

Public Document Pack



**Development Control Committee
Monday, 27 July 2020 5.00 p.m.
Via remote access (please contact below
for instructions)**



Chief Executive

COMMITTEE MEMBERSHIP

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

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

**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	9 - 36

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 Tuesday, 3 March 2020 at Civic Suite - Town Hall, Runcorn

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

Apologies for Absence: Councillors Carlin and C. Plumpton Walsh

Absence declared on Council business: None

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

Also in attendance: Nine members of the public, one member of the press and Councillors Dourley and Joe Roberts

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

Action

DEV22 MINUTES

The Minutes of the meeting held on 6 January 2020 were taken as read and signed as a correct record.

DEV23 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.

The Committee was advised that Cllr Morley was a trustee of the Mersey Gateway Environmental Trust, who were referred to as consultees in the Officer's report for the following item. However, it was clarified that the Trustees of the Mersey Gateway Environmental Trust had not been consulted regarding the Trust's objection relating to the application and as the Trust's objection had been withdrawn, Cllr Morley was permitted to take part in the consideration and voting of the application.

DEV24 - 19/00235/FUL - PROPOSED DEVELOPMENT OF 243 DWELLING HOUSES, INCLUDING ACCESS, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH OF RAILWAY AND WEST OF TANHOUSE LANE, WIDNES

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

Officers' advised the Committee that reports were originally prepared for the November and January Development Control Committee meetings in relation to this application, but this matter was not considered due to receipt of a late, detailed objection.

It was reported that a review of the proposal had been undertaken by the applicant in light of late objections received and officer advice. As a result, amendments had been made to the layout/apartment design to further mitigate the impact on future residents from noise and an updated noise assessment had now been provided. Amendments had also been made and clarification provided with respect to the proposed drainage proposals, so the report presented to the Committee today had been updated to reflect the current position.

The Committee was advised that a further representation had been received from *ICoNiChem* since these amendments had been made. The Council's Environmental Health Officer (EHO) then advised the Committee of the nature of the objection from *ICoNiChem*; that being the potential for them to become a statutory noise nuisance. However the EHO advised that they did not object to the proposal as they were satisfied that the applicant had complied with the initial issues raised, through the reconfiguration of the layout of the apartments as described in the report.

The Committee was addressed by Mr McGrath, who spoke on behalf of the applicant. He explained that the site already had outline planning permission for a residential development and they were proposing to build 214 properties with open spaces. He noted the noise objections made by *ICoNiChem*, but stated that they had redesigned the apartment layouts so that noise from their site would be minimised for residents. He argued that the site was heavily contaminated and derelict and the proposal was comprehensive and would add affordable homes in excess of the requirement. They would provide a mixture of provision for different types of residents, which would be of great social value. He urged the Committee to approve the application so work could commence as soon as possible.

Mr Croft, *ICoNiChem's* Operational Director, then addressed the Committee. He stated that this Company had

operated for the past 40 years on this site and employed 64 people. He argued that the close proximity of residential housing to them was a threat to the business as the Company operated 24 hours a day 7 days a week and noise was emitted continuously from the site. He also stated that the applicant had made no attempt to solve the issue as despite the reconfiguration of the rooms and better quality glazing, flaws still remained, such as the fact that the windows facing the site could not be opened and the glazing would not be effective enough to block out the noise. He advised that despite the mitigation measures put in place there was still a serious risk of noise nuisance for future residents which would result in complaints being made to *ICoNiChem*. He stated that *ICoNiChem* had submitted a total of 3 objections to the scheme and neighbouring business had also objected. He stated that businesses should be protected from residential complaints and not have restrictions placed upon them.

In response to the concerns over noise nuisance complaints, the Council's EHO stated that the main concern had been the potential for noise nuisance at night, when people were sleeping. However since the work done by the applicant to mitigate this, it was considered that an objection to the scheme could not be sustained by the EHO.

The Committee discussed at length the application after hearing the speakers and officers responses. The following additional information was noted:

- If the application was approved the applicant and objectors could be encouraged to continue dialogue for the benefit of both;
- In line with the NPPF, the mitigation taken by the applicant had been suitable for the site; and
- Although the site was presently isolated, the developer and Council had agreed to widen/build path and cycle ways, introduce new crossing points and crossing points to improve access to local facilities and bus routes.

The Committee moved to a vote and agreed to approve the application subject to the conditions listed below.

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

- a) a legal or other appropriate agreement relating to

securing open space contributions and contributions for bird hide provision and hedgerow improvement; and

b) conditions relating to the following:

1. Standard 3 year timescale for commencement of development;
2. Specifying approved and amended plans;
3. Grampian style condition relating to off-site highway works to appropriate access into and out of the site (TP17);
4. Condition requiring submission and agreement of a Construction Environmental Management Plan (BE1);
5. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2 and CS9);
6. Condition requiring submission and agreement of landscaping scheme (BE1, GE30 and CS9);
7. Condition requiring detailed treatment of the area to the north east boundary of the site adjacent to the Greenway (BE1, GE30 and CS9);
8. Condition requiring implementation of details for boundary treatments (BE22, GE30 and CS9);
9. Condition requiring vehicle access, parking and servicing for apartments to be constructed prior to occupation of properties / commencement of use (BE1 and CS9);
10. Conditions relating to surface water / highway drainage (BE1, PR5 and CS9);
11. Condition requiring enhanced glazing (PR2 and CS9);
12. Condition requiring submission and agreement of cycle parking details (TP6 and CS9);
13. Condition requiring submission and agreement of bin storage details for apartments (BE2 and CS9);
14. Condition requiring continuing remediation and verification plan on the basis of the submitted documentation (PR14 and CS9);
15. Submission and agreement of Site Waste Management Plan (WM8);
16. Submission and agreement of site and finished floor levels (BE1, BE2 and CS9);
17. Condition requiring the affordable housing provision as a minimum standard of 25% of development (50% social and affordable rent and 50% intermediate housing tenures) (CS13);
18. Submission and agreement of scheme of biodiversity features including bat and bird boxes;

19. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
20. Securing HIA mitigation measures (CS22);
21. Requiring submission and agreement of electric vehicle parking and charging points(s) details (NPPF); and
22. Conditions relating to / requiring submission and agreement – implementation of details foul surface water / highway drainage scheme including attenuation (BE1/PR5).

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

DEV25 - 19/00518/FUL - PROPOSED DEMOLITION OF EXISTING BUILDING AND REPLACEMENT BY 8 NO SELF-CONTAINED LIGHT INDUSTRIAL UNITS (USE CLASS B1C) INCLUDING NEW ACCESS AND ASSOCIATED CARE PARKING, HARDSTANDING AND LANDSCAPING ON FORMER WIDNES TIMBER CENTRE, LAND OFF FOUNDRY LANE, WIDNES, WA8 8TZ

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

The Committee was advised that since the publication of the agenda one further representation had been received in support of the application.

Members were referred to the definition of the proposed use as defined by the Use Classes Order given on page 70 of the report. That definition being one '*which could be carried out in any residential area without detriment to the amenity of that area*'. The site was designated within the current development plan as within Halebank Action Area and uses within Use Class B1 were specifically listed within the relevant policy as being acceptable. It was noted that the suggested additional condition stated in the published AB update list further restricted any future proposed change of use.

The Committee was addressed by Mr White who spoke on behalf of the applicant. He stated that although previous planning consents had been given for the site, none had materialised. He stated this was a change of use

to industrial, however the plans sat comfortably within the neighbouring residential areas and would benefit from new fencing and a buffer boundary, consisting of soft landscaping, which would also act as an acoustic buffer for traffic and HGV's.

Members were then addressed by Mr Clarke who objected to the scheme on behalf of local residents. He stated that the plans would have a detrimental effect on the area and greatly affect the quality of life of the surrounding residents. He provided details of an incident when the Fire and Rescue Service were unable to access a house that was on fire and neighbours had to provide access for them through their own homes; the residents were afraid of repeat incidents of this nature. He also stated that when they bought their houses, the Committee had told them that surrounding land would be residential.

On behalf of the Development Control Committee the Chair stated that this Committee had never made statements of this nature in relation to any area of potential development within the Borough.

Members were then addressed by Councillor Dourley, a Local Ward Councillor who spoke in objection of the application. He supported the comments made by Mr Clarke in relation to the information provided to existing residents regarding the plans for the site being only for residential development. He argued that access to the site was via one access road and was very difficult for emergency vehicles, as experienced by the Fire Brigade with a recent house fire call. He insisted that the site was identified as residential and to allow industrial development would be unfair to those residents already living there. He requested the Committee to reject the proposal.

Members considered the application and representations made by speakers. Clarity was provided around material and non-material considerations in relation to the application following comments made by Councillor Woolfall. It was also commented that the application must be determined in accordance with the existing development plan, not one that may be adopted in the future.

Having considered the report, speakers representations, officers responses and legal advice, the Committee approved the application by majority. Councillor Woolfall requested that his objection to the scheme and vote to refuse be recorded in the minutes.

RESOLVED: That the application be approved subject to the following conditions, which includes the additional condition mentioned above:

1. Time limit – full permission;
2. Approved plans;
3. Clarification on use;
4. Hours of operation (BE1);
5. Restriction on openable windows and ventilation equipment at the of units 2-7 (BE1 and PR2);
6. Existing and proposed site levels (BE1);
7. External facing materials (BE1 and BE2);
8. Boundary treatments scheme;
9. Soft landscaping scheme (BE1);
10. Breeding birds protection (GE21);
11. Hours of construction (BE1);
12. Cycle parking scheme (BE1 and TP6);
13. Electric vehicle charging point scheme (CS19);
14. Offsite highway improvements scheme (BE1);
15. Provision and retention of parking and servicing (BE1 and TP12);
16. Ground contamination (PR14 and CS23);
17. Drainage strategy (PR16 and CS23); and
18. Restriction on permitted development rights.

DEV26 - 19/00563/FUL - PROPOSED ERECTION OF STEEL PORTAL FRAME INDUSTRIAL BUILDING FOR STORAGE, PORTAL BUILDINGS TO PROVIDE ADDITIONAL STORAGE (50SQM), OFFICE ACCOMMODATION (45SQM), TOILETS (9SQM), CANTEEN (18SQM) AND DRYING ROOM (7.5SQM) AND ENCLOSURE OF SITE WITH 2.4 METRE GREEN STEEL WIRE FENCING AND GATES AT FORMER BRAKES CAR PARK, ASTON FIELDS ROAD, WHITEHOUSE INDUSTRIAL ESTATE, RUNCORN, CHESHIRE, WA7 3FZ

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.

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

1. Time limit – full permission;
2. Approved plans;
3. Existing and proposed site levels (BE1);
4. External facing materials (BE1 and BE2);

5. Removal of palisade fencing and installation of green paladin fencing (BE1);
6. Tree and hedgerow protection (BE1);
7. Breeding birds protection (GE21);
8. Cycle parking scheme (BE1 and TP6);
9. Electric vehicle charging point scheme (CS19);
10. Implementation of pedestrian link (BE1 and TP12);
11. Provision and retention of parking and servicing (BE1 and TP12);
12. Ground contamination (PR14 and CS23);
13. Drainage strategy (PR16 and CS23); and
14. Foul and surface water on a separate system (PR16 and CS23).

Meeting ended at 7.45 p.m.

REPORT TO: Development Control Committee

DATE: 27 July 2020

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
19/00534/FUL (Page 10)	Proposed demolition of existing pharmacy and construction of mixed development comprising 12 no. two bedroom apartments and commercial unit (Use Class A1) at ground floor together with associated parking, landscaping and ancillary works.	Appleton Village Pharmacy, Appleton Village, Widnes, Cheshire

APPLICATION NO:	19/00534/FUL
LOCATION:	Appleton Village Pharmacy, Appleton Village, Widnes, Cheshire.
PROPOSAL:	Proposed demolition of existing pharmacy and construction of mixed development comprising 12no. two bedroom apartments and commercial unit (Use Class A1) at ground floor together with associated parking, landscaping and ancillary works.
WARD:	Appleton
PARISH:	None
AGENT(S) / APPLICANT(S):	Constructive Thinking Studio Ltd. Mr Nasr, Appleton Village Pharmacy.
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential Area
National Planning Policy Framework (2012)	
Halton Unitary Development Plan (2005)	
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No.
REPRESENTATIONS:	three representations received from the publicity given to the application.
KEY ISSUES:	Design, Amenity, Affordable Housing, Open Space, Drainage, Access, Ground Contamination, Parking and highway issues.
RECOMMENDATION:	Grant planning permission subject to conditions and the securing of a commuted sum in lieu of on-site open space provision either by an upfront payment prior to the determination of the application or by a S106 agreement.

1. APPLICATION SITE

1.1 The Site

Site of approximately 0.152 Ha in area currently occupied by Appleton Village Pharmacy and associated car parking which is located at Appleton Village, Widnes.

Land to the north and east of the site is predominantly residential development including an apartment block of 24 apartments currently nearing completion, approved by permission 17/00389/FUL, by the same developer. The application site also includes land associated with that development to allow for amendments to parking and servicing. That development will be accessed through the current application site,

Located to the west of the site is a Council car park with St Bede's Church and St Bede's RC Infant and Junior School located beyond this.

Located to the south of the site is a mix commercial buildings and uses accessed from Appleton Village and Deacon Road.

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan.

2. THE APPLICATION

2.1 The Proposal

The application proposes the demolition of an existing pharmacy building and the construction of 12no. two bedroom apartments with a commercial unit (Use Class A1) at ground floor together with associated parking, landscaping and ancillary works. The proposals also include provision for the reconfiguration of parking and associated servicing of a previously approved residential scheme to the rear of the site to maximise parking provision across both schemes. The proposed ground floor retail unit is identified as a replacement for the existing pharmacy being demolished. Whilst the application is for a commercial unit (Use Class A1) the applicant has agreed to a condition to be attached to any planning permission to restrict the use to a pharmacy and limit the area of retail floor space, open to the public, to that shown on the submitted plans. Whilst this will allow the planning authority a degree of control over the future use, it does not preclude future changes of uses being considered acceptable on their merits.

Members should also note that when the application was originally submitted, permission was sought for 17no. one and two bedroom apartments. However, during the processing of the application, the amount of development sought has reduced in an effort to overcome officer concerns regarding design parking and servicing.

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement;
- Noise Report;
- Transport Statement;
- Site Investigation/ Remediation Reports;
- Drainage Strategy

3. **POLICY CONTEXT**

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE22 Boundary Walls and Fences;
- PR7 Development Near to Established Pollution Sources;
- 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;
- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- TC5 Design of Retail Development;
- TC6 Out of Centre Retail Development;
- H3 Provision of Recreational Greenspace;
- H8 Non Dwelling House Uses

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS5 A Network of Centres
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

3.5 Supplementary Planning Documents (SPD)

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

4. **CONSULTATIONS**

The application was advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents and landowners were notified by letter.

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

External Consultees:

Cheshire Constabulary - Designing Out Crime Officer

Council Services:

Highways
Lead Local Flood Authority
Contaminated Land Officer
Environmental Health Officer

5. REPRESENTATIONS

5.1 A total of three representations from neighbours have been received from the publicity given to the application. A summary of the issues raised is below:

- Amount of development in area/ on the site
- Highway safety and conflict with existing school/ nursery uses
- Living conditions/ outlook of future occupiers
- Noise/ dirt from previous phase would be repeated
- Scale of development out of character
- Parking and overflow to surrounding streets
- Lack of bin storage/ electric vehicle charging
- Smaller pharmacy proposed leading to potential reduction in services
- Sign off of pharmacy relocation has not been secured

6. ASSESSMENT

6.1 Principle of Residential Development

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan. Residential development is therefore considered acceptable in principle. It is also noted that an earlier phase of development was previously approved for residential development on the rear portion of the site (ref. 17/00389/FUL) which is nearing completion. The proposals also include provision of a commercial unit (use class A1) at ground floor following demolition of an existing pharmacy on the site. That existing pharmacy was previously approved by planning permission 13/00381/COU to “retain change of use from offices (Use class B1) to a chemist/pharmacy and new shop”. Whilst the principle of such use on the site has previously been established, that planning permission was subject to a condition restricting retail floor space to 136m². In order to secure a similar level of control it is considered reasonable to restrict the use and available retail floor space open to members of the visiting public and customers to the area currently identified on the submitted plans as detailed above.

On that basis the principle of development is considered to have been established and is acceptable in principle.

6.2 Highway Considerations

The application is accompanied by a Transport Statement. The Council's Highways Officer has advised as follows:

Background

A previous permission for the site conditioned the retention of ten dedicated spaces for the pharmacy and required an additional 30 car parking spaces plus cycle parking to serve the residential units. The residential provision was a mixture of twenty four one and two bedroomed flats. These were assessed at

a parking ratio of 1.5 spaces per unit. Whilst this required 36 residential spaces and 10 for the pharmacy this was relaxed to 30 spaces plus 10 given the pharmacy parking at night would not be in use. The final approved plan provided 34 parking spaces plus the additional 10 for the pharmacy.

This current application proposes the demolition of the pharmacy and the erection of 16 two bedroomed apartments, 1 one bedroom apartment and a commercial unit of 80 square metres.

VEHICLE PARKING

The proposal involves the demolition of the existing pharmacy and its 80sqm replacement construction. This would allow the removal of the conditioned 10 car parking spaces for the pharmacy with a requirement for 4 spaces to be dedicated for sole use of the pharmacy based on the standards in Appendix 1 of the UDP for an 80sqm unit.

Based on the same standards using 1.5 spaces per dwelling as an appropriate standard for 2 bed dwellings (between family and single bed at 2 and 1 space respectively) the residential aspect of the application would require an additional 25 car parking spaces creating a requirement of 29 additional car parking spaces. (The 4 car parking spaces for the commercial unit would need to be set separate, and identified clearly as for the sole use of retail customers).

Coupled with the existing residential block the total parking requirement for the site, including existing residential block, would be 59 car parking spaces. A minimum of two of these would need to be capable of Electric Vehicle charging and with 10% disabled parking. Recent site observations have indicated an increase in on road and pavement parking in Appleton Village. The demand for parking at peak times due to the schools and nursery is very high and impedes the pedestrian access through the Village. A reduction in parking standards at a location with such an acute demand and high numbers of children would be unacceptable.

The Transport Statement provides Trip Rate calculations based on residential locations with apparent similarities in scale and type. From the locations presented it is clear that many are retirement blocks or catered for specific residential types which affects the car ownership. As such the data presented cannot be deemed as representative of the development proposed in regard to traffic movements.

The applicant states that the National Census data in regard to car ownership. This data is currently nine years old and may not provide an accurate representation for the area generally. This information however does not reflect local variations and the demand for visitor parking.

CYCLE PARKING PROVISION

It is noted that the cycle parking provision which was agreed within the previous application has been removed and replaced with bin storage on the most recent

application. The Transport Statement provided states that the cycle storage is provided as part of the development though I could not find it identified on any of the plans provided. As well as the cycle parking for the existing block it would be necessary to increase the provision to cater for the proposed tenants. As such we would require cycle parking to be included and replaced which would be covered, secure and located in a visible, safe and convenient location. This would need to be sufficient to serve both buildings in terms of numbers and location.

SUMMARY AND HIGHWAY AUTHORITY DECISION

The Highway Authority would recommend the current application for **refusal**. The reason for this is that the present planning application does not adequately provide the necessary parking requirement for a development of this scale. The parking requirement is already a relaxation from the Council's UDP standards based on assessments for other similar developments within the Borough and within the Village itself. The previous parking provision (Planning Application number 17/00389/FUL) of 30 spaces itself was a reduction of an already relaxed parking standard and therefore it could not be deemed that the Highway Authority were not having regard to current guidance. The Transport Statement makes reference to guidelines set out in PPG13 which has now been superseded by NPPF guidance.

Planning Permission 17/00389/FUL granted for the first residential development on the site set a requirement for 36 car parking spaces with the developer providing 34 to service 24 apartments and 10 spaces set aside for the use of the pharmacy (12 x one bed and 12 x two bed).

The latest application proposes an additional residential block of a further 17 apartments (16 two bed and 1 x 1 bed) and a smaller retail unit but proposes a reduced overall parking provision of just 31 spaces to now serve 41 apartments and a retail unit. If we remove the four spaces necessary to serve the retail unit this equates to a residential parking provision of 27 spaces serving 41 apartments.

The UDP sets out parking standards of 2 spaces per family dwelling and 1 space per 1 bed dwelling. The application, if approved would provide a total of 28 two bed apartments and 13 X 1 bed apartments requiring a maximum parking provision on the site overall of 69 spaces plus 4. Assessed on its merits and on the principle of a relaxed standard used commonly within the borough, where sites have good accessibility by other modes, the Highway Authority would require a minimum parking standard of 1.5 spaces per 2 bed unit and 1 space per single bed requiring a parking provision of 55 car parking spaces plus 4 additional spaces set aside for use by the retail element. The site as a whole creates an overall requirement of 59 spaces. The new proposed block therefore would need to secure 29 parking spaces to be deemed acceptable.

Given the reduction in size of the Pharmacy there has been a 60% reduction in the parking requirement. It could be argued that the demand for the service

itself has not reduced putting further demand on the availability of local parking where there is already high demand. As such the maximum UDP Parking standard here of 4 spaces would be deemed necessary. Although there is a public car park in the vicinity of the site as mentioned in the Transport Statement we do not consider this to offset the need for additional onsite parking provision as it is currently operating at capacity. There are existing parking restrictions along Appleton Village in the vicinity of the site entrance and this limits the current on street parking although site observations were that customers frequently parked on the existing yellow lines whilst dropping and picking up.

Appleton Village is a busy road with very high demand for parking and is a destination for many road trips especially at peak times. The Village is served by a children's nursery, a reception school and a junior school as well as the entrance to Victoria Park, a doctor's surgery, two social clubs, and a church. Appleton Village is also part of an extensive £1.3 million European funded sustainable transport corridor scheme. Funding was approved to create a dedicated safe, segregated cycle and walking route from the borough boundary in the north of Widnes down to the Silver Jubilee Bridge in the south. This will have the effect of highway changes in the Village including junction alterations to improve crossing points, a controlled pedestrian crossing point, narrowed running lanes and restrictions on the availability of on road parking to allow for the wider footways/ cycleways to be constructed. As such the Highway Authority would consider the development in its proposed form would pose an unacceptable impact on highway safety as per paragraph 109 of the National Planning Policy Framework and prove to be detrimental to the sustainable travel corridor aimed at improving safe travel for pedestrians and cyclists. The Highway Authority do not consider the application provides sufficiently for the parking requirement or the safety of other highway users within the Village and therefore highway safety is the paramount concern in the decision.

The plans provided have removed the cycle storage provision which was agreed as part of the previous planning permission.

Whilst I have read the applicants mitigation against an under provision of parking such a significant under provision of parking would have a negative impact upon the Village in regard to parking and accessibility and presents an unacceptable risk to Highway safety. The Village is proposed for the imminent construction of a safe and sustainable cycle route and given the high number of children and families within the Village, we would consider the overall shortfall in parking provision would present an unacceptable impact upon highway safety.

*Based on the above Halton Borough Council's Highway Authority would **recommend this application for refusal**; on the grounds of highway safety under policy TP17 and BE1c, and parking provision under TP12, of the UDP.*

It is also noted that a number of objections received relate to the perceived overdevelopment of the site, lack of parking and conflict with other users of Appleton Village. It is also noted that the Highway Officers comments related

to an earlier iteration of the scheme for 17 apartments (16 two bed and 1 x 1 bed). Whilst the scheme has been further reduced to reduce the number of residential units to 12 no. 2 bed apartments, it is acknowledged that this is unlikely to significantly affect the stated advice and conclusions of the Highway Officer.

Given their interrelationship and that the scheme includes provision to alter the previously approved parking provision, it is considered appropriate to consider overall parking provision across the scheme. Based on the above advice from the Highways Officer and having regard for the subsequent loss of units, it is assumed that the requirement to remove the highways objection would be 52 including 4 spaces for the proposed retail unit. This is based on a ratio of 1 space per one bed unit and 1.5 spaces per two bed unit.

The current scheme makes provision for 37 parking spaces for an overall development of 36 apartments (12 no. one bed and 24 no. two bed) and the proposed retail unit and a deficiency of 15 spaces based on Highways Officer advice.

Members should note that a previously approved scheme of recently completed nearby flats on St Bede's View, Appleton Village were granted permission in 2007 with a mixture of one and two bedroom apartments. Here 36 apartments consisting of 22 one bed apartments and 14 two bed were given permission with a parking provision of 40 spaces. This considered 100% parking provision for the one bedroomed apartments and 1.25 spaces for the 2 bedroomed apartments was deemed an appropriate level of parking. A precedent therefore exists in the area for accepting a reduced level of parking provision.

Applying the same standard as applied at St Bedes this would reduce parking requirement to 46 (including pharmacy provision) which would represent a deficiency of 9 spaces albeit on an already relaxed standard.

The site is considered to be a highly sustainable location in close proximity to the town centre, local facilities including parks and public transport including bus stops and the train station. The proposed pedestrian and cycle improvements in the area highlighted within the Highways Officer response will further improve connectivity by alternative means of transport other than the car. Provision does exist within highways legislation to restrict on street parking where problems exist and the planning authority can only work on the basis that any such restrictions can be enforced.

It is considered that sufficient scope exists for access and servicing of the proposed uses and for cycle parking provision within the scheme. On that basis it is not considered that refusal of planning permission could be sustained on these grounds especially when weighed against the benefits of the scheme in terms of needed housing provision and the visual improvements to the site.

6.3 Layout

The proposed site and internal building layout has been amended in line with officer advice. The building is now considered to be appropriately located within the site having regard to securing appropriate access and providing an active frontage to Appleton Village and the internal access road. The reduction in number of apartments and removal of ground floor apartments has resolved issues relating to providing a satisfactory outlook for future residents of the proposed building. More appropriate provision is now made within the scheme for servicing and refuse storage and collection as well as cycle storage. Appropriate separation distances are considered to be provided to existing surrounding uses securing appropriate levels of amenity for existing and future residents and uses.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that flats/apartments are required to ensure that there is a private outdoor space appropriate to the size of the development and as a guide, 50sqm per residential unit should be used. The previous phase of residential apartments to the rear of the site was designed to include a shared garden area which was deemed acceptable for use by residents of that building. It is not known whether future occupiers will be allowed use of that garden area which is in the same land ownership. Notwithstanding that, the proposed is within easy walking distance of Victoria Park and it is not considered that refusal of planning permission could be justified with respect to any shortfall in amenity space.

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

Scale

Members will note that some representations have been received raising concerns that the proposed scale of development and that this would be out of character with the area.

It is noted however that the area is on the edge of a relatively high density residential area and that there are a number of other three storey developments in this area. These include the recently completed apartment development at St Bede's View as well as the recently constructed apartment block to the rear of the site. There is a variety of property types and styles in the locality and it is not considered that the proposed three storey apartment block would be out of character with the area.

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

6.4 Appearance

The scheme as submitted has been amended in line with officer advice. This has resulted in a more active frontage to Appleton Village including better detailing and fenestration at the upper floors. The proposed building is considered to be of a character suited to the site and wider area and will result in a significant enhancement that this part of the site contributes to the area compared with the existing. The submission of precise external facing materials and their subsequent implementation should be secured by condition.

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

6.5 Landscaping & Trees

There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area. There is currently no landscaping of merit on the site.

Indicative landscaping and boundary treatments details are shown on the site plan which accompanies the application. The scheme has been amended in line with officer advice to maximise the limited opportunities for planting within the scheme including to the frontage with Appleton Village.

Conditions securing the submission of a detailed landscaping scheme, including tree planting, subsequent implementation and maintenance thereafter and securing the submission of a detailed boundary treatment scheme is considered reasonable.

This would ensure compliance with Policies BE1, BE22 and GE27 of the Halton Unitary Development Plan.

6.6 Designing Out Crime

Cheshire Constabulary Designing Out Crime Officer has provided a number of comments and recommendations with the aim of improvement in terms of a secured by design perspective. The key points of that advice can be summarised as follows:

- Large windows can attract antisocial behaviour and suggest planting to deter people coming closer
- Security issues relating to porch area and areas to the side of the building
- Need for landscape maintenance
- Need for quality access control to secure areas
- Need for adequate boundary treatments

Landscape maintenance and access control are matters for the owner, boundary treatments will be secured by planning condition and security issues associated with the porch and side areas are considered to have been improved as a result of amendments to the scheme. With respect to the large

windows, through the amendments secured to the scheme these now serve only the pharmacy and shared space areas and not the residential units. As such significant improvement has been secured in this regard and any issues must be balanced against the benefits of provide an active retail frontage. The comments of Cheshire Constabulary can be attached to any planning permission by means of informative. The proposals do not include any detail of proposed roller shutters or other such security. It is considered that this can be restricted by condition.

6.7 Site Levels

Based on the site's topography, it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation.

This would ensure compliance with Policy BE 1 of the Halton Unitary Development Plan.

6.8 Noise

The application is accompanied by an Environmental Noise Assessment due to the proposed apartments being in a mixed use area with noise sources such as a commercial garage to the south and road traffic to the west.

The report identifies that mitigation measures are required in the form of glazing and ventilation to the windows located in living rooms and bedrooms. The Council's Environmental Health Officer has considered the application in respect of noise to future residents. They confirm that internal environment to the apartments has been appropriately assessed, taking into account the existing noise environment and that this clearly demonstrates that internal noise levels compliant with BS8233:2014 can be achieved with the windows closed, but also indicates that acceptable noise levels can be achieved with the windows open.

The proposed A1 use has not been specified and no details of refrigeration or air conditioning units that may be associated with such uses have been provided. It is considered that such installations can be restricted by appropriately worded planning condition. The Council's Environmental Health Officer has confirmed that no objections are raised to the proposed development.

The attachment of conditions securing the implementation of the recommended noise mitigation measures and restricting external mechanical plant is considered reasonable. On this basis the proposals are considered to be compliant with Policy PR7 of the Halton Unitary Development Plan.

6.9 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes.

The applicant has yet to provide a scheme which demonstrates compliance with the Council's affordable housing policy however they are prepared to accept a condition attached to a subsequent planning permission which secures such provision. It considered reasonable to attach a condition which secures the submission of a scheme, its subsequent implementation and maintenance thereafter.

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

6.10 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.

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

Subject to such payment of a commuted sum in lieu of on-site provision / securing of such provision by S106 agreement, it is considered that the proposal would provide sufficient residential greenspace to meet the local needs of the people living there in compliance with Policy H3 of the Halton Unitary Development Plan.

6.11 Ground Contamination

The application as originally submitted was accompanied by a Phase I Desk Study Report and Phase II Ground Investigation Report.

The Council's Contaminated Land Officer has reviewed these submitted documents. Whilst no objection is raised in principle, a pre-commencement condition is required to cover the submission of a remediation strategy, setting how the recommendations of the risk assessment are to be implemented as part of the scheme, and a methodology for dealing with unexpected contamination if encountered during the development. A condition requiring the pre-occupation submission of a verification report (demonstrating that the objectives of the remedial strategy have been met) will also be necessary.

The applicant has since submitted a remediation strategy document, which is currently being reviewed. It is considered that any outstanding remediation strategy and/ or appropriate validation to ensure any ground contamination is dealt with appropriately can be properly secured by condition attached to any planning permission to ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

6.12 Flood Risk and Drainage

The application site is located in Flood Zone 1 but within a Critical Drainage Area a Flood Risk Assessment would be required for this development. The LLFA has advised that treatment of the current and future surface water risk will need to be considered through a drainage strategy including threshold levels/ compensatory storage etc and that consideration should also be given to any river (fluvial) risk. The drainage strategy should also demonstrate compliance with the SUDS hierarchy and appropriate discharge rates calculated for 1, 30 and 100yr flood events for use in the drainage design. In line with NPPF it is advised that this should be attenuated to greenfield rates for greenfield sites/site area, and as close as possible to greenfield rates for brownfield areas (Halton BC SFRA requires minimum 50% reduction from existing in Critical Drainage Areas, which this site lies in) with allowance made for climate change.

The applicant has submitted a drainage strategy and plan which is being reviewed by the LLFA. No objection is raised in principle and it is considered that outstanding issues can be addressed through amendment to the drainage strategy and/ or plan or secured by appropriate planning condition in consultation with the LLFA to demonstrate compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.13 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, 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. The submission of a Waste Audit can be secured by condition.

In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

7. CONCLUSIONS

In conclusion, the proposal would deliver further residential development within the Primarily Residential Area. The principle of the pharmacy element is considered to have been previously established by the earlier grant of planning permission.

An appropriate access point to the site from Appleton Village is achieved. Issues have been raised about the level of parking provision across the scheme resulting in a formal objection from the Council's Highways Engineer. Based on the sites sustainable location and the benefits of the scheme in terms of housing provision and visual improvement it is not considered that refusal of planning permission can be justified in this case.

Amendments have been secured to the scheme which it is considered will result in a quality of development which will make a positive addition to the area and securing appropriate levels of amenity for existing and future occupiers.

The application is recommended for approval subject to conditions and the securing of a commuted sum in lieu of on-site open space provision.

8. RECOMMENDATIONS

Grant planning permission subject to conditions and the securing of a commuted sum in lieu of on-site open space provision either by an upfront payment prior to the determination of the application or by a S106 agreement.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Existing and Proposed Site Levels (Policy BE1)
4. External Facing Materials (Policies BE1 and BE2)
5. Soft Landscaping Scheme (Policy BE1)
6. Boundary Treatments Scheme (Policy BE1)
7. Hours of Construction – (Policy BE1)
8. Electric Vehicle Charging Points Scheme (Policy CS19)
9. Provision & Retention of Parking (Policy BE1)
10. Provision and retention of cycle parking
11. Implementation of Noise Mitigation Measures – (Policy PR2)
12. Affordable Housing Scheme – (Policy CS13)
13. Ground Contamination - (Policy PR14)
14. Drainage Strategy – (Policy PR16)
15. Waste Audit
16. Restricting use of commercial unit to pharmacy use and retail floor space
17. Submission and agreement of mechanical plant
18. Restricting external shutters

To Whom it May Concern

As we are in unusual times and it may not be possible to attend the relevant Planning Meeting in person, we, as Appleton Ward Councillors wish to register our objections to the Appleton Village Pharmacy/Apartments planning application No. 19.00534.ful. We also support the objection from HBC Highways Section. Our main points are as follows:

1. Appleton Village is one road with a central bend which impacts on vehicle visibility and safe parking. There are four busy road junctions in this highway of little more than 300 metres length. The road currently comprises of a number of business premises which all attract customers, vehicles and parking - DAY AND NIGHT. They are:-

- a successful Newsagent and general store
- A popular takeaway food outlet
- A well used bar and entertainment venue (Appleton Village Club) which also caters for large events (wedding etc) open throughout the year
- A social club (St. Bede's) with regular activities and catered for events with clientele from all areas of the town, also in use day and night.
- A home Improvement Company with a vehicles and storage depot as well as a showroom for retail and wholesale customers.
- A large vehicle repair garage with daily drive in customer base and parking requirements.
- A Kitchen improvement business, open to the public.
- Opposite the above on Appleton village is a Taxi Rank.

In addition an application is currently progressing for an existing apartment to be converted into a large office space which will of course result in further traffic and additional multiple parking in the area.

2. The Appleton Village is a congested artery road for both vehicles and pedestrians.

- There are two schools. A large Infants School and Large Primary school on and accessed through Appleton Village plus a separate Pre-school building. Further to the above accommodating approximately 600 children, the village is a route to the two largest high schools and the largest Junior school in the town.
- There is a large private extended hours nursery on the bend which caters for 85 children plus staff which has recently withdrawn expansion proposals due to highways objections.
- One of the few scout and Brownies buildings in the town is also situated on Appleton village providing for young people and volunteers from a wide area.
- The premier R.C church in the town, one of a diminishing number is heavily visited by parishioners and is also in constant use for church services, weddings and funerals.

- Victoria Park is the most popular park in the Borough with heavy 7 day a week visitation by the public. The park is accessed on Appleton Village and is also used as a major events location throughout the year.
- The GP surgery has one of the largest patient lists and receives a high volume of individual visits.
- The existing pharmacy has a late night licence attracting all hours customers.
- A bus route runs through the village with 2 bus stop shelters sited.
- Four electric car charging points have been installed on a substantial length of the road.
- A new cycleway is about to be installed through the village which will inevitably narrow the traffic lanes and reduce the current parking opportunities.

3. The road is heavily built up on both sides.

In addition to all of the above as a destination, the village is a busy through road but it also has substantial residential accommodation which attracts visitors seeking parking on the highway along with the need to cater for those existing residents.

- The general store has an apartment above with no off road parking.
- There is vehicle rear access to Birchfield Road houses from Appleton Village.
- One property houses adults with special needs requiring staff vehicles to come and go.
- St. Bede's View consists of 41, one and two bedroom apartments.
- There are several flats next to the Scout hut.
- Another four apartments are situated on one of the four busy junctions serving Appleton Village,
- the junction at Deacon Road, opposite the well-used car wash facility, is recognised as producing the worst air quality in the town, testimony to the already unacceptable levels of traffic converging on Appleton Village and this is of particular concern when one considers the large numbers of children gathered into the area.

Finally, there is in addition to the prior mentioned residential accommodation, another large apartment block under construction on the same site as the proposal in question. This will also impact detrimentally upon the village, including concerns of access and exit across a narrow pedestrian pavement. This existing development was reduced in number of units from the original proposal.

How, therefore can this further development be acceptable? In our view there has to be a recognition of when saturation point is reached in regard to detrimental impact on public safety, health and wellbeing. We believe that point has in this case, already been overstepped. Therefore we cannot support the proposed application and agree with the HBC Highways Department recommendation to refuse the application in the public interest.

Thank you

Appleton Ward Councillors : Eddie Jones
Ged Philbin
Angela Teeling

















