

Public Document Pack



Development Management Committee

Monday, 9 August 2021 6.30 p.m.
Council Chamber - Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Stan Hill (Chair)
Councillor Rosie Leck (Vice-Chair)
Councillor John Abbott
Councillor John Bradshaw
Councillor Chris Carlin
Councillor Noel Hutchinson
Councillor Alan Lowe
Councillor Ged Philbin
Councillor Rob Polhill
Councillor John Stockton
Councillor Dave Thompson

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 6 September 2021*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 7
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) 20/00479/FUL - Proposed extension to existing warehouse, small two storey office extension for warehouse and canopy extension above loading doors at Brenntag UK Limited, Pickering Road, Widnes, WA8 8XW	8 - 31
(B) 20/00573/FUL - Proposed erection of 48 dwellings together with car parking, landscaping, roads, footways, drainage infrastructure (including attenuation pond) and associated works on land opposite Stalbridge Drive, Runcorn, WA7 1LY	32 - 47
(C) 20/00594/FUL - Proposed demolition of existing pharmacy and construction of residential development comprising 12 two bedroom apartemnts; cycle and bin storage at ground floor and commercial unit (Use Class E) at ground floor, with associated parking, landscaping and ancillary works at Appleton Village Pharmacy, Appleton Village, Widnes	48 - 61
(D) 21/00235/FUL - Proposed erection a a three storey 35 over 65 retirement living apartments, together with external amenity space and parking facilities at 33-37 Irwell Lane, Runcorn, WA7 1RX	62 - 78
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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 MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 7 June 2021 at The Bridge Suite, Halton Stadium, Widnes

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Abbott, J. Bradshaw, Carlin, Hutchinson, A. Lowe, Philbin, Polhill, J. Stockton and Thompson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, G. Henry, P. Peak, L. Wilson-Lagan, K. Thompson and R. Cooper

Also in attendance: 5 members of the public and one member of the press

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

		<i>Action</i>
DEV1	MINUTES	
	The Minutes of the meeting held on 12 April 2021, having been circulated, were taken as read and signed as a correct record.	
DEV2	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.	
DEV3	20/00544/FUL - PROPOSED CONVERSION AND EXTENSION OF THE FORMER TYRE DEPOT FOR RE-USE AS A SELF-STORAGE FACILITY, SELF-CONTAINED OFFICES, COUNTER AND BUSINESS UNITS, INCLUDING TWO NEW MEZZANINE FLOORS WITHIN THE WAREHOUSE AT FORMER ATS BUILDING, TANHOUSE LANE, WIDNES, WA8 0RR	
	The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	

It was noted that further Lead Local Flood Authority observations had been reported as per the published AB Update List and one additional condition was suggested to those in the report, added at number 16 below.

The Committee approved the application subject to the conditions listed and the addition of the above condition.

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

1. Time limit – full permission;
2. Approved plans;
3. Restriction on use;
4. External facing materials (BE1 and BE2);
5. Boundary treatments scheme (BE1);
6. Parking and servicing (BE1);
7. Electric vehicle charging point scheme (CS19);
8. Cycle parking (BE1 and TP6);
9. Pedestrian improvement scheme (BE1 and TP7);
10. Tree protection measures (GE27);
11. Breeding birds protection (GE21 and CS20);
12. Ground contaminations (PR14 and CS23);
13. Drainage strategy (PR16 and CS23);
14. Foul and surface water on a separate system (PR16 and CS23);
15. Waste audit (WM8); and
16. Verification of Drainage Scheme (PR16 and CS23).

DEV4 20/00607/FUL - PROPOSED ERECTION OF 26 LIGHT FLEXIBLE INDUSTRIAL UNITS (USE CLASSES E(G) AND B8) WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS ON LAND TO NORTH OF JUNCTION OF WARRINGTON ROAD AND DOMINO COURT, RUNCORN, CHESHIRE

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

The Case Officer reported a minor amendment to the site layout to provide a footway along the northern edge of the internal access road, to improve pedestrian linages through the site. It was noted that the highway authority had been consulted and was satisfied with this improvement to the proposal. It was also noted that the internal road was intended to be private.

The Committee agreed that the application is approved, subject to the conditions listed below.

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

- a) entering into a legal or other agreement to secure a financial contribution to mitigate loss of priority habitat and greenspace;
- b) conditions relating to the following:
 - 1. Standard time limits condition (BE1);
 - 2. Plans condition listing approved drawings (BE1);
 - 3. External facing materials (BE1 and BE2);
 - 4. Submission and agreement of ground investigation report, and remediation strategy (PR14 and CS23);
 - 5. Submission of validation report (PR14 and CS23);
 - 6. Submission of access design (BE1);
 - 7. Parking, access and servicing provision (BE1);
 - 8. Electric vehicle charging points scheme (CS19);
 - 9. Cycle parking (TP6);
 - 10. Existing and proposed site and finished floor levels (BE1);
 - 11. Survey of United Utilities assets (BE1);
 - 12. Flood risk assessment and mitigation (PR16 and CS23);
 - 13. Submission and agreement of drainage scheme (PR16 and CS23);
 - 14. Foul and surface water on a separate system (PR16 and CS23);
 - 15. Construction Environmental Management Plan (BE1, GE21 and CS20);
 - 16. Lighting details in relation to wildlife protection (GE21 and CS20);
 - 17. Protection of nesting birds (GE21 and CS20);
 - 18. Provision of bird nesting boxes (GE21 and CS20);
 - 19. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (GE21 and CS20);
 - 20. Scheme to deal with invasive species (GE21 and CS20); and
 - 21. Site waste management (WM8);

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.

DEV5 21/00038/FUL - PROPOSED ERECTION OF INDUSTRIAL BUILDING, LEAN-TO CANOPY AND SILO, ANCILLARY TO EXISTING OPERATIONS AT DEVENISH NUTRITION, EARLE ROAD, WIDNES, WA8 0GY

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

Members were advised that since the publication of the report a response had been received from the Contaminated Land Officer, as presented in the AB Update List.

Officers requested an amendment to the recommendation, that delegated authority be granted to the Operational Director, in consultation with the Chair or Vice Chair to determine the application. This was due to the applicant's request to provide further technical details with regards to contaminated land, with the aim of reducing down the information required by conditions. It was noted that Officers' would consult with the Environment Agency and the Contaminated Land Officer on such information, prior to finalising the relevant conditions.

The Committee agreed that the application be approved, subject to the above amendment and conditions listed.

RESOLVED: That

- a) authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair, to determine the application, subject to any consultation responses following receipt of the additional information submitted by the applicant; and
- b) conditions relating to the following:
 - 1. Standard time limits condition (BE1);
 - 2. Plans condition listing approved drawings (BE1);
 - 3. Submission and agreement of a construction method statement including HRA avoidance measures and timing of development (BE1, GE21 and CS20);
 - 4. External facing materials (BE1 and BE2);
 - 5. Submission and agreement of ground investigation report and remediation strategy (PR14 and CS23);

6. Submission of validation report (PR14 and CS23);
7. Foundation design (PR14 and CS23);
8. Flood risk assessment and mitigation (PR16 and CS23);
9. Submission and agreement of drainage scheme (PR16 and CS23); and
10. Foul and surface water on a separate system (PR16 and CS23).

DEV6 21/00059/FUL - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 37 NO. OVER 55 RETIREMENT LIVING APARTMENTS AND ASSOCIATED WORKS INCLUDING CAR PARKING, CYCLE PARKING, EXTERNAL BIN STORE AREA AND LANDSCAPING AT FORMER UPTON MEDICAL CENTRE AND ADJACENT LAND, BECHERS, WIDNES, WA8 4TE

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

Officers' advised that since writing the report representations had been received from all Ward Councillors, as presented in the AB Update List – responses to these concerns were provided. Further consultee responses had also been received and it was noted that the applicant had submitted a further bat survey, which MEAS had confirmed was satisfactory. Two additional conditions were also recommended to be added to the list contained in the report.

The Committee was addressed by Mr Steve Grimster, who spoke on behalf of the applicant and provided some background to and the merits of the proposal. This included *inter alia*, an introduction to the operator Housing 21 who were specialists in the field of retirement properties; details of the retirement apartments including landscaping and on-site parking; on-site support for residents; the design and quality of the development; its affordability and contribution they will make to the housing needs of an aging population in Halton.

Following Members' questions it was confirmed that the parking ratio for retirement developments was 1 space per 3 dwellings, which was applied with this proposal. It was also noted that a planning condition would restrict the use, and that a further planning application would need to be made should an alternative use be proposed.

In response to concerns raised by Members over the

scheme's proximity to Multi-Use Games Area (MUGA) and the potential for disruption to future residents, Officers' advised that the proposed building had been designed so that only windows serving the communal staircase and kitchen areas would be located facing the MUGA, and that there was scope for other possible mitigation measures, such as the height of the fence surrounding the MUGA or landscaping.

The Committee agreed that the application be approved, subject to the conditions listed and the addition of the two conditions referred to in the AB Update List.

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

- a) entering into a legal or other agreement relating to securing financial contributions in lieu of on-site open space provision;
- b) conditions relating to the following:
 1. Standard time limits condition (BE1);
 2. Approved plans condition (BE1 and TP17);
 3. Submission and agreement of a submission of a construction / traffic management plan, which will include wheel cleansing details, hours of construction and deliveries (BE1);
 4. Existing and proposed site levels (BE1);
 5. External facing materials (BE1 and BE2);
 6. Conditions for landscaping, planting, management and maintenance (BE1 and BE22);
 7. Breeding birds protection (GE21 and CS20);
 8. Bird nesting boxes scheme (GE21 and CS20);
 9. Electric vehicle charging points scheme (CS19);
 10. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17);
 11. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23);
 12. Drainage strategy condition (PR16 and CS23);
 13. Foul and surface water on a separate system (PR16 and CS23);
 14. Provision of affordable housing scheme (CS13);
 15. Sustainable energy scheme (S19); and
 16. Restriction to use as over-55's retirement living apartments (BE1 and RP12);
 17. Provision of information in sales/rental packs for new occupants, informing residents of the importance of the European sites and responsible

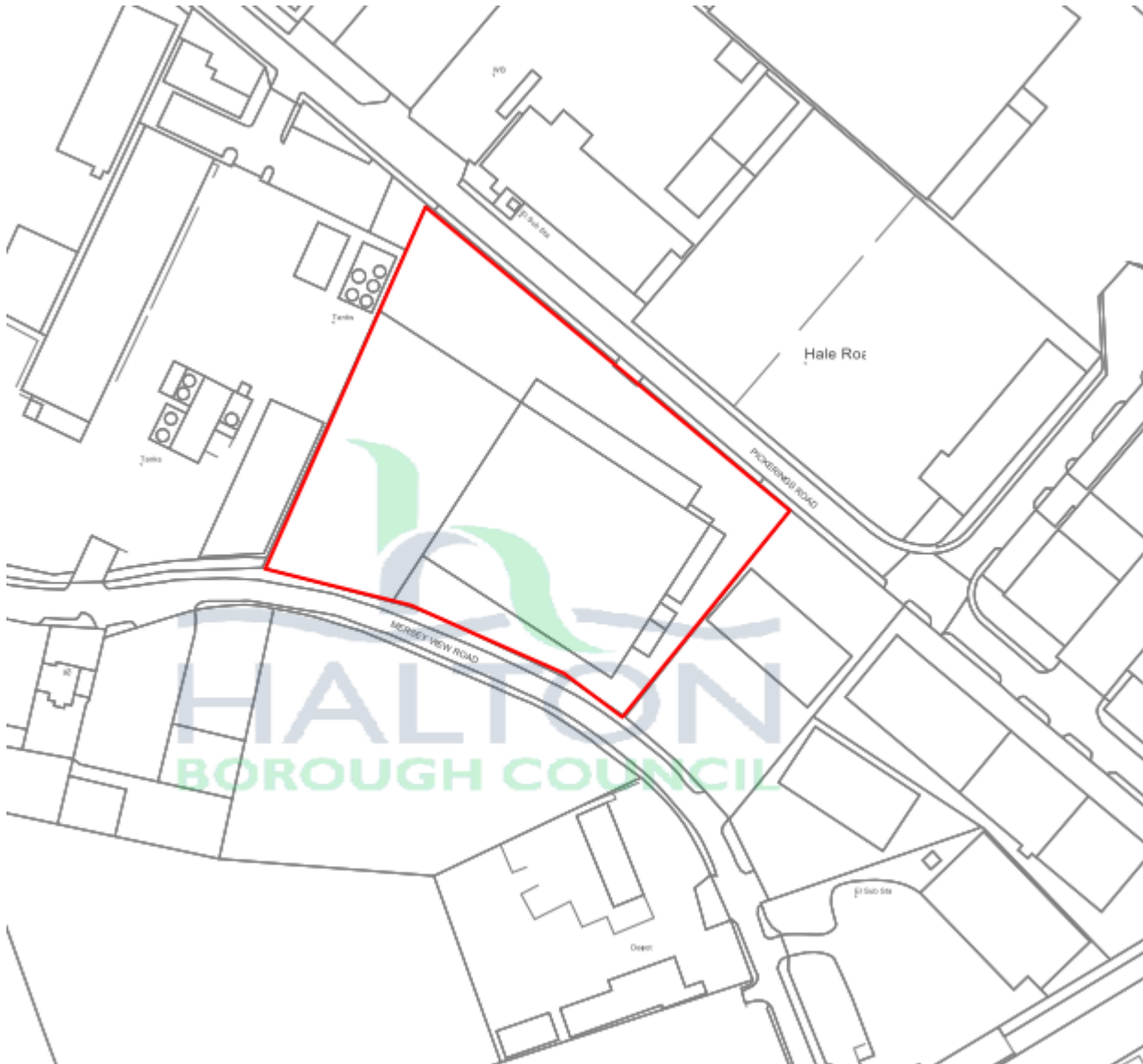
user code and the location of Suitable Alternative Natural Greenspaces (GE21 and CS20); and
18. The provision of bat boxes (GE21 and CS20).

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.

Meeting ended at 7.10 p.m.

APPLICATION NO:	20/00479/FUL
LOCATION:	Brenntag UK Limited, Pickerings Road, Widnes, Cheshire, WA8 8XW.
PROPOSAL:	Proposed extension to existing warehouse, small two storey office extension for warehouse and canopy extension above loading doors
WARD:	Ditton, Hale Village & Halebank
PARISH:	Halebank Parish Council
APPLICANT:	Brenntag UK Limited
AGENT:	HB Projects Ltd, Merrydale House, Roydsdale Way, Bradford, BD4 6SE.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Action Area 5 Halebank – Unitary Development Plan Proposals Map.
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes.
REPRESENTATIONS:	No representations have been received from the publicity given to the application.
KEY ISSUES:	Development in Action Area 5 Halebank, Highways and Transportation, Drainage, Impact on Wastewater Infrastructure, External Appearance.
RECOMMENDATION:	That delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Management Committee to approve the application subject to conditions once the following has occurred: A Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council has engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary following further observations from Natural England;
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is Brenntag UK Limited which is located on Pickering's Road in Widnes.

The site is located in Action Area 5 Halebank as designated by the Halton Unitary Development Plan.

The area in which the application site is located is predominantly commercial in nature.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as Primarily Employment Area. This is now a

material planning consideration, however at this point carries little weight in the determination of this planning application.

1.2 Planning History

The only recent planning history for this site is as follows:

- 18/00152/FUL – Proposed erection of wind turbine on 15 metre tower for generation of electricity – Application Withdrawn.

2. **THE APPLICATION**

2.1 The Proposal

The application proposes the extension of the existing warehouse, small two storey office extension for warehouse and canopy extension above loading doors.

2.2 Documentation

The application is accompanied by the associated plans (all viewable through the Council's website) in addition to a Daytime Bat Survey & Nesting Bird Survey and a Flood Risk Drainage Strategy.

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 Action Area 5 – Halebank 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;
- E5 New Industrial and Commercial Development;
- GE21 Species Protection;
- PR5 Water Quality;
- PR16 Development and Flood Risk;
- RG5 Action Area 5 – Halebank;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- 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;
- CS4 Employment Land Supply and Locational Priorities;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- 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 – Design of New Commercial and Industrial Development Supplementary Planning Document.

The purpose of this Supplementary Planning Document (SPD) is to complement the Halton Unitary Development Plan (UDP), to provide additional practical guidance and support for those involved in the planning of new development within Halton Borough to: -

- a. Design new industrial and commercial developments that relate well and make a positive contribution to their local environment;
- b. Seek the use of quality materials which respond to the character and identity of their surroundings and reduce environmental impact such as through energy efficiency; and
- c. Create better, more sustainable places

3.5 National Planning Policy Framework

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

Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the*

objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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

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

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

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

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

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

The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

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

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

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

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

Decision-making

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

Determining Applications

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

3.6 Other Considerations

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

4. **CONSULTATIONS SUMMARY – FULL RESPONSES CAN BE LOCATED AT APPENDIX 1.**

Highways and Transportation Development Control – No objection.

Lead Local Flood Authority – No objection.

Regeneration – No comment.

Merseyside Environmental Advisory Service – No objection.

Halebank Parish Council – No observations received.

Natural England – Further information required. Awaiting observation on Habitats Regulations Assessment.

Health and Safety Executive – Do not advise against the granting of planning permission.

United Utilities – No objection.

5. **REPRESENTATIONS**

5.1 The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 24/09/2020, a site notice posted on 17/09/2020 and eleven neighbour notification letters sent on 17/09/2020.

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

6. **ASSESSMENT**

6.1 Principle of Development

The site forms part of the Action Area 5 Halebank designation on the Halton Unitary Development Plan Proposals Map. Policy RG5 of the Halton Unitary Development

Plan states that within the Halebank Action Area, the following uses will be acceptable: -

- Business uses (B1);
- Residential institutions (C2);
- Dwelling houses (C3);
- Community facilities (D1);
- Shops serving the local community (A1);
- Food and drink outlets serving the local community (A3);
- Recreation and leisure facilities serving the local community (D2);
- Open space and public spaces.

The application site is an existing warehouse falling within Use Class B8 to which an extension is proposed. Whilst a B8 use is not referenced in the above policy, this is an established use and is also considered to be sympathetic to surrounding land uses which are commercial in nature. The principle of development is considered to be acceptable.

6.2 Highways and Transportation

The Highway Officer has considered the proposed layout and whilst the tracking for HGV access is tight, it is as existing and improvements are not being insisted on as part of the proposed development. The proposed car parking, cycle parking and pedestrian routes through the site are considered to be acceptable and their detailing, implementation and subsequent maintenance thereafter should be secured by conditions.

The Highway Officer has suggested that a construction management plan should be implemented, however it is considered that this can be appropriately dealt with by an informative referencing the need for considerate construction and the Considerate Constructor Scheme.

The Highway Officer notes that the land proposed for the extension was earmarked within the Halebank Regeneration Action Area Plan - Draft Supplementary Planning Document as a relief road. It should be noted that this document has now been deleted as agreed by Executive Board in November 2020.

From a highway perspective, the attachment of the suggested conditions would ensure that the proposal is considered to be compliant with Policies BE1, TP1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

6.3 Site Layout and External Appearance

With regard to site layout, a large pressurised sewer lies within the site and United Utilities initially objected to the application. Based on further submissions made by the applicant in respect of the location of the sewer, United Utilities have now removed their objection subject to the attachment of a condition which requires the

submission of construction details prior to commencement of development, to ensure the protection measures are agreed for this strategic asset.

The approach taken with regard to site layout is considered to be acceptable and allows for functionality. The proposed extensions have regard for the appearance of the existing building and would integrate into this particular locality. The specified materials on the submitted plans are considered to be acceptable and their implementation should be secured by condition.

Based on the site layout, there is very limited scope for additional soft landscaping. The existing site is already enclosed by palisade fencing and the applicant is not proposing to amend this other than the necessary gates serving the development as shown on the submitted plans will be proposed to match existing. This approach is considered acceptable.

In respect of layout and external appearance the proposal is considered to be compliant with Policies BE1, BE2 and E5 of the Halton Unitary Development Plan and the Design of New Commercial and Industrial Development Supplementary Planning Document.

6.4 Flood Risk and Drainage

The site subject of the application is located in Flood Zone 1 and is approximately 1ha in area. The application was not accompanied by a Flood Risk Assessment or Drainage Strategy at the time of submission. More recently, a Flood Risk Drainage Strategy has been submitted by the applicant. The Lead Local Flood Authority have now confirmed that the development is considered to be appropriate in terms of flood risk and the applicant has a clear strategy for the disposal of surface water from the site and suggest that conditions be attached.

It is considered that the attachment of appropriate conditions securing the implementation, maintenance and management of a sustainable drainage scheme would ensure that the proposal is acceptable in terms of flood risk and drainage in compliance with Policy PR16 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and the National Planning Policy Framework.

6.5 Ecology

The application site has limited biodiversity, however, as it is considered to have potential to provide habitat for bats and breeding birds which are protected species, the application is accompanied by a preliminary risk assessment. This states that no evidence of bat use, or presence was found. The Council's Ecological Advisor has stated that the Council does not need to consider the proposals against the three tests set out in the Habitats Regulations. In respect of breeding birds, a condition to ensure appropriate protection during breeding bird season is suggested.

The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017:

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

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. The Council's Ecological Advisor has produced a Habitats Regulations Assessment report (set out in APPENDIX 1 - Full Consultation Responses) which concludes that there are no likely significant effects. Natural England have been consulted on the Habitats Regulations Assessment and observations are awaited. The Habitats Regulations Assessment will be adopted at the point that Natural England confirm their acceptance to the assessment. Members will be updated on this.

The proposal will be considered acceptable in respect of Ecology subject to the attachment of the suggested condition along with Natural England confirming that they raise no objection to the proposed development. This would ensure compliance with Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.6 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 in relation to sustainable development and climate change.

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 for this development is considered reasonable. The applicant proposes electric vehicle charging points which serve four of the parking bays which is considered acceptable. The detailing along with implementation and maintenance of this provision should be secured by condition.

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

6.7 Risk

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

- a) The likely accidental risk level from the COMAH site is not considered to be significant.

b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

Whilst being within the consultation zone, the individual accidental risk level does not exceed 10 chances per million in a year. The proposal is therefore considered to accord with Policy PR12 of the Halton Unitary Development Plan.

It should also be noted that the HSE does not advise against the granting of planning permission on safety grounds in this case.

6.8 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of waste prevention, construction management by the applicant will deal with issues of this nature.

In terms of on-going waste management, the proposed layout ensures that sufficient space is available for such provision.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

6.9 Planning Balance

There is a presumption in favour of granting sustainable developments set out in NPPF where the proposal is in accordance with an up-to-date development plan.

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.

It is considered that the development plan policies referenced are in general conformity with the NPPF, therefore up-to-date and full weight should be given to these.

The proposal would allow the expansion of an existing business in a commercial area which is considered sympathetic to surrounding land uses as well as securing potential future jobs for the Borough. It is considered that the proposal is acceptable for the reasons set out in the report and that this proposal represents sustainable development which is in accordance with an up-to-date development plan.

7. CONCLUSIONS

The proposal would allow the expansion of an existing business in a commercial area which is considered sympathetic to surrounding land uses as well as securing potential future jobs for the Borough.

The site is served by existing access points from Pickerings Road which are considered acceptable. The layout demonstrates an appropriate level of car parking, cycle parking and pedestrian routes through the site and its implementation and subsequent maintenance should be secured by condition.

The proposed extensions are considered to be functional in appearance reflecting their location within this commercial location.

The proposal is therefore considered to be acceptable.

8. RECOMMENDATION

That delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make the decision subject to conditions once the following has occurred:

A Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council has engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary following further observations from Natural England.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Implementation of External Facing Materials (Policies BE1 and BE2)
4. Parking and Servicing – (Policy BE1)
5. Electric Vehicle Charging Point Scheme – (Policy CS19)
6. Cycle Parking – (Policies BE1 and TP6)
7. Breeding Birds Protection – (Policies GE21 and CS20)
8. Evidence of Infiltration Testing – (Policies PR16 and CS23)
9. Verification Report for Sustainable Urban Drainage System – (Policies PR16 and CS23)
10. Foul and Surface Water on a separate system – (Policies PR16 and CS23)
11. Waste Water Infrastructure Protection Scheme – (Policies PR5 and CS23)

Informatives:

1. Highway Informative - Considerate Constructor Scheme.
2. United Utilities Observations.

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 by contacting dev.control@halton.gov.uk

11. SUSTAINABILITY STATEMENT

As required by:

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

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

APPENDIX 1 - Full Consultation Responses.

1. Highways and Transportation Development Control.

The proposals appear to be well thought out and practical in their approach.

We would point out that the tracking for the HGV access/ egress seems tight but is much the same as existing. There is however an opportunity to improve the situation as part of this application but it is not something we would insist on at this time.

Car parking provision is acceptable and the applicant has demonstrated how the site can be serviced and we would be pleased to remove our objection and instead ask that suitable conditions be employed to secure the car parking and access arrangements as per the plans.

There should also be a construction management plan to ensure the development can be delivered without impacting on other users in the area.

The final point I would raise is that the land proposed for the extension was earmarked within the draft area action plan as land reserved for a potential highway route. I am unsure how much weight this document carries but would advise seeking clarification from colleagues.

2. Lead Local Flood Authority.

After reviewing 20/00479/FUL planning application the LLFA has found the following:

- The site area is approximately 1ha and comprises a brownfield site.
- The proposed development is for the extension of an existing warehouse. The land use vulnerability classification defined in Planning Practice Guidance would not change and would remain 'Less Vulnerable'.
- The development would increase the impermeable area of the site.
- The applicant has provided a flood risk assessment (OTH_3132_FRA_Pickerings Road, Widnes_[June21]_Report-.pdf) and also a drainage strategy report (OTH_SL07105 Drainage Strategy - Issue 1.pdf)
 - o The FRA identifies that the site is within Flood Zone 1 and is remote from any watercourses, flood risk from all other sources has been assessed and concluded to be low.
 - o The drainage strategy identifies how the proposed use of underground attenuation would mitigate for the increase in impermeable area and achieve a reduction in runoff rates down to a maximum of 15 l/s during rainfall events up to the 1% AEP +40% increase for climate change.
 - o Calculations have been provided to support the statements made within the report.
 - o The location of discharge is proposed to be the existing public surface water sewer.
 - o The strategy concludes that discharge of surface water to the ground would be unfeasible due to the underlying geology and discharge to watercourse would not be feasible due to the distance from the nearest watercourse.
 - o Details of the maintenance and management strategy have been provided.
- The LLFAs comments on the drainage strategy information provided are:
 - o The LLFA notes that the development would be classified as 'Less Vulnerable and that the location of the development within Flood Zone 1 is consistent with the NPPF.
 - o The site is located within a critical drainage area as identified within the Halton SFRA and the proposed reduction in runoff achieved from the site would help to ensure that flood risk would be reduced in this area.
 - o The applicant has presented evidence to demonstrate the proposed drainage system would ensure that the site would be safe from flooding and would reduce the risk elsewhere.
 - o However, the applicant has not provided detailed evidence to demonstrate that infiltration drainage would not be feasible. Infiltration testing has not been undertaken and the ground investigation report was not appended to the report submitted.

As the development is considered to be appropriate in terms of flood risk and the applicant has a clear strategy for the disposal of surface water from the site, the LLFA would recommend the following conditions should the planning authority be minded to approve on this basis:

- No development shall take place until evidence of infiltration testing is presented to demonstrate whether soakaway drainage is feasible.
- No development shall be occupied until a verification report confirming that the SUDS system and treatment system has been constructed in accordance with the approved design drawings and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:
 - o Evidence that the interceptors and SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.
 - o An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the treatment plant and the SuDS will be adopted by third party.
 - o Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

3. Regeneration – No comment.

4. Merseyside Environmental Advisory Service – No objection.

ORIGINAL RESPONSE – 27.01.2021

Due to the limited biodiversity within the proposed site, on this occasion a full ecological appraisal is not required. However, the proposed site may provide habitat for protected species and surveys for these would be required prior to determination. Further information is provided below.

Bats

Preliminary Roost Assessments

The existing trees, building, and structures on site may provide potential roost features for bats. Bats are protected species and a material Local Plan Policy CS20 applies. I advise that a preliminary roost assessment is required prior to determination.

A preliminary roost assessment assesses the trees, building, and structures on site for their suitability for roosting bats and the value of the habitats for foraging and commuting. The survey and report are essential to determine if the Local Planning Authority needs to assess the proposals against the three tests (Habitats Regulations) and whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance¹. Any deviation from these guidelines must be fully justified.

If the preliminary roost assessment categorises the buildings as having a greater than negligible suitability for buildings, or low suitability for trees, further surveys will be required. These can only be carried out between May and August/September.

Breeding Birds

Built features may provide nesting opportunities for breeding birds such as House sparrow, Swallow or House Martin. These species are site faithful and loss of breeding habitat may harm local populations. An assessment of the building for breeding birds is required. The results of the breeding bird assessment can be included within the preliminary bat roost assessment report.

Designated Sites

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

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

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Local Plan policy CS20 applies. I attach a Habitats Regulations Assessment report (Appendix 1) which concludes that there are no likely significant effects. The outcome of the Habitats Regulations Assessment report must be included within the Planning Committee Report to show how the Council has engaged with the requirements of the Habitats Directive.

If there are any amendments to the proposals the whole plan/project/development will need to be re-assessed for likely significant effects. This includes amendments prior to determination and through subsequent approval/discharge of conditions or requests to vary the proposal.

**Appendix 1: Habitats Regulations Assessment
Source-Pathway-Receptor table**

20/00479/FUL

Extension to existing operational warehouse, a small 2 storey office, and canopy over existing doors.

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

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

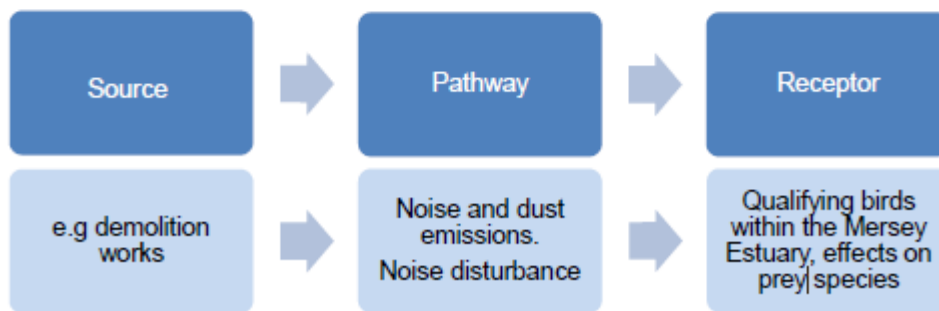


Figure 1 – Source-Pathway-Receptor Model

Assessment of Likely Significant Effects

Table 1 sets out the potential sources and pathways that may lead to Likely Significant Effects.

Table 1. Assessment of Likely Significant Effects

Source	Pathway	Receptor	Likely Significant Effects?
Site construction	Land take	<p>Mersey Estuary SPA</p> <p><i>Wintering:</i></p> <ul style="list-style-type: none"> • Pintail • Eurasian teal • Wigeon • Dunlin • Black-tailed godwit • Curlew • Grey plover • Golden plover • Great crested grebe • Shelduck • Redshank • Lapwing <p><i>Passage:</i></p> <ul style="list-style-type: none"> • Ringed plover • Redshank <p><i>Overwinter bird assemblages:</i> The area regularly supports 99,467 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: curlew, black-tailed godwit, lapwing, grey plover wigeon, great crested grebe redshank, dunlin, pintail, teal, shelduck, golden plover</p>	<p>The proposed site is located approx. 475m from the Mersey Estuary SPA and Ramsar and therefore no land take is required.</p> <p><u>No Likely Significant Effects</u></p>

Source	Pathway	Receptor	Likely Significant Effects?
		Mersey Estuary Ramsar Ramsar Criteria 5 and 6 Ramsar Criterion 5: Assemblages of international importance: 89,576 waterfowl (5-year peak mean 1998/99-2002/03) Ramsar Criterion 6: Species/populations occurring at levels of international importance. Spring/ autumn peak counts: <ul style="list-style-type: none"> • Shelduck • Black-tailed godwit • Redshank Winter peak counts: <ul style="list-style-type: none"> • Eurasian teal • Pintail • Dunlin 	
Site construction	Noise and visual disturbance to qualifying features	Mersey Estuary SPA qualifying species. Mersey Estuary Ramsar qualifying species/populations.	These designated sites are separated from the proposed site by the remainder of the industrial site within in which the proposed site is located. Also to the south-west of the proposed site there is grazing land, some wooded areas and tree lines/hedges designated land boundaries separating the proposed site and these designated sites. Due to the distance and separation from the designated sites, and the relatively small scale of the proposals there will be no indirect impacts such as noise or visual disturbance to the qualifying species/populations. <u>No Likely Significant Effects</u>

Source	Pathway	Receptor	Likely Significant Effects?
Site construction	Pollution (via spills, leaks or dust contamination.)	Mersey Estuary SPA qualifying species. Mersey Estuary Ramsar qualifying species/populations.	These designated sites are separated from the proposed site by the remainder of the industrial site within in which the proposed site is located. Also to the south-west of the proposed site there is grazing land, some wooded areas and tree lines/hedges designated land boundaries separating the proposed site and these designated sites. Due to the distance and separation from the designated sites, and the relatively small scale of the proposals there will be no indirect impacts such as pollution (via spills, leaks, or dust contamination) of the designated sites or their qualifying species. <u>No Likely Significant Effects</u>
Site construction	Disturbance (noise/and or visual) of potential Functionally Linked Land (arable land located approx. 170m south-west of the proposed site.)	Ribble and Alt Estuaries SPA (only relevant species included) On passage and over winter; <ul style="list-style-type: none"> • Whooper swan • Pink-footed Goose Ribble and Alt Estuaries Ramsar site. Ramsar Criteria 5 Assemblages of international importance: Species with peak counts in winter: <ul style="list-style-type: none"> • 222038 waterfowl (5-year peak mean 1998/99-2002/2003) Ramsar criterion 6 Species with peak counts in winter: <ul style="list-style-type: none"> • Whooper swan • Pink-footed goose 	There is arable land approx. 170m south-west of the proposed site. Species such as pink-footed goose and whooper swan use Functionally Linked Land (FLL) and the closest designated site to include these species as qualifying features is Ribble and Alt Estuaries SPA and Ramsar (located approx. 21km north-west of the proposed site at its closest point.) It is known that pink-footed geese will regularly travel up to 20km from these designated sites to forage on agricultural land and so the arable land is outside of this 20km range. There are no records for pink-footed geese or whooper swans according to The State of Lancashire's Birds An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011. However, records of pink-footed geese have been recorded at Hale Marsh November 2020 ² which is located to the east of Hale village and approx. 900m west of the proposed land but this is not classed as FLL, and due to the distance from the proposed site, these species will not be affected by the proposed works. Pink footed geese have also been recorded as roosting near Oglet (which is located approx. 5.1km south-west of the proposed site. The Pink-footed geese were recorded flying south and south-east to feed out in the fields of Cheshire and so were not recorded flying north-east (towards the arable land located approx. 170m from the proposed site.) As the closest designated site for pink-footed geese and whooper swan is located over 20km from the arable 170 from the proposed site, and records of pink-footed geese have been recorded flying from the Mersey Estuary south and south-east, it is considered unlikely that pink-footed geese are using the aforementioned arable land as FLL. <u>No Likely Significant Effects</u>

Source	Pathway	Receptor	Likely Significant Effects?
Site construction	Disturbance (noise and/or visual) of arable land located approx. 170m south-east of the proposed site.	Mersey Estuary SPA qualifying species. Mersey Estuary Ramsar qualifying species/populations	Regarding other qualifying features (non-breeding birds) the arable land in question is likely subject to recreational disturbance due to the adjacent Pickering's Pasture Local Nature Reserve, it is relatively enclosed by residential development and a tall vegetation boundary which makes it less optimal habitat than the large expanse of arable land to the north and any works on the proposed site would be screened by existing vegetation and residential development. <u>No Likely Significant Effects</u>

Conclusion of Assessment of Likely Significant Effects

The test of likely significant effects in Table 1 demonstrates that the proposed development will not cause Likely Significant Effects to qualifying species of the listed European designated sites. An Appropriate Assessment is therefore not required.

FURTHER RESPONSE 28.05.2021

MEAS provided a response to this application on 26/01/2021. No ecological report was provided. Due to the limited biodiversity within the proposed site, a full ecological appraisal was not requested, but an assessment for bats (PRA) and for breeding birds was requested prior to determination.

An HRA (assessment of likely significant effects) was also carried out and no likely significant effects were found.

The applicant has submitted an ecology report in accordance with Local Plan Policy CS20 (Rachel Hacking Ecology. April 2021. Daytime Bat Survey & Nesting Bird Survey. Brenntag Warehouse Building, Pickerings Road, Halebank, Widnes) which meets BS 42020:2013.

Bats

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

Breeding Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan Policy CS20 applies. The following planning condition is required.

CONDITION

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

Bats

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

5. Halebank Parish Council – No observations received.
6. Natural England – Further Information required – Observations on Habitats Regulations Assessment awaited.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE
FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON
DESIGNATED SITES

As submitted, the application could have potential significant effects on Mersey Estuary Special Protection Area, Ramsar and Site of Special Scientific Interest (SSSI).

Natural England advises that the proposed development site lies adjacent to an area that may constitute functionally linked land for the above designated sites and that further information is required in order to determine the significance of these impacts and the scope for mitigation.

Natural England's further advice on designated sites and advice on other issues is set out below.

The application site is within 500m of the Mersey Estuary SPA, Ramsar and SSSI.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitats Regulations Assessment (HRA)

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites.

We recommend you obtain the following information to help undertake a Habitats Regulations Assessment.

Additional Information required

- An assessment of all potential impacts on the designated sites that considers the direct and indirect impact pathways. We advise the use of Natural England Conservation Advice packages which may provide useful information to aid assessment for the Mersey Estuary SPA / Ramsar. The Liverpool City Region packages and supporting information documents are available here:

- <https://www.gov.uk/government/collections/conservation-advice-packages-for-marine-protected-areas>

- Suitable bird survey evidence will be required for overwintering and passage birds associated with the designated sites. A comprehensive desk study should first be carried out to inform the need for site specific bird surveys. The desk study should include a robust data search, including relevant WeBs data and local records information and any other survey evidence together with an assessment of the suitability of the site for SPA birds.

- The proposed construction methodology and associated noise levels together with the expected timing of construction works to inform the assessment. It would also be useful to have a noise contour map to understand the potential for bird disturbance during construction.

Mersey Estuary SSSI

Our concerns regarding the potential impacts upon the Mersey Estuary SSSI coincide with our concerns regarding the potential impacts upon the above international designated sites.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

7. Health and Safety Executive – HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
8. United Utilities –

ORIGINAL RESPONSE – 06.10.2020.

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region:

We have reviewed the submitted documents and note that the proposed building extension may impact on existing infrastructure within the site boundary. A large pressurised sewer lies within the site, due to its size, a diversion is unlikely. The applicant must confirm the exact location of this asset (and associated easement widths), and demonstrate how the proposed development may impact on it.

We advise this matter be **resolved prior to the determination of this application**. Any layout changes required at a later date may result in the need for additional consents and unnecessary time delays and expenses incurred by the developer.

We therefore request the applicant contact our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as soon as possible to discuss this in more detail and consideration given to the impact on the sewer.

As the application has been submitted in full, until such time as United Utilities are satisfied that the asset will not be impacted by the proposals, **we must object to the planning application**.

Further information can be found within the section '*United Utilities' property, assets and infrastructure*' below.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/builders-developers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

United Utilities have large pressurised sewer within the area proposed for development. It is unlikely a diversion is possible and we will not permit building over it. We will require an access strip width of eight metres, four metres either side of the centre line of the sewer for maintenance or replacement. Therefore a modification of the site layout may be necessary.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

FURTHER RESPONSE – 18.06.2021

Following on from the updated plan submitted from the applicant, we can confirm we are happy to remove any objection to the proposal should the condition below be placed on any subsequent approval. We wish to confirm construction details prior to commencement, to ensure the protection measures are agreed to the strategic asset.

No development shall commence (including any earthworks) until details of the means of ensuring the wastewater infrastructure laid within the site boundary is protected from damage both during and post completion of development have been submitted to and approved by the Local Planning Authority. The details must protect and prevent any detrimental impact to the wastewater infrastructure and its operation both during construction and post completion of the development to prevent exposing the sewer to undue loading, vibration or risk. The details must include:

- i) A survey of the exact location and depth of the rising sewer main;
- ii) An assessment of all impacts on the rising sewer main from construction activities, including demolition/site clearance, piling, tunnelling or any other form of construction that induces significant vibration;
- iii) The proposed design and construction of any crossing points (including temporary crossing points); and
- iv) Mitigation measures to prevent damage to the sewer post completion.

Any mitigation measures to prevent damage to the rising sewer main shall be implemented in full prior to commencement of development in accordance with the

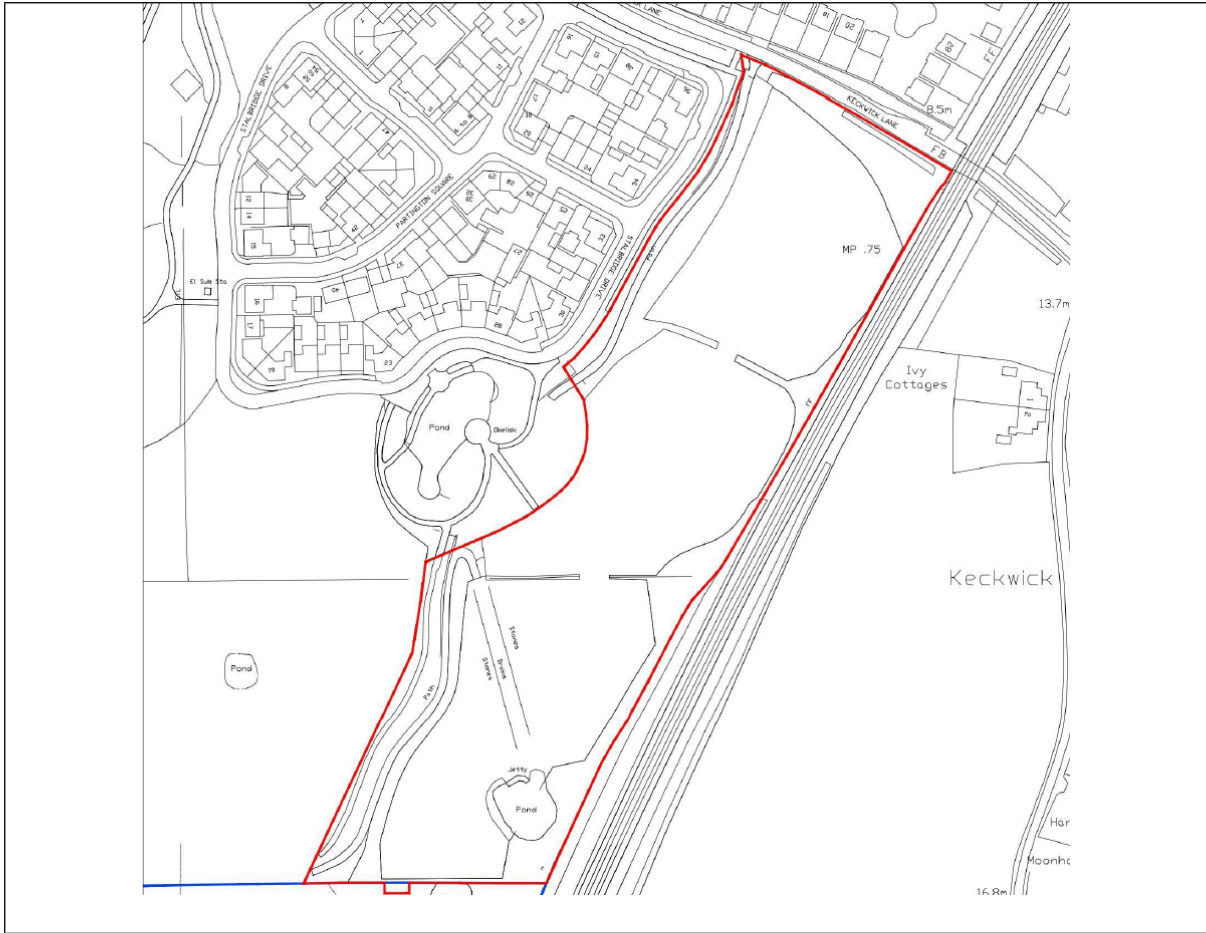
approved details and timetable and shall be retained thereafter for the lifetime of the development.

In the event that a diversion/diversions of the infrastructure is required, the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development.

Reason: In the interest of public health and to ensure protection of United Utilities assets.

We still wish for our attached response to be considered for the application. The objection element at the start has now been resolved should the above condition be placed on any permission.

APPLICATION NO:	20/00573/FUL
LOCATION:	Land Opposite Stalbridge Drive, Runcorn, Cheshire, WA7 1LY
PROPOSAL:	Proposed erection of 48 dwellings together with car parking, landscaping, roads, footways, drainage infrastructure (including attenuation pond) and associated works
WARD:	Daresbury
PARISH:	Sandymoor
APPLICANT:	Bloor Homes North West
AGENT:	No agent
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Greenspace GE6 Proposed Greenways TP9, GE6
Halton Core Strategy (2013)	East Runcorn Key Area of Change CS11
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	Six representations have been received from the publicity given to the application.
KEY ISSUES:	Development of designated Greenspace; Highways, Ecology & Habitats; Noise; Infrastructure provision.
RECOMMENDATION:	Approve subject to conditions and S106 agreement securing financial contribution towards the delivery costs of local infrastructure.
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The application site is approximately 2.8 hectares, and is located within the development area of Sandymoor. The West Coast Main Line runs on an embankment along the eastern boundary of the site, Keckwick Lane to the north Brook and Stalbridge Drive to the West. The site is a greenfield site and is designated as greenspace in the Halton Unitary Development Plan. The wider Sandymoor neighbourhood is situated on the eastern edge of Runcorn. It is bounded to the north by the Daresbury Expressway (A558) which provides primary access points to the existing residential areas in Sandymoor. The West Coast Main Line and Manchester – Chester railway lines lie immediately to the east.

1.2 Planning History

The application site has no recent relevant planning history, however the land to the south west which is being developed by the applicant was granted planning permission 15/00453/FUL in September 2016 for 205 dwelling houses together with associated infrastructure.

2. THE APPLICATION

2.1 The Proposal

Proposed erection of 48 dwellings together with car parking, landscaping, roads, footways, drainage infrastructure (including attenuation pond) and associated works.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Statement of Community Involvement, Flood Risk Assessment, Ecological Assessment, Arboricultural Impact Assessment, Noise Impact Assessment Report, Transport Statement, and a Site Investigation Report.

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 application site is designated as Greenspace on the Halton Unitary Development Plan Proposals Map. A Potential Greenway also runs through the application site along the western boundary.

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
- GE6 Protection of Designated Greenspace
- GE8 Development within Designated Greenspace
- GE21 Species Protection
- PR2 Noise Nuisance
- PR5 Water Quality
- 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 Assessments
- TP17 Safe Travel for All
- H1 Provision for New Housing
- H3 Provision of Recreational Greenspace

3.2 Halton Core Strategy (2013)

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

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

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

MATERIAL CONSIDERATIONS

Below are 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.

3.5 Supplementary Planning Documents (SPD)

Sandymoor Supplementary Planning Document (July 2009); The Design of New Residential Development SPD (May 2012); Affordable Housing SPD (January 2014); and Draft Open Space SPD (October 2007).

3.6 Draft Delivery and Allocations Local Plan (DALP)

The application site is identified as a housing allocation in the submission draft Delivery and Allocations Local Plan (DALP). Whilst the public hearing sessions closed on 17 June 2021, the plan is still under examination and the Inspector is yet to provide the written recommendations. Therefore, little weight can be provided to the draft allocation at this stage for decision making purposes.

3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a 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 SUMMARY**

Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

Lead Local Flood Authority

No objection to the proposed development subject to conditions that the development be carried out in accordance with the FRA mitigation measures, agreed drainage strategy and validation.

Environmental Protection

No objection to the proposed development. The acoustic report submitted in support of this application, reference 1372018 dated 14/10/2020 considers the effects of the railway line upon the development and proposes a scheme of mitigation to ensure the sound levels specified in BS 8233:2014 are met for all new build properties including specific mitigation measures for certain plots. This report and its conclusions are accepted.

It is noted that there is no proposal for continuous acoustic barrier to be constructed between the railway line and the proposed development. However, A previous acoustic report submitted by the applicant in support of the development immediately to the south of this site, demonstrated it would be of little benefit. A condition is recommended to restrict construction hours.

Contaminated Land Officer

No comments yet received, update to be provided.

Open Spaces – Trees/Design & Development

The proposals seek development on private land that does not appear to impact upon HBC managed/owned land. There are no formal tree or Nature Conservation constraints associated with the proposed development plot.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection, subject to conditions.

Environment Agency

No objection subject to conditions.

United Utilities

No objection subject to conditions.

Health and Safety Executive

Do not advise against.

Natural England

No objection, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Cheshire Police - Designing Out Crime Officer

No objection, advice provided with regards to boundary treatments, maintenance of landscaping for natural surveillance, windows and doors, lighting and utility meters.

Sandymoor Parish Council

Requested that the site address be amended to clarify the development site was opposite Stalbridge Drive, and that access would not be off Stalbridge Drive.

Daresbury Parish Council

No comments received.

Network Rail

They ask that the applicant ensure that the water management strategy takes into account existing drainage related issues at the toe of the earthwork in this location. They also provided advice to the applicant on their requirements should any works be carried out within close proximity to the railway.

Scottish Power

No comments received.

Shell UK Ltd

No effect to the shell pipeline.

5. REPRESENTATIONS

5.1 The application original application for 45 dwellings was advertised by press advert in the Widnes and Runcorn Weekly News on 19/11/2020, site notices were erected on 12/11/2020 and neighbour notification letters sent on 12/11/2020.

5.2 Amended plans for 48 dwellings were received on 29/04/2021, the amended application was advertised by a press advert in the Widnes and Runcorn Weekly News on 20/05/2021, site notices posted on 10/05/2021 and neighbour notification letters sent on 21/05/2021.

5.3 A total of six representations from five contributors have been received from the publicity given to the application. A summary of the issues raised is below:

- Drainage and flooding;
- Impact on ecology;
- Increased traffic on local roads, highway safety including concerns over the inclusion of an emergency access on Keckwick Lane;
- Pollution; and
- Noise from railway impact on living conditions of future occupiers.

6. ASSESSMENT

6.1 Principle of Development

The application site is designated as Greenspace in the Halton Unitary Development Plan. It does not comprise any public footpaths, and is private land, so does not provide any recreational value to local residents. The sites appearance does provide outlook, and of general amenity value to residents opposite on Stalbridge and the local area.

Policy GE6 of the UDP seeks to protect designated Greenspace from development, unless one of the exceptions contained in the Policy is met. Of particular relevance to this application are Parts 2 b and d which state:

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

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

In this particular instance, in line with other developments in Sandymoor the applicant would be providing a commuted sum to be spent on infrastructure schemes in the area. Amongst other things, this could be spent on public open space, greenways, playing fields and environmental schemes. The level of contribution sought is sufficient to significantly enhance local nearby greenspaces. This would be secured by way of a S106 agreement with the applicant. The submitted plans also provide for a new bridleway through the site, connecting through to the phase 1 development site to the south, this would be secured by condition. Overall it is considered that the loss of amenity value would be adequately compensated for. Therefore, the proposal is considered to be acceptable in this regard, and consistent with Policy GE6.

It should be noted that the application site is identified as a housing allocation in the submission draft Delivery and Allocations Local Plan (DALP). However, as explained above in the material considerations section, little weight can be provided to the DALP at this stage for decision making purposes.

6.2 Layout

Policy CS3 of the Halton Core Strategy Local Plan states that to ensure the efficient use of land, a minimum density on individual sites of 30 dwellings per hectare (dph) will be sought. In this particular instance the density would be 17 dph as a result of the various infrastructure requirements and constraints including drainage, the ponds in the southern part of the site, the proposed bridle way and the proximity to the railway embankment. Furthermore, the lower density and proportion of landscaping is more in keeping with the character of the area. For these reasons the density is considered to be acceptable.

The proposed residential layout is considered to provide active frontages, appropriate relationships between the proposed dwellings and sufficient parking provision. The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit with properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit. The scheme has been designed so that it generally accords with this standard and would ensure that each house has a usable private outdoor space.

The proposed housing mix, layout and resultant living conditions for future occupants is considered to be acceptable and compliant with Policies BE1, BE2 of the Halton Unitary Development Plan and Policies, CS18 of the Halton Core Strategy Local Plan, and the guidance contained in the Design of New Residential Development SPD.

6.3 Design and Appearance

The scheme comprises of a mix of 3 and 4 bed roomed, semi-detached and detached houses. The majority of parking would be provided to the sides of properties, with a small amount of frontage parking. This would allow for soft landscaping to the fronts of most properties which will improve the overall appearance of the street scene. Appropriate boundary treatments are proposed which are reflective of the positioning in terms of appearance, privacy and quality of materials.

The elevations of the proposed new dwellings would be similar to the Bloor site currently under construction to the south west of the site. With a mixture of brick and rendered finishes, providing some variety to the elevations, and additional interest to the overall external appearance of the scheme.

The proposed dwellings would be of an appropriate appearance. The details of external facing materials and their subsequent implementation can be secured by condition. This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policies CS12 and CS18 of the Halton Core Strategy Local Plan.

6.4 Highways, Transportation and Accessibility

Access to the site would be taken from phase 1 which is currently being constructed by Bloor Homes to the south. In addition there would be an emergency access to the north of the site on Keckwick Lane. The proposal also includes the provision of a bridal way running through the site from Keckwick Lane connecting through to phase 1.

A Transport Statement (TS) has been submitted in support of the application, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level and would not harm the operation of the highway network. The applicant has also provided tracking details to demonstrate that service vehicles can safely access the site.

The level of car parking is considered to be acceptable, and meets the relevant standards of two off street spaces for 3 bed dwellings, and three off street spaces for 4 bed dwellings.

The Highways Engineer has identified some detailed alignment issues that would need to be addressed by the developer before the roads could be adopted. These have been highlighted to the applicant. However, they do not give rise to significant highway safety concerns. Furthermore, conditions are recommended for the approval of the construction details of the proposed roads, emergency access and the bridal way, as well as securing their implementation, to ensure they meet the Councils adoptable standards.

Conditions are also recommended for electric vehicle charging points, implementation of parking and service areas as approved, and the provision of a construction traffic management plan.

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, TP15 and TP17 of the Halton Unitary Development Plan.

6.5 Flood Risk and Drainage

The submitted Flood Risk Assessment (FRA) indicates the proposed development is mostly with Flood Zone 1 and, but potentially affected by an area of Flood Zones 2/3 associated with Keckwick Brook to the west. The LLFA have clarified that there is an area in the south western part of the site which is actually within Flood Zone 2, as identified on the Environment Agency's Flood map. Whilst, this would mainly encompass areas of proposed landscaping, access roads and footpaths, it also has potential to affect plots 803 to 806 as shown on the submitted layout plan.

According to the Environment Agency's Long term flood risk map, the majority of the site is at very low risk from surface water flooding, with some areas of medium risk. The Halton Borough Council Strategic Flood Risk Assessment shows the site is to be located within a Critical Drainage Area.

To mitigate the risk of flooding to the new properties it is proposed that finished floor levels of the dwellings are set 600mm above the 100 year + 70% climate change levels for fluvial flood level (8.36m Above Ordinance Datum), and that roadways are set 300mm above the 100 year + 70% CC fluvial flood level (8.06m Above Ordinance Datum).

Furthermore, the FRA acknowledges that uncontrolled flows from the development would exceed the existing runoff rates of the site. Therefore, the proposed drainage scheme would be designed to limit flows to existing Greenfield rates. The LLFA agrees with this strategy and requested the flows be limited to Greenfield rates up to the 1 in 100 + 40% climate change scenario. This can be secured by condition.

In summary, highways, houses and hard surfaces would be served by a piped surface water system which will discharge into an attenuation basin in the southern part of the site, which in turn will restrict outgoing flows via a hydrobrake system. These flows would then be taken by the diverted culvert through the Phase 1 Bloor site to Keckwick Brook. It's proposed that United Utilities would adopt the main piped system and that a management company would take on the basin, control structure and outfall.

The Lead Local Flood Authority is satisfied with the submitted FRA and drainage strategy, and request that conditions are attached to ensure the development is carried out with the FRA mitigation measures, the drainage scheme, and verification that the drainage system has been constructed in accordance with the approved design. United Utilities and The Environment Agency also have no objections, and have recommended similar 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 Ground Contamination

The application is accompanied by a detailed site investigation report, a condition which secures implementation of the required remediation and verification reporting to ensure that any ground contamination is dealt with appropriately.

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

6.7 Ecology

The application is accompanied by an ecological assessment, which includes Great Crested Newt and a Bat survey. The Council's Ecological Advisor has stated that the surveys are acceptable, and in summary has made the following comments and associated recommended conditions.

Great Crested Newt survey has been undertaken of the ponds located on and adjacent to the site. No great crested newts were identified, and MEAS are satisfied that the Three Tests of the Habitats Regulations do not need to be considered.

The applicant has submitted a preliminary bat roost assessment, this identifies two trees in the south east corner of that have the potential for roosting bats. The landscaping proposals show that these two trees would be retained, which can be secured by planning condition. If works to these trees become necessary then further surveys will be required.

The woodland habitats at the site boundaries and the pond to the south-east of the site may provide foraging and commuting habitat for bats. These habitats will be retained as part of the proposals, however new lighting for the development may affect the use of these areas. A condition is recommended

to ensure that the proposed external lighting does not cause any harm to this habitat.

The proposed development will result in the loss of bird breeding habitat and Local Plan Core Strategy policy CS20 applies. The landscaping proposals for the site show significant new tree planting which will compensate for some of this loss. To further mitigate for this loss, a condition is recommended to secure bird nesting boxes. A condition is also recommended to ensure protection of breeding birds during nesting season.

The landscaping proposals include new native tree and hedgerow planting, wildflower meadow and bulb planting, as well as the creation of a new attenuation pond with associated aquatic and marginal planting. The proposed landscaping is considered to be appropriate and will provide enhancement of the site for a variety of species in line with Local Plan Core Strategy policy CS20.

Further conditions are recommended relating to a construction environmental management plan, Reasonable Avoidance Measures (RAMs) for badger and hedgehogs, invasive species and site waste management.

6.8 Trees

The application is supported by an Arboricultural Impact Assessment. There are no tree preservation orders in force and the site does not fall within a Conservation Area. The development will require the removal of a small number of trees but the layout indicates that provision can be made for a significant replanting scheme. It is considered that this can be secured by appropriately worded planning condition and on that basis the Council's Open Spaces Officer raises no objection in this regard. The proposal is considered acceptable from a tree perspective and accords with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.9 Noise

The application is accompanied by a Noise Impact Assessment Report, the report has been updated to take into account the amended plans. This identifies that the dominant source of noise affecting the site are trains travelling along the West Coast Main Line (WCML). The report assesses the internal noise environment of the proposed houses in line with BS8233:2014 to identify whether the noise levels contained within the standard (extrapolated from WHO guidance) can be met. It also looks at the predicted noise levels in the gardens.

It was identified in the assessment that without mitigation some of the external garden areas would be above the upper guideline from BS8233. But with the inclusion of localised barriers around the affected areas that the upper guideline could be met. The report also identifies that with enhanced glazing and trickle vents the desired internal noise levels to meet the guidelines can also be met.

The Council's Environmental Health Officer has confirmed that on the basis of the report and proposed mitigation measures that they have no objection.

The Environmental Health Officer has suggested a separate condition to restrict construction hours. However, it is recommended that this be included in the Construction Environmental Management Plan Condition.

On the basis of the above, a refusal of planning permission could not be sustained on noise grounds. A suitably worded planning condition is however recommended to ensure that the acoustic glazing and ventilation meets the standards specified within the report.

6.10 Infrastructure Provision

Under normal circumstances the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5 and provision of open space in accordance with UDP Policy and the Open Space SPD. The wider area of the Sandymoor development is subject to an overarching legal agreement.

This is considered to cover all available compensatory measures and planning gain and has been negotiated to secure those benefits that have been prioritised by the Council. That agreement did not cover affordable housing provision but did include provisions with respect to Open Space. Provision of affordable housing is acknowledged to place a financial burden and it is considered that any additional requirements in this regard would open that legal agreement to full re-negotiation and is likely to affect the viability of the scheme.

Unlike the majority of the Sandymoor development area this site is not under the ownership of the Homes and Communities Agency and is not subject to the previously agreed legal agreement. The applicant has however agreed to sign a legal agreement on the same terms.

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. 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 and secured by condition.

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

The proposal provides a suitably enclosed and accessible bin storage areas within each of the dwellings. The information provided is sufficient to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The plans can be secured as an approved drawing by a suitably worded planning condition.

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

6.13 Designing Out Crime

The designing out crime officer (DOCO) at Cheshire Police has been consulted and has provided guidance and advice on the scheme particularly with regard to the boundary treatments and maintenance of landscaping to ensure that clear lines of sight are maintained to maximise natural surveillance of the sight.

The DOCO has also provided advice and recommendations relating to the standard of windows and doors, lighting and utility meters. It is recommended that these comments will be attached to decisions notice as an informative to the applicant.

6.14 Other Matters

Sandymoor Parish Council requested that the site address be amended to clarify the development site was indeed opposite Stalbridge Drive, and that the access would not be taken off Stalbridge Drive. This has been taken on board and the site address updated.

7. CONCLUSIONS

In conclusion, the loss of amenity value of the designated greenspace could be adequately compensated in accordance with Policy GE6. The overall design

and appearance of the new dwellings are considered to be acceptable, they would respect the character and appearance of the local area and meet the high quality design standards required for new development.

The proposal provides for a good standard of living conditions for future residents, and would ensure that existing surrounding occupiers are not overlooked, overshadowed and that their outlook is not unduly affected.

The proposed vehicle and pedestrian access will ensure safe access, and the level of car parking is considered to be acceptable. A condition to secure the provision of EV charging will support and encourage low carbon modes of transport.

The risk from flooding, potential ground contamination, effects on ecology and trees have all been satisfactorily addressed, and the relevant approved schemes and mitigation measures can be secured by condition.

The proposals are consistent with Policies BE1, BE2, GE6, GE21, PR14, TP7, TP12, and TP17 of the Halton UDP, as well as Policies CS18, CS19, CS20, CS21 and CS23 of the Halton Core Strategy Local Plan. The proposals also accord with the Council's standards contained in the design of New Residential Development SPD.

8. RECOMMENDATION

That the application is approved subject to the following:

- a) The entering into a legal or other agreement relating to securing financial contribution towards the delivery cost of local infrastructure.
- b) Conditions relating to the following:
 1. Standard time limits condition (BE1)
 2. Approved plans condition (BE1 and TP17)
 3. To be carried out in accordance with acoustic report and mitigation measures.
 4. To be carried out in accordance with Flood Risk Assessment, associated mitigation measures and drainage strategy (PR16 and CS23)
 5. Detailed design and management details of drainage system (PR16 and CS23)
 6. Submission and agreement of a submission of a construction traffic management plan which will include wheel cleansing details, hours of construction and deliveries (BE1)
 7. Submission and agreement of a Construction Environmental Management Plan (BE1, GE21, and CS20).
 8. Existing and proposed site levels (BE1 and BE2)
 9. External facing materials (BE1 and BE2)
 10. Conditions for landscaping, pond details, planting, management and maintenance, replacement planting (BE1)
 11. Breeding bird season protection (GE21 and Policy CS20)

12. Submission, agreement and implementation bird and bat boxes scheme (GE21 and Policy CS20)
13. Submission, agreement and implementation of Electric Vehicle Charging Points Scheme (CS19)
14. Parking, access and servicing provision (BE1)
15. Ground investigation report, mitigation measures and validation (PR14 and CS23)
16. Foul and surface water on a separate system (PR16 and CS23)
17. Submission, agreement and implementation of a waste audit / site waste management plan (WM8).
18. Shall be carried out in accordance with Arboricultural Impact Assessment and tree protection measures (BE1, GE21, and CS20)
19. Submission, agreement and implementation of external lighting scheme (BE1, GE21, and CS20)
20. Submission, agreement and implementation of Reasonable Avoidance Measures (RAMs) for badger and hedgehogs (BE1, GE21, and CS20)
21. Submission, agreement and implementation of Invasive species method statement (BE1, GE21, and CS20)

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

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

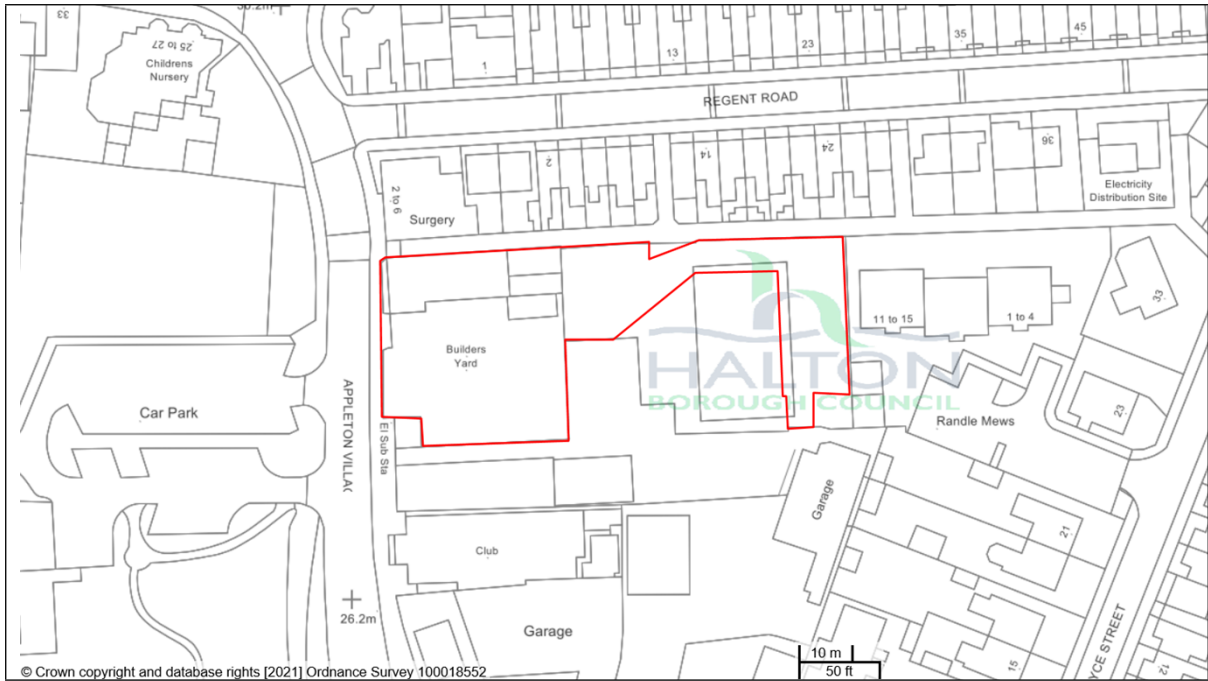
10. SUSTAINABILITY STATEMENT

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:	20/00594/FUL
LOCATION:	Appleton Village Pharmacy, Appleton Village, Widnes, Cheshire.
PROPOSAL:	Proposed demolition of existing pharmacy and construction of residential development comprising 12no. two bedroom apartments; cycle and bin storage at ground floor and commercial unit (Use Class E) at ground floor, 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:	One representation 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:	That the application is approved subject to satisfactory receipt of the outstanding Bat report and amended parking plans subject to conditions and the securing of a commuted sum in lieu of on-site open space provision and affordable housing provision.



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 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 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 13no. 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
- Tree Survey
- Bat Emergence Survey

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;
- GE21 Species Protection
- GE27 Protection of Trees and Woodland
- 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;
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk.
- CS24 Waste

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
Natural England

Council Services:

Highways
Lead Local Flood Authority
Contaminated Land Officer
Environmental Health Officer
Merseyside Environmental Advisory Service
Open Spaces Officer

5. REPRESENTATIONS

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

- Highway safety and conflict with existing school/ nursery uses
- Parking and overflow to surrounding streets

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 of the concerns/objections these are set out in full in the Committee report (July 2020 application 19/00534/FUL) on the previous application for the same development. This application was refused by the Committee on the basis of parking/ highway safety concerns.

This decision was appealed and an inspector set out the following highways considerations for the development.

“Parking provision

5. The adopted parking standards are maximum numbers of spaces and do not represent the minimum that should be achieved. Although they provide a reference for the upper number of spaces that could be expected to be required, Policy TP12 of the Halton Unitary Development Plan 2005 (UDP) advises that the appropriate level of car parking required as part of a new development will be dependent on the circumstances of that development.
6. There are three elements which affect the parking requirements in this instance, these being those associated with the proposed 12 apartments, those with the proposed new pharmacy and those with the existing 24 apartment block whose parking is interlinked with the overall parking requirements. In total, based on the amended proposal and the ratios set out by the Highway Authority, 52 spaces would be required for these three elements, whereas it is proposed that 37 spaces would be provided in total.
7. The appeal site is located within an urban area and within reasonable walking and cycling distance to both Widnes railway station and its bus interchange. This offers good connectivity not only to local destinations but also to those further afield such as Liverpool, Warrington and Manchester. There are also services and facilities in the immediate vicinity of the appeal site which could be easily accessed by means other than private motor vehicle, along with those found in Widnes town centre, which too is within a reasonable walking and cycling distance.

8. Car ownership levels in the area are shown to be 53%. Whilst the census data used in the Transport Statement is now 9 years old, I have not been made aware of any material circumstances which may lend weight to a likelihood that car ownership has significantly increased over that period. This suggests that car ownership in relation to the proposed development may not be high. Furthermore, the future occupants of the proposed apartments would be aware of the number of parking spaces available to them and would accordingly anticipate this upon purchase or lease of a property.

9. There is limited parking on the public highway close to the site but there is a public car park located on the opposite side of Appleton Village which provides some parking capacity that could be utilised by the proposed pharmacy, in addition to the fact that the appeal site is easily accessible on foot and by cycle. My attention has been drawn to the proposed reconfiguration of Appleton Village to provide a cycle route which would reduce parking capacity on the road and reduce the carriageway width. However, for the reasons I have outlined, the parking provision proposed on-site would be adequate to serve the proposed development, in the circumstances of the case.

10. Overall, given the location of the appeal site and in particular its good access to Widnes town centre, to services and facilities and to an extensive transport network, there are convenient and practical alternatives to the use of a private motor car. I also give weight to the fact that future occupants would not only be 'buying into' a development that had reduced parking availability, but that in this instance this would be adequately compensated for by the location of the site and its access to services, facilities and public transport. These factors justify a parking provision of the level that is proposed and mean that the development would not cause a conflict with the safe and efficient use of the public highway.

11. For these reasons, I conclude that the proposed development would provide an adequate parking provision and that this would not cause harm to the surrounding highway network or to highway safety. The proposal therefore accords with Policies BE1, TP12 and TP17 of the UDP where they seek to safeguard the public highway and highway safety. There would also be no conflict with the National Planning Policy Framework where it seeks to achieve the same objective."

The scheme was originally re-submitted providing provision for only 24 parking spaces. This resulted in a renewed objection from the Council's Highways Officer. The applicant has agreed to submit further amended plans to demonstrate the 37 spaces original subject of the appeal inspectors comments above. Subject to receipt of those amended plans and on the basis of the appeal inspectors comments above, it is not considered that refusal of planning permission could be sustained and therefore the proposal accords with the development plan. Members will be updated orally in this regard.

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

The area is on the edge of a relatively high density residential area and there are a number of other three storey developments in this area. This includes 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 acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

6.4 Appearance

The scheme results in a 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:

- 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. 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 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 enter into a legal

agreement which secures the submission of a scheme, its subsequent implementation and maintenance thereafter.

Subject to a legal agreement 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 Ecology

The Council's ecology advisor has reviewed the submitted documentation and undertaken a Habitats Regulation Assessment and an Appropriate Assessment in relation to the European sites. They have advised that a condition needs to be attached to secure the provision of a leaflet for residents to include information on nearby European Sites, responsible user guidelines for walkers/ dog walkers and highlight suitable alternative natural greenspace (SANG) away from the coast.. Natural England, who have recommended the same condition, also supports this.

The ecology advisor has also highlighted that the existing buildings on site may provide potential roost features for bats. The previous surveys are over three years old and the building's potential for roosting bats may have changed during this time. Bats are protected species and a material consideration. Local Plan policies GE21 and CS20 apply. Therefore, the applicants have been asked to provide further details to support their application in this regard. Members will be updated orally.

6.12 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 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.

6.13 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.

United Utilities have made a representation to attached a number of conditions relation to Surface Water/Foul water and SUDS.

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.

6.14 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, 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. The site is in a sustainable location and the benefits of the scheme in terms of housing provision and visual improvement are considered to weigh in favour of the scheme.

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 Proposal is compliant with the development plan subject to the receipt of an acceptable report in relation to Bats.

The securing of affordable housing and open space contribution are both considered necessary and required to make the development acceptable and would meet the CIL tests.

Members will be updated orally with respect to the outstanding Bat report and amended parking plans

8. RECOMMENDATIONS

That the application is approved subject to satisfactory receipt of the outstanding Bat report and amended parking plans and to the following:

- a) The entering into a legal or other agreement relating to securing of a commuted sum in lieu of on-site open space provision and affordable housing.
- b) Conditions relating to the following:
 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. Ground Contamination - (Policy PR14)
13. Drainage Strategy/ conditions – (Policy PR16)
14. Bat mitigation (if needed)
15. Provision of a leaflet in relation to European sites.
16. Waste Audit
17. Restricting use of commercial unit to pharmacy use and retail floor space
18. Submission and agreement of mechanical plant
19. Restricting external shutters

c) That if the satisfactory bat survey, amended plans and/ or S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

9. BACKGROUND PAPERS

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report, such as consultee responses and the decision of the Planning Inspectorate, are open to inspection by contacting dev.control@halton.gov.uk

APPLICATION NO:	21/00235/FUL
LOCATION:	33 - 37 Irwell Lane, Runcorn, Cheshire, WA7 1RX
PROPOSAL:	Proposed erection of a three storey 35 no. over-65 retirement living apartments, together with external amenity space and parking facilities.
WARD:	Mersey
PARISH:	None
AGENTS(S)/APPLICANT(S):	SATPLAN Ltd. / DMG (Irwell) Ltd and Housing 21
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	No
REPRESENTATIONS:	Five representations have been received from the publicity given to the application.
KEY ISSUES:	Principle of Residential Development, highway impacts, design and character, landscaping, flood risk and drainage, contaminated land, ecology and trees.
RECOMMENDATIONS:	That the application is approved subject to satisfactory receipt of the outstanding Habitat Regulations Assessment subject to conditions and the securing of a commuted sum in lieu of on-site open space provision and affordable housing provision.
SITE MAP:	<p>The site map shows a residential development site located at 33-37 Irwell Lane, Runcorn, Cheshire, WA7 1RX. The site is outlined in red. The map includes surrounding streets: Stanley Street, Grovenor Street, Parker Street, Irwell Lane, and Norfolk Street. The site is situated between Stanley Street and Grovenor Street, and between Parker Street and Irwell Lane. The map also shows existing buildings, trees, and a road network.</p>

1. APPLICATION SITE

1.1 The Site

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

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

1.2 Planning History

20/00219/OUT - Outline application, with all matters other than access reserved, for demolition of all existing buildings and development of up to 33 no. residential apartments, or 32 no. apartments for residents over 55 years old, together with parking and associated infrastructure – APPROVED 13.05.21

2. THE APPLICATION

2.1 The Proposal

The application seeks permission for the erection of a three storey 35 no. over-65 retirement living apartments, together with external amenity space and parking facilities.

2.2 Documentation

The planning application is supported by the following documents:

- SAT261/Irwell Lane, Runcorn/Application Cover Letter/14/04/2021
- Planning Drawings
- Proposed Landscape Masterplan, Ref 4680-01 Revision D
- Planning Statement
- Preliminary Ecological Appraisal Report Number: 12794_R01d_LCD_HM
- Bat Survey Report 12794_R03e_Bat Survey Report
- Arboricultural Impact Assessment Report Number: 12794_R02b_MB_HM
- Phase 1 Desk Study Report Job No: 10/1578 Rev.00 May 2020
- Geo-Environmental Appraisal Report (including UXO Desk Study & Risk Assessment) Ref. 10/1641/002 Rev. 01
- Drainage Strategy Technical Note OTH_13369-CRH-ZZ-XX-TN-C-0001-P3
- Transport Technical Note J324706
- Preliminary Site Access Plan Ref J32-4706-PS-001
- Swept Path Analysis Plan Ref J32-4706-002

- External Ambient Noise Assessment Ref. J002768/4767/02 April 2021
- Design and Access Statement

3. **POLICY CONTEXT**

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

4. **THE DEVELOPMENT PLAN**

4.1 Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- PR2 Noise Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel For All
- H1 Provision of New Housing
- H3 Provision of Recreational Greenspace

4.2 Halton Core Strategy (2013)

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

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

4.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

5. MATERIAL CONSIDERATIONS

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

5.1 Halton Borough Council - Design of Residential Development Supplementary Planning Document

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

5.1 National Planning Policy Framework

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

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

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

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

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

local and inward investment to meet the strategic economic and regenerative requirements of the area.

6. CONSULTATIONS

- **HBC Contaminated Land**
No objection subject to conditions
- **HBC Highways and Transport**
Support subject to conditions
- **HBC Environmental Protection**
No objection
- **HBC Open Spaces**
No comments to make
- **HBC Lead Local Flood Authority**
Support in principal, subject to conditions
- **HBC Major Projects**
Support in principal
- **Mersey Ward Councillors**
No comments received
- **Merseyside Environmental Advisory Service**
No objection – Updated HRA required
- **Natural England**
Habitat Regulations Assessment (HRA) Screening required
- **Peel Holdings**
No comments received
- **Mersey Gateway Environmental Trust**
No comments received
- **Cheshire Police Designing Out Crime**
No objection
- **United Utilities**
No objection
- **Cheshire Archaeology Planning Advisory Service**
See section below

7. REPRESENTATION

7.1 The application was advertised by a press advert in the Widnes & Runcorn Weekly News on 29.04.21, a site notice posted on 23.04.21 and 87 neighbour notification letters sent on 22.04.21.

Following amendments to the description of the proposed development, neighbouring properties and objectors were re-consulted on 12.05.21

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

- Demolition has already taken place at the site
- Over development of the site
- Not enough car parking spaces
- There is a pet cemetery on site
- Loss of trees and wildlife
- Three storey development is out of character in this location
- Fully support the scheme
- Welcome the re-development of the site
- How will over 65 tenure be enforced

8. ASSESSMENT

8.1 Principle of Development

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

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

The proposals comprise of 35 no. apartments, 31 no. of which will be one bedroom apartments, and 4 no. of which will be two bedroom apartments. The housing mix has been led by the Housing Association partner for the scheme, Housing 21, as such, the housing mix is aimed at older residents and will therefore be reserved for people aged 65 years old and over and will be available on affordable tenures.

Core Strategy Policy CS12 supports the principle of the development subject to other matters of amenity being met and those are dealt with below.

8.2 Affordable Housing

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

The applicant notes the requirement for affordable housing in their planning statement. It is stated that all of the dwellings will be made available on

affordable housing tenures. This exceeds the 25% requirement set out in Core Strategy Policy CS13 on all schemes over 10 no. dwellings.

It considered reasonable to secure the submission of a scheme, its subsequent implementation and maintenance thereafter by means of planning condition or legal agreement. Members will be updated with respect the appropriate means.

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

8.3 Open Space

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

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

Subject to such payment of a commuted sum in lieu of on-site provision / securing of such provision by legal 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.

8.4 Layout

The same vehicular access into the Site off Irwell Lane is proposed as that which was approved under planning application 20/00219/OUT, and is considered acceptable in principle.

The proposed apartment building is positioned in a location that respects the existing building line of the terrace properties fronting Parker Street to the west of the site.

The scheme has been designed to ensure suitable interface distances between the proposed building and adjacent existing dwellings. An interface distance of 25.8m is achieved along Irwell Lane, where the scheme fronts existing properties across Irwell Lane. The gable end of the building, adjacent to the existing terraces on Parker Street, does not include any windows. Given there are no habitable room windows on the gable elevation of the last terrace

property on Parker Street, a much reduced interface distance is allowed for which is considered to be acceptable.

With regards 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 development proposes a small landscaped amenity and green space to the rear together with private balconies for the first two stories. It is acknowledged that there is a shortfall to this level of on-site provision however there are existing parks in the locality that the residents will be able to enjoy including greenspace directly adjacent to the application site, Runcorn Promenade and Runcorn town hall.

Given the overall size of the site, there is limited scope to provide the required level of amenity space in full on site without either significantly changing the form of the development or reducing its scale. A change in the form of the apartment building and/ or inclusion of roof top gardens and balconies could allow more open space provision. However, this would result in a taller building and potentially greater degrees of overlooking of surrounding existing properties that would have a greater impact on the surrounding residents and be out of character with the surrounding area. It is acknowledged that further reduction in development could affect the viability of the scheme.

It is the opinion of the LPA that an appropriate balance has been struck between selecting the appropriate form of building with an accompanying level of on-site garden space and off site payment contributions.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE1 & BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

8.5 Scale

Members will note that one of the representations to the scheme raised concerns that the proposed scale of development would be out of character with the area.

The scale of the scheme has been proposed in line with officer advice. The building is three storeys; however with the top floor set back from the main building facades, the final structure would not have the same visual scale as a three storey building but will instead have a more sympathetic massing.

Whilst the application site is located in an area of residential development there are no other apartment buildings in the immediate vicinity, nor are there buildings above a traditional two storey house. There is a three storey

residential building located on the adjacent side of the busway, but this is not visible from the site. However, the site and situation of the proposed apartment building is such that its juxtaposition will be minimalised. A modern apartment building will present a contrast to the surrounding housing stock.

The proposal is considered to be acceptable in terms of scale and is compliant with Policy BE1, BE2 of the Halton Unitary Development Plan and Core Strategy Policy CS18.

8.6 Appearance

The proposed building will be of a modern design constructed predominantly of brick with features incorporated into the proposal through the use of stretcher bond brickwork with some simple detailing. The massing of the elevations would be broken up by the recessed balconies together with recessed brick detailing which will add visual interest to the elevations.

The second floor is stepped back from the main facades across Parker Street and Irwell Lane. This set back lessens the impact of the massing against adjacent properties. Apartments on the 2nd floor are smaller and so would not have integrated balconies and instead have Juliet balconies to all living spaces.

The variation in detail and massing is considered to provide a good balance relating well to the surrounding properties and respecting the amenity of adjoining residents whilst providing a feature building at a prominent junction.

The proposed building is considered to be of a modern design comprised of high quality materials and provides an opportunity to bring a vacant site back into use and providing much needed housing.

The submission of precise external facing materials and their subsequent implementation can be secured by condition. This would ensure compliance with Policies BE1 & BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

A landscaping master plan has been submitted as part of the application which is considered to demonstrate that an acceptable landscaping scheme can be secured. Details of boundary treatments and hard landscaping are noted on the proposed master plan, but specific details and elevations of the boundary treatments will be required. These details can be secured by planning condition.

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

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

8.7 Highway Considerations

The Council's Highways Officer has reviewed the application and has provided the following comments:

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

In terms of access onto the existing highway network the proposed location for the entrance is considered to be suitable in terms of position and achievable visibility splays. Access can be secured from the adopted highway although a condition would be required to provide full details of offsite works to form the bell mouth and associated footway works.

Level details would be required but there is no anticipated issue attaining suitable gradients and highway tie-ins. Surface water will not be permitted to shed onto the adopted highway.

A suitable legal agreement would need to be entered into with the Highway Authority to construct the revised access connection and make good the redundant access point and other necessary off site highway works.

With regards to bin storage and collection arrangements the scheme is considered to be suitable to allow for kerbside servicing.

Pedestrian access is shown on the plans is largely acceptable although we would point out the lack of footway link between the front and rear pathways. This said, vehicle movements on site are likely to be low and therefore the roadway is acceptable for shared use.

The applicant has shown off site improvements to pedestrian provision adjacent to the Busway to the South which reflects earlier discussion with regards the site and welcomed by the Highway Authority.

The cycle storage shown on the plans is considered to be acceptable, adequate to meet the needs of residents who wish to utilise bicycles as a sustainable mode of active travel. This provision should be secured via condition.

We would request that some short term provision in the form of 2 number Sheffield stands be provided in a convenient, overlooked location to the front of the building.

With regards to car parking provision the scheme currently shows 18 spaces serving the 35 dwellings including 2 number marked as disabled bays. Considering the shared provision for residents within the development and on site manager, the Highway Officer has considered the application as a sheltered housing type scheme.

The maximum car parking standard set out for this type of use is 1 space per 3 dwellings and 2 spaces per warden. Applying this standard would result in a requirement of 13 spaces. The 18 shown on plans is therefore considered to be acceptable and will allow for some flexibility in terms of visitor provision etc.

The use class should be conditioned to only permit C3 Sheltered Housing (or similar approved wording). If a more general C3 use is sought an objection would likely be made on failure to meet the requirements of TP12.

2 number bays are marked as EV bays, details of the equipment to be installed should be submitted for approval (either in advance of any permission or via condition) and we would request that a further 2 bays be first fixed to cater for additional provision in the future and that power demand for the 4 number bays be factored into the scheme design.

Subject to suitable planning conditions the proposal is considered to be acceptable and compliant with Policies BE1, TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

8.8 Ground Contamination

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

The report presents the findings of a desk study, including a conceptual site model and risk assessment. The site has been in similar use as far as historical mapping shows from the mid-1800s onwards, namely residential with gardens and outbuildings. A number of potentially significant pollutant linkages have been identified, based on the brownfield nature of the site, ash and clinker deposits, possible asbestos containing building materials and the use/storage of chemicals and fuels in the outbuildings. The report concludes that there is a low to moderate risk associated with land contamination and the proposed end use. An intrusive site investigation is recommended to fully characterise the site and determine the presence or otherwise of contamination.

I am in agreement with the findings of the above report and its recommendations. I would note that there has been previous issues relating to

an unsecured well on site. Locating and decommissioning the well, in line with Environment Agency guidance, should be a requirement of the development.

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

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

8.9 Flood Risk and Drainage

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

The proposed development is considered to be 'more vulnerable' development with regard to flood risk by Planning Practice Guidance and would also increase the hardstanding area currently on site.

The application has been supported by the following document:

- Drainage Strategy Technical Note 'OTH_13369-CRH-ZZ-XX-TN-C-0001-P3'

The applicant has a clear strategy for the disposal of surface water from the site through sustainable urban drainage systems (SuDS) and as such the Lead Local Flood Authority have no objection to the proposed development subject to conditions requiring the details of the implementation, maintenance and management of a SuDS scheme to be submitted and a verification report prior to the occupation of the development.

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR16 and Policy CS23 of the Halton Core Strategy Local Plan.

8.10 Ecology

Issues regarding bat roosts had been resolved under the previous outline application 20/00219/OUT. The existing buildings on site were demolished in April 2021 in line with recommendations made in the Bat Survey Report.

The submitted Bat Survey Report categorised buildings on site as containing high suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, the Merseyside Environmental

Advisory Service advised that bat and bird boxes be erected on the site. Bat and bird boxes are indicated on the submitted plans.

It is anticipated that the same planning conditions will be proposed as those put on the Outline Planning Permission 20/00219/OUT which secure bat and bird boxes, breeding bird protection, reasonable avoidance measures for hedgehogs and an ecologically sensitive lighting scheme. In addition to this, as with the previous scheme an information leaflet should be produced for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace (SANG) away from the coast.

Due to the development's potential pathways and impact on European Sites, the Council's Ecological Advisor has advised that the proposal requires an updated Habitats Regulations Assessment for likely significant effects. An updated Habitats Regulations Assessment is anticipated from the Council's Ecological Advisor and members will be updated accordingly.

8.11 Environmental Protection

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

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

8.12 Waste Prevention/Management

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

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

8.13 Designing Out Crime

The Cheshire Constabulary Designing Out Crime Officer has made the following comments on the scheme:

Good points re development:

- The development is in walking distance of local amenities.
- The site has been an anti-social behavior hotspot and so a well-designed building will be an asset to the area and should assist in reducing issues and police demand to the area.

Points to be considered:

- Suggested low level native planting between the public space and footpath at the rear of the apartments for a formal boundary to prevent easy access
- Main entrance could be a potential gathering point
- More natural surveillance for the cycle store
- Access control to apartments

The above can be attached as an informative to any grant of planning permission. Overall detailed security will be led by Housing 21 and the on-site management company and can be discussed and agreed with the relevant police liaison officers.

8.14 Cheshire Archaeology Planning Advisory Service

The following comments have been received from the Cheshire Archaeology PAS:

Having reviewed the supporting documentation along with the information on the Cheshire Historical Environment Record, I note that there are some archaeological considerations which should be addressed prior to the commencement of the proposed development.

The buildings on the footprint of 33-37 Irwell Lane appear on the Lancashire First Edition OS Map of 1893, this footprint remains unaltered throughout the mapping, suggesting that these buildings are likely to contain historical materials. These materials and the current buildings should be subject to a programme of recording prior to demolition. This programme for recording should take the form of a level II building survey, as outlined by Historic England in their guidance note "understanding Historic Buildings".

It should be noted that planning permission for an earlier scheme 20/00219/OUT originally proposed the demolition of the existing buildings on site and was recommended for approval at the November Development Control Committee meeting in 2020. Due to delays surrounding the Section 106 agreement, planning permission was approved on the 13th May 2021.

No comments or objections were received from the Cheshire Archaeology Planning Advisory Service for the 20/00219/OUT planning application.

The above comments were relayed to the agent for a response. The planning agent advised that the existing buildings on site had been demolished and that this had been undertaken in April. The reasoning for this was due to escalating anti-social behaviour issues at the application site including drug use and arson. A Building Regulations Certificate was provided and whilst not in strict accordance with the planning permission/prior approval required for demolition, there was an urgent need to demolish the building. Given the final stages of agreeing the outline planning permission which included permission to demolish the buildings, the demolition was undertaken in a safe way, approved by Building Control Officers.

In addition to this, the time of the demolition, whilst not ideal in pure planning terms, was in accordance with the ecological requirements, as set out by the Merseyside Environmental Advisory Service, ahead of bat activity seasons.

Given the response from the Cheshire Archaeology Planning Advisory Service above, which was received in May 2021, to confirm, the buildings on site had been vacant for sometime and overtime had been stripped of anything of value, together with being a hotspot for vandalism and anti-social behaviour. In addition the building was subject to a fire in August 2020 as a result, the applicant has confirmed that there were no historical features within the buildings.

On this basis it is not considered that a condition in this regard is justified or reasonable.

Members will note that one of the representations to the scheme raised concerns that there is a pet cemetery located on the site. Officers have taken advice from the Cheshire Archaeology Planning Advisory Service and enquired whether there is any evidence or history of a pet cemetery at the application site. The Cheshire Archaeology PAS have looked into this to the best of their ability using map regression, aerial imaging and historical document analysis and have found no indicators of the pet cemetery in this particular location.

Therefore with regards to the alleged pet cemetery at the site, there is nothing to confirm its existence or its position and there is no evidence on any mapping or aerial photography to support a location for this.

9. CONCLUSIONS

The application proposes residential development on a derelict brown field site that is surrounded by housing stock and is designated as within a primarily residential area in the Halton Unitary Development Plan. The principle of residential development is therefore considered acceptable. It would also

further assist in the redevelopment of a site that is known to the local community as a site of anti-social behaviour with past instances of drug use and arson.

The means of access to the proposed development is acceptable and a sufficient amount of parking would be provided to accord with the parking standards set out within the Halton Unitary Development Plan.

The proposal complies with interface standards and is of good modern design. It is considered the scheme will result in a quality of development which will make a positive addition to the area and secure appropriate levels of amenity for existing residents and future occupiers of the scheme. It is considered that any outstanding issues relating to the awaited updated Habitats Regulations Assessment can be resolved by way of oral update. Subject to this, the application is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton.

10. RECOMMENDATION

That the application is approved subject to satisfactory receipt of the updated Habitats Regulations Assessment and to the following:

- (a) The entering into a legal or other agreement relating to securing of a commuted sum in lieu of on-site open space provision and affordable housing where required
- (b) Conditions relating to the following:
 - 1. Time Limit – Full Permission
 - 2. Approved Plans
 - 3. Site levels
 - 4. Materials
 - 5. Contaminated Land – Site Investigation
 - 6. Drainage – SuDS
 - 7. Boundary details to be agreed/implemented
 - 8. Waste Audit/Management Plan
 - 9. Highway Works
 - 10. Hours of Construction
 - 11. Breeding Birds Protection
 - 12. Hedgehogs
 - 13. Ecologically Sensitive Lighting Scheme
 - 14. Cycle storage to be agreed/implemented
 - 15. Landscaping to be implemented
 - 16. Replacement tree planting
 - 17. Affordable Housing Scheme (where required)
 - 18. Drainage Verification report

19. Access implementation
20. Electric Vehicle Charging to be agreed/installed
21. Bat Boxes to be agreed/installed
22. Bird Boxes to be agree/installed
23. Information Packs For New Residents
24. Use Restriction

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

11. BACKGROUND PAPERS

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

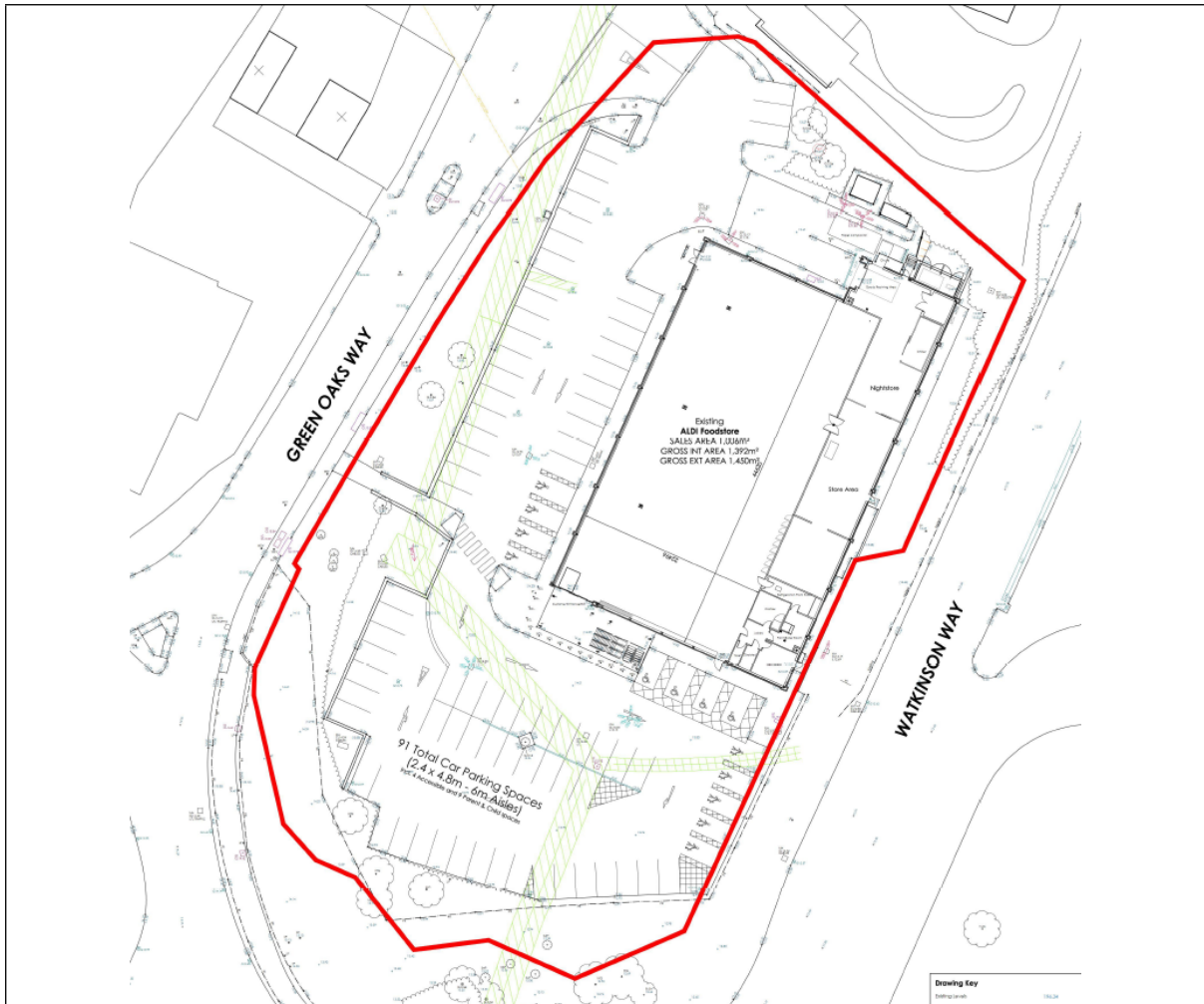
12. SUSTAINABILITY STATEMENT

As required by:

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

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

APPLICATION NO:	21/00278/FUL
LOCATION:	Aldi Foodstore Ltd, Green Oaks Way' Widnes, Cheshire, WA8 6UF
PROPOSAL:	Proposed demolition of existing store and replacement by new food store with associated car parking, access, external plant and landscaping.
WARD:	Appleton
PARISH:	N/A
APPLICANT:	Mr George Brown, Aldi Foodstores Ltd
AGENT:	Mr Luis Perez, JLL
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3)
Halton Core Strategy (2013)	South Widnes Key Area of Change (CS9)
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	None
KEY ISSUES:	Principle of Development; Highways, Flood Risk and Drainage; Contaminated Land; and Ecology.
RECOMMENDATION:	That the application is approved subject to satisfactory land ownership notification and resolution of flood risk issues.
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The application site comprises of an existing food store with associated parking and service areas covering approximately 0.61 hectares. It is located on the south eastern edge of Widnes town centre. The site is bound by Watkinson Way to the east and Green Oaks Way to the west. To the north of the site is Morrison's Petrol Filling Station, Tesco extra is to the south and Widnes Shopping Park to the west.

1.2 Planning History

The site has some planning history with the more recent relevant applications being as follows:

- 95/00493/FUL - Erection of class A1 food store with associated access services and parking (Permitted 16 November 1995)
- 96/00576/ADV - for Proposed 1 No. post sign and 3 No. wall signs (Permitted 15 November 1996)
- 06/00242/FUL - Proposed extension (203 sq.m) to existing store (Permitted 25 May 2006)

- 14/00023/FUL - Proposed extension to existing car park (Permitted 10 March 2014)
- 14/00585/FUL - Proposed construction of a substation (Permitted 22 December 2014)

THE APPLICATION

1.3 The Proposal

Proposed demolition of existing store and replacement by new food store with associated car parking, access, external plant and landscaping.

1.4 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Flood Risk Assessment, Drainage Philosophy Report, Arboricultural Impact Assessment, Ecological Survey, Bat Survey, Phase 1 Geotechnical Report, Site Investigation Report, Asbestos Management Plan, Soil Management Plan, Transport Statement, Construction Management Plan, Details of Bird and Bat Boxes, Lighting Scheme, Invasive Species Method Statement, and a Construction Environmental Management Plan.

2. 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.

2.1 THE DEVELOPMENT PLAN

Halton Unitary Development Plan (UDP) (2005)

The application site is designated as Greenspace on the Halton Unitary Development Plan Proposals Map. A Potential Greenway also runs through the application site along the western boundary.

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- E3 Primarily Employment Area
- GE21 Species Protection
- PR5 Water Quality
- 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 Assessments
- TP17 Safe Travel for All
- TC2 Retail Development to the Edge of Designated Shopping Centres
- TC5 Design of Retail Development

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
- CS5 A Network of Centres
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

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.

2.2 MATERIAL CONSIDERATIONS

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

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.

Supplementary Planning Documents (SPD)

Shop Fronts, Signage and Advertising SPD (November 2005); and Designing for Community Safety SPD (September 2005).

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.

3. CONSULTATIONS SUMMARY

Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

Contaminated Land Officer

No comments received.

Lead Local Flood Authority

Currently object to the application until further information has been submitted with regards to the Flood Risk Assessment.

Environmental Protection

No comments received.

Open Spaces – Trees/Design & Development

The proposals appear to seek development on private land that does not appear to impact upon HBC managed/owned land. There are no formal tree or Nature Conservation constraints associated with the proposed development plot.

Major Projects

No comments.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objections subject to conditions.

Cheshire Police - Designing Out Crime Officer

No objection, advice provided to the applicant with regards to internal access controls for staff, cameras to cover fire escapes, security shutters.

Environment Agency

No objection to the proposed development subject to conditions.

Natural England

Have no comments to make on the application.

United Utilities

No objection to the proposed development subject to conditions.

4. REPRESENTATIONS

The application was advertised by press advert in the Widnes and Runcorn Weekly News on 20/05/2021, site notices were posted and neighbour notification letters were sent out on 13/05/2021.

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

5. ASSESSMENT

5.1 Principle of Development

The application site is an existing Aldi food store located in between Watkinson Way and Green Oaks Way, adjacent to Widnes town centre primary shopping area. The site falls within an area designated as Primarily Employment (Policy E3) in the Halton Unitary Development Plan, however the site has benefited from planning permission (95/00493/FUL) for a food store since September 1995, and operates as such, therefore the use is now well established and the principle of development accepted.

Based on the information provided the existing food store has a gross external area of 1,450m², and the proposed replacement food store would have a floor space of 1,880m². Therefore the proposal would provide for a net increase of 430m² of gross external area.

Policy CS5 of the Core Strategy states that new retail or other town centre uses should be located within or on the edge of a defined Primary Shopping Area or Local Centre, appropriate to the scale of the proposal. And that retail and leisure proposals in excess of 2,000 sq.m (gross) floor space not located within a defined Primary Shopping Area, or allocated in a Local Plan will be subject to sequential and impact assessments. The proposed development is less than 2,000 sq.m, therefore not be subject to an impact assessment.

Retail and leisure proposals in excess of 200 sq.m (gross) not within or adjacent to a defined centre, or allocated in a Local Plan will be subject to sequential assessment. The applicant has provided a sequential assessment, following a

survey of 16 sites they have concluded that there are no suitable alternative sites within the town centre that meet the applicant's requirements, particularly with regard to floor space. The largest available site identified was 21-23 Widnes Road, which was just over half the floor space required. DW Sports on Cross Street, was also identified, however this falls outside of the primary and secondary shopping areas and is similarly edge of centre, it is also understood that the site is no longer available. Consequently, the existing site is considered to be sequentially preferable as there are no other suitable sites available. The proposal is acceptable in principle and is consistent with Policy TC2 of the UDP and Policy CS5 of the Halton Core Strategy.

5.2 Highways, Transportation and Accessibility

The applicant has submitted a comprehensive Transport Statement which meets the requirements of Policy TP14 demonstrating that the proposed redevelopment and expansion of the site will not detrimentally impact on the adjacent highway network in terms of road safety and operational capacity.

The car parking layout is considered to optimise the available space providing a safe and legible layout for users. The number of bays shown on the proposed plan does fall short of the maximum standard but when factoring in that the scheme is a redevelopment of an existing site and the sites town centre location the provision is considered to be acceptable. Suitable levels for accessible/disabled provision are made and parking for motorcycles has been included.

Submitted plans show that ten customer cycle parking would be provided below the external canopy of the new building. Whilst the number and location is considered to be acceptable details of the actual stands should be conditioned for approval and implementation.

The plans show 4 bays marked for Electric Vehicle charging, these are welcomed by the Highways, a condition is recommended for the detailed specification and implementation.

The site is considered to be in a sustainable location with good links to the town centre and public transport. Improvements are proposed to widen the footway to the west of the site adjacent to Green Oaks Way, allowing for the provision to be shared use. A condition is recommended for the submission and approval of the details to meet the Highway Authorities standards, and its implementation.

A small area within the eastern part of the application site is adopted Highway verge, the Highways Authority has no objection to its inclusion, but it will require stopping up. The applicant is aware of this issue and the due process involved. The Highway Authority has recommended further conditions in relation to landscaping, boundary treatments and visibility splays.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It would not have an unacceptable impact on highway safety, and accords with

Policies BE1, TP6, TP7, TP12, TP15, TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan, and the NPPF.

5.3 Layout, design and appearance

The application site has roads on three sides, and is therefore visible from multiple vantage points along Watkinson Way, Green Oaks Way, the Junction with Lugsdale Road and surrounding areas. The foot print of the replacement food store and car park would be broadly in the same location as the existing, albeit with some slight increase to accommodate additional parking and service areas.

The proposed new building would be of a modern design and appearance, and would have a mono-pitched roof designed to slope up away from Watkinson Way. The proposed elevations would respond well to the sites context by providing a glazed frontage that would wrap around the south western corner of the building providing a dual frontage taking account of the site location at the junction of Green Oaks Way and Lugsdale Road.

The facing materials would predominantly comprise of grey/silver cladding and horizontal timber cladding. The southern elevation would be have full height glazing, wrapping around the south western corner, creating a prominent entrance feature fronting onto the car park.

The layout, design and appearance is acceptable and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2 and E5 of the UDP and CS18 of the Core Strategy. Conditions are recommended that the development be implemented in accordance with the approved plans and details of external materials.

5.4 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 2, and partially in Flood Zone 3, therefore the application has been supported with a drainage philosophy report and flood risk assessment (FRA). The Lead Local Flood Authority has been consulted, and whilst they are satisfied that the drainage philosophy report is acceptable in principle, they consider the FRA to be deficient in various areas.

Further technical details are required before they can be satisfied that the development would be safe from flooding throughout its design life, and that it would not increase the risk of flooding elsewhere, in summary the following information is required:

- Information is required on the design life of the development as well as details of the flood response plan;
- Quantification of the volume of flood storage that would be lost or how any displacement would be mitigated;

- The need to take into account nearby flooding identified on the Environment Agency mapping, the critical drainage area, and risk of sewer flooding;
- The assessment of groundwater flood risk is based on published geology only and does not draw upon the ground investigation undertaken to inform the development proposals.

The above are considered to be technical matters which are not insurmountable, however it is necessary to address them before an approval could be recommended.

Therefore, given the proposal is acceptable in all other regards, delegated authority is sought to allow officers to approve the application once these matters have been satisfactorily addressed with the applicant and the LLFA.

5.5 Ground Contamination

The application is accompanied by a site investigation report and a remediation strategy. Conditions are recommended to secure the implementation of the required remediation, and verification reporting to ensure that any ground contamination is dealt with appropriately. The attachment of the conditions above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

5.6 Ecology

The applicant has submitted a Bat Survey report (Cheshire Ecological Services, May 2021) in line with Core Strategy policy CS20. The report states that no evidence of bat use or presence was found. MEAS are satisfied that the report can be accepted and that the Council does not need to consider the proposals against the three tests of the Habitats Regulations.

The survey identified a small number of common pipistrelle bats foraging and commuting over the site. Lighting for the development may affect the use of surrounding habitats. Conditions securing a suitable lighting scheme is recommended to protect excessive light spill onto these areas, as well as the provision of bat boxes.

The site has potential to be used by nesting birds, and will result in the loss of bird breeding habitat. Therefore, conditions are recommended to ensure their protection during nesting season, and to secure the provision of bird nesting boxes.

Further conditions are recommended relating to Reasonable Avoidance Measures (RAMs) for hedgehogs, and the provision of an invasive species

method statement. These details could be submitted individually or combined within a construction environmental management plan (CEMP).

The securing of the above details would ensure that the proposal does not cause harm to habitats or protected species, and that it is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

5.7 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment. There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area. It is acknowledged that some trees would need to be removed to implement the proposed development. The application has been supported with an acceptable landscaping scheme that would adequately compensate for the loss.

In respect of the trees to be retained, a tree protection method statement in accordance with the British Standard has been provided, its implementation can be secured by condition.

Based on the above, the proposal is considered acceptable with regards to trees, and complies with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

5.8 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 to ensure sustainable development and help to reduce carbon emissions.

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 application includes the provision of four electric vehicle charging points, a condition is recommended securing their implementation.

Section 4.11 of the planning statement summarises the applicants approach to reducing energy consumption. In summary, they will recover energy from the waste heat generated from the refrigeration units, this would be harnessed to provide 100% of the heating needs of the building. The applicant notes that heating can constitute 40% of a buildings energy demand, therefore this method of energy recovery provides substantial reduction in energy consumption.

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

5.9 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of on-going waste management during the operation of the food store, there is sufficient provision on site to deal with this.

A Site Waste Audit for during construction has also been provided. This details the use and storage of materials, waste management procedures, hazardous and controlled waste removal, and the duty of care of contractors.

The submitted information is appropriate and can be accepted, their implementation can be secured by a suitably worded planning conditions.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

5.10 Other Matters

The applicant has submitted a minor amendment to the application site boundary to encompass all existing landscaped areas. This includes the strip adjacent to Green Oaks Way which is necessary for the widening of the footway. Whilst on the ground this land appears to have been managed as part of the site since the construction of the existing store, land registry details indicate a narrow unregistered strip. Therefore the applicant is required to carry out the necessary notification and provided the relevant ownership certificate with the application. Any subsequent decision notice would not be issued until the notification period is over.

6. CONCLUSIONS

The proposed food store would replace an existing one, providing a more modern energy efficient building, with a net increase of 430m² of gross external area. The existing site is considered to be sequentially preferable as there are no other suitable sites available within or on the edge of the town centre. The development is considered to be acceptable in principle.

The layout, design and appearance of the building is acceptable and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination and species and habitat protection can be mitigated by the use of planning conditions.

There are outstanding matters to be addressed relating to land ownership notification and technical matters with regards to flood risk. The proposal is acceptable in all other regards and Members will be updated orally.

7. RECOMMENDATION

That the application is approved subject to satisfactory land ownership notification and resolution of the outstanding flood risk issues and conditions relating to the following:

1. Time Limits
2. Approved Plans
3. Construction Management Plan (Policy BE1)
4. Existing and Proposed Site Levels (Policy BE1)
5. External Facing Materials (Policies BE1 and BE2)
6. Landscaping and Boundary Treatments Scheme (Policies BE1 and BE22)
7. Tree Protection Measures – (Policy GE27)
8. Breeding Birds Protection – (Policy GE21 and Policy CS20)
9. Bird and Bat Boxes Scheme (Policy GE21 and Policy CS20)
10. Electric Vehicle Charging Points Scheme (Policy CS19)
11. Off Site Highway Works – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
12. Parking, Access and Servicing Provision (Policies BE1, TP12, TP15)
13. Ground Contamination - (Policy PR14 and Policy CS23)
14. Flood Risk and Drainage Strategy – (Policy PR16 and Policy CS23)
15. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
16. Cycle parking (TP6)
17. Reasonable Avoidance Measures (RAMs) for hedgehogs (BE1, GE21, and CS20)
18. External lighting scheme (BE1, GE21, and CS20)
19. Invasive species method statement (BE1, GE21, and CS20)
20. Waste Audit – (Policy WM8)
21. Use restriction (BE1)

8. 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

9. SUSTAINABILITY STATEMENT

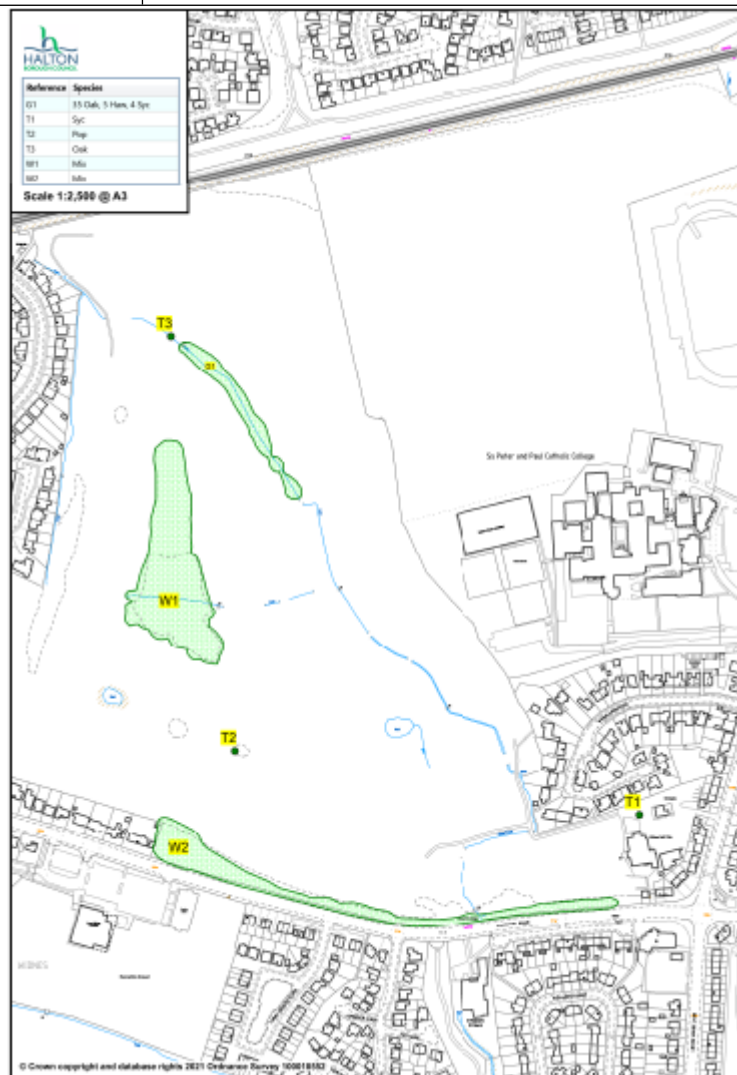
As required by:

- 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:	TPO 126
LOCATION:	Widnes Golf Course, Liverpool Rd. Widnes
PROPOSAL:	Confirmation of Tree Preservation Order
WARD:	Kingsway
PARISH:	N/A
DEVELOPMENT PLAN ALLOCATION:	Green Space, specifically a Golf Course, Greenspace System and a Potential Greenway runs along the eastern edge of the site
Halton Unitary Development Plan (2005)	
DEPARTURE	N/A
REPRESENTATIONS:	2 objections received and 15 letters of support
RECOMMENDATION:	Approve and Confirm
SITE MAP	



1. APPLICATION SITE

The Site and Surroundings

The TPO concerns individual, group and woodland protection of a selection of existing trees at Widnes Golf Course.

The golf course has an extensive mature landscaping scheme that benefits the amenity of the residential area that surrounds its boundary. The amenity value extends to the street frontage of Liverpool Rd, Highfield Rd and users and commuters that use the adjoining Rail Line services.

The golf course is bounded by a mix of private housing, transport infrastructure and civic land uses. Of particular note, to the South Liverpool Road, to the North the Manchester Rail Line, the North East St. Peter and Paul School.

As noted above the allocation for the site is greenspace, with a specific label of golf course. The golf course is an area of green space located within a wider area of green space in central Widnes. The Halton UDP Proposals Map shows the site has the potential for a greenway route connecting to the wider greenway network that runs as far; south as Stewards Brook along St. Michael's Golf Course; west to Hough Green Station; north to the borough boundary near Cronton and east to Victoria Park. It should be noted that the greenway network is a valuable asset to the Borough, there are several broken links in the network. The Local Plan seeks to join these links in all development opportunities. Equally, where opportunities arise to protect existing amenity value for areas of the Borough allocated for future greenway use, the Council will act in line with its strategic ambition. Should the Greenway come forward the trees subject of the TPO will contribute significant amenity value to future users.

Planning History

In March 2021 planning permission was refused for the following proposed development:

Proposed development comprising 249 dwellings, reconfiguration of golf course, demolition of existing clubhouse and associated buildings and erection of new clubhouse and greenkeepers store, creation of new vehicular accesses, roads, car parking and ancillary development

Background

Planning application 20/00153/FUL was submitted in March 2020 and was refused March 2021. The refusal of planning permission is currently within time limits for the applicant to take advantage of the appeals process But as yet no notification of a submitted appeal has been received.

The application showed an intent by the Applicant and interested developer to reduce the size of the golf course and develop housing. The scheme as submitted and refused would have required the loss of numerous trees on site. The Council has undertaken an assessment of the trees on site and determined that a number are worthy of statutory protection.

As a result, the Council took the decision to issue a tree preservation order on 10th February 2021 to protect the trees as they were potentially under threat. This is consistent with UDP planning policy GE27 'Protection of Woodland and Trees that states',

Trees of particularly significant public amenity value will be protected by making Tree Preservation Orders (TPO's) wherever appropriate, particularly in situations where it is perceived that the trees may be threatened by development.

Whilst the above planning application was refused planning permission it should be noted that no planning permission is needed to remove trees from the land and that tree clearance operations could have taken place in advance of an appeal. It is this concern that led to the Council taking the decision to issue a tree preservation order.

2. REPRESENTATIONS

Under Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, any affected person may submit objections or other representations in writing before a specified date. The Local Authority must then consider these before deciding whether the Order should be confirmed to make it permanent.

Two letters of objection were received, from the landowner, Widnes Golf Club and prospective developer of the golf course, Anwyll Homes. The basis of the objections are as follows:-

- Justification for retention of tree W2 goes against Council's own opinion of trees along Liverpool Rd as expressed through pre-application advice.
- Description of W2 is too general and does not reflect actual grouping of tree species which are clearly defined on Golf Course land.
- Considerable mitigation put forward for loss of trees proposed by developer to the above planning application.
- There is no reason why the TPO should be put in place other than for political gains in the Clubs current re development proposals. In these proposals the Club has offered a considerable level of mitigation for the loss of these trees, which was encouraged at Pre-App stage TPO will

bring further cost to administration of tree management via having to apply and gain approvals to maintain the trees on the

- course.
- No attempt by the Council to discuss tree preservation orders prior to the issue of TPO 126.
- The TPO should not be made until full and proper engagement is made with Widnes Golf Club.

The following points have been made in support of the TPO by 15 representations received by members of the public.

- The mature trees provide habitats for wildlife, reduce air pollution and are beautiful to look at.
- TPO will ensure correct maintenance of the trees
- Maintain integral part of the visual amenity provided to the public in the area
- Some trees are fine specimens that can live up to 800 years
- The Manchester poplar should be retained as it is a rare tree in the UK
- The trees are a vital part of the landscape and encourage ecosystems.
- Trees are vital to local ecosystem
- TPO necessary to secure woodland in the area.
- The trees help to purify air
- Trees are grade A quality

3. ASSESSMENT

A written assessment report for each individual tree on this site was not carried out, nor was it deemed necessary. The assessment of the trees had already been carried out by the Applicant/Developers arboriculturist and this assessment was used as a reference document when reviewing planning application 20/00153/FUL. A visual inspection of all of the trees on site was carried out by the Council's advisor on tree matters. Whilst the Applicant/Developers arboriculturist and the Council's retained advisor agree on the assessment of some trees there are differences of opinion on the worthiness of statutory protection for groups that the Council has put forward for woodland protection.

The Council rejects the assertion that the trees assessed by the Applicant/Developers arboriculturist are low, the lowest grade of tree detailed within the TPO was assessed as B2. The Council does not consider this to be a low score of quality. The Council has sought statutory protection for trees that are in the best condition and those in good condition that had a

complimentary/contributory association with the best trees on site. Those selected were processed through the TEMPO system, where that criteria was satisfied the trees were scheduled for protection. This is standard practice.

The Council rejects the opinion that the definition of W2 is unclear. The developers own arboriculturist report identifies four groups of trees. When observed on the ground, it is difficult to differentiate the boundary between each of these groups. They are complimentary to one another. When considered as a wider group it is considered that the trees bring considerable amenity value. As such the Council has deemed it appropriate to preserve all tree specimens within a woodland group. The term 'woodland' is an identifier that is appropriate and available for use under regulation (PPG: Paragraph: 024 Reference ID: 36-024-20140306). With regard to accuracy, the area of trees protected is identified on the accompanying plan, the accuracy of which has not been challenged. Therefore the Council does not recognise the concern of accuracy raised in objection.

The Council agrees that the trees have been managed to date by the golf course without statutory protection. The golf club is to be commended in their maintenance to date, such care has led to the trees on site being deemed a valuable asset with a high amenity value to the benefit of the local community. The developer states that considerable mitigation has been offered which confirms that the trees offer significant value to amenity. The recent planning application and development intention is a threat to the continued existence of the trees on site. The statutory protection sought is the most appropriate and secure way of protecting the trees that are an asset to the locality.

The recommendation to protect a number of the trees on site with statutory protection was reached taking into account the data within the arboriculturist's report, alongside Government guidance. All of the trees on this site, recommended for protection, fit the criteria for statutory protection according to the Council's assessment.

Taking into account the local setting of this area of Widnes, the demonstrable worth that the detailed trees have to the locality and their amenity value is clearly evidenced by the arboriculturist report and the Council's internal review.

Developer Objections and Council Response

The table below sets out the Council's response to each of the points raised in objection by the Developer.

Developer objection	Council Response
<p>The TPO reasoning for W2 goes against HBC's own opinion of the trees along Liverpool Road in the Pre-Application letter response 19/07013/PREAPP (attached) in which on page 4 under the heading Planning Layout Observations the letter states;</p> <p><i>The value of existing landscaping along Liverpool Road is questioned. Subject to any survey confirming that the value of the existing landscaping being low, would an active frontage to Liverpool Road not be a better design solution? A new tree lined frontage could be achieved with species which are more sympathetic to residential properties in terms of scale.</i></p>	<p>The officer opinion quoted from Council correspondence dated: 29th April 2019 is caveated with the following key words:</p> <p><i>'Subject to any survey confirming that the value of the existing landscaping being low'</i></p> <p>This is an important caveat. No tree subject of the TPO has been classified as 'low' by the Developers own arboriculturist. Therefore the Council does not recognise this point of objection put forward by the Developer.</p>
<p>The description and grouping of W2 is too general and does not reflect the actual grouping of tree species which are clearly defined on the Golf Course land as surveys and detailed in the TEP Arboricultural Survey contained within the Arboricultural Impact Assessment ref 7004.02.001 July 2020 (attached). This group (W2) needs clear definition and clarity in order to manage maintenance and works to specific areas of these trees in the ongoing running of the Club and any future proposals they may have.</p>	<p>The developers own arboriculturist report identifies four groups of trees G43, G44, G48, G49.</p> <p>When observed on the ground, it is difficult to differentiate the boundary between each of these groups. They are considered to be complimentary to one another.</p> <p>When considered as a wider cumulative group it is considered that the trees bring considerable amenity value. As such the Council has deemed it appropriate to preserve all tree specimens within a woodland group (W2). The woodland identifier is appropriate and available for use under regulation. This is consistent with Planning Government Guidance that provides the following information:</p> <p><i>How should the Tree Preservation Order be presented?</i></p> <p><i>The Order must be set out using the standard form of Order in the Schedule to the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (or in a form substantially to the same effect).</i></p>

	<p>A Word version of the standard form is available.</p> <p>The Order must specify the trees or woodlands as being within 4 categories (individual, area, group and woodland). Any combination of these categories may be used in a single Order. The Order must also include, or have annexed to it, a map giving a clear indication of the position of the protected trees, groups of trees or woodlands.</p> <p>Paragraph: 024 Reference ID: 36-024-20140306</p> <p>Revision date: 06 03 2014</p> <p>With regard to accuracy, the area of trees protected is identified on the accompanying plan, the accuracy of which has not been challenged. It is a reasoned conclusion that the justification for the woodland is appropriate and that the location is clear and without doubt. Therefore the Council does not recognise the concern of accuracy raised in objection.</p>
<p>The trees on the development have been clearly well and regularly maintained and by Widnes Golf Club for a good number of decades (nearly 100 years since it was formed). There is no reason why the TPO should be put in place other than for political gains in the Clubs current re development proposals. In these proposals the Club has offered a considerable level of mitigation for the loss of these trees, which was encouraged at Pre-App stage as noted above.</p>	<p>The Council agrees that the trees have been managed to date by the golf course without statutory protection. The golf club is to be commended in their maintenance to date, such care has led to the trees on site being deemed a valuable asset with a high amenity value to the benefit of the local community.</p> <p>The developer states that considerable mitigation has been offered which confirms that the trees offer significant value to amenity. The recent planning application and development intention is a threat to the continued existence of the trees on site. Policy GE27 states: <i>Trees of particularly significant public amenity value will be protected by making Tree Preservation Orders (TPO's) wherever appropriate,</i></p>

	<p><i>particularly in situations where it is perceived that the trees may be threatened by development.</i></p> <p>Therefore the Council is within its powers to issue the protection of trees by use of a tree preservation order.</p> <p>The statutory protection sought is the most appropriate and secure way of protecting the trees that are an asset to the locality.</p>
<p>Placing the TPO on these the trees within Widnes Golf Course will bring into effect further costly and administrative management via having to apply and gain approvals to maintain the trees on the course. This time and expense are a further drain on a struggling organization which as has proven through its near 100 year running of the Course has and continues to maintain the trees, hedgerows and green landscaping to high standards without the need of any form of external 'policing' from local or national agencies or authorities. This further enforces the motive behind the TPO is purely political and in response to the recent redevelopment proposals presented by the Club.</p>	<p>The recommendation to protect a number of the trees on site with statutory protection was reached taking into account the data within the Developers arboriculturist's report, alongside the opinion of the Council's retained tree advisor, the Local Plan and Government guidance.</p> <p>All of the trees on this site that are recommended for protection under this TPO, fit the criteria for statutory protection. .</p> <p>Taking into account the local setting of this area of Widnes, the demonstrable worth that the detailed trees have to the locality and their amenity value is clear to see in person.</p> <p>The cost of protecting the amenity value that these trees bring to the locality is an additional level of due process that requires an assessment of proposed tree works prior to them taking place. There is no fee for this process, it is a matter of submitting an application form and entering dialogue with the Council's retained tree advisors. Tree surgeons are typically familiar with this process, any additional cost is likely to be incidental in comparison to a planning application process which requires the drafting of plans, an application processing fee and a subsequent building control process. Whilst it is accepted that this still presents a burden to the land owner, it is the Council's opinion that such cost is</p>

	<p>proportionate to the continued community benefit derived from the issuing of this TPO.</p>
<p>There has been no attempt by Halton Borough Council to contact and discuss any concerns regarding tree preservation on the Golf Course prior to the issuing of the Order 126 or any reasoning to the Club as to why only the trees noted in the order contribute to the landscape amenity and not any of the many other trees on the course which are not even shown on the order plan. As can be seen from the Arboricultural Survey by TEP attached. The selection of the trees in this order have been chosen purely to frustrate the re development proposals of the Club.</p>	<p>As stated previously, the assessment of the trees had already been carried out by the Applicant/Developers arboriculturist and this assessment was used as a reference document when reviewing planning application 20/00153/FUL. A visual inspection of all of the trees on site was carried out by the Council's advisor on tree matters. Whilst the Applicant/Developers arboriculturist and the Council's retained advisor agree on the assessment of some trees there are differences of opinion on the worthiness of statutory protection for groups that the Council has put forward for woodland protection.</p> <p>The Council has sought statutory protection for trees that are in the best condition and those in good condition that had a complimentary/contributory association with the best trees on site. Those selected were processed through the TEMPO system, where that criteria was satisfied the trees were scheduled for protection. This is standard practice.</p> <p>If the Developer would like similar TPO protections for additional trees then the Council consider these if and when they are presented.</p>

In relation to the comments and concerns raised by the Golf Club and prospective purchaser of the Land, these largely relate to a potential impact on future development of the site. However, as the Council has refused the planning application there is no merit to such concern. Notwithstanding, the Council has acted properly to secure the retention of trees that have a significant benefit to the locality that are considered to be under threat as a result of the developers recent planning application.

The owner of the trees, as is the case with any tree, has a responsibility to manage them, the Golf Course is no exception. Whilst it is accepted that statutory tree protection will bear an element of procedure and due process this

is not sufficient concern or cost to overcome the securement of a community asset that contributes significant amenity value.

Affording the trees statutory protection does not mean that works cannot be applied to them, it is there to ensure that only appropriate works are carried out.

4 POLICY, FINANCIAL AND OTHER IMPLICATIONS

The making of tree preservation orders to protect trees of public amenity value on potential development sites is in accordance with policies contained in the Halton Unitary Development Plan (BE1) and the aims of the NPPF. There are no financial or other implications.

5 CONCLUSIONS

It is considered that the trees that are the subject of this Tree Preservation Order under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 make a significant contribution to the character and visual amenity of the area and Members are requested to approve and confirm this Order.

6. RECOMMENDATIONS

Approve and confirm the Tree Preservation Order.

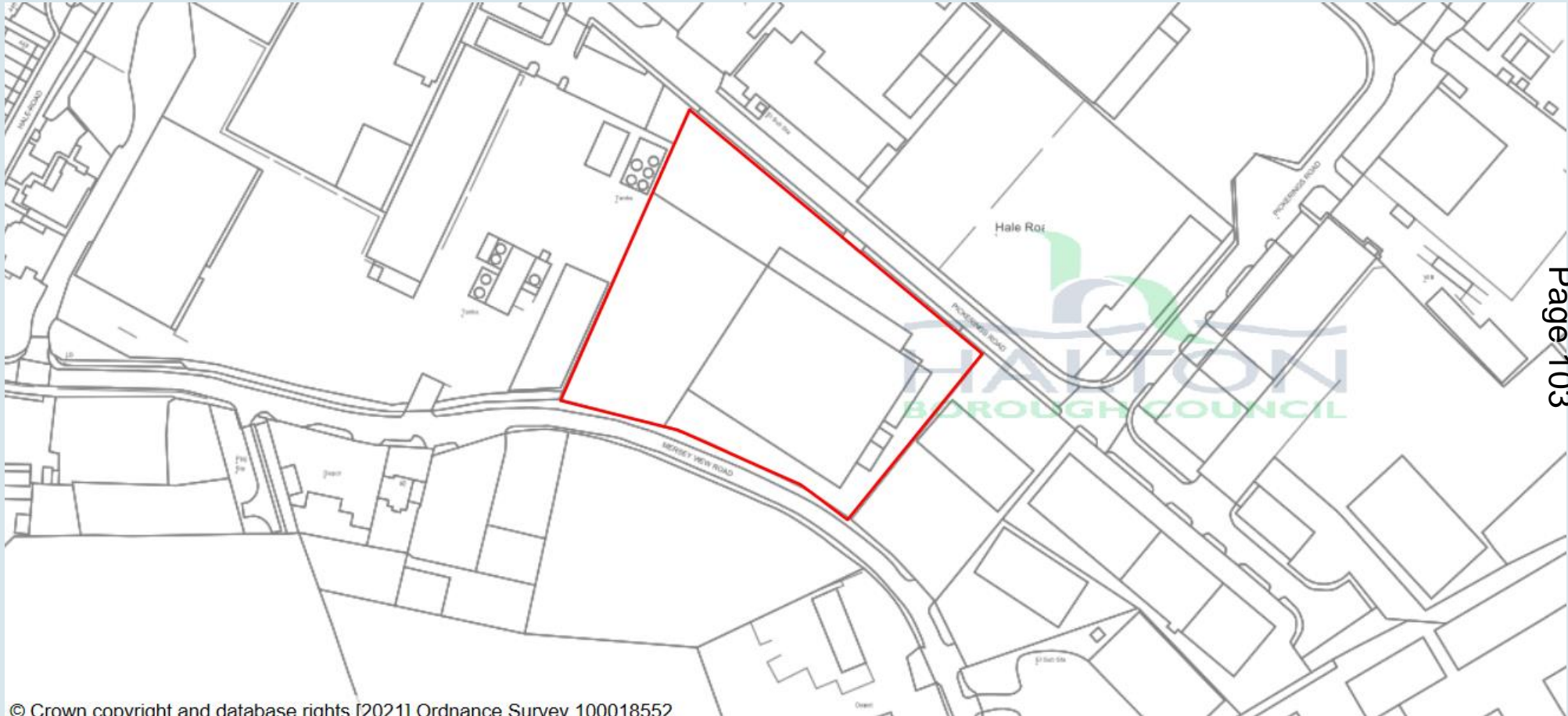
7. SUSTAINABILITY STATEMENT

As required by:

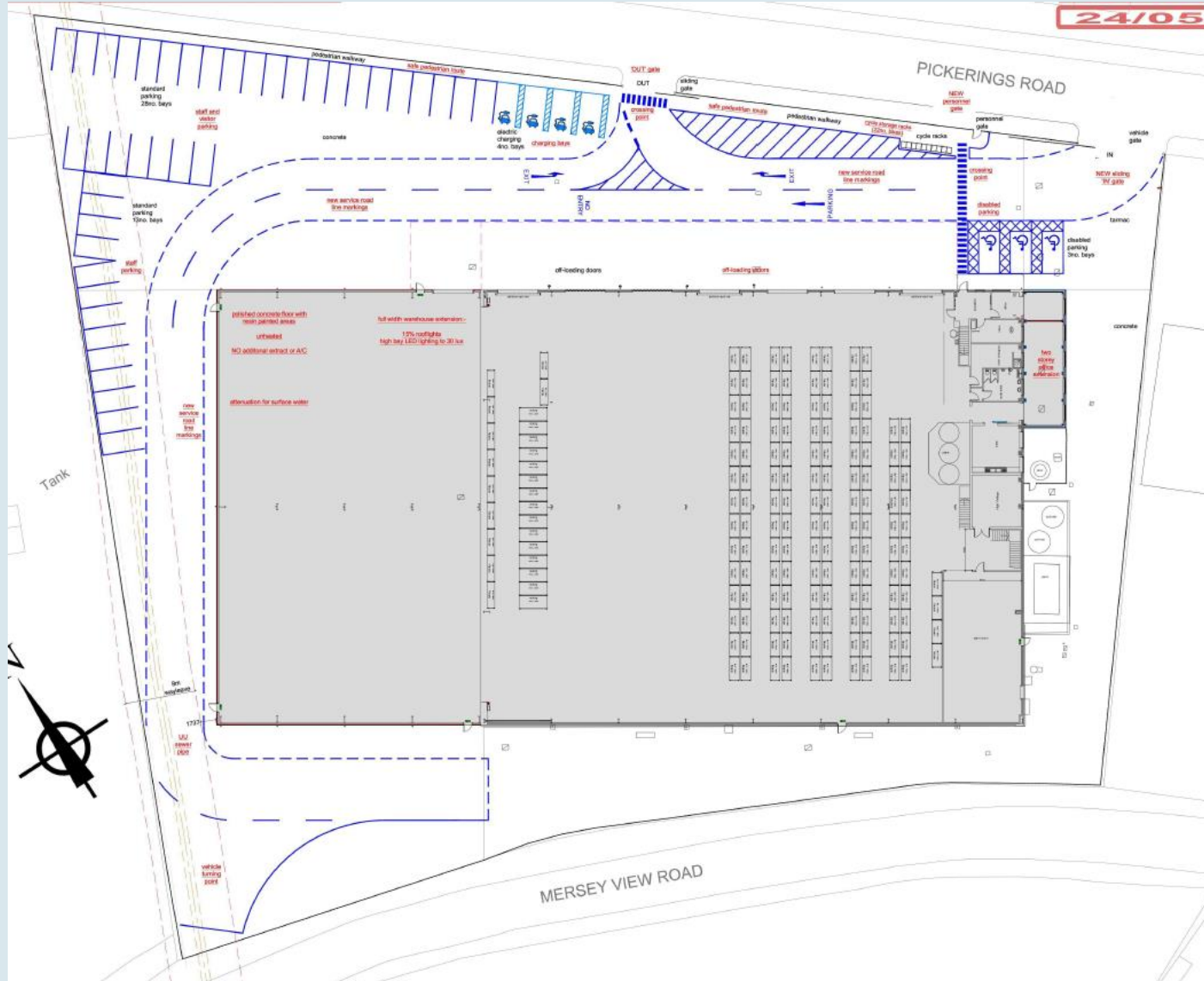
- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

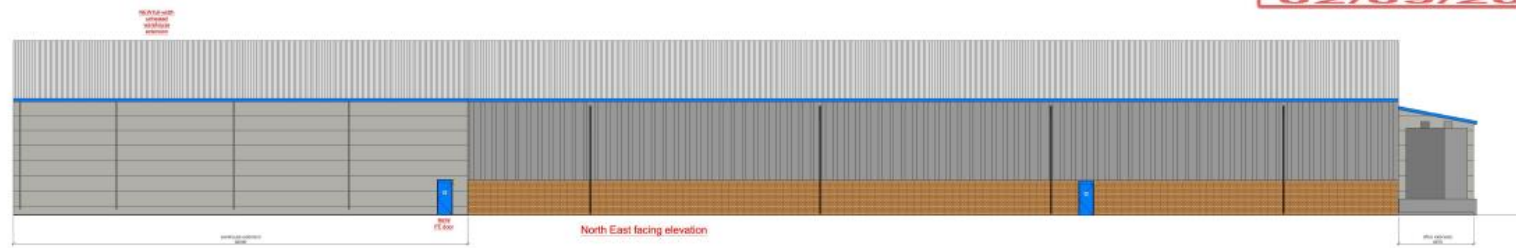
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.



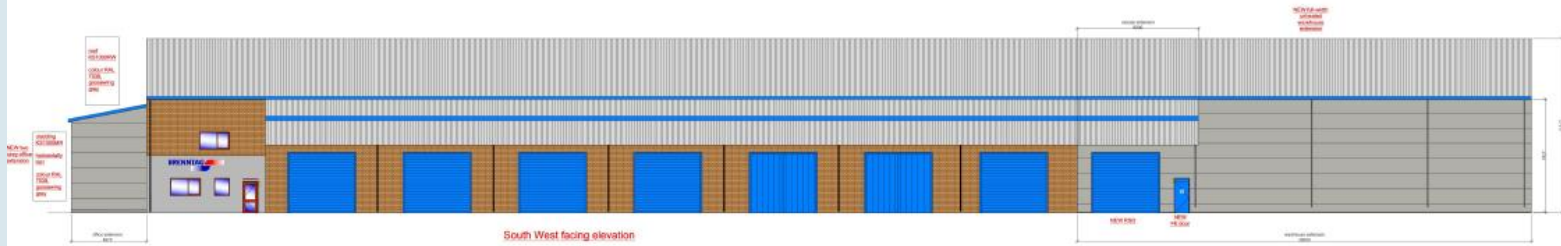


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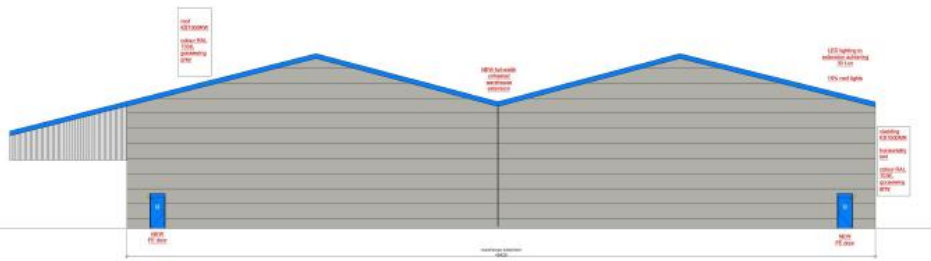




North East facing elevation



South West facing elevation



North West facing elevation



South East facing elevation



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Proposed residential development at
Wharford Lane, Sandymoor - PH2 (North)



Issue 4.2



**376 LYTTELTON
SIDE ELEVATION**



**376 LYTTELTON
FRONT ELEVATION** **388-1 DRUMMOND**

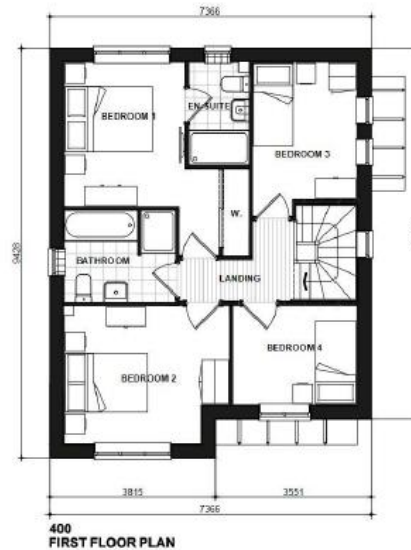


**388-1 DRUMMOND
SIDE ELEVATION**



**388-1 DRUMMOND
REAR ELEVATION** **376 LYTTELTON**





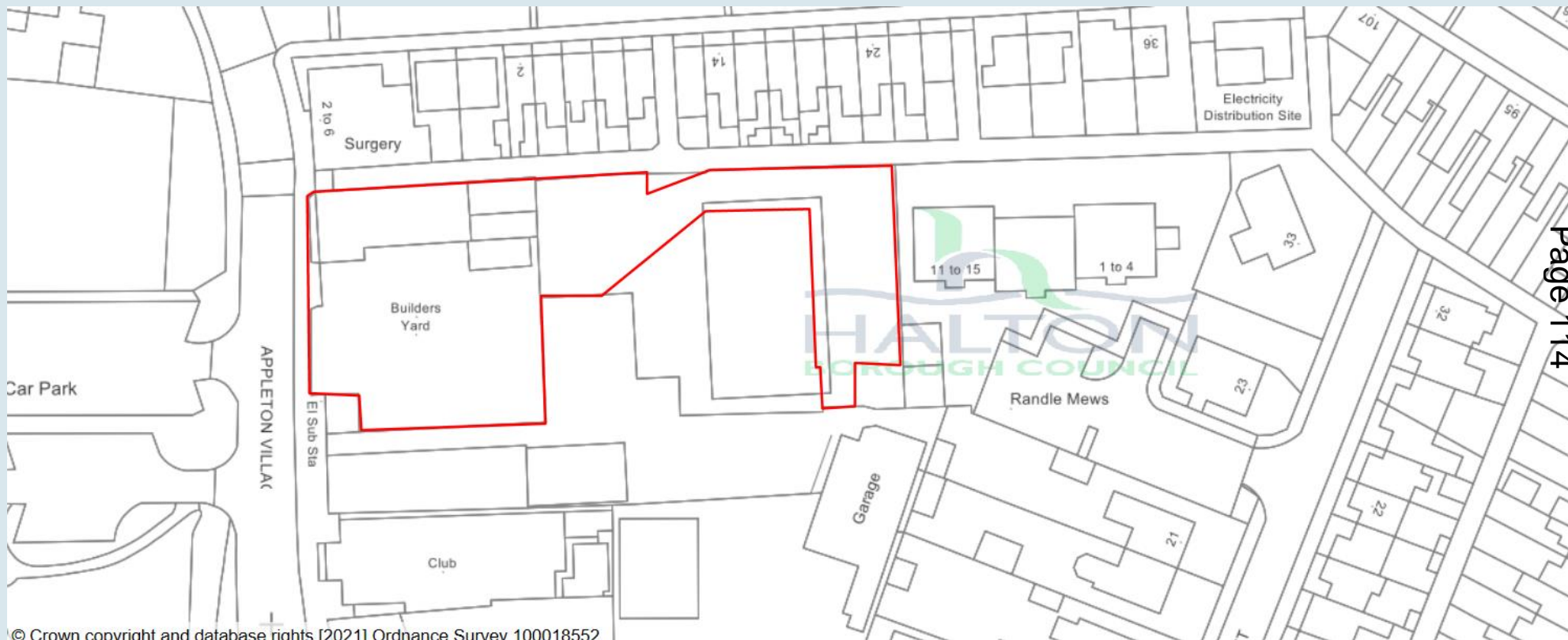
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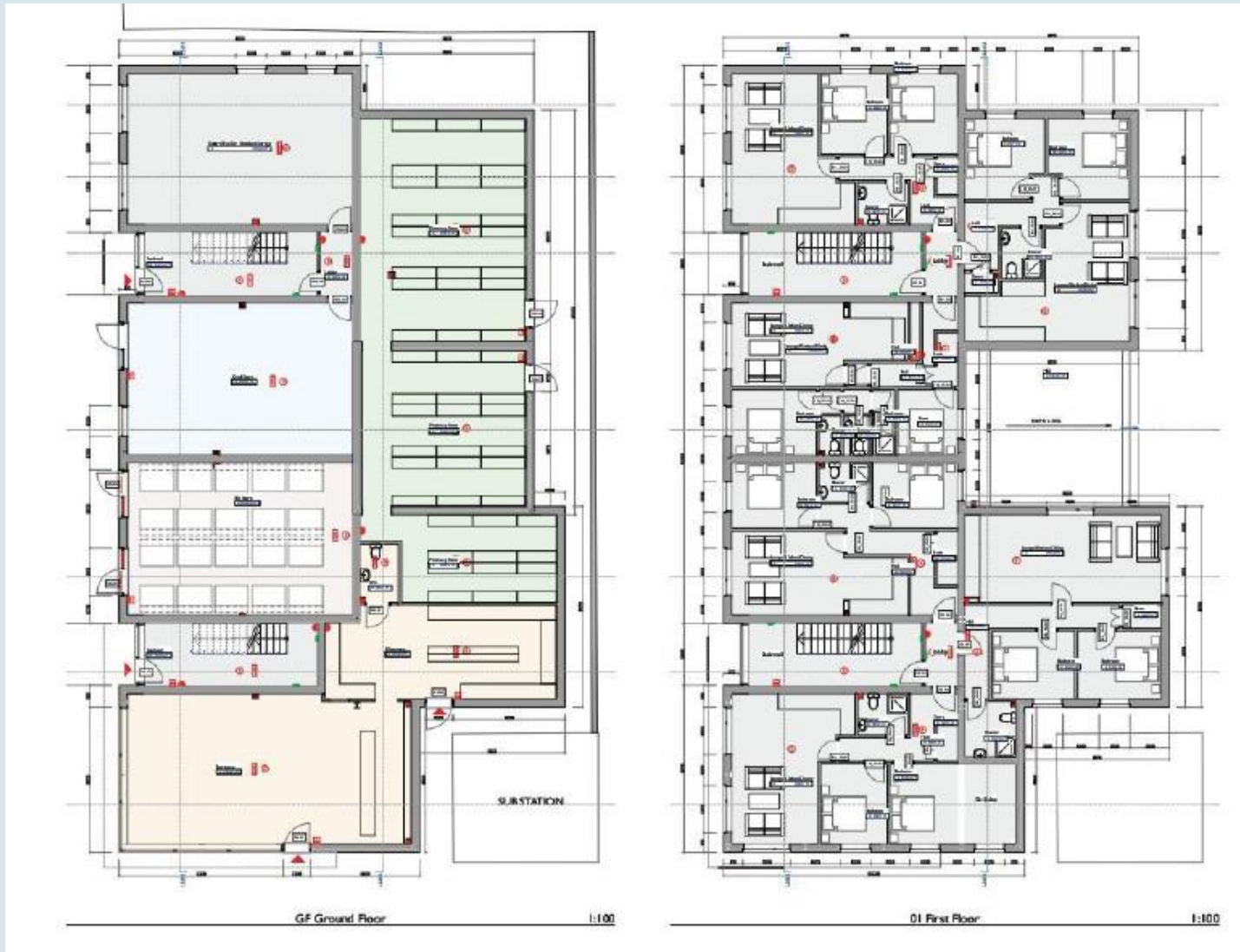
DATE: JAN 2021 REV:
 SCALE: 1:100 @ A3

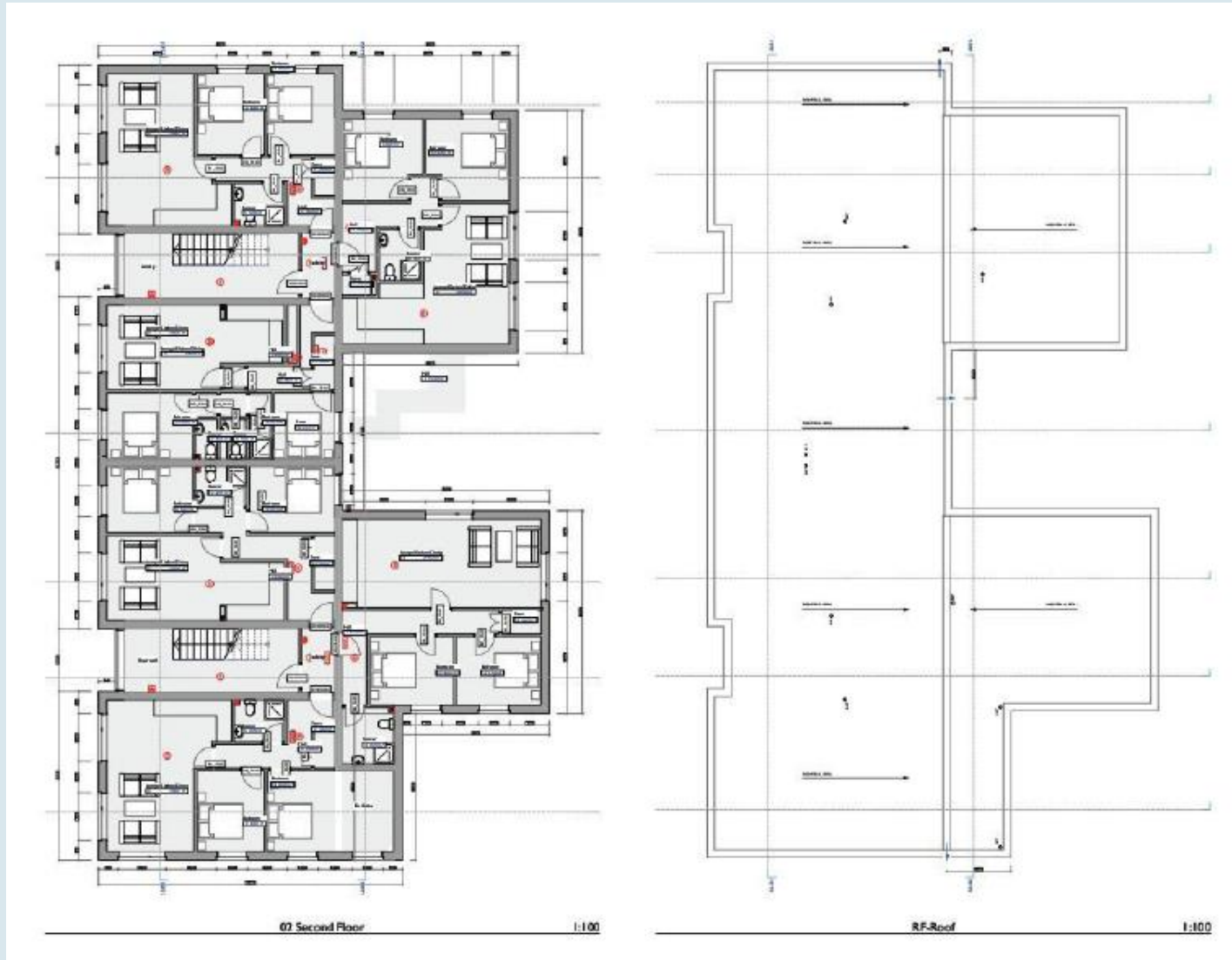
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 CHECKED: GPM 1232ft²

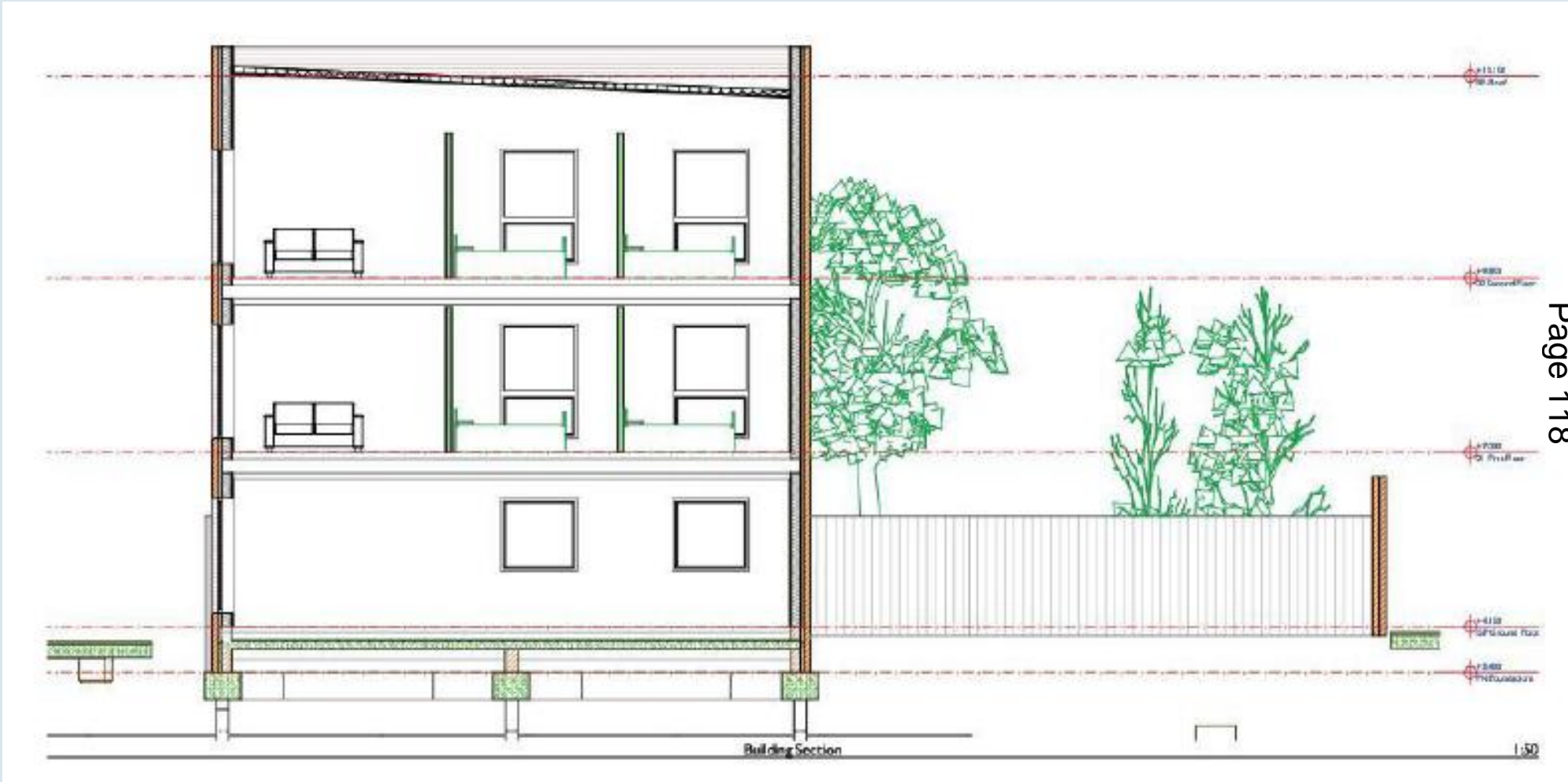
BLOOR HOMES





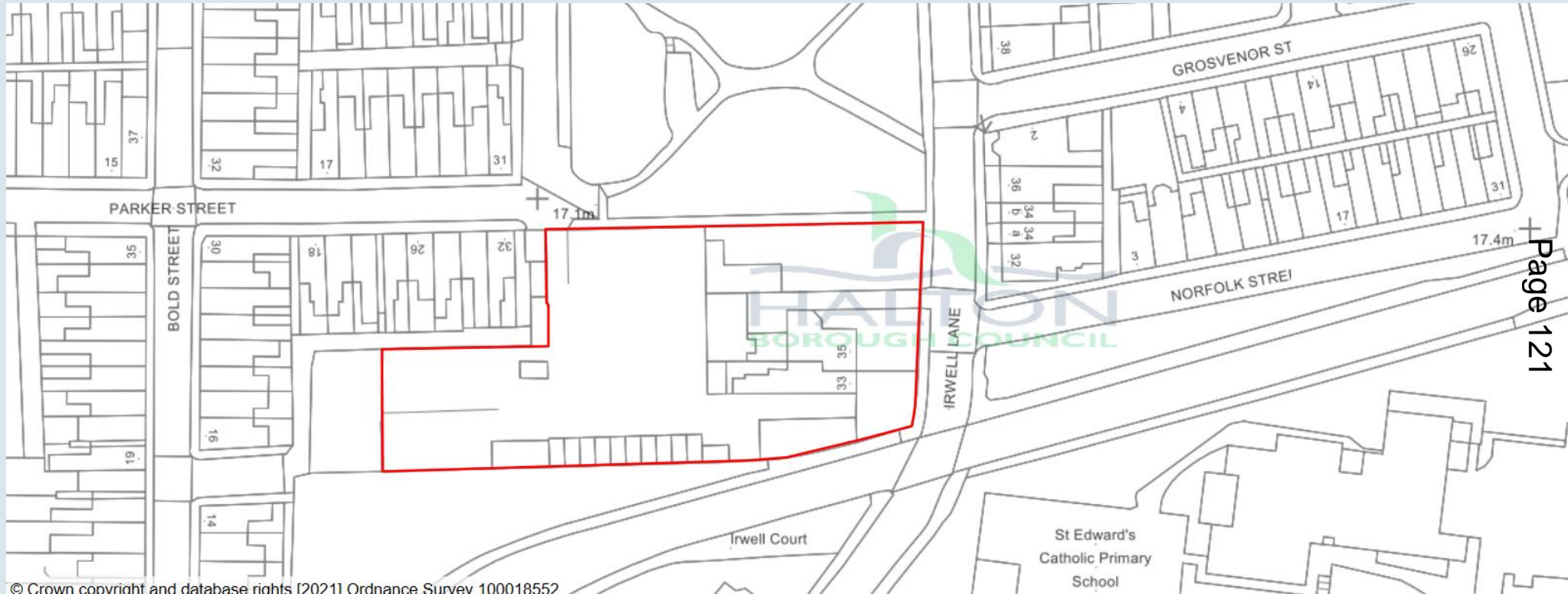


















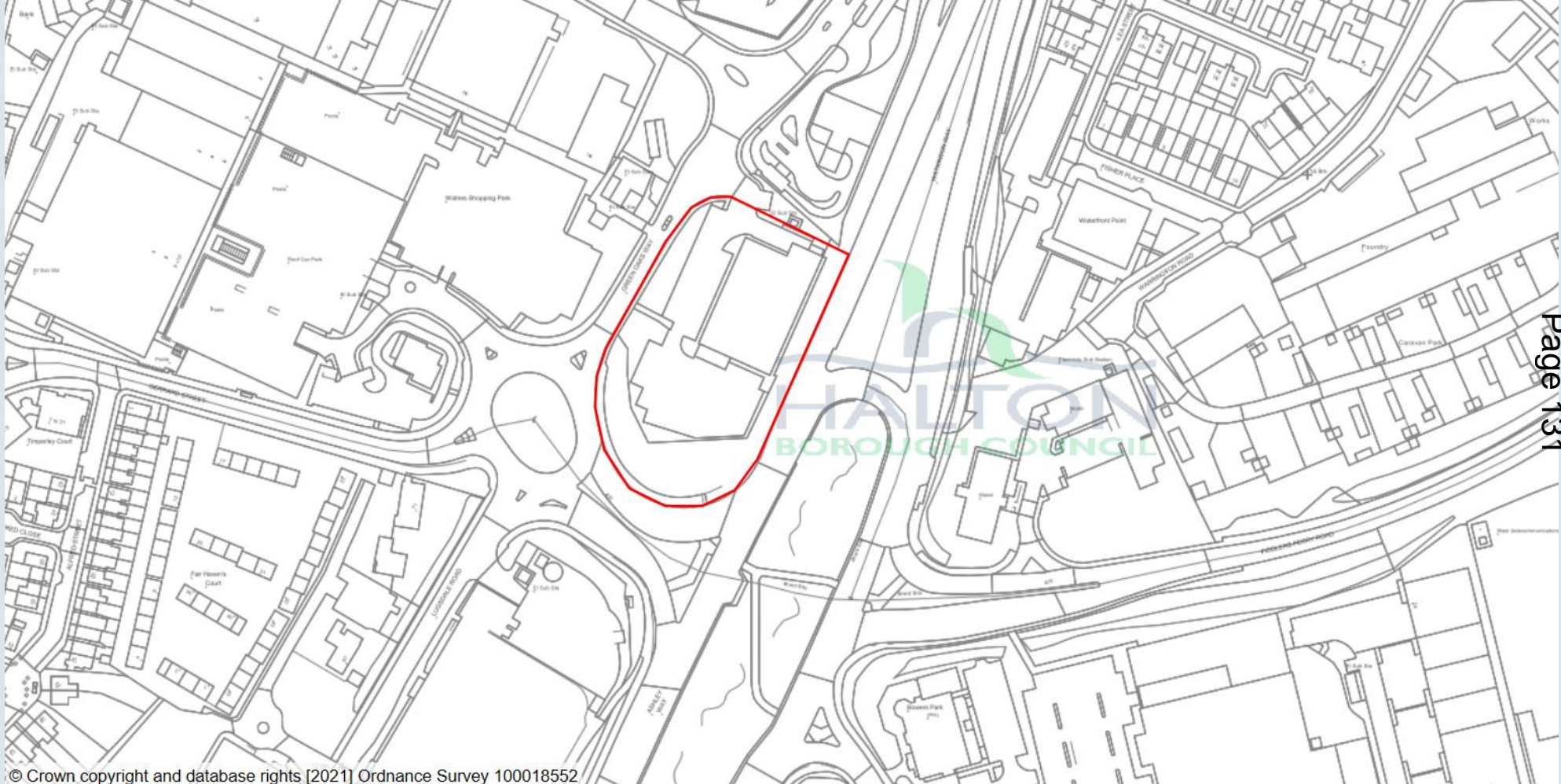














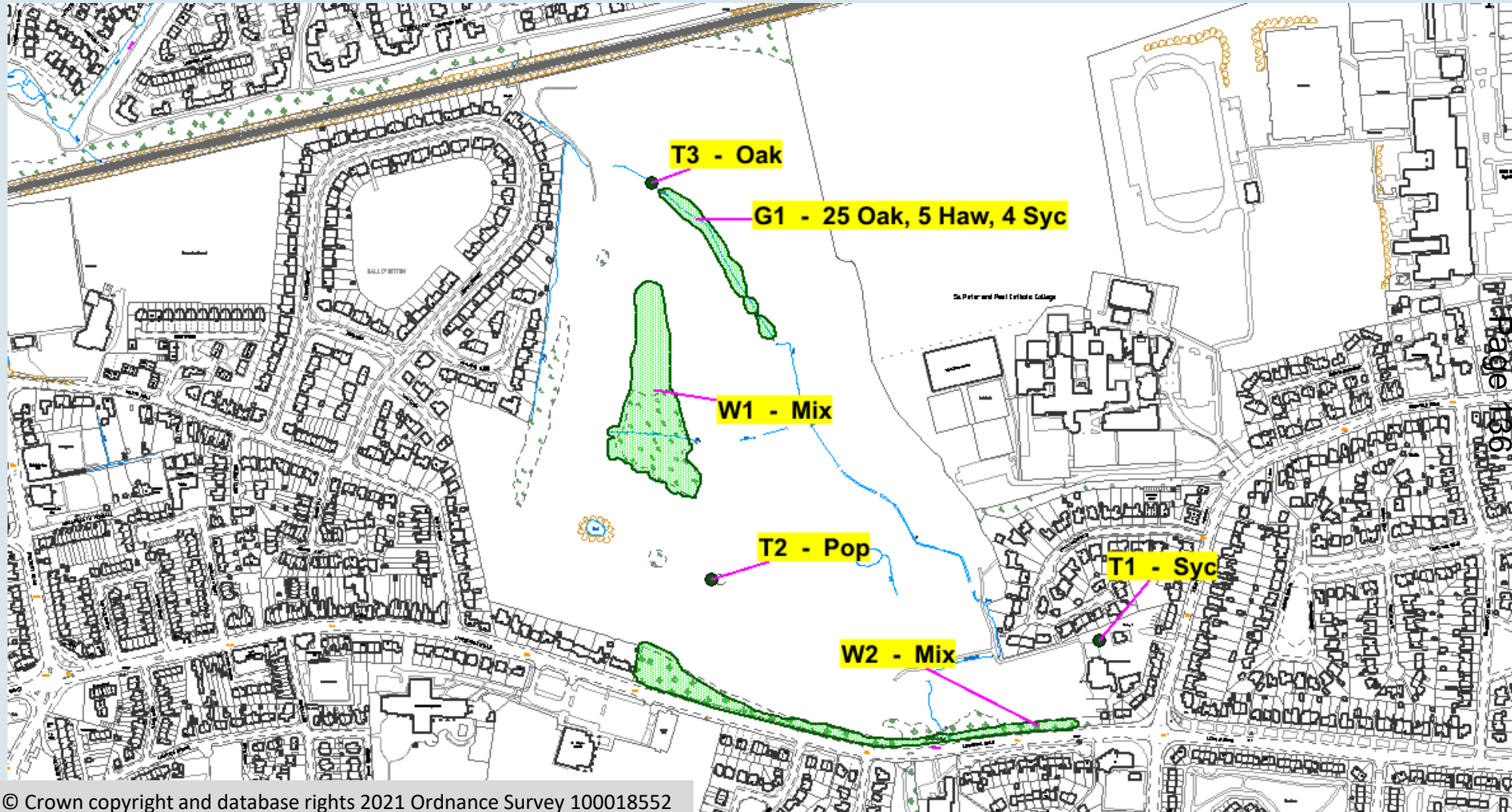


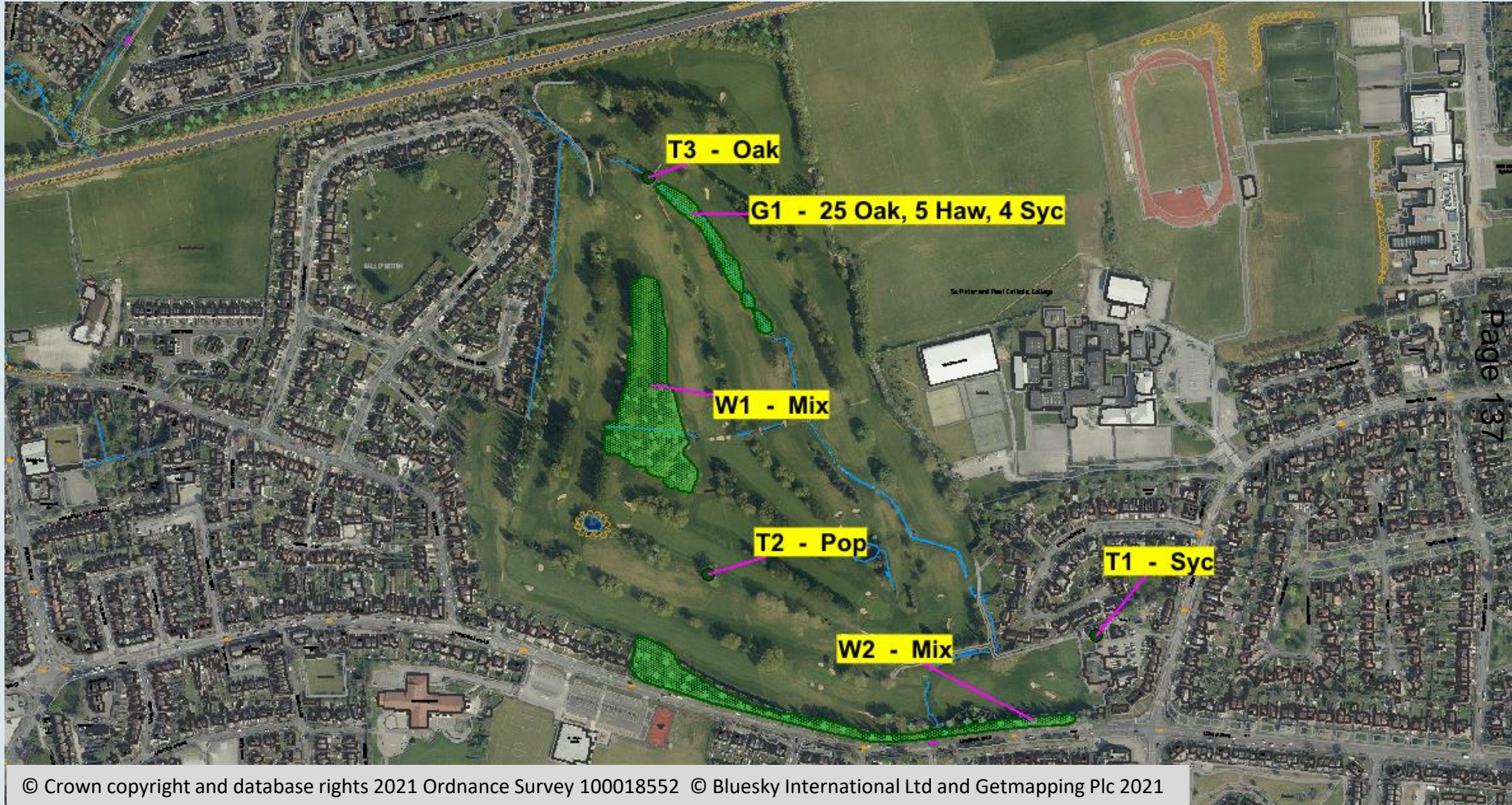


vector
design concepts

THE
HARRIS
PARTNERSHIP







REPORT TO: Development Management Committee

DATE: 9th August 2021

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be Determined by the Committee – AB Update List

WARD(S): Boroughwide

PAGE NO.	LIST A*	LIST B**	Updated Information
8	20/00479/FUL		<i>Update provided below</i>
32		20/00573/FUL	<i>Update provided below</i>
48		20/00594/FUL	<i>Update provided below</i>
62	21/00235/FUL		<i>Update provided below</i>
79		21/00278/FUL	<i>Update provided below</i>
92		TPO 126	

* LIST A items are those items that are not considered to raise significant issues that require further explanation. Members have a full report and these items are not anticipated to initiate further discussion. List 'A' items are considered at the start of the meeting unless a Member specifically requests that an item be moved to List 'B'.

** LIST B items are those items which are considered to raise more potentially significant issues, that may warrant further update, explanation, discussion or other announcement. List 'B' items may also have speakers registered who wish to address the Committee.

20/00479/FUL - Proposed extension to existing warehouse, small two storey office extension for warehouse and canopy extension above loading doors at Brenntag UK Limited, Pickerings Road, Widnes, Cheshire, WA8 8XW.

The Committee Report states the following:

The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017:

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

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. The Council's Ecological Advisor has produced a Habitats Regulations Assessment report (set out in APPENDIX 1 - Full Consultation Responses) which concludes that there are no likely significant effects. Natural England have been consulted on the Habitats Regulations Assessment and observations are awaited. The Habitats

Regulations Assessment will be adopted at the point that Natural England confirm their acceptance to the assessment. Members will be updated on this.

Members should note that further information is still being sought by Natural England and the Council are not in a position currently to adopt the Habitats Regulations Assessment.

The recommendation as set out in the Committee Report remains unaltered.

20/00573/FUL - Proposed erection of 48 dwellings together with car parking, landscaping, roads, footways, drainage infrastructure (including attenuation pond) and associated works at land opposite Stalbridge Drive, Runcorn, Cheshire, WA7 1LY.

Since the committee report was written the applicant has made some minor amendments to the proposed layout to address the Highway Authorities' reservations regarding the adoptability of certain sections of road, and to improve pedestrian access on the shared private drives, amongst other minor changes. The applicant has provided a set of updated layout plans which in summary include the following minor changes:

- The turning head at the end of Road 2 has been changed from a 'Y' shape to a 'T'. This has resulted in the loss of one further tree, however this does form part of a larger group which would be retained, and its loss can be adequately compensated for within the proposed landscaping scheme;
- They have realigned the boundary treatment at plot 847 which has afforded more space for a pedestrian route on the shared private drive serving plots 842 – 846;
- Acute turns in the proposed bridleway have been smoothed out;
- Visibility splays provided for driveways of plots 809 and 810;
- The indicative trees have been removed from the route of the proposed bridleway;
- Car parking for plot 827 has been relocated to the rear for safety away from the corner; and
- Pedestrian linkages to the proposed bridleway

These are considered to be minor changes that would not have a significantly different effect on any surrounding occupiers, therefore further re-consultation is not necessary.

In respect of climate change the applicant has advised that they use 'Be Lean - Energy efficient design measures' that concentrate on enhancing the thermal performance of the building which deliver improvements over current building regulations. This includes increased insulation and more energy efficient windows and doors. An example of the increased thermal efficiency has been provided in the table below:

Element	Building Regulations	Proposed
Ground Floor	0.25 W/m ² k	0.11 W/m ² k
External Wall	0.30 W/m ² k	0.24 W/m ² k
Insulation at Joists	0.20 W/m ² k	0.11 W/m ² k
Insulation at Rafters	0.20 W/m ² k	0.18 W/m ² k
Windows	2.00 W/m ² k	1.3W/m ² k
Doors	2.00 W/m ² k	1.2 W/m ² k
Air Perm	10.00 m ³ /hm ² (@50 Pa)	5.01 m ³ /hm ² (@50 Pa)
Thermal Bridges	0.15 ≤ Y	Calculated Constructive Details

The following additional condition is also recommended:

22. Approval of construction details for the proposed roads, footways, emergency access on Keckwick Lane and the proposed bridleway, and securing their implementation.

20/00594/FUL - Proposed demolition of existing pharmacy and construction of residential development comprising 12no. two bedroom apartments; cycle and bin storage at ground floor and commercial unit (Use Class E) at ground floor, with associated parking, landscaping and ancillary works at Appleton Village Widnes

Since the report was the applicant has provided the following statement in respect of Climate Change:

The goal of this climate change statement is to outline the design approach to mitigating the effects of the development on climate change. The report outlines the impact of 8 categories of measures including energy, carbon, delivery and in-use management.

Energy & CO2

Constructive Thinking are specialists in sustainable design and are currently leading several BEIS funded demonstrator projects. Their approach to low energy and low carbon design for this project exceeds the requirements of Building Regulations Part L (conservation of fuel and power). The compact massing (3 storey rectilinear) and Fabric First approach, with high quality Insulation and elimination of cold-bridging, coupled with attention to Air Tightness will help to realise a target of 30KWh/M2/annum. This means that SAP Ratings of A for EER (Energy Performance) and EIR (CO2 environmental Impact) are possible. The aim of the design is to ensure that, with the addition of renewable energy technology and a move away from gas, the properties can achieve net carbon zero. Smart Controls & Metering will ensure maximum energy efficiency control for the occupants. The scheme will include interior, Low Energy exterior and security Lighting (LED). The project will offer Cycle Storage and Electric Vehicle Charging in excess of Local Authority standards.

Water Use

Internal Water Use will meet targets of 105l/pp/day through careful choice of fittings. External Water Use will be assisted by water butts to provide rainwater storage.

Materials

Materials will be Locally Sourced where possible, from natural and renewable sources with low embodied energy and a clear chain of custody.

Surface Water Run off

A SUDS scheme has been implemented as part of phase 1 of the project. Attention has been paid to design of permeable hard landscaping to mitigate additional stress on the drainage system. The site is in a flood risk zone 1 (minimal risk of flooding).

Waste

Materials – The project has been designed using Building Information Modelling techniques that reduce construction waste by up to 80%. Recycling facilities are provided within the curtilage of the building.

Pollution

Reduced emission insulation has been specified for the project.

Health and Well-being

A carefully designed daylighting scheme means that good natural lighting and appropriate daylight factors on the working planes minimise the need for artificial lighting.

Sound Insulation within and between apartments exceeds Building Regulations Part E.

Ecology

The Ecological Value of the site has been increased by virtue of the scheme. Detailing has been optimised to encourage wildlife and the planting scheme will provide habitat for bees. A bat survey has been completed and whilst no evidence of roosting has been found, detailing of the building will provide appropriate habitat.

An updated bat survey has been received and reviewed by the Council's retained adviser (MEAS). The survey found no material changes to the buildings or bat roosting potential. The survey concludes that the buildings are not likely to provide roosting habitat for bats. On that basis MEAS advise that the Council does not need to consider the proposals against the three tests (Habitats Regulations).

As a precautionary measure it is advised that ecological supervision is required during removal of roost features and that this can be secured by planning condition to include written confirmation of ecological supervision to discharge the condition. To compensate for potential habitat loss it is advised that details of bat boxes for installation on the proposed building can be secured by the planning condition.

21/00235/FUL – Proposed erection of a three storey 35 no. over-65 retirement living apartments, together with external amenity space and parking facilities at 33 - 37 Irwell Lane, Runcorn, Cheshire, WA7 1RX

Since writing the committee report, the Local Planning Authority have received formal comments from the Merseyside Environmental Advisory Service:

The development site is near a number of European sites which are protected under the Conservation of Habitats & Species Regulations 2017 and Core Strategy Local Plan Policy CS20 applies. The Council's Ecological Advisor has considered the proposals and the possibility of likely significant effects on the European sites using the source-pathway-receptor model. They have advised that there is no pathway that could result in likely significant effects alone or in-combination on the European sites and the proposals do not warrant a Habitats Regulations Assessment for the following reasons:

- The proposal is for the erection of a three storey 35no. Over-65 retirement living apartments. Residents are unlikely to contribute to significant uplift in recreation activity e.g. dog walking, cycling, running; and
- The proposals are situated approximately 1km southwest of the Mersey Estuary SPA and Ramsar sites and accessibility is limited. Remaining European sites are more than 20km from the development site.

As anticipated, the Council's Ecological Advisor has recommended attaching planning conditions to secure the provision of bat boxes, breeding bird protection, bird nesting boxes, reasonable avoidance measures for hedgehogs and an ecologically sensitive lighting scheme, in addition to a habitat compensation package. An information leaflet for new residents has not been requested by the Merseyside Environmental Advisory Service, therefore a condition securing this is no longer required.

The applicant has also submitted a briefing note on lower energy usage and carbon reduction as required by Core Strategy Local Plan Policy CS19. This includes a "fabric first" approach including non-fossil fuel heating and hot water systems and a move away from gas central heating systems. The briefing note states that improvements to the fabric of the development will significantly reduce the energy demands of space heating requirements for residents.

The following specific parameters mentioned in the briefing note will result in a significant reduction in energy usage and will reduce carbon emissions/usage:

- Thermal Bridging
- Air permeability testing
- Heat recovery
- Heating strategy
- Hot water strategy
- Thermal modelling
- Electric vehicle charging points

The submitted briefing note regarding the "Housing 21 Specification" will have a significant impact on reducing the energy and operational carbon emissions. This therefore demonstrates compliance with Core Strategy Local Plan Policy CS20.

In line with the highways officer's comments, additional cycle storage consisting of two Sheffield stands have been provided to the front of the building, the layout of the disabled parking bays has also been amended to comply with current standards.

A statement is being prepared by the applicant prior to the committee meeting, it is expected that this will justify securing the affordable housing by condition. If this changes, members will be updated orally.

21/00278/FUL – Proposed demolition of existing store and replacement by new food store with associated car parking, access, external plant and landscaping at Aldi Foodstore Ltd, Green Oaks Way, Widnes, Cheshire, WA8 6UF.

The following documents have been received from the applicant to prevent the need for pre-commencement conditions:

- CEMP ecology addendum (CES, Construction Environmental Management Plan (CEMP) Ecology Addendum, June 2021);
- Invasive species method statement (CES, Invasive species walkover survey & method statement, June 2021);
- Lighting strategy (SC-C, Site layout including external lighting and CCTV, June 2021); and
- Bat and bird scheme (CES Ecology, Bat and bird box scheme, June 2021).

Merseyside Environmental Advisory Service have reviewed the above documents and have confirmed find they are acceptable. The relevant proposed conditions listed in the committee report can therefore now refer to the development being carried out accordance with the above documents.

United Utilities have confirmed that they are satisfied with the submitted Drainage Philosophy Report.

The Environment Agency have confirmed that in their view an updated SI can be submitted after demolition.

An updated Flood Risk Assessment has been received, this has been sent to the Lead Local Flood Authority and The Environment Agency to review, and officers are still awaiting confirmation of its acceptability.

The applicant has provided an amended red line boundary to include the unregistered strip of landscaping required for the footway widening along Green Oaks Way. They have also carried out the necessary press advertisement (The Echo July 12) and have provided an updated ownership certificate C.

Note:- Background Papers

With respect to all applications to be determined by the Committee, the submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection by contacting Dev.control@halton.gov.uk in accordance with Section 100D of the Local Government Act 1972.