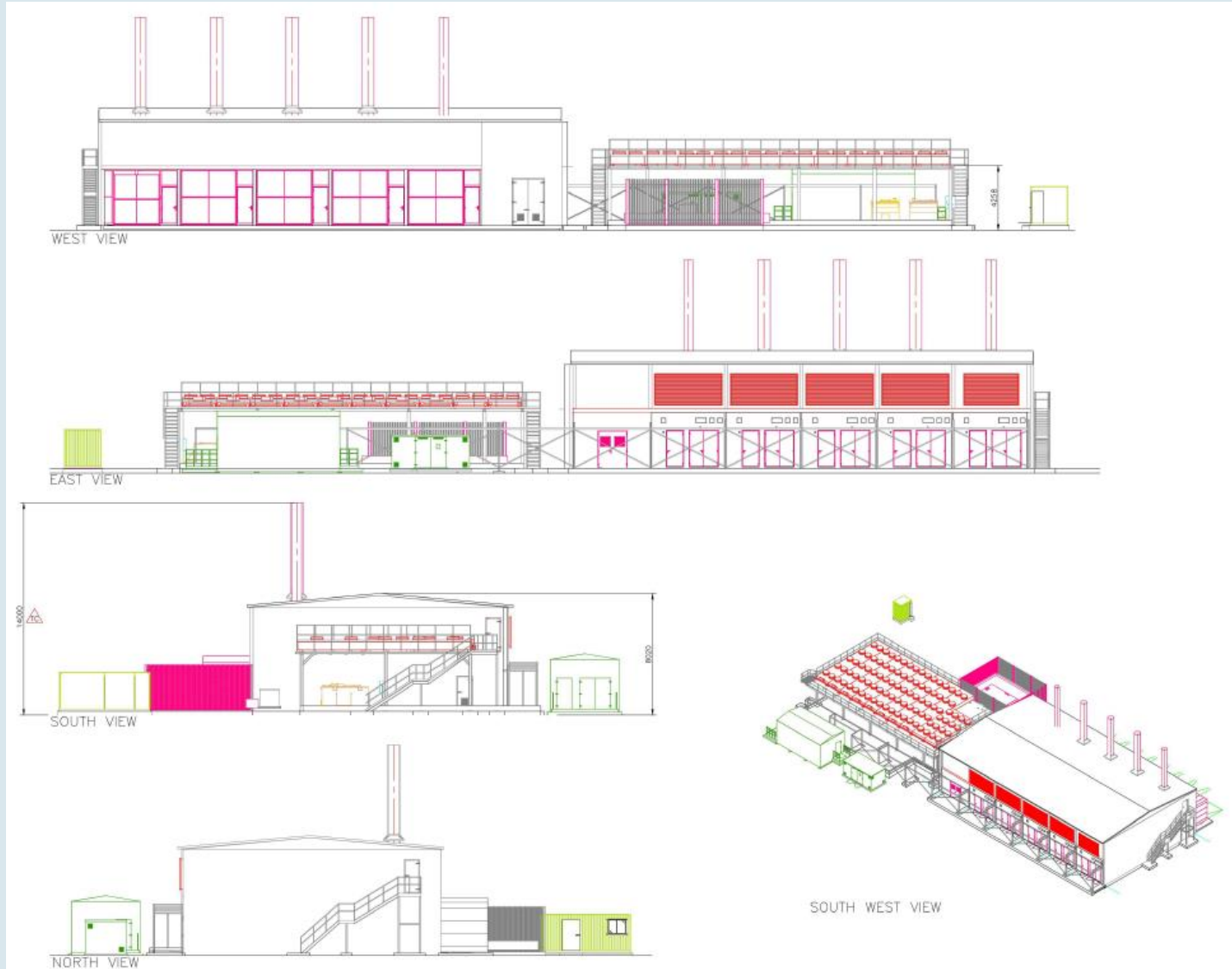
ELEVATION (north) to Canal 1:100

REVISION		DATE
TITLE Street Elevation and Elevation to Canal		
JOB HALTON ROAD - Canal Walks Site Runcton, WA7 9QS.		
CLIENT Riverside		
SCALE 1:100 @ A1 1:200 @ A3	REF NO. 1902-16A	DATE 14.06.2019

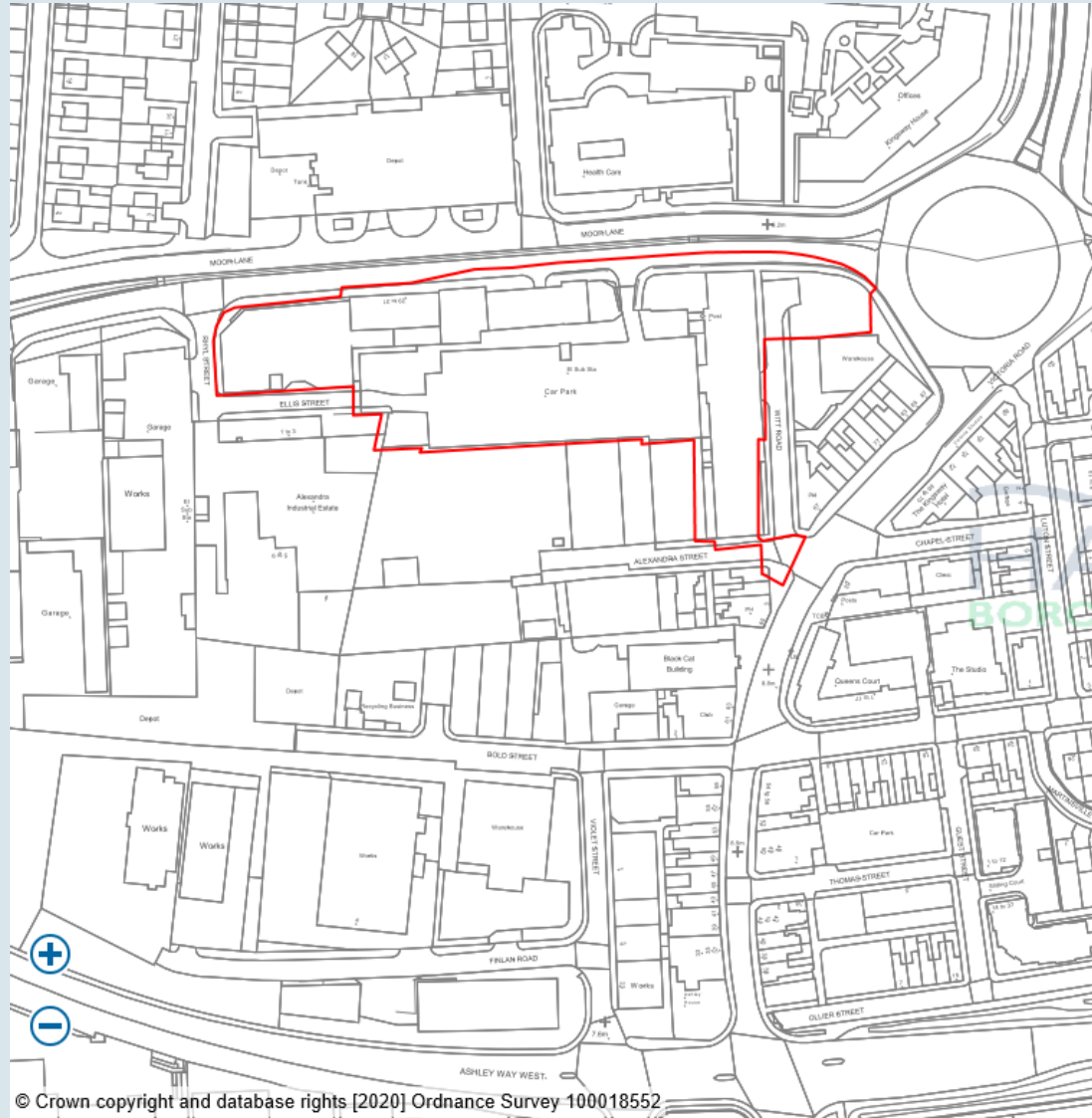


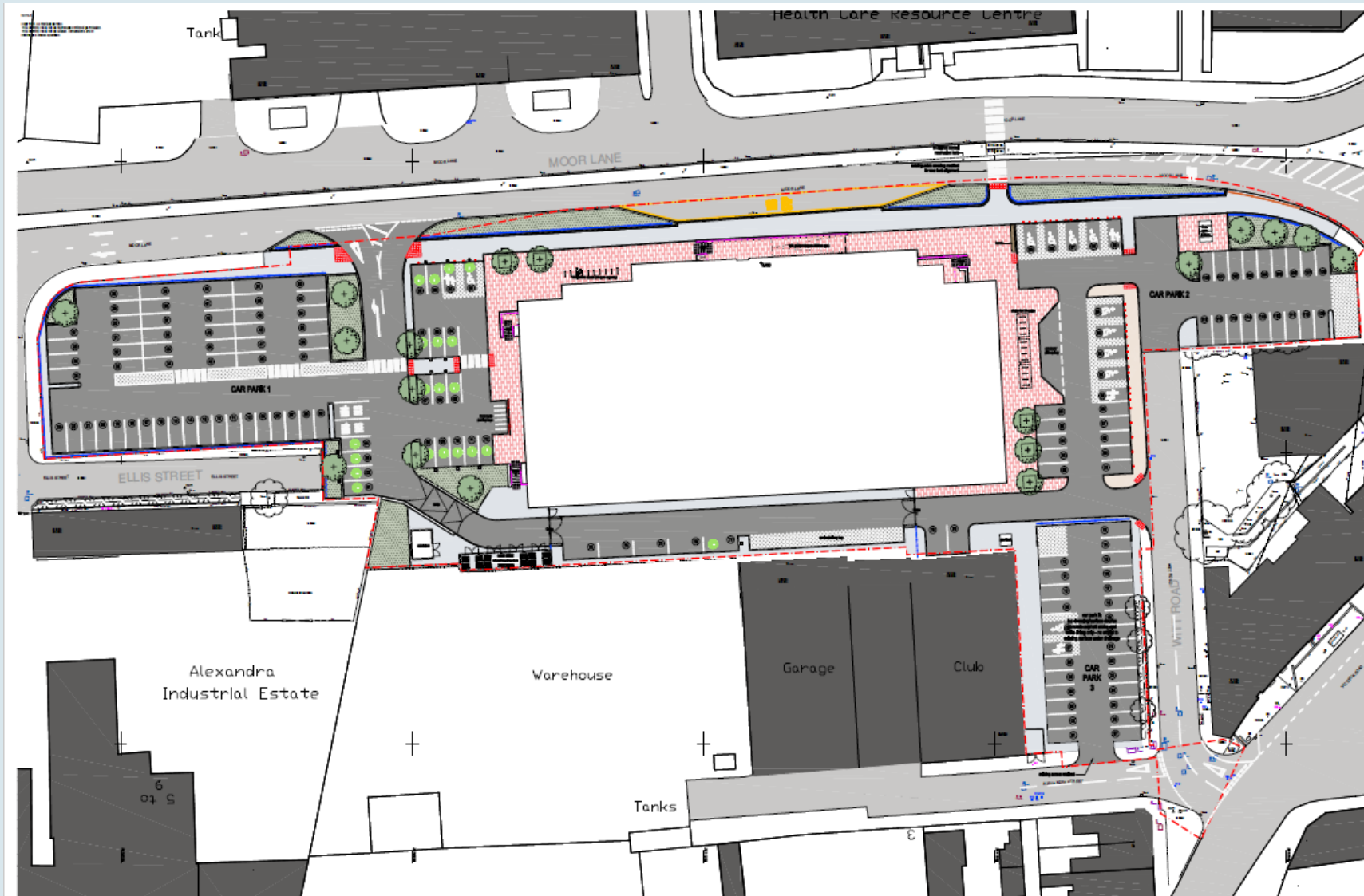


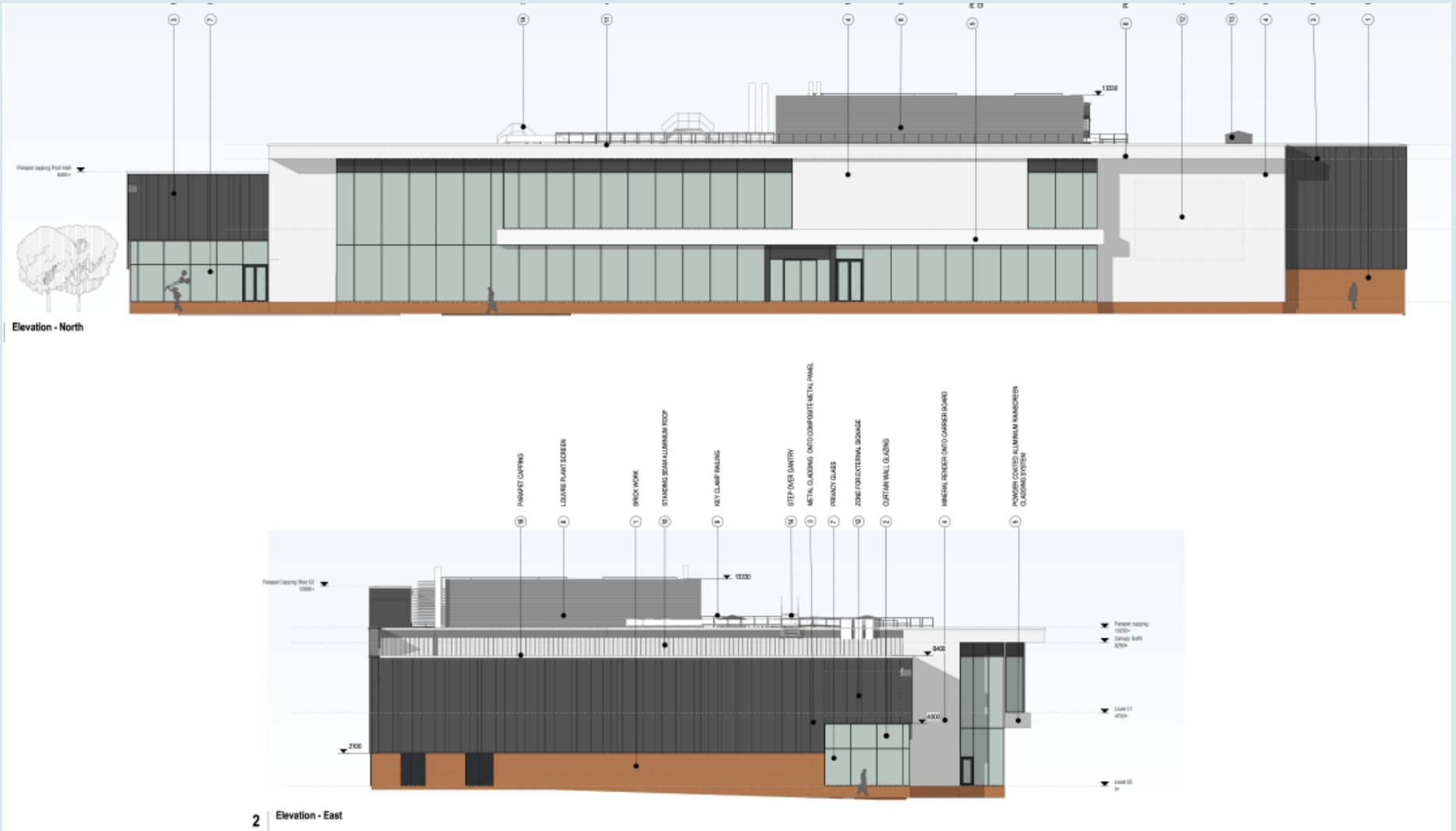


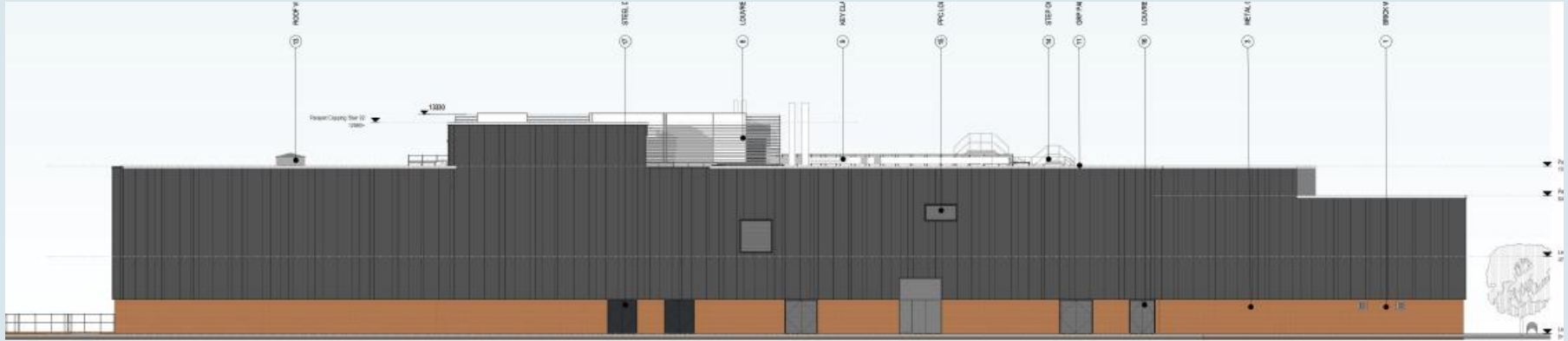




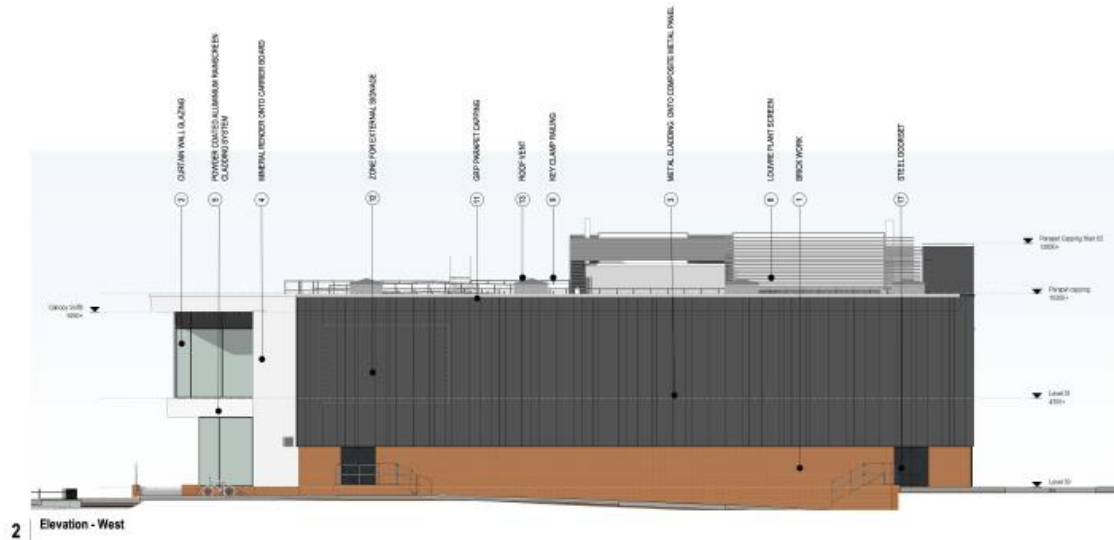






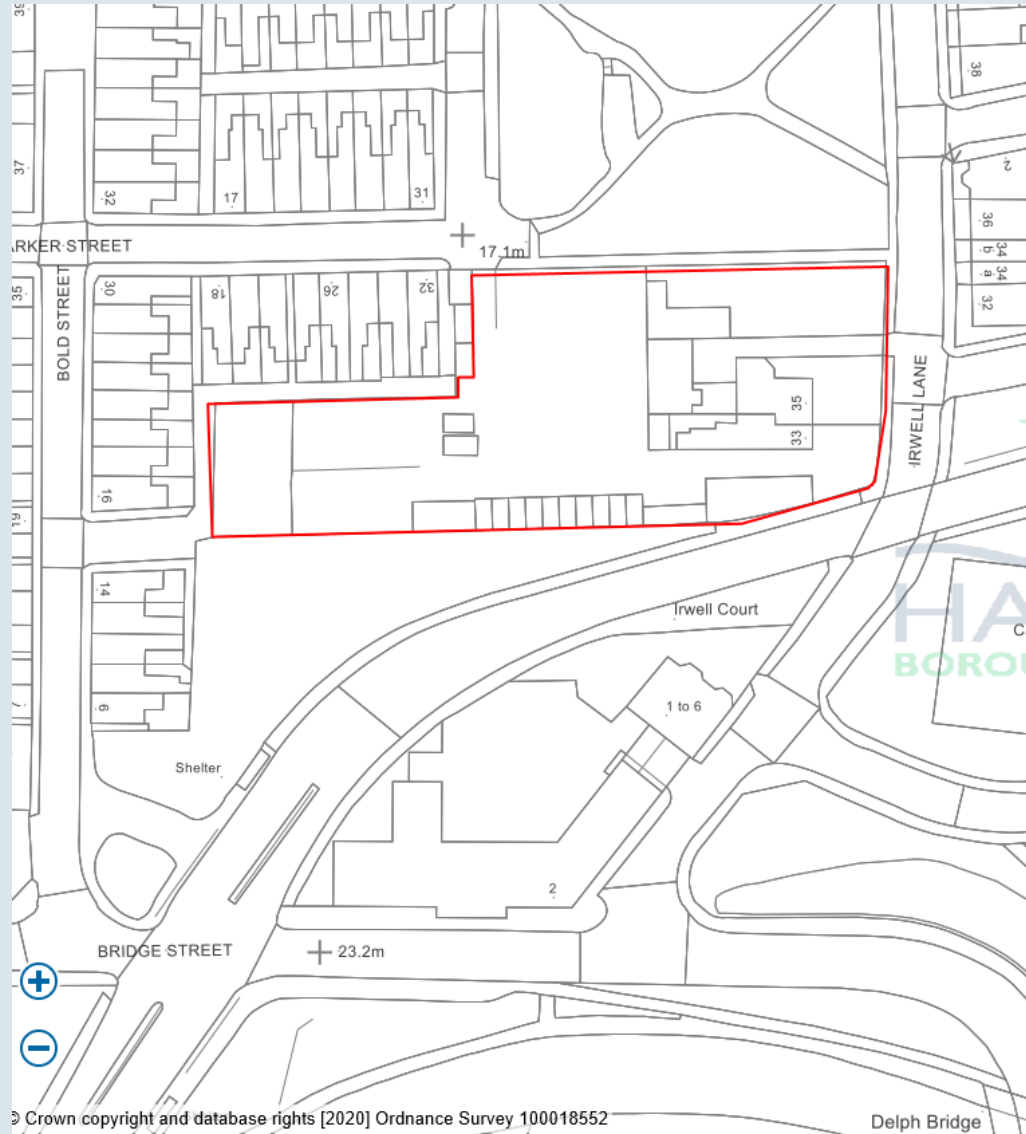


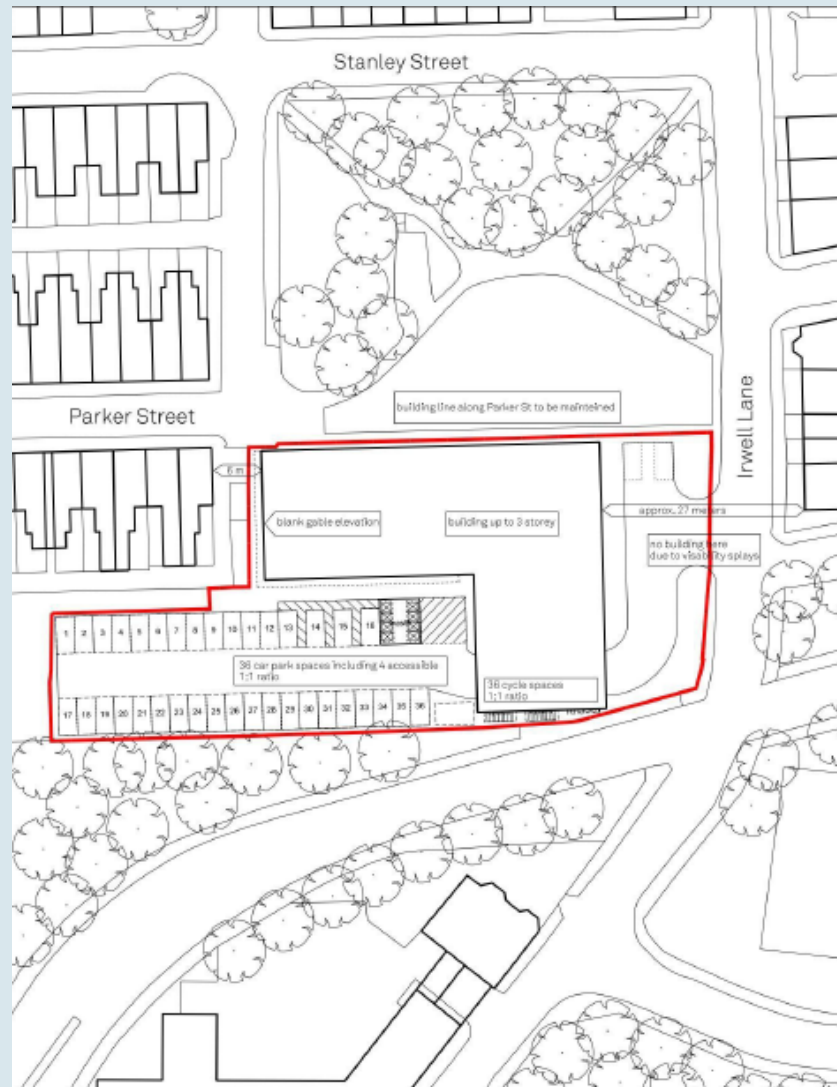
Elevation - South

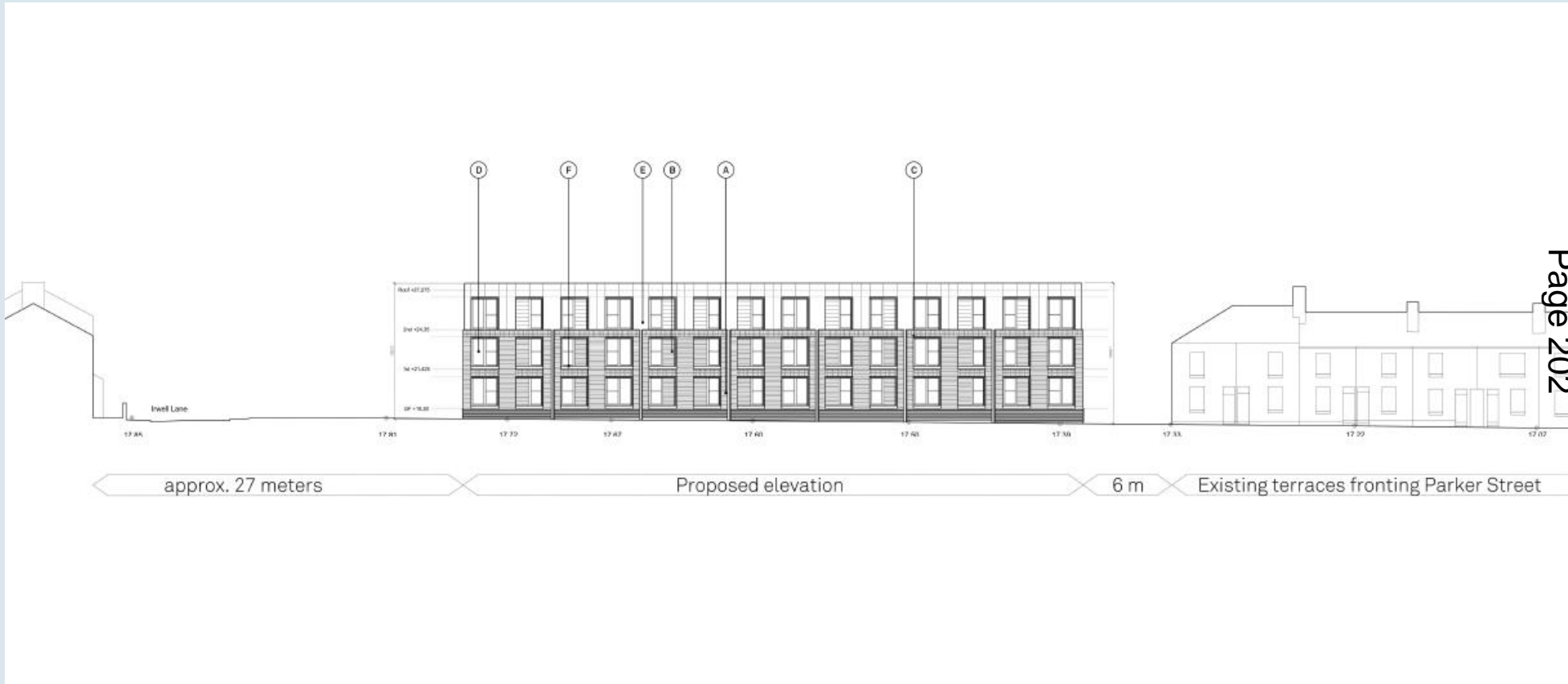


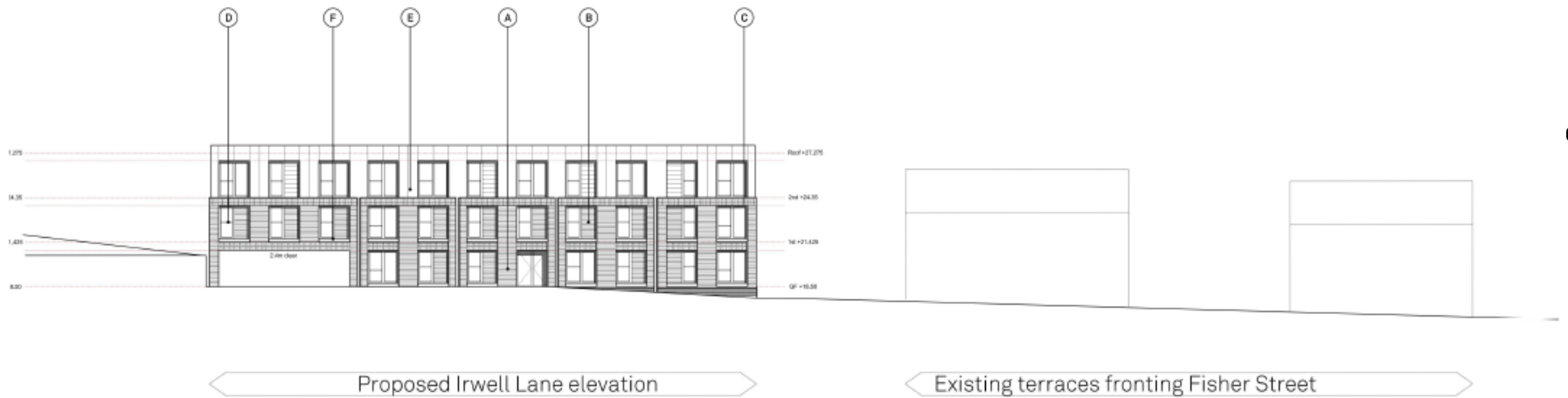
2 Elevation - West



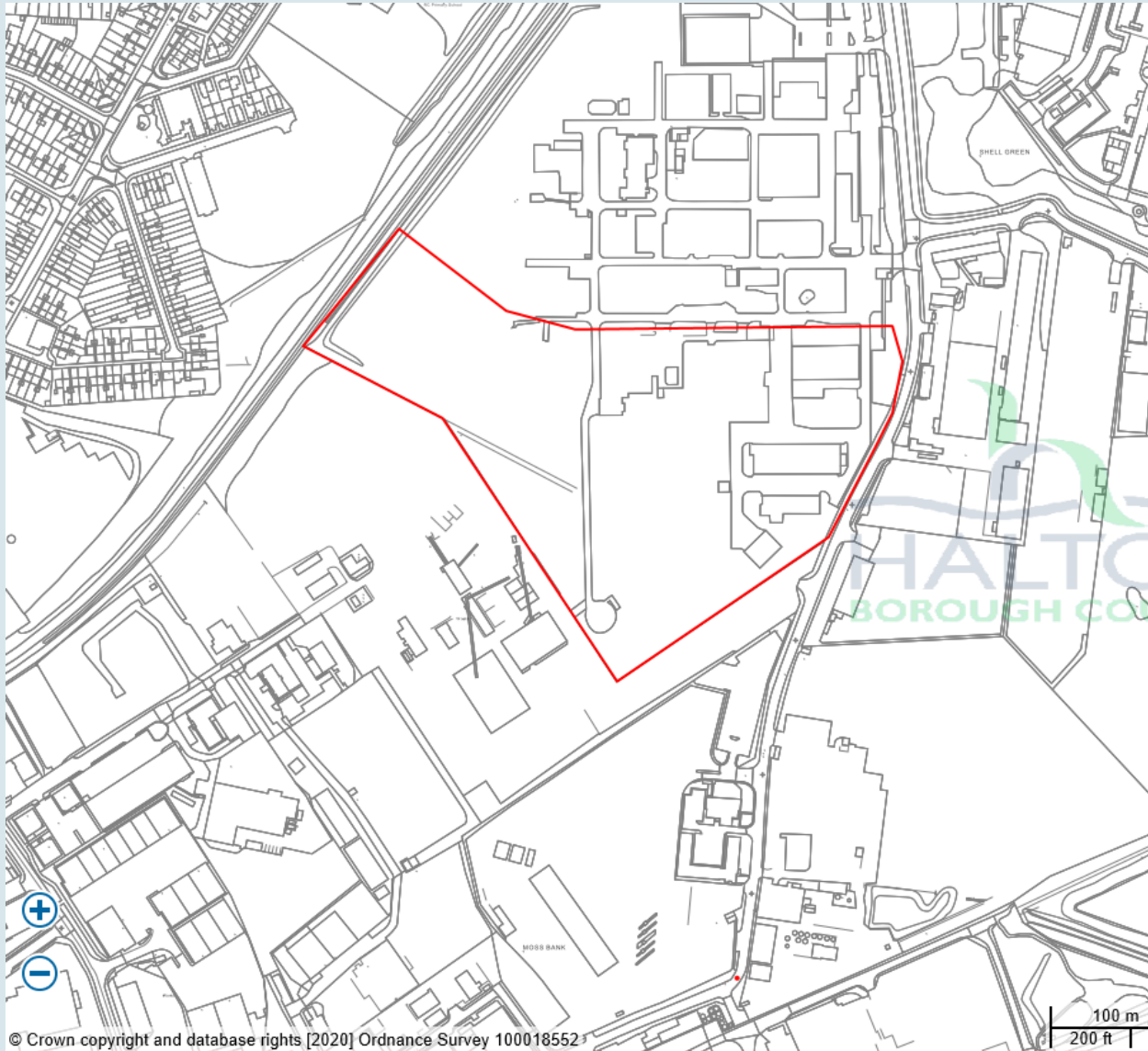




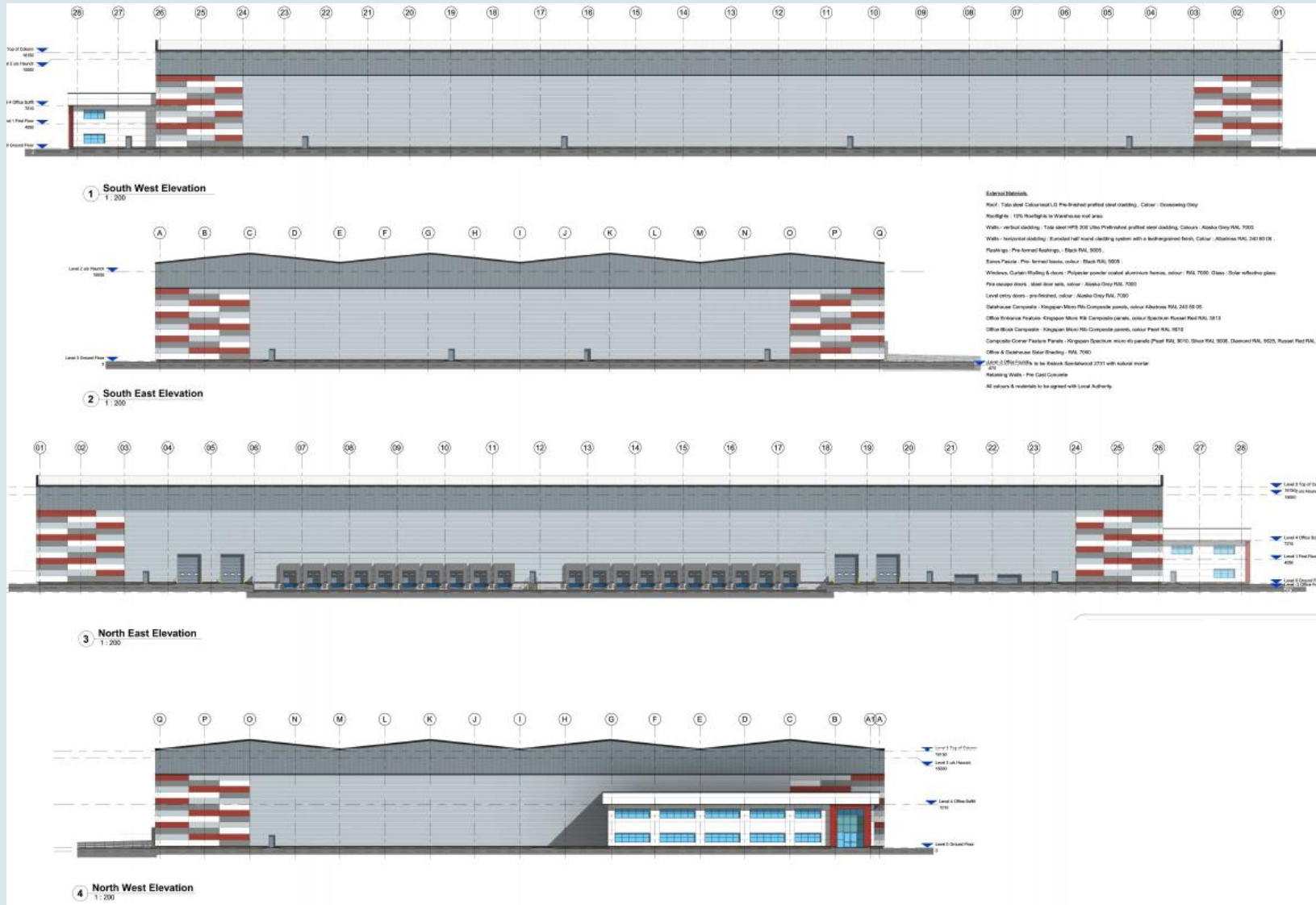


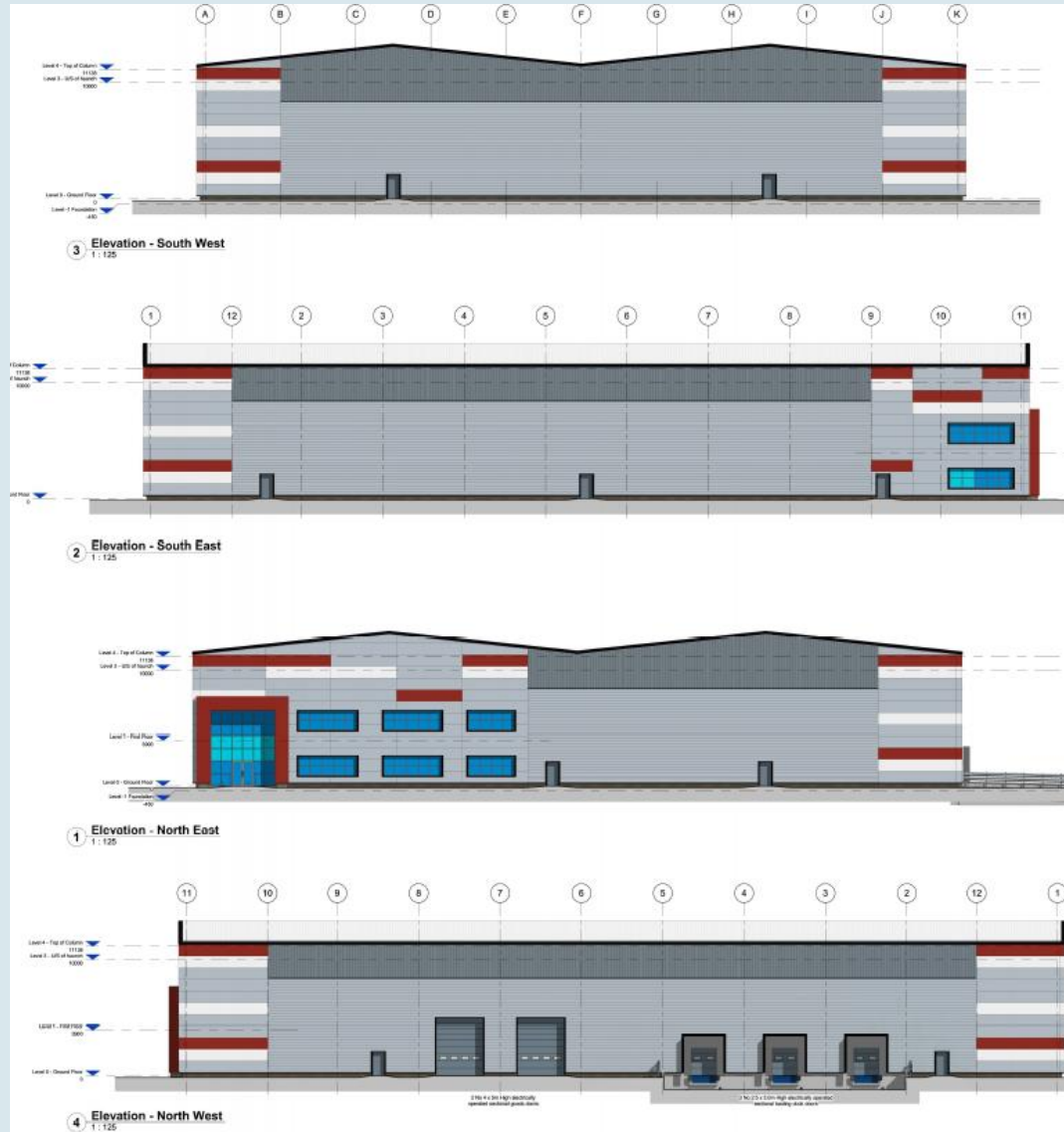














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