

Public Document Pack



Development Control Committee

**Monday, 1 February 2021 6.30 p.m.
To be held remotely, contact Clerk for
access**

A handwritten signature in black ink, appearing to read 'David W R', positioned above a grey rectangular stamp.

Chief Executive

COMMITTEE MEMBERSHIP

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

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Tuesday, 2 March 2021*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 8
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	
(A) 20/00352/HBCOUT - Outline application for residential development (Use Class C3) up to 86 dwellings with all matters reserved except for access at former Tarmac Site and former Stobart Site, Foundry Lane, Widnes, Cheshire	9 - 26
(B) 20/00488/FUL - Retrospective application for erection of a temporary two storey Portakabin building to be used as classroom accommodation. The classroom block will have linked on toilet facilities, a stair-pod for main access to the first floor and an emergency exit staircase. The development will also include a linked on Portakabin modular gym and a stand-alone music block. The application seeks a 3 year temporary planning permission - Widnes 6th Form College, Cronton Lane, Widnes, WA8 5WA	27 - 41
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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, 14 December 2020 held remotely

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

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry, P. Peak, L. Woodward and R. Cooper

Also in attendance: 13 members of the public and one member of the press

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

Action

The Committee took part in a minute's silence in honour of Councillor Morley, who had sadly passed away last month. The Chair paid tribute to him on behalf of Members and colleagues, saying that Councillor Morley was a long standing Member of the Development Control Committee, who acted with loyalty and made a huge contribution in his role as Vice Chair. He would be greatly missed.

DEV21 MINUTES

The Minutes of the meeting held on 2 November 2020, having been circulated, were taken as read and signed as a correct record.

DEV22 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

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

DEV23 20/00026/OUT - OUTLINE APPLICATION, WITH ALL MATTERS OTHER THAN ACCESS RESERVED FOR DEVELOPMENT COMPRISING UP TO 42 APARTMENTS AND ANCILLARY WORKS AT LAND BOUNDED BY MILL LANE AND DERBY ROAD, WIDNES, CHESHIRE

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:

- a) The entering into a legal or other agreement relating to securing financial contributions towards open space;
- b) Conditions relating to the following:
 1. Standard outline conditions for the submission of reserved matters applications (BE1);
 2. Plans condition listing relevant drawings i.e. site location / red edge, access details (BE1 and TP17);
 3. Submission and agreement of a submission of a construction / traffic management plan which would include wheel cleansing details, hours of construction and deliveries (BE1);
 4. Submission of existing and agreement of proposed site levels (BE1);
 5. Submission and agreement of external facing materials (BE1 and BE2);
 6. Conditions for the submission and agreement of boundary treatments, landscaping, management and maintenance (BE1 and BE22);
 7. Tree protection measures outlined in arboricultural report (GE27);
 8. Breeding birds protection (GE21 and CS20);
 9. Bird nesting boxes scheme (GE21 and CS20);
 10. Hedgehog reasonable avoidance measures (GE21 and CS20);
 11. Method statement for the irradiation of invasive species (GE21 and CS20);
 12. Electric Vehicle Charging Points Scheme (CS19);
 13. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17);
 14. Submission of revised noise report with reserved matters (PR2);
 15. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23);
 16. Drainage strategy based on the SUDS hierarchy, including its implementation, maintenance,

- management, and verification of the scheme (PR16 and CS23);
- 17. Foul and surface water on a separate system (PR16 and CS23);
- 18. Waste Audit – (WM8);
- 19. Submission and implementation of an archaeological watching brief (CS20); and
- 20. Provision of affordable housing (CS13).

And

- c) That if the S106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application.

Due to connection problems, Councillor Zygadlo missed part of the Officer's and speaker's presentations to the Committee for the item below, so he was not permitted to vote on this application.

DEV24 20/00337/OUTEIA - OUTLINE PLANNING PERMISSION, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR THE RESIDENTIAL LED MIXED USE DEVELOPMENT OF THE SITE, COMPRISING RESIDENTIAL (USE CLASS C3), EMPLOYMENT (USE CLASS B1) AND LOCAL CENTRE USES (USE CLASS A1-A4/D1) AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND LAND REMODELLING ON LAND AT DARES BURY PARK, WARRINGTON WA7 4BB

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

It was noted that further consultee responses had been received from Natural England; Highways and Transportation; and Preston Brook Parish Council. The additional recommended conditions resulting from these were presented in the AB Update List, together with details of four additional representations received.

Officers advised that since the publication of the report and update list Appleton Parish Council had raised concerns regarding additional traffic generation in areas of Stockton Heath, Appleton, Stretton, Hatton and Walton. However, Warrington Borough Council's Highways Engineer had advised that they had no objection to the proposed development.

The Committee was addressed by Mr William Tavernor, who objected to the proposals on behalf of local residents from Preston Brook, at Bankside and Quay Place. He informed the Committee that residents felt under represented due to the fact that only one objector was permitted to speak to the Committee. He argued that:

- The proposal was in fact two developments put together as one – Daresbury Business Park and a housing development;
- The take up on the existing business development on Daresbury Park is low so why build more offices;
- The housing proposals are on a greenbelt site;
- There would be an adverse impact on wildlife and habitats;
- This was one of a few remaining areas of natural beauty in Halton – a brownfield site would be more suitable for this development so these sites should be looked at;
- There was no guarantee of jobs for local people as workers on construction sites typically come from outside the Borough; and
- Extra housing would add pressure on amenities and traffic in Runcorn, for example, Runcorn Shopping City was over used whilst across the bridge in Widnes, Tesco Extra was under used.

Mr Jamie Lynch, a representative from the Client's planning agent then addressed the Committee. He advised that due to the reduction in demand for office development in recent times it was necessary to look at a new approach so an employment study was undertaken, which advised that a mixed-use development would be more appropriate for the site. He added that the proposals were supported by the emerging Delivery and Allocations Local Plan (DALP), which now identified the site for employment and residential development.

He added that:

- That the development would include 350 much needed new homes, including 25% affordable;
- It would generate new jobs during construction and long term employment opportunities once completed;
- The local centre would support the new community;
- There were no objections from statutory consultees;

- All representations were dealt with in the reports;
- There would be Section 106 contributions towards enhancing public transport and public rights of way; and
- He confirmed that there was no intention to close Red Brow Lane.

Clarity was provided to Members over questions relating to the reference to World War II features in the report and the retention of access to Red Brow Lane, which was also a key route for pedestrians and cyclists. It was commented that as the site was now allocated for employment and residential uses (mixed uses), this proposal was acceptable and complied with planning policies. The Committee agreed that the application be approved, subject to the conditions listed below.

RESOLVED: That the application be approved subject to:

- a) The entering into a Legal or other agreement relating to a financial contribution in lieu of on-site open space provision; financial contribution towards the improvement of public rights of way including railway crossing; and financial contribution towards sustainable transport improvements.
- b) Conditions relating to the following:
 1. Standard outline conditions for the submission of reserved matters applications (BE1);
 2. Condition setting out the parameters of the permission including number of dwellings, permitted uses and floor space (BE1);
 3. Condition for a phasing plan (BE1);
 4. Plans condition listing relevant drawings i.e. site location / red edge, access details (BE1 and TP17);
 5. Submission and agreement of a submission of a construction environmental management plan which will include, dust mitigation wheel cleansing details, hours of construction and deliveries (BE1);
 6. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23);
 7. Submission of existing and agreement of proposed site levels (BE1);
 8. Submission and agreement of external facing materials (BE1 and BE2);
 9. Condition(s) for the submission and agreement of

- boundary treatments, landscaping, management and maintenance (BE1 and BE22);
10. Condition(s) for tree report and protection measures (GE27);
 11. Conditions(s) for breeding birds protection and bird nesting boxes scheme (GE21 and CS20);
 12. Condition(s) securing the protection and mitigation measures for bats (GE21 and CS20);
 13. Condition(s) for badger and hedgehog reasonable avoidance measures (GE21 and CS20);
 14. Method statement for the irradiation of invasive species (GE21 and CS20);
 15. Submission of a biodiversity action plan (GE21 and CS20);
 16. Electric Vehicle Charging Points Scheme (CS19);
 17. Condition(s) for parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17);
 18. Submission of noise report (PR2);
 19. Drainage strategy based on the SUDS hierarchy, including its implementation, maintenance, management, and verification of the scheme (PR16 and CS23);
 20. Foul and surface water on a separate system (PR16 and CS23);
 21. Waste Audit (WM8);
 22. Submission and implementation of a scheme for archaeological work (CS20);
 23. Provision of affordable housing (CS13);
 24. Submission and approval of landscape and ecology management plan (LEMP) (GE21 and CS20);
 25. Condition to protect and enhance the Red Brow Cutting SSSI (GE21 and CS20); and
 26. Submission of details, agreement and implementation of the provision for bus infrastructure (TP1).

And

- c) That if the S106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application.

DEV25 20/00355/FUL - PROPOSED DEMOLITION OF EXISTING SINGLE STOREY OFFICE AND REPLACEMENT WITH A NEW TWO STOREY OFFICE AND JOINING OF THE TWO EXISTING INDUSTRIAL UNITS WITH A LINK EXTENSION AT UNIT 2 GODDARD ROAD, ASTMOOR INDUSTRIAL ESTATE, RUNCORN, WA7 1QF

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

The Committee noted the response from the Council's Contaminated Land Officer, as presented in the supplementary AB Update List and that he raised no objection, subject to the requirement of investigation and assessment of the site be conditioned, should the application be approved. The Committee agreed that the application be approved, subject to the conditions listed below.

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

1. Time;
2. Approved plans;
3. Materials;
4. Ground contamination;
5. Vehicle access, parking and servicing construction prior to occupation;
6. Cycle parking details;
7. Electric vehicle charging details;
8. Drainage;
9. Site and finished floor levels; and
10. Site waste management plan and onsite waste storage and management.

DEV26 20/00371/FUL - PROPOSED ERECTION OF A BUILDING TO BE USED AS OFFICES (USE CLASS B1) AND AS A SELF-STORAGE FACILITY (USE CLASS B8) PLUS ASSOCIATED LANDSCAPING, IMPROVED ACCESS AND OTHER ASSOCIATED WORKS ON LAND AT THE JUNCTION OF EARLE ROAD AND CARTER HOUSE WAY, WIDNES, WA8 0WR

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

It was reported that updated drainage information had been provided by the applicant in line with requests made by

the Council's Lead Local Flood Authority and United Utilities. Their responses to this information was provided in the supplementary AB Update List and noted by the Committee.

Mr Bruce Risk, who represented the agent for the planning application, addressed the Committee. He introduced the family run business to Members stating that they had established in 2006, were expanding in the area, and considered this site key for their expansion plans. He stated that the facility would create new jobs on what is currently a vacant site; it would complement existing businesses in the area; all statutory consultees were supportive and all material conditions had been addressed in the officer's report.

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. Use restriction;
4. Materials;
5. Site levels;
6. Vehicle access, parking and servicing construction prior to occupation;
7. Cycle parking details;
8. Electric vehicle charging details;
9. New crossing point over Earle Road;
10. Breeding bird protection;
11. Bird nesting boxes;
12. RAMS for terrestrial mammals;
13. RAMS for amphibians;
14. Contaminated land;
15. Site waste management plan;
16. Drainage and flood risk;
17. Protection of United Utilities assets; and
18. No additional temporary structures or external storage.

Meeting ended at 7.10 p.m.

APPLICATION NO:	20/00352/HBCOUT
LOCATION:	Former Tarmac Site and Former Stobart Site, Foundry Lane, Widnes, Cheshire
PROPOSAL:	Outline application for residential development (Use Class C3) up to 86 dwellings with all matters reserved except for access
WARD:	Ditton
PARISH:	Halebank Parish Council
APPLICANT:	Halton Borough Council - Investment & Development
AGENT:	Cassidy & Ashton
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Part Proposed Employment Development Site (Site Ref. 34/3)
Halton Core Strategy (2013)	Part Action Area Halebank
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	7 no. representations have been received from the publicity given to the application. One Letter of Support has been received from Councillor Harris.
RECOMMENDATION:	Principle of Residential Development on Allocated Employment Land, Design and Layout, Highways and Access, Flood Risk and Drainage, Noise and Amenity of Future Occupiers.
	Approve subject to conditions.

SITE MAP

1. APPLICATION SITE

1.1 The Site

The application site is located approximately 1.5km West of Widnes Town Centre, to the South of the West Coast Main Line, the former Ditton Station and Ditton Brook which bounds the site to the North and East. The site has a total area of approximately 1.90 ha and includes parcels of land being the end of Foundry Lane, the former Stobart Energy and Tarmac sites.

1.2 Planning History

The site has a lengthy Planning history associated with the former industrial uses. None are considered directly relevant to the current application.

2. THE APPLICATION

2.1 The Proposal

Outline application for residential development (Use Class C3) up to 86 dwellings with all matters reserved except for access.

2.2 Documentation

The application is supported by the following:

- Application Form
- Design and Access Statement
- Location Plan
- Existing Site Plan / topographic survey
- Indicative Masterplan (application site only)
- Indicative Masterplan (wider regeneration area)
- Transportation Assessment
- Noise Assessment
- Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey)
- Flood Risk Assessment and Outline Drainage Strategy
- Phase 1 Geo-environmental & geotechnical desk-based assessment
- Phase 2 Geo-environmental investigation and risk assessment

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 allocated for proposed employment development (Site Ref 294/1) on the Halton Unitary Development Plan Proposals Map. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- RG5 Action Area 5 Halebank
- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE21 Species Protection;
- H3 Provision of Recreational Greenspace;
- PR5 Water Quality
- PR8 Noise Sensitive Developments;
- PR12 Development on Land Surrounding COMAH Sites
- 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;
- TP14 Transport Assessment;
- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- E1 Local and Regional Employment Land Allocations

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;
- CS7 Infrastructure Provision;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS21 Green Infrastructure;
- CS22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

MATERIAL CONSIDERATIONS

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

3.4 Halton Borough Council – Affordable Housing Supplementary Planning Document.

This SPD seeks to provide greater certainty and clarity for all parties involved in the delivery of affordable housing in Halton through the planning system. The National Planning Policy Framework¹ requires local authorities to assess and meet the full needs for affordable housing in their housing market area.

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

The purpose of the Design of Residential Development Supplementary Planning Document (SPD) is to provide additional practical guidance and support for those involved in the planning and design of residential development within Halton. It will also be used by the Council in its assessment of applications for planning permission for schemes of residential development or mixed use schemes containing a residential element.

3.6 Halton Borough Council – Provision of Open Space Draft Supplementary Planning Document

The purpose of this Draft Supplementary Planning Document (SPD) is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within the borough. Specifically, it will help provide;

- a) Networks of high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
- b) An appropriate balance between new provision and the enhancement of existing provision;
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of the Local Planning Authority in respect of open space, sport and recreation provision to serve new residential developments.

3.7 Halton Borough Council – Planning for Risk Supplementary Planning Document

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:

- deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
- 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.

3.8 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.*

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 person's 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

Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

Environmental Protection

No objection to the proposed development, subject to conditions and final design.

Contaminated Land Officer

No objection to the proposed development subject to condition(s).

Lead Local Flood Authority (LLFA)

No objection to the proposed development subject to conditions.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development, subject to conditions.

Environment Agency

No objection in principle, subject to conditions.

United Utilities

No objection to the proposed development, subject to conditions.

Natural England

No objection, subject to further consultation on HRA Assessment.

Cheshire Police

No objection. Advice provided on detailed design matters

Health and Safety Executive (HSE)

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

5. REPRESENTATIONS

7 no. representations have been received from the publicity given to the application with 4 letters stating in principle support but raising the following:

- That access rights to existing properties need to be maintained to existing properties but currently shown to be blocked by potential later phases as shown on the indicative masterplan/ That properties backing onto existing housing could be re-configured
- Concern that potential future phases show potential connections to existing estate roads and the potential impacts in terms of traffic and parking for existing estate roads
- That existing trees/ landscaping should be maintained through potential future phases to maintain screening/ privacy
- Concern over the potential for up to 4 storey development on future phases and impact on character, existing properties, privacy etc
- Querying why warehousing has previously been approved on other sites on Foundry Lane

A letter of support has been received from Cllr Harris confirming

"I write in support of this planning application and the efforts of ward Cllrs to see this site redeveloped to residential from its current/previous uses.

This will help kick start the redevelopment of the wider industrial area for residential use and is to be welcomed. It contrasts with other applications which seek to build on green space sites, instead of using brownfield sites like this.

The development of these 86 new homes accord with the council's planning policy and the DALP."

6. ASSESSMENT

6.1 Background

An area east of Hale Road and north of Foundry Lane was formerly occupied by Asda supermarket. Historically, this was the neighbourhood centre. After closing in 2004, the site was promoted by Widnes Regeneration Ltd and subsequently developed out with 158 dwellings by Barratts. The residential development is complete and fully occupied.

Since the closure of the Asda store and the redevelopment of that site a new neighbourhood centre has been established in the location of Hale Road / Pickering Road junction.

The regeneration of the wider area has since that time been an aspiration of the Council. For various reasons including financial and housing market considerations, those regeneration aspirations have since remained stalled. The current application is intended to re-invigorate and kick-start those aspirations. Historically, this regeneration was envisaged as comprising a

mixture of land uses, both commercial and residential, however, the balance has tipped towards principally residential development. This is reflected in the proposed housing allocations in the area, promoted via the emerging Delivery & Allocations Local Plan (2019), which has recently been submitted for Examination. These wider regeneration aspirations are reflected in an illustrative / concept masterplan that is put forward by way of context alongside the site that is the subject of this planning application.

6.2 Principle of Development

The site is brownfield land which is designated in part as a proposed Action Area for Regeneration and part allocated for Employment Development (Use Classes B1, B2 and B8) in Policy E1 of the Halton Unitary Development Plan and the associated proposals map as Site Ref 34/3.

UDP Policy RC5 Action Area 5 Halebank includes provision for residential development. Proposed residential development for that area as designated is therefore considered acceptable in principle.

For the area of the site allocated for employment uses, the use of housing on the site constitutes a departure from Halton's Development Plan. In accordance with the Development Management Procedure Order 2015 the application has therefore been advertised in the local press and by site notice, as a departure.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF require applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed employment site is of limited size and could be considered to offer limited prospect for commercial developers and operators. The site has remained vacant for some time since the removal of temporary offices located and operated in connection with the adjoining Stobart site. The loss of a relatively small employment site must also be balanced against the wider potential regeneration benefits.

A realistic view has to be taken on the likelihood of the land being brought forward for employment or whether it would currently be more sustainable to release the land for residential use. This is a position which is reflected within the emerging Delivery and Allocations Local Plan (DALP) and associated proposals map which proposes to allocate the land as part of a wider allocation for residential use. Whilst no weight can be attached to the provisions of the DALP it is considered that significant weight can be attached to the potential regeneration benefits of the scheme and provision of much needed housing and that the application should not be refused on the grounds of retaining the site for employment use any further.

6.3 Design and Layout

This outline planning application is for up to 86 residential units, with all matters reserved except for access. An indicative layout is submitted which indicates how the proposed site might be laid out. This indicative layout also indicates how a mixture of residential units can be incorporated into the scheme. It must be emphasised that this layout is submitted for illustrative purposes only and that the final layout, scale and amount of development will ultimately be dealt with through the approval of reserved matters.

The indicative layout shows 22 semi-detached houses, 32 terrace houses and 32 apartments. The future mix will however be determined at reserved matters stage. The proposal is put forward in isolation but with an indicative masterplan which shows how the site will form an initial phase of development designed in such a way that can easily connect with, and facilitate, future phases of development, this principally being the Golden Triangle area.

The Council's New Residential Development SPD requires development interface distances to achieve the 21m separation (between habitable room windows) and 13m separation (between habitable room windows and blank/non habitable elevations) to be measured from the centre of any habitable room window. Proposed layouts are also expected to comply with the Council's standards for private amenity space and provide sufficient internal access roads, parking and servicing as set out in the Design of Residential Development SPD.

Whilst indicative, the submitted plans provide enough information to demonstrate that there is sufficient space within the site to accommodate these standards upon the final design and submission of reserved matters. Also, that a scheme of up to 86 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

A number of comments have been raised through representations including with respect to the detailed layout, retention of existing landscaping, privacy and access rights. These largely relate to potential future phases of development as shown on the indicative masterplan for context. It is considered that all such issues are capable of resolution through future application including at reserved matters stage. Cheshire Police has also made a number of comments regarding the scheme with respect to measures to designing out crime. These have been provided to the applicant for information and again can be considered in more detail at reserved matters stage.

6.4 Highways and Access

To comply with national and local planning policy, the application is supported by a Transport Assessment (TA). This considers the highways and transportation aspects of the proposed scheme.

Overall, it is concluded that there are no significant traffic or transportation effects that could be classified as severe or detrimental to safety. It is

considered that the trip impact can be accommodated on the local highway network and there are opportunities to further promote sustainable travel.

The Council's Highways Officer has confirmed that, in terms of access, the proposed development is considered acceptable for vehicular traffic with connection onto the adopted Highway Network that does not result in a significant impact on capacity nor road safety. Although it is acknowledged that the site applied for is hoped to become part of a larger development it should be noted that it currently fails to meet the required standards set out in TP1 in terms of access to public transport and sustainability for non-motorised users.

The application is in outline only with all matters reserved except for access. The Highway Authority has identified a number of design issues with the submitted indicative plan that would need to be and can be addressed as part of reserved matters applications.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP6, TP7, TP12, TP14, TP15, TP17 and TP18 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy. The site is well located for all necessary amenities. It is considered that any deficiencies with respect compliance with UDP Policy TP1 can be addressed through future phases of development as and when they come forward. In order to secure compliance at this stage would require securing access across third party land indicated for potential future residential development and anticipated to come forward in due course. The potential regeneration and kick-start to wider regeneration benefits of the scheme are considered to outweigh any harm resulting with such non-compliance in the interim.

6.5 Flood Risk and Drainage

The application is supported by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority (LLFA) and Environment Agency. The LLFA has confirmed that the development proposed would increase the sites current vulnerability to 'More Vulnerable' according to NPPF guidance. The proposed development also involves a land use change which will likely reduce the site permeability. This change would likely increase the surface water runoff at the proposed site.

The Environment Agency Flood Map for Planning indicates that the site is primarily located in Fluvial Flood Zone 1, with areas of Flood Zones 2 and 3 along the sites northern and eastern boundaries and along Foundry Lane. Flood defence is shown to be present along the northern boundary of the site although the site is not shown to benefit from the presence of flood defences. The flood risk from surface water mapping indicates that the majority of the site is at very low risk of flooding from surface water. However there are two isolated areas shown to be at low risk of flooding representing minor depressions in the topography. Modelled extents show these are not expected to exceed 0.3m in depth. Ground water flood risk at the site is considered low.

The flood risk assessment indicates the flood risk to the site would be mitigated through the implementation of the measures including setting of minimum finished floor levels, ground re-profiling and that built development will be set back a minimum of 5 meters from the top of bank of Ditton Brook to allow for maintenance and access.

The applicant has provided a surface water management strategy to support the application. The drainage strategy indicates shallow groundwater is present at the site therefore disposal of surface water by infiltration is not considered feasible. Ditton Brook is located along the northern and eastern boundaries of the site therefore it is proposed to discharge surface water directly into this watercourse with appropriate attenuation.

Based on the observations above, the LLFA is satisfied that the proposal should not increase flood risk on or off site and the properties proposed should have a low risk of flooding. Advice is provided with respect to the final layout at reserved matters stage. The LLFA is satisfied that the site would be able to be drained, however further details would be required prior to development taking place. The Environment Agency has also confirmed that they raise no objection in principle subject to conditions.

Based on the above and subject to the relevant conditions 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.

6.6 Noise

The applicant has provided a noise report in support of the application. The report is based on the methodology and assessment criteria contained within both BS4142 and BS8233. The aim is to demonstrate that future residents are not exposed to elevated levels of noise.

The proposed development is for housing on a recently vacated industrial site. Across Ditton Brook to the east of the site is the rear of the Eddie Stobart site and to the west is the Golden Triangle. The adjacent site to the south is a recently vacated industrial site. It is anticipated that this application is the first phase in redeveloping the area for residential use, which will eventually include the Golden Triangle and the site to the south. The application is outline in nature and therefore is liable to detail changes in the final build.

The report comments on the noise levels emanating from the Eddie Stobart site to the east and the EUKD site to the south.

The Council's Environmental Health Officer has advised that the noise from the Eddie Stobart site meets the requirements for internal noise levels with windows open for daytime hours, but exceeds this level for the night time hours in the properties the eastern side of the site. The report therefore recommends mitigation to ensure that the internal noise levels can comply with BS8233.

EUKD operates daytime hours only and noise emanates from the rear service yard to the south of the proposed development. Forklift trucks operate throughout the day and the cardboard compacter, which is the noisiest operation on site, operates approximately 20 times per day. Noise from this process will affect the proposed houses on the southern and western side of the site. Further mitigation is recommended in relation to the properties affected by noise from EUKD, taking into account noise from the site is daytime only.

The recommendation is for additional ventilation such that the windows can be kept closed and adequate ventilation can be maintained within habitable rooms together with a 2.5m barrier along the eastern boundary adjacent the Eddie Stobart and EUKD sites and along the western and southern boundaries as identified by the noise assessment.

The proposal is opposite a Stobart site used for processing waste wood for use in a biomass facility located further to the east. A number of other existing commercial and employment uses surround the site. Paragraph 182 of NPPF indicates that 'where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

The Council's Environmental Health Officer has confirmed that they would not therefore raise any objections to the proposed development. The noise survey will need to be updated at reserved matters stage to account for the detailed design. Based on the above and subject to approval of the final design, the proposal is considered acceptable from a noise perspective. Subject to appropriate mitigation no conflict with NPPF Paragraph 182 is considered to exist and the proposals are in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy.

6.7 Ground Contamination

The application site is covered by a number of ground investigation reports, with an initial desk study covering the whole site area. The preliminary risk assessment (PRA) presents a detailed review of the available information and a site reconnaissance visit. A range of historical site uses both on and off site have been identified as having the potential to give rise to significant contamination of the site with respect to the proposed residential development. The site history includes the infilling of marshy ground and a former channel of Ditton Brook, railway land and the recent concrete batching plant. A number of possible pollutant linkages are presented in the preliminary conceptual site model, and a site investigation was recommended to determine the presence of such linkages and the relevant significance to the identified receptors (including ground and surface waters, future residents and construction workers).

The Council's Contaminated Land Officer has confirmed that the site investigation and supporting risk assessments are sufficiently robust to make

clear recommendations regarding the contamination status of the application site and for appropriate mitigation measures with respect to human health. With regard to the controlled waters risks (to ground water and to Ditton Brook) a number of assumptions have been made about the significance of the identified contamination and the conclusion that the site is low risk.

The Environment Agency has confirmed that they raise no objection subject to conditions relating to site remediation and verification, drainage and restricting the use of deep or piled foundation solutions.

For the protection of the site and its future residents the outline remediation strategy recommends gas protection measures for the new dwellings and a simple cover system for garden/landscaped areas.

The attachment of the condition above will ensure compliance with Policy PR5, PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.8 Ecology

The applicant has submitted a Preliminary Ecological Appraisal report in accordance with Core Strategy Policy CS20.

The Council's retained adviser on ecology matters has advised that the proposed development will result in the loss of bird breeding habitat and Core Strategy Policy CS20 applies. To mitigate for this loss, it is recommended that details of bird nesting boxes that will be erected on the site should be provided to the Local Planning Authority for agreement. This can be secured by appropriately worded planning condition

At this outline planning stage, detail of the surface water SUDs, outfall / discharge point on Ditton Brook has not been provided as all matters are reserved except access. Therefore, at reserved matters stage(s) once full details of the surface water drainage solution are known, it is advised that the Preliminary Ecological Appraisal (PEA) will need to be updated or an addendum provided to consider the impacts of the outfall construction/operation on bankside habitats of Ditton Brook. This can be secured by a suitably worded planning condition.

Due to the development's potential pathways and impacts on protected sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy Policy CS20 applies. This concludes that, without mitigation/preventative measures, that there will be likely significant alone and in-combination effects on protected sites. An Appropriate Assessment has therefore been carried out in accordance with Regulation 63 (Habitats Regulations 2017). This concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

The Preliminary Ecological Appraisal report states that buildings and trees on site have negligible suitability for roosting bats and no evidence of bat species

was found. Based on these findings it is advised that the Council does not therefore need to consider the proposals against the three tests (Habitats Regulations). It is advised that Natural England is consulted on the outcome of the Appropriate Assessment prior to determination. Whilst Natural England raise no objection in principle, they specifically request further consultation on the outcome of the appropriate assessment. Members will be updated orally.

Mitigation/preventative measures can be secured by appropriately worded planning conditions. Conditions relating to bird boxes and securing a ecological buffer to Netherley Brook and Ditton Brook' improvement corridor are also advised. The attachment of the conditions suggested above would ensure that 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.

6.9 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 scheme is considered deficient with regards to open space provision when measured against UDP Policy H3. In accordance with the Councils adopted Provision of Open Space SPD financial contributions would normally be required for off-site provision. The proposals are a Council lead regeneration scheme and redevelopment of a brown field site. Such additional costs can affect the viability of a scheme and the availability for planning gain to be secured. On that basis it is considered that an exception to UDP Policy H3 can be justified in this case.

6.10 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. In accordance with Core Strategy Policy CS13 and the Council's adopted Affordable Housing Supplementary Planning Document affordable housing provision would ordinarily be required and secured by condition attached to any planning permission. As with Open Space addressed above, the proposals are a Council lead regeneration scheme and redevelopment of a brown field site. Such additional costs can affect the viability of a scheme and the availability for planning gain to be secured. On that basis it is considered that an exception to Core Strategy Policy CS13 can be justified in this case.

6.11 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. The NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that 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 could be realistically achieved for this development. A condition is recommended to secure this.

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. Based on the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.12 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan 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 which can be secured by condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection. This can be confirmed at reserved matters stage.

6.13 Minerals Safeguarding

The development site was formerly partly occupied by a Tarmac concrete works. Concrete works form part of the essential infrastructure that underpins the built environment, and safeguarding of these sites is referred to in NPPF 2019. Paragraph 204 (e) states that "planning policies should safeguard existing, planned and potential sites for bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate".

Neither the Halton Core Strategy Local Plan 2013 nor the emerging Delivery and Allocations Plan translates this into a local planning policy. The Council's adviser on waste and mineral matters advises that, nevertheless, due weight should be given to the requirements of NPPF, and the site should be safeguarded. The adviser is unaware however that the concrete works have already vacated the site and the plant removed. Given this the requirements of NPPF are not considered an impediment to the grant of planning permission.

7. CONCLUSIONS

Although the proposal is a departure from Policy E1 of the Halton Unitary Development Plan, it is considered to be sustainable development consistent

with the economic, social and environmental roles of sustainable development outlined in paragraph 8 of the NPPF.

The proposal is in outline with layout, scale, appearance and landscaping matters reserved for future determination. The applicant has provided enough information to demonstrate that there is sufficient space within the site to accommodate the Council's standards in the final design and submission of reserved matters, and that a scheme of up to 86 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies of the Halton UDP and CS18 of the Halton Core Strategy Local Plan.

Appropriate access points to the site from Foundry Lane would be achieved and the layout demonstrates sufficient space for movement within the site as well as an appropriate level of car parking.

A number of comments have been raised through representations including with respect to the detailed layout, retention of existing landscaping, privacy and access rights. These largely relate to potential future phases of development as shown on the indicative masterplan for context. It is considered that all such issues are capable of resolution through future application including at reserved matters stage.

The proposals are considered to offer a number of benefits in providing residential development involving the regeneration of a brownfield site in a sustainable location and potentially kick starting wider regenerative development.

The proposed development is considered to be acceptable and is therefore recommended for approval.

8. RECOMMENDATION

That the application is approved subject to the following:

a) Conditions relating to the following:

1. Standard outline conditions for the submission of reserved matters applications (BE1)
2. Plans condition listing relevant drawings i.e. site location / red edge, access details (BE1 and TP17)
3. Submission and agreement of a submission of a construction management plan including measures to prevent pollution of controlled waters to include an ecological buffer of 5m from the bankside of Ditton Brook (BE1/ GE21)
4. Submission of existing and agreement of proposed site levels (BE1)
5. Restricting deep or piled foundation solutions (PR5/ PR14/ CS23)
6. Breeding birds protection (GE21 and Policy CS20)
7. Bat and Bird nesting boxes scheme (GE21 and Policy CS20)
8. Electric Vehicle Charging Points Scheme (CS19)

9. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
10. Securing updated noise report/ implementation of noise mitigation measures (PR2)
11. Submission of detailed remediation method statement, mitigation measures and validation (PR14 and CS23)
12. Drainage strategy based on the SUDS hierarchy, including its implementation, maintenance, management, and verification of the scheme (PR16 and CS23)
13. Foul and surface water on a separate system (PR16 and CS23)
14. Materials Management Plan/ Waste Audit – (WM8)
15. Submission and agreement of a householder information pack
16. Submission and agreement of Japanese knotweed eradication scheme and validation report confirming the site has been remediated for 12 months
17. Submission and agreement of as sensitive lighting scheme for Ditton Brook
18. Submission and agreement of ecological/ biodiversity enhancement scheme including 5m ecological brook buffer and native planting is designed into the scheme.

9. 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

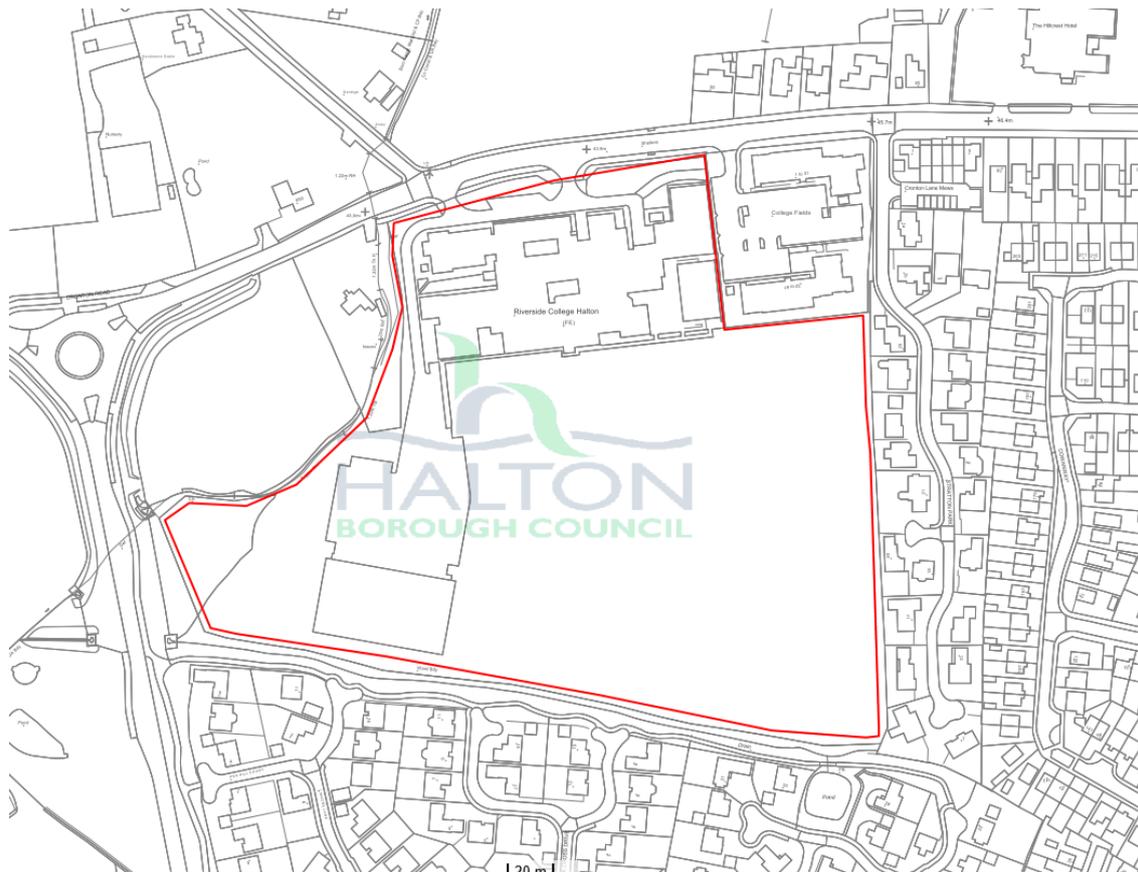
10. SUSTAINABILITY STATEMENT

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:	20/00488/FUL
LOCATION:	Widnes Sixth Form College, Cronton Lane, Widnes, Cheshire, WA8 5WA.
PROPOSAL:	Retrospective application for erection of a temporary two storey Portakabin building to be used as classroom accommodation. The classroom block will have linked on toilet facilities, a stair-pod for main access to the first floor and an emergency exit staircase. The development will also include a linked on Portakabin modular gym and a stand-alone music block. The application seeks a 3 year temporary planning permission.
WARD:	Farnworth
PARISH:	None
AGENT (S):	Mr Tom Myers, Portakabin Limited, Leeds Hire Centre, Gelderd Road, Leeds, LS12 6LZ.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	Greenspace (School Playing Fields) – Unitary Development Plan Proposals Map.
DEPARTURE	No.
REPRESENTATIONS:	Representations from two contributors have been received from the publicity given to the application.
KEY ISSUES:	Parking and Accessibility, External Appearance.
RECOMMENDATION:	Grant planning permission subject to conditions.
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is the Widnes Sixth Form College located on Cronton Lane in Widnes. The site is 5.95ha in area. The playing fields are located on the southern and eastern parts of the site. The complex of College buildings and associated parking areas are located on the northern and western parts of the site.

The site is bounded by residential development to the east and south of the site with the land to the north and west being more open in nature. The land to the north of the site on the opposite side of Cronton Lane is located within the Green Belt as designated by the Halton Unitary Development Plan. The majority of the western boundary of the site is the borough boundary with Knowsley.

The site is designated as Greenspace (School Playing Fields) on the Halton Unitary Development Plan Proposals Map.

1.2 Planning History

The site has a lengthy planning history with the more recent applications being as follows:

- 13/00258/FUL - Proposed installation of two storey modular building to replace existing two storey modular building used for teaching space – Granted 16/09/2013.
- 15/00231/FUL - Proposed science laboratory extension – Granted 17/06/2015.
- 15/00583/FUL - Proposed development of 1300 square metre laboratory building and additional car parking facilities within the existing college grounds – Granted 11/02/2016.
- 17/00291/FUL - Proposed partial demolition and development of a three storey theatre building, with extension to existing brasserie, situated in the rear elevation of the building – Granted 21/08/2017.
- 20/00039/FUL - Proposed demolition, refurbishment and extension to two areas to provide 24 no. class rooms, 1no. tutorial room, 3 no. staff rooms, general store, male and female changing facilities, student WC's, staff WC and shower room, remodelled circulation spaces including new stairs and lifts and enhancements to external elevations including replacement of windows and doors – Granted 03/09/2020.

2. THE APPLICATION

2.1 The Proposal

Retrospective application for erection of a temporary two storey Portakabin building to be used as classroom accommodation. The classroom block will have linked on toilet facilities, a stair-pod for main access to the first floor and an emergency exit staircase. The development will also include a linked on Portakabin modular gym and a stand-alone music block. The application seeks a 3 year temporary planning permission.

2.2 Documentation

The application is accompanied by a Design and Access Statement along with the planning drawings.

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Greenspace (School Playing Fields) 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;
- BE18 Access to New Buildings Used by the Public;
- BE23 Temporary Buildings
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP15 Accessibility to New Development;
- TP16 Green Travel Plans;
- TP17 Safe Travel For All.

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;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS21 Green Infrastructure;
- CS23 Managing Pollution and Risk.

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

MATERIAL CONSIDERATIONS

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

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.

3.5 Other Considerations

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

4. CONSULTATIONS

4.1 Highways and Transportation Development Control

The application seeks permission for 16 new classrooms, three music rooms and gymnasium however the application states that no additional staff to be employed in conjunction with the proposal. Given the size of the temporary accommodation the Highway Authority would like some clarification of this is the case.

Following discussions earlier this year in regard to the application number 20/00039/FUL it has been agreed that a Travel Plan be prepared and assessed over a period of time with the Highway Authority. This temporary college space would be assessed within the structure of this Travel Plan. Its impact and effectiveness can be assessed in line with the aims of the plan to reduce car borne travel specifically for students living within the immediate vicinity and those for whom sustainable travel is a very real option. As such the Highway Authority are minded to approve the temporary instillation based on the capacity to assess its impact over the specified period.

No Objection subject to further clarity on staff numbers.

IT IS CLARIFIED IN THE APPLICATION FORM THAT THERE WOULD BE NO INCREASE OR DECREASE IN STAFF NUMBERS AS A RESULT OF THE PROPOSED DEVELOPMENT.

4.2 Sport England

Summary: Sport England raises **no objection** to this application which is considered to meet Exception E4 of our adopted Playing Fields Policy, **subject to a condition requiring reinstatement** of the tennis/netball courts once the temporary permission expires.

An assessment of the proposal and wording of the condition is set out below.

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal is for the construction of portacabins for a temporary period of 3 years on the site of the tennis/netball courts. As the sports courts are immediately adjacent to the functional playing field they fall within the "whole of a site" definition of playing field set out in SI No.595. It is understood the permission is retrospective.



Assessment against Sport England Policy/NPPF

Although the information describes the sports courts as disused and a car park the loss has not been justified against the exceptions contained within Sport England's Playing Fields Policy or paragraph 97 of the NPPF. As no evidence has been put forward the courts are surplus to requirements, to the local community not the current user, then Sport England Policy Exception E4 (replacement) must be applied:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Sport England do not object to the temporary loss of functional playing field and sports facilities as long as they are reinstated once the temporary permission expires and within 3 months of the removal of the portacabins. The reinstatement must be to a condition fit for purpose as sports courts. For that reason a reinstatement condition is required, wording set out below.

Conclusion

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet Exception E4 of its Playing Fields Policy and paragraph 97(b) of the NPPF. The absence of an objection is subject

to the following condition and informative being attached to the decision notice should the local planning authority be minded to approve the application:

Within 3 months of the date planning approval has been granted [insert date] a scheme for the removal of the portacabins and associated structures, reinstatement of the sports courts and any natural turf playing field affected by the development, and timescales for reinstatement has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The portacabin and associated structures must be removed from the site within 3 months of the expiration date of the planning approval [insert date] and reinstatement implemented in accordance with the scheme.

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy [insert relevant local plan policy] and paragraph 97 of the NPPF.

Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist sports construction consultant. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) and "Artificial Surfaces for Outdoor Sports" (2013).

If you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

If your Council decides not to attach the above condition, Sport England would wish to raise an objection to this application.

Should the local planning authority be minded to approve this application without the above condition, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any committee agendas and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

4.3 Knowsley Council

Highways:

Knowsley Councils Highway's Department have no objection to the proposed development as it is anticipated that any potential issues of parking and/or by vehicles associated with the development will lie within the Halton Borough.

Neighbour notification:

Cronton Parish Council have also been consulted on the application and have no comments.

To summarise, Knowsley Metropolitan Borough Council raise no objection to this planning application.

5. REPRESENTATIONS

5.1 The application was publicised by three site notices posted adjacent to the site on 17th September 2020, one hundred and seventeen neighbour notification letters sent on 17th September 2020 and a press advert in the Widnes and Runcorn Weekly News on 24th September 2020.

5.2 Representations from two contributors have been received from the publicity given to the application. A summary of the issues raised are below:

- These buildings are already in place and residents have not been informed;
- More traffic;
- Impact on wildlife in the adjacent woodland area;
- Removal of existing car parking at the site;
- The buildings by virtue of their length and height are not sympathetic to the character and appearance of the area;
- The Design and Access Statement is inaccurate and the reality is the loss of more parking spaces at a time where the use of public transport is not encouraged due to COVID-19;
- How many parking spaces would be lost?
- It is understood that the college do not intend to reopen a small rear gate by the tennis courts. Can this be conditioned to avoid antisocial behaviour on the Ridings estate? Any new pedestrian access should be restricted to the Queensbury Way option;
- An external staircase results in views of adjacent properties and noise pollution with the banging of the door. Measures should be put in place to ensure the quiet closing of the door. It is shown as an emergency fire exit and should be conditioned as such;
- The 3 year temporary period should commence from the date construction started rather than the date approval is given because they should have obtained planning permission before commencing the project;
- The structures should be removed completely in their entirety at the end of the 3 year period.

6. ASSESSMENT

6.1 Principle of Development

The whole of the Widnes Sixth Form College site is designated as a Greenspace (School Playing Fields) in the Halton Unitary Development Plan.

Policy GE6 indicates that development will not be permitted unless it is ancillary to the enjoyment of the Greenspace or in the case of designated Greenspace in educational use, it specifically required for educational purposes, in compliance with Policy GE8.

Policy GE8 (2) states that development specifically for educational purposes will be permitted on designated greenspace in educational use provided that it would not conflict with Policy GE12.

Policy GE12 relates to the protection of outdoor playing space for formal sport and recreation. The proposed development would be within the existing complex of College buildings / existing hardstanding and would not result in the loss of outdoor playing space which is currently available to southern and eastern part of the site. Sport England have raised no objection to the proposed development subject to the implementation of a suitable reinstatement scheme following the removal of the temporary structures from the site which should be secured by condition.

It is considered that the proposed development would be ancillary to the enjoyment of the designated greenspace in education use and would not result in the loss of outdoor playing space at the College in compliance with policies GE6, GE8 and GE12 of the Halton Unitary Development Plan. The principle of having temporary accommodation at the site to coincide with the implementation of extensions and alterations which have been previously granted are considered to be acceptable in principle and would be of assistance in the enhancement of the educational offer at the College. Any harm as a result of the temporary loss of greenspace or sporting facilities is considered temporary and justified.

6.2 Amenity

The Widnes Sixth Form College has been operational at this site for many years and there has been residential development adjacent to the site more recently.

The temporary accommodation is sufficiently distant from the adjacent residential development with the nearest property being over 25m away. It is also noted that the temporary accommodation and the nearest residential property do not have main windows facing each other and there is a well landscaped buffer between the two. In terms of scale, the temporary buildings would be a maximum of two stories in height and their siting would ensure that residential amenity in terms of light and privacy would not be unduly compromised.

An issue regarding the use of an external staircase has been raised in the representations. It is acknowledged that the likely intention regarding its use is as a fire exit given there is also a covered staircase, however to implement

social distancing measures during the COVID-19 pandemic, like many other educational establishments, the College may have implemented a one way system hence the use of the external staircase. In any case, given the degrees of separation, relative aspects of the properties, intervening soft landscaping and the temporary nature of the development it is not considered that the use of the external staircase is so detrimental to residential amenity to justify refusal nor could a condition be attached stating that it can only be used for this purpose.

In respect of amenity, the proposal is considered to accord with Policy BE1 of the Halton Unitary Development Plan.

6.3 Highway Implications

The implementation of the recently granted proposed extensions at the site (application reference 20/00039/FUL) increases movement to and from the site through the creation of additional classrooms would increase the student capacity of the college by 225 students and necessitates the requirement for an additional 10 members of staff. The applicant's proposal not to add any additional parking was considered positive in the context of influencing a modal change in travel towards more sustainable choices.

The earlier application was accompanied by a Travel Plan which sought to formalise the commitments of the College to lower its carbon footprint and minimise its environmental impact. The existing investment into bus passes for students is noted as is the proposed mitigation as set out in the key deliverables in the Travel Plan which included the following:

- No new parking spaces;
- Construct two new full enclosed, access controlled & CCTV monitored cycle stores;
- All existing cycle stores to be monitored by CCTV to provide comfort for students;
- Install 5no. new electric car parking points with flexibility to install a further 5no. as demand increases as part of the Travel Plan monitoring process;
- Install new shower and changing facilities within the new sports block to encourage cycling;
- Car park pass scheme for students over 2km walk distance.

The attachment of a travel plan condition to that application ensures that the College can successfully make positive changes to the way students travel to and from the campus and that over the next five years and that these changes can be assessed through annual reporting.

The temporary college space proposed by this application would also be assessed within the structure of the Travel Plan. Its impact and effectiveness can be assessed in line with the aims of the plan to reduce car borne travel specifically for students living within the immediate vicinity and those for whom sustainable travel is a very real option. As such the Highway Officer whilst

noting the reduction in existing car parking provision that results from having the temporary accommodation located at the site is minded to raise no objection to the proposal. It is noted that this application for temporary accommodation does not look to increase the capacity of the college further and therefore should not result in additional traffic. The implementation of the Travel Plan should in fact result in less traffic through the encouragement of travel by sustainable modes. Any loss of car parking will be temporary and can be justified having regard to the wider background of the scheme.

In conclusion, the proposal is acceptable from a highway perspective in compliance with Policies BE1, TP6, TP12, TP15, TP16 and TP17 of the Halton Unitary Development Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

6.4 External Appearance and Site Layout

The temporary college accommodation for which permission is sought is considered to be located in logical position within the site.

In terms of external appearance, the buildings are designed to be used for a temporary period and could be described as being functional in appearance. They are considered to be acceptable for the temporary three year period for which permission is sought. It is not considered that they appear wholly out of character with the area which would warrant the refusal of the application and are often found at educational establishments where improvements / redevelopment is taking place.

The proposed site layout is considered to be logical and allows for functionality and accessibility for all whilst also being of an appropriate design for temporary structures.

The proposal is considered to accord with Policies BE1, BE2 and BE23 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.5 Landscaping and Trees

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

The location of the temporary accommodation on existing areas of hardstanding is not considered to be seriously detrimental to the existing trees located adjacent on the boundary of the college with the residential development to the south.

The proposal is considered to accord with Policy GE27 of the Halton Unitary Development Plan.

6.6 Ecology

The proposal does not have any significant ecological constraints nor is unacceptable harm to species of flora or fauna protected under national or international legislation or its habitat occurring.

The proposal is considered to be compliant with Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.7 Additional issues raised in representations not addressed above

This is a retrospective application so it was not possible for the Council to have notified residents prior to the temporary buildings being sited. This retrospective application has to be considered on its merits.

It is stated that the Design and Access Statement is inaccurate and the reality is the loss of more parking spaces. The buildings exist on site and the plans accompanying the application are clear. The Highway Officer considers the impact of the proposal in terms of car parking to be acceptable. Where inaccuracies do exist they are considered minor and not to inhibit the proper consideration and determination of the application.

An adjacent resident understands that the college do not intend to reopen a small rear gate by the tennis courts and asks whether this be conditioned? The access point is established and is something that is managed by the College. It is not considered reasonable to attach a planning condition which restricts its usage as it would not meet the tests required. With regard to a new pedestrian access to Queensbury Way, improved pedestrian linkages were secured by condition on application 20/00039/FUL with the detail to be submitted.

The application seeks a 3 year temporary planning permission and needs to be determined on this basis. The granting of the application would result in a temporary 3 year time period from the point of determination. Whilst it is noted that the siting of the temporary buildings on the site without the benefit of planning permission is by no means desirable, this application would regularise the breach of planning control and they are considered acceptable for the duration sought as set out in the above assessment.

7. CONCLUSIONS

In conclusion, the proposal provides temporary accommodation to allow the provision of continued education at the site whilst the extensions and alterations previously granted by the Council are implemented ancillary to the enjoyment of the designated greenspace. The temporary accommodation is functional in appearance, sited in a position which is not seriously detrimental to residential amenity and does not result in any severe highway impact which would warrant the refusal of the application as concluded by Highway Officers at both Halton and Knowsley.

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

The application is recommended for approval subject to conditions.

8. RECOMMENDATION

Grant planning permission subject to conditions.

9. CONDITIONS

1. Time Limit – Temporary Period of 3 years.
2. Scheme for the reinstatement of the site following the expiry of the 3 year period.

10. BACKGROUND PAPERS

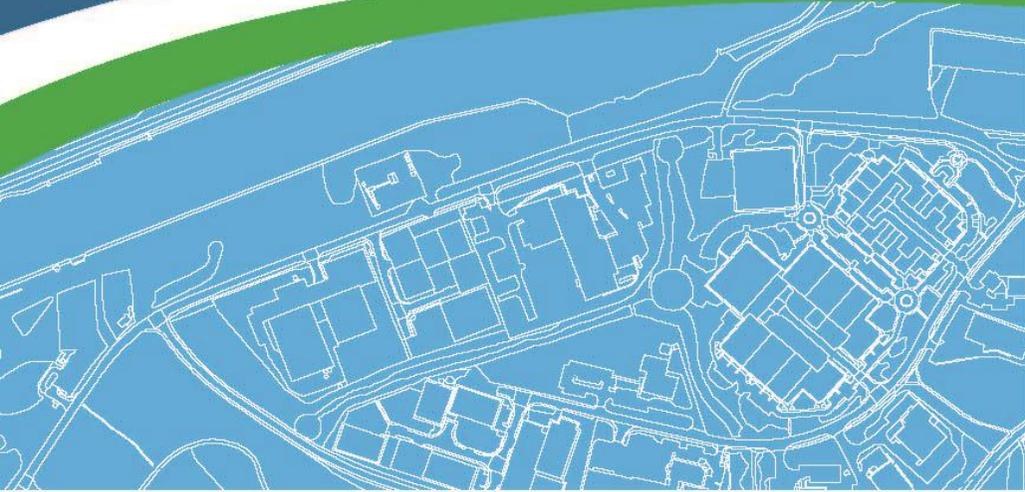
The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government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

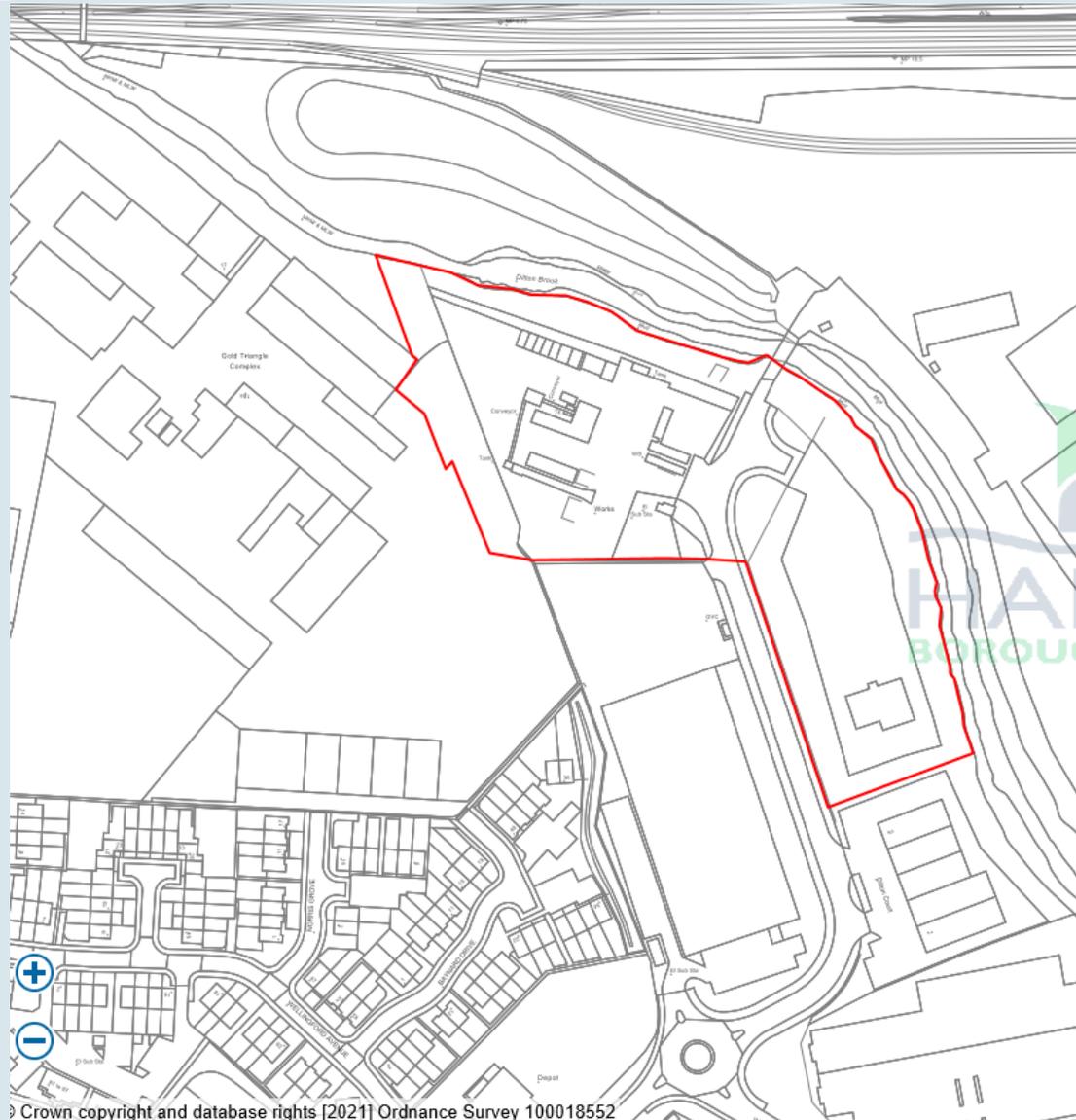
11. SUSTAINABILITY STATEMENT

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.





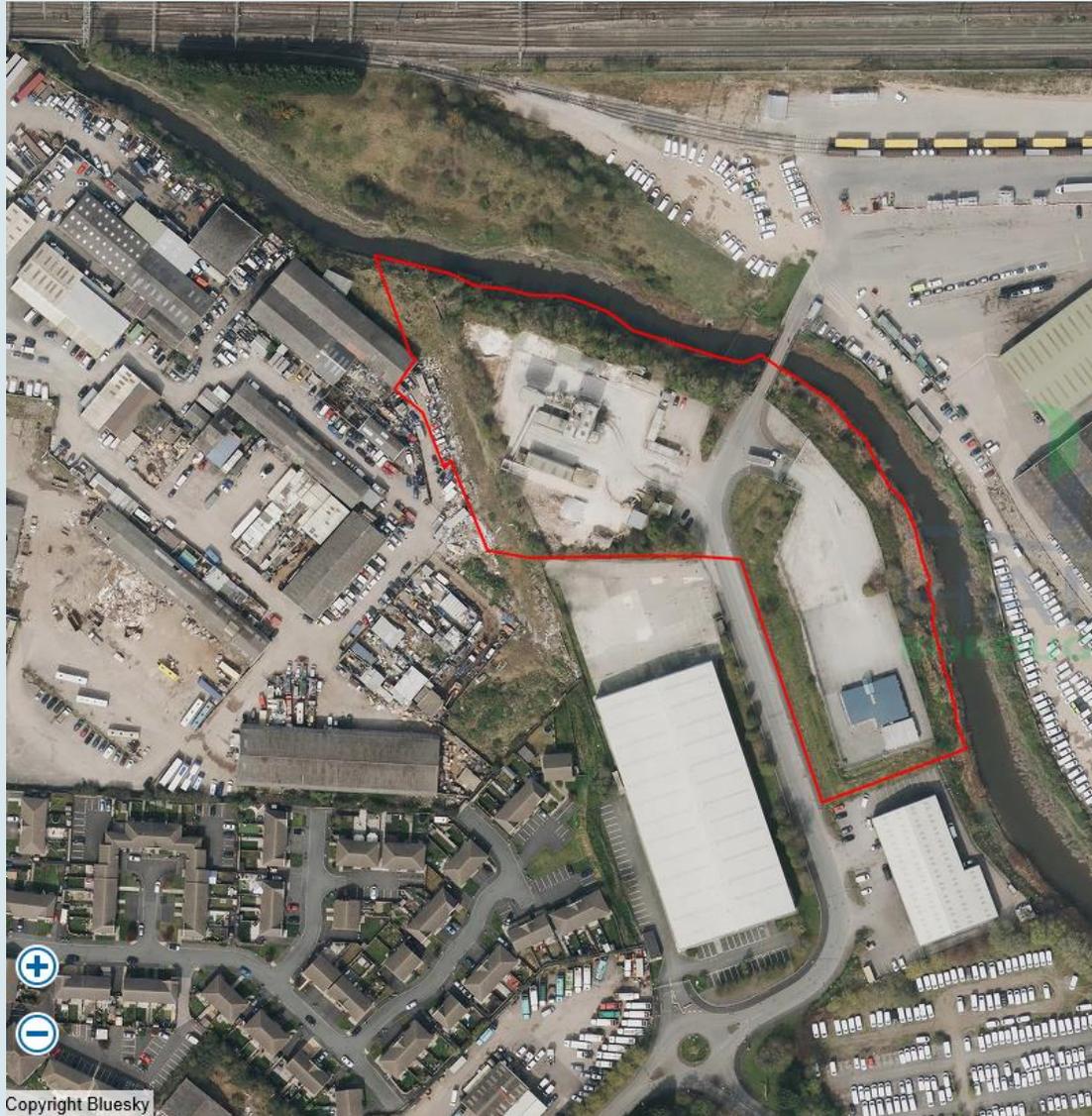


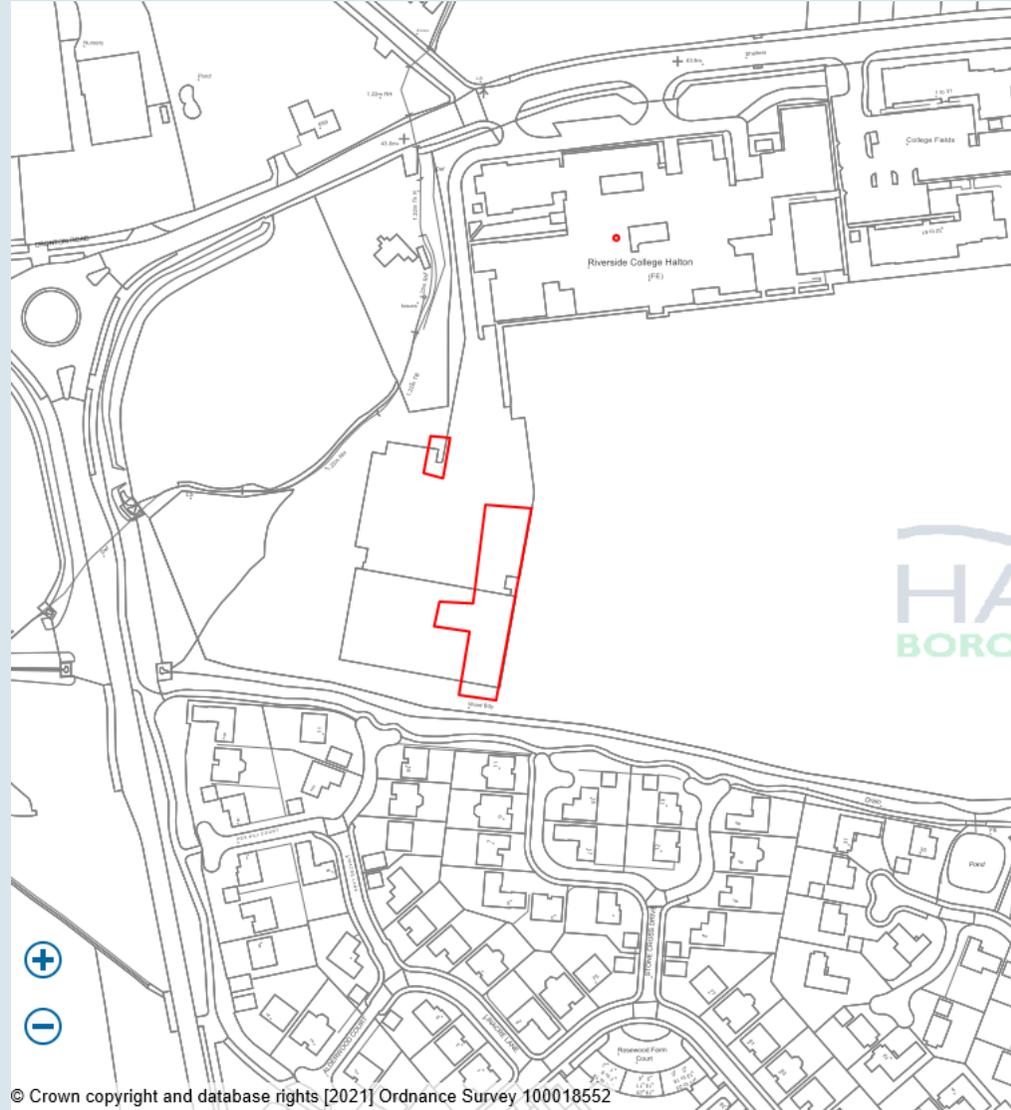


Key		Unit Schedule		
	Phase 1	(Phase 1) Total: 86Units	(Future Phase A) Total: 178Units	(Future Phase B) Total: 96Units
	Future Phases			
	Indicative Planting	2b4p semi detached 22No	2b4p semi detached 48No	2b3p Apartment 96No
	Primary Road	2b4p/3b5p Terrace 32No	2b4p/3b5p Terrace 98No	
	Vehicular Site access	2b3p Apartment 32No	2b3p Apartment 32No	
	Pedestrian/Cycle Site access			
	Frontage Development zone			
	Garden Development zone			
	Secondary Road			
	Footpath			

Overall Total: 360











1 North Elevation
1 : 200



2 South Elevation
1 : 200



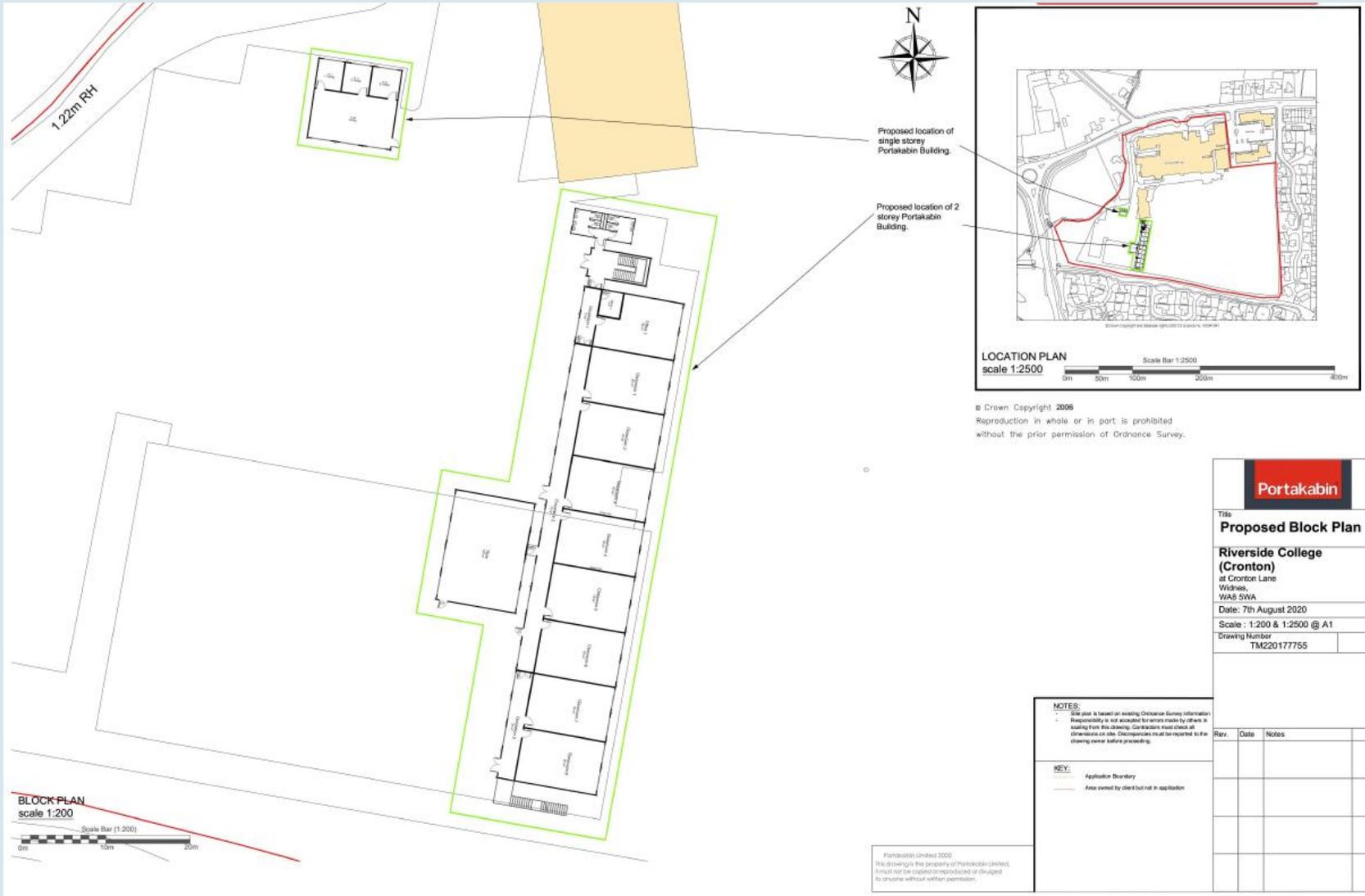
3 East Elevation
1 : 200

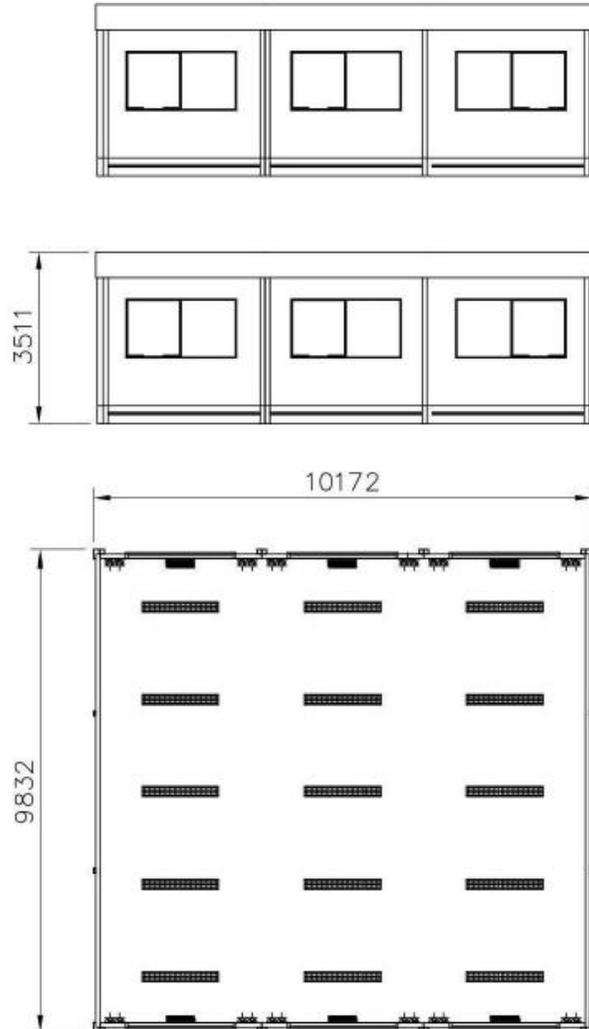


4 West Elevation
1 : 200



Photographs are for example only





EXTERNAL COLOUR SCHEME

Walls	- Goosewing Grey	nearest BS ref 10 A 05
Vertical wall trim	- Goosewing Grey	nearest BS ref 10 A 05
Bottom wall trims	- White	nearest BS ref 00 E 55
Long wall fascias (covering wall)	- Goosewing Grey	nearest BS ref 10 A 05
Long wall fascia (covering beam)	- White	nearest BS ref 00 E 55
Short wall composite fascia	- Goosewing Grey	nearest BS ref 18 B 25
Roof	- White	nearest BS ref 00 E 55
External skirt	- Goosewing Grey	nearest BS ref 10 A 05
Columns, external corners	- Grey	BS 4800 00 A 05
Columns, intermediate	- Grey	BS 4800 00 A 05
Windows	- Blue Grey	nearest BS 4800 18 B 29
Doors:		
Insulated door	- Slate grey	nearest BS ref 18 B 25

