

# Public Document Pack



## Development Management Committee

Monday, 9 May 2022 6.30 p.m.  
Civic Suite - Town Hall, Runcorn

S. Young

**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 June 2022*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 6</b>
<b>2. DECLARATIONS OF INTEREST</b>	
<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>	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>20/00164/WST</b> - Proposed change of use of land to waste transfer station including office building, weighbridge, materials bay and fencing on site B, Johnsons Lane, Widnes, WA8 0SJ	<b>7 - 37</b>
(B) <b>21/00016/OUT</b> - Outline application, with all matters other than access reserved for the erection of two semi-detached dwellings and four detached dwellings on the existing church field and the retention of the existing school hut at Hough Green Scout and Guide Group Hall and Church Field, Hall Avenue, Widnes	<b>38 - 70</b>
(C) <b>21/00102/FUL</b> - Proposed demolition of existing facilities and development of new clubhouse incorporating changing facilities, gym, social areas and ground floor boat and canoe storage at the Boat House, Cholmondeley Road, Runcorn WA7 4XT	<b>71 - 100</b>
(D) <b>21/00629/COU</b> - Proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles at 34 Cronton Lane, Widnes, WA8 5AJ	<b>101 - 114</b>

(E) **22/00004/FUL** - Proposed development of a two storey special education needs and disability school (SEND) (use class F), as well as hard and soft landscaping, multi-use games area (MUGA) and sports pitches, creation of on-site car parking and creation of new vehicular access on land at Naylor Road, Widnes, WA8 0BS

**115 - 133**

#### **4. PLANS**

**134 - 172**

***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 Tuesday, 1 March 2022 at the Council Chamber - Town Hall, Runcorn*

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Abbott, J. Bradshaw, Hutchinson, A. Lowe, 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, R. Cooper and I. Mason

Also in attendance: One member of the press

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

DEV35 MINUTES

The Minutes of the meeting held on 18 January 2022, having been circulated, were taken as read and signed as a correct record.

*The Divisional Manager explained that the Delivery and Allocations Local Plan (DALP) was to be adopted at the full Council meeting the following night. Therefore, if the Plan was adopted then those policies of that Plan would apply to the applications being considered. It was explained how this would affect the consideration of the applications before the Committee tonight.*

DEV36 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.

*To avoid any allegation of bias, Councillor Bradshaw did not vote on the following item as he addressed the Committee representing local residents in his capacity as Ward Councillor for Sandymoor.*

*Action*

DEV37 21/00316/FUL - PROPOSED INSTALLATION OF A FUME HOOD AND FOUR EXTRACTION ARMS IN THE APPLICANT'S LABORATORY TOGETHER WITH EXTERNAL EXTRACTION DUCTING, AT METROHM UK LIMITED, METROHM HOUSE, EVENWOOD CLOSE, RUNCORN WA7 1LZ

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

Officers advised members of a correction to the report, at paragraph 2 on page 15, which should read *'industries that have the potential to cause noise, smell, dust, noxious omissions, nuisance or unacceptable loss of amenity to surrounding uses were unlikely to be acceptable within or adjacent to residential areas or within business parks or near recreational areas'*.

Dr Willet, Vice Chairman of Sandymoor Parish Council, addressed the Committee. Although he agreed with the Environmental Health response regarding noise, he raised concerns over the proximity of the site, at just 100m, to a nearby nursery with 50 children and other businesses, and to the Evenwood Pub, which sees between 50 to 100 customers per day at busy times. He stated that neither of these were raised in the consultation response provided by Environmental Health. He also raised concerns about the measuring of emissions from the site and how these would be controlled to ensure they were not exceeded, suggesting a commitment was needed from the applicant in this regard.

The Committee was then addressed by Mr Wilkinson the applicant. He provided some background information on Metrohm and what they did, stating that the Company did not make anything on site, they provided instruments to UK and Ireland customers. He added:

- They had a small lab with two members of staff and had no plans to expand the operation;
- The company had been operating for 12 years in the present location;
- They did not carry out tests all the time;
- The lab used water based chemistry so chemicals were in liquid form, which limits the emission of gas;
- Testing was done in sealed containers, for the wellbeing of staff and these were correctly stored and disposed of afterwards; and
- there were dozens of other labs in the region with similar extraction methods in place, eg at Daresbury

Science Park.

Councillor Bradshaw then addressed the Committee, as local Ward Councillor for Sandymoor, raising concerns over the lack of control over the amounts of gas being emitted at any one time. He stated that there were no amounts given in the report on the levels of gas, other than they would be small amounts and there were no controls on these either. He suggested that the application be deferred until the limitations were specified by the applicant.

The Environmental Health Officer answered Members' questions. In response to concerns over gas being emitted, it was reported that because the quantities involved with this application were so low, there was no requirement for the applicant to be monitored by Environmental Health. It was noted that the regulations regarding this issue were set by Government, and the applicant was compliant with these. The level of emissions therefore were acceptable.

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

1. Standard 3 year permission;
2. Condition specifying plans; and
3. Environmental Protection suggested condition.

DEV38 21/00613/FUL - PROPOSED DEVELOPMENT COMPRISING 5 NO. 3 STOREY RESIDENTIAL BLOCKS CONTAINING 33 NO. USE CLASS C3 - 1 AND 2 BEDROOM APARTMENTS WITH ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AT FORMER SITE OF EXPRESS DAIRIES, PERRY STREET/SEWELL STREET, RUNCORN

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

Since the publication of the report Officers advised that the final comments from the Highways Officer and the Lead Local Flood Authority (LLFA) had been received, as outlined in the published AB update list. Further, there were no objections from the Council's Contaminated Land Officer. One additional condition was suggested for offsite highways works to Sewell/Perry Street, also mentioned on the update list.

The Committee was addressed by Mr Dacre, a

representative of the applicant. He advised that this scheme consisted of 100% affordable housing and its architecture was in keeping with the wider historical area of the Town, as the Client had requested. The scheme, which had been in development since 2020, was fully compliant with planning policies and was of a high design quality.

The Committee agreed that the application be approved subject to the additional condition above being included.

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 and affordable housing (this could be secured by way of either a condition or the legal agreement).
- b) conditions relating to the following:
  1. Standard time limits condition (BE1);
  2. Approved plans condition (BE1 and TP17);
  3. Securing pre construction management plan (BE1);
  4. External facing materials (BE1 and BE2);
  5. Conditions for landscaping, planting, management and maintenance (BE1 and BE22);
  6. Breeding birds protection (GE21 and CS20);
  7. Bird nesting boxes scheme (GE21 and CS20);
  8. Information leaflet for Mersey Estuary (GE21 and CS20);
  9. Method statement for invasive species (GE21 and CS20);
  10. Electric vehicle charging points scheme (CS19);
  11. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17);
  12. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23);
  13. Securing report mitigation measures (PR8);
  14. Drainage strategy and verification conditions (PR16 and CS23);
  15. Foul and surface water on a separate system (PR16 and CS23);
  16. Use class restriction to C3 (BE1); and
  17. Offsite highways works to Sewell/Perry Street (BE1).

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 Chairman or Vice Chairman of the Committee, to refuse the application.

*To avoid any allegation of bias, Councillor Thompson did not take part in the vote on the following item, as he was a supporter of the Viking Park in his capacity as Portfolio Holder on Executive Board.*

DEV39 21/00657/FUL - PROPOSED ERECTION OF A STORAGE AND DISTRIBUTION BUILDING (USE CLASS B8) INCLUDING ANCILLARY (INTEGRAL) OFFICES, CREATION OF A SERVICE YARD AND PARKING AREAS FOR CARS AND HGVS, WITH ASSOCIATED ACCESS AND SERVICING INCLUDING A NEW VEHICLE ACCESS POINT FROM MATHIESON ROAD, NEW LANDSCAPING AND OTHER WORKS AT LAND AT VIKING PARK (PLOT 2), MATHIESON ROAD, WIDNES

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

Since the publication of the agenda updated site plans had been received, with an amendment made in line with comments from the Highways Officer, to include a tactile crossing, which removed the need for Condition 9 – Highways off-site connection works. Officers requested however that this condition be reinstated, but be amended to require that such works, now included within the application boundary, be implemented prior to occupation of the building.

Mr Harvey, the applicant addressed the Committee in support of the application. He stated that the proposal was part of the 3MG site, a regeneration area, and would contribute towards the economy of Halton and create up to 200 jobs for local people. Further, the site was suitable for this development as it was well located with good transport links and fitted into the industrial nature of the surrounding area. No objections had been received from the public.

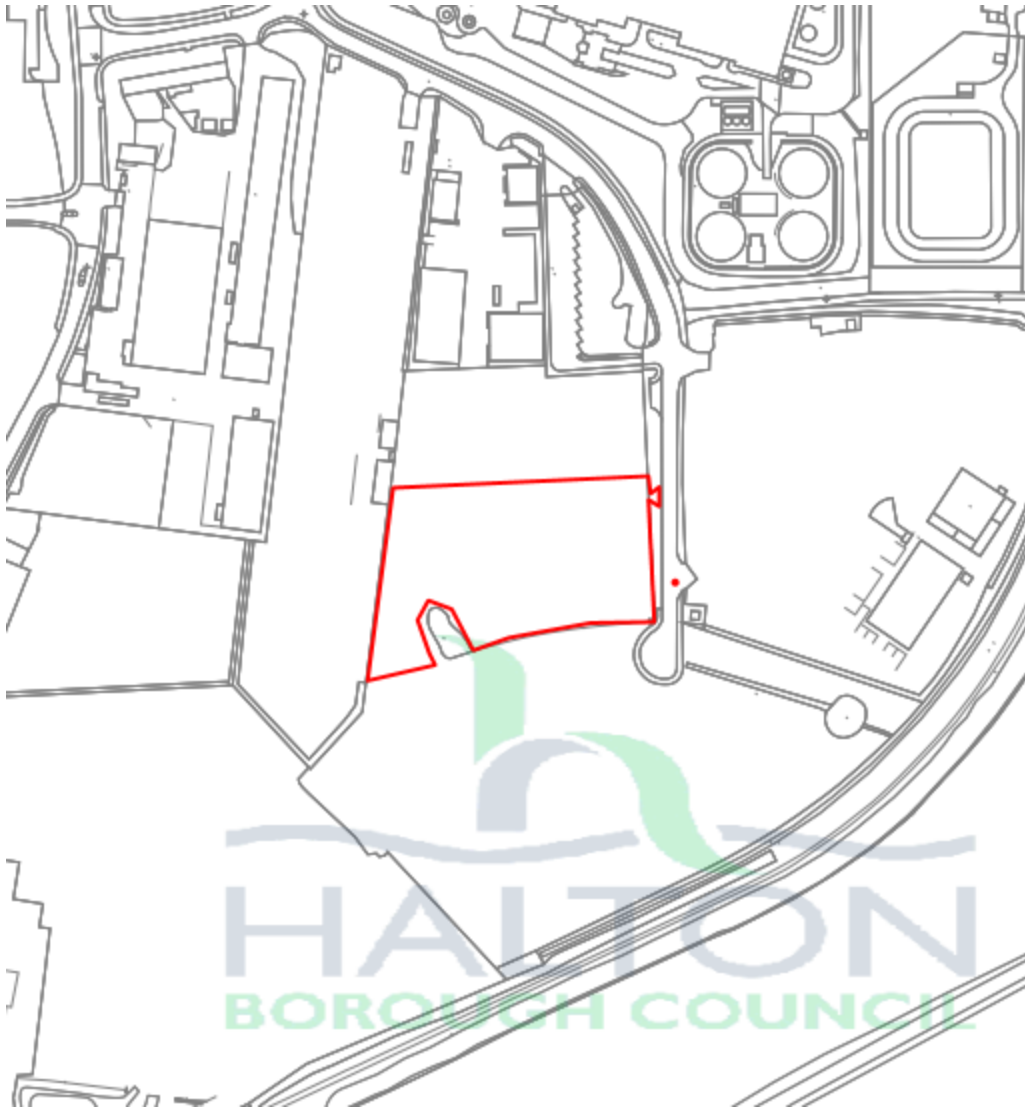
RESOLVED: That the application be approved subject to the following conditions:



1. Standard 3 year permission;
2. Approved plans;
3. Site levels;
4. Materials;
5. Landscape scheme;
6. Boundary details;
7. Electric vehicle charging provision;
8. Cycle storage;
9. Highways/pedestrian connection works;
10. Travel plan;
11. Contaminated land remediation strategy;
12. Contaminated land verification report;
13. Piling risk assessment;
14. Environment Agency unidentified contamination;
15. Drainage strategy;
16. SUDS verification report;
17. Waste audit or a similar mechanism (eg. a site waste management plan);
18. MEAS – Construction Environmental Management Plan to include Reasonable Avoidance Measures (RAMs);
19. Mitigation of habitat loss and enhancement as in approved report (section 6);
20. Ecology lighting scheme;
21. Breeding birds;
22. Hours of construction; and
23. Access, service and parking areas.

*Meeting ended at 7.15 p.m.*

<b>APPLICATION NO:</b>	20/00164/WST
<b>LOCATION:</b>	Site B, Johnsons Lane, Widnes, WA8 0SJ
<b>PROPOSAL:</b>	Proposed change of use of land to waste transfer station including office building, weighbridge, materials bay and fencing
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b> <b>AGENT:</b>	Philip Bannon Plant Hire Limited, Sycamore House, Sutton Quay Business Park, Runcorn, WA7 3EH.  Alban Building Consultancy, 44 Mount Street, Bishops Lydeard, Taunton, TA4 3LH.
<b>DEVELOPMENT PLAN ALLOCATION:</b>  National Planning Policy Framework (2021)  Delivery and Allocations Local Plan ('DALP') (March 2022)	Primarily Employment Area
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	No representations received.
<b>KEY ISSUES:</b>	Principle of development, regeneration and employment; waste policy; noise, dust, odour and other amenity issues; drainage; contaminated land and highway and traffic issues
<b>RECOMMENDATION:</b>	Approve Subject to Conditions



**THE APPLICATION SITE**

The Site

The site extends to 1.01 hectares of scrubland located at Central Grid Reference SJ533858, E:353399 N: 385818, nearest postcode WA8 0SJ. The site falls gently west-east and north to south from 13.7 AOD northwest to 11.5 AOD southwest towards a watercourse to the southern boundary.

The site lies approximately 2.3km east of the centre of Widnes on the western side of a cul-de-sac Johnson's Lane, which serves industrial businesses accessed off the lane. Johnson's Lane is accessed off Gorsey Lane off the A562.

The site is bounded to the north by an existing inert waste processing site, to the east by Johnson's Lane and beyond by an ash reprocessing facility and the Fiddlers Ferry Power Station, to the south by open land and to the west by a 10 foot high wall and beyond various users including haulage and waste

management and open land including that identified for future employment use. The nearest residential development is at a distance of circa 650m at Melville Close, northwest of the site, itself located northeast of a primary school. The site is located within an area identified Flood Zone 1 and within 1km of the Widnes Warth Saltmarsh and the Upper Mersey Estuary Intertidal Area. The site does not fall within an Air Quality Management Area (AQMA).

### **Planning History**

None directly relevant.

### **THE APPLICATION**

#### **The Proposal**

The proposal is for a change of use of the land and planning permission for use of the land as a waste recycling facility processing (up to) 75,000 tonnes of inert and excavation waste annually arising from new building developments and demolition sites. Identified waste streams are soils, stone, concrete, wood, metals and tarmac.

The proposal is described in terms of two phases, broadly dividing the site into equal areas.

Phase 1 (east) with frontage to Johnson's Lane, provides for a concrete pad spanning the Phase 1 site, a new vehicular access off Johnson's Lane, the erection of two open fronted process / storage sheds (each 36m x 15m), a two storey portacabin 40 feet x 20 feet comprising offices and comfort facilities, two 40 foot containers, parking for 3 HGV lorries, car parking for five cars or light vehicles, a weighbridge and a wheel-wash.

In turn an internal access from Phase 1 into the Phase 2 processing area is shown located to the northwestern corner of the Phase 1 area, through a wheel wash. The Phase 2 area is shown unsurfaced, hosting a screener and crusher. Stockpiles are identified to the western and southern boundaries of the Phase 2 area. Proposed plant identified in the application papers is:

- 1 x McCloskey J40v2 (concrete jaw crusher)
- 1 x Maximum 409 (3 way screener)
- 1 x Doosan dx225lc-5 (excavator)
- 1 x Doosan DL300 (loading shovel)

#### **Documentation**

Application form

Drawing 353/L1B Site Location Plan

Drawing 352/L3A Site Access Plan and Sections

Drawings 353/L2 Site Layout Phase 1

Drawing 352/G1 - GA Buildings 1 & 2

Drawing 352/G2 – GA Office Building

Drawing 352/G3 – GA Weigh Bridge

Drawing 353/L2C Drainage Strategy Plan

Alternative Site Assessment, Pearly Environmental dated 19.5.2021

PEA, Bowland Ecology, dated October 2019

Design & Access Statement (Rev A, dated April 2019

Dust Management Plan, Philip Bannon Plant Hire Ltd, dated February 2020

Copy of Waste Permit EPR/FB3505GK, dated September 2017

FRA Philip Brannon Plant Hire Ltd, dated December 2019

Transport Statement, DTPC, dated March 2020

Noise assessment, Miller Goodall, dated August 2020

HAR, Pearl Environmental dated 10th August 2020

SUDS Strategy LK Group, dated November 2020

Planning Statement, Pearly Environmental, undated.

### **Policy Context**

#### **Delivery and Allocations Local Plan ('DALP') (adopted March 2022)**

CS(R)1	Halton's Spatial Strategy
CS(R) 4	Employment Land Supply and Locational
CS(R)15	Sustainable Transport
CS(R)19	Sustainable Development and Climate Change
CS(R)20	Natural and Historic Environment
CS(R)22	Health and Well-Being
CS23	Managing Pollution and Risk
CS(R)24	Waste
ED2	New Industrial and Commercial Development
C1	Transport Network and Accessibility
C2	Parking standards

- HE1 Natural Environment and Nature Conservation
- HE3 Waterways and waterfronts
- HE7 Pollution and Nuisance
- HE8 Land contamination
- HE9 Water management and flood risk
- GR1 Design and development
- GR2 Amenity
- GR3 Boundary Fences and Walls

Joint Waste Local Plan 2013

- WM0 Presumption in Favour of Sustainable Development
- WM1 Guide to Site Prioritisation
- WM2 Sub-regional Site Allocations
- WM3 Allocations for District Level Sites
- WM5 Areas of Search
- WM10 High Quality Design and Operation
- WM11 Sustainable Waste Transport
- WM12 Criteria for Waste Management Development
- WM13 Planning Applications for New Waste Management Facilities on Unallocated Sites

Supplementary Planning Documents ('SPD')

Design of New Industrial and Commercial Development SPD

National Planning Policy Framework ('NPPF')

The last iteration of the National Planning Policy Framework (NPPF) was published in July 2021 and sets out the Government's planning policies for England and how these should be applied.

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

Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight

should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

#### National Planning Policy for Waste ('NPPW')

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

#### National Planning Practice Guidance (NPPG)

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

#### 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.

#### Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **CONSULTATIONS**

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

### Environment Agency

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:

#### Advice to LPA/applicant

This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/uploads/system/uploads/attachment\\_data/file/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf)

If you need to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

In order to meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.



Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

### United Utilities

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.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

#### Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

#### Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

Management and Maintenance of Sustainable Drainage Systems. Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

## 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 and the design and construction period should be accounted for.

## United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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.

## Health and Safety Executive

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

## **Council Services**

### HBC Contaminated Land

I have considered the land contamination issues for the site and have the following observations.

The site is not one considered to be affected by land contamination due to previous or current usage (there is no evidence of any previous development on the site).

The proposed end use is of low sensitivity to land contamination impacts.

As the proposed use is for the handling and processing of wastes there is a potential for creating new pollutant linkages and future land contamination, which

should be mitigated against in the design and operation of the site. Of particular note is the close proximity to a small surface water feature (pond).

There is not a requirement to assess the land contamination status of the site, but I would recommend that details are submitted regarding the surfacing of the site along with drainage and measures to ensure run-off from the site does not contain material from the stockpiles and waste processing areas (I note that the Phase 2 area is not to be surfaced initially, but it isn't clear if there is any control on that area not being used until it has been suitably prepared). It is possible that these elements will be a requirement of the Environmental Permit issued by the Environment Agency for the operation of the waste transfer station, but such details haven't been included.

The above comments notwithstanding, I have no objection to the proposed scheme.

### HBC Highways

#### Access

It is evident from the submitted drawings that there is no designed safe pedestrian access to the site along Johnsons' Lane. It will be necessary for a footway to be constructed which links from the existing section on Johnsons Lane and extends through to the site access. This would need to be secured through a Section 278 with the Highway Authority.

The access into the site crosses a highway verge with a present width of 6m. As such the applicant would be required to enter into a Section 278 agreement with the Council in regard to the construction of the site access.

It is noted that there is no provision within the detail of the drawings for either pedestrian or cycle access into the site. This would be required as a condition should the application prove successful.

#### Parking

The application proposes 6 car parking spaces. For a site of this size this seems relatively low however, it would be deemed appropriate given the staff numbers and the availability on site of additional parking if it was required. It will be necessary however to provide 10% disabled parking and we would require 1 Electric Vehicle charging point as a minimum.

It will also be necessary by condition to provide cycle parking which is covered, secure and in a visible location within the site. At present there are no details within the application which illustrate this.

#### Drainage

The application provides some detail in regard to the drainage channel within the highway verge. The drawing provided indicates the instillation of 3 pipes in the existing swale. Are these pipes designed to carry only highway surface water? The depth proposed for setting these is between 1 and 1.5m. We would require

further construction details as to the depth these are set and if how this would be sufficient to protect the pipes from the weight of vehicular traffic.

The details for the drainage strategy within the FRA would appear to be insufficient for a development of this nature and will require further detailed calculations in respect to outflow and attenuation rates.

Further details on what would be required will be supplied separately by the Drainage Engineer.

Conditions if the proposal is approved:

- The applicant would be required to enter into a Section 278 agreement with the Council in regard to the construction of the access and footway
- Dedicated, safe cycle and walking routes clearly defined into the site with a separate gate access.
- 10% Disabled Parking provided as part of the application
- One minimum Electric Charging Point
- Further details in regard to the drainage pipes proposed for instillation into the highway to deal with the surface water to ensure the depth is adequate and the pipes are protected.
- Cycle parking which is covered, secure and visible within the site boundary.
- Further detail in regard to drainage and attenuation from the site.
- Construction Management plan

#### Lead Local Flood Authority

After reviewing 20/00164/WST planning application, the site is 1.01ha, the proposed development lies within Fluvial Flood Zone 1 and the site can be seen to have a low Surface Water Flood Risk (Environment Agency Flood Map for Planning and Environment Agency Long Term Flood Risk Maps) and is not within a Critical Drainage Area. The entrance from Johnsons Lane is at the highest end of the site allowing for safe access to and from the site.

The Flood Risk Assessment states the proposed development is for commercial / no residential end use and therefore classified as 'Less Vulnerable' in the PPG. There has been no historic flooding of the site, finished floor levels will be set 150mm above the level of surrounding pavement to prevent surface water flooding of the buildings should the drainage system fail. The document states the nature of the proposed development will not result in a reduction of floodplain storage.

The applicant has provided the following document as a drainage strategy for the site: OTH\_redFRA 20 1231 Johnsons Lane Widnes\_Redacted.pdf

With regards to existing drainage on and surrounding the site the Sustainable

Drainage Strategy (SDS) states:

- Johnsons Lane runs adjacent to eastern boundary and there is a swale that feed the highway drainage towards the watercourse to the south of the site.
- There is a pond at the southern boundary connected into a drain running along the south of the site. This runs past Johnson's Lane and drains into the swale.
- The site falls gently towards the drain which appears to collect the surface water from the site.
- An 825mm foul sewer crosses the site from North to South which the applicant has discussed discharging foul waters to at an unrestricted rate.
- There is a deep surface water sewer located in Johnsons Lane.

With regards the drainage hierarchy, the SDS indicates the following:

- Infiltration methods such as soakaways are unlikely to be feasible on the account of deep clay deposits below the site, but will need to be confirmed at detail design stage.
- This a pond and watercourse to the southern boundary of the site that drains towards the culverted crossing of the highway to the east. To the east of Johnson's Lane, the existing watercourse and pond were replicated and relocated to the south of the existing. Surface water from the site is currently draining naturally to the open watercourse.
- There is a surface water sewer running across Johnson's Lane to the northeast of the site.
- The proposed drainage strategy is for the site to drain in a similar way to how it currently drains i.e. to watercourse. The applicant proposes to provide attenuation on site through use of a swale and basin. Retention on the site would be 485.5m<sup>3</sup> which would account for the 100 year +40% CC event.

Flows would be restricted to 5l/s by a flow control device at the end of the system, which is lower than the current Greenfield runoff rate. This outline strategy would be acceptable to the LLFA.

- The LLFA would note permission from United Utilities will be required to connect the foul drainage from the development to the public sewer.

Based on this information, the outline drainage strategy for the site would be deemed acceptable by the LLFA, however would require further development prior to any works are undertaken. Therefore the LLFA would recommend the following conditions be added should the LPA be minded to approve the application:

No development shall take place until a detailed drainage strategy for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. plans of proposed drainage for the site, topography of the site pre and post development, including details of finished floor levels, an overland flow path plan should the drainage system fail.
- ii. details of the flood mitigation measures to be adopted to mitigate against surface water flood risk on site.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- iv. infiltration testing, soakaway design and/or attenuation and filtration structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield rates for new roof/hardstanding areas.
- v. verification that capacity downstream of the outfall to watercourse is sufficient for the proposed discharge.

#### HBC Environmental Health

Environmental Health has considered this application in relation to noise and air quality relating to dust emissions. It should be noted that the proposed use is subject to the environmental permit EPR/FB3J05GK, issued by the Environment Agency.

#### Noise

The applicant has provided a noise assessment as part of the application. This uses the methods in BS5228:2009 (Code for Noise and Vibration Control on Construction and Open Sites) to predict the noise on site and then compares this at nearby noise sensitive receptors using the methodology contained with BS4142:2014:A1:2019 (Methods for Rating and Assessing Industrial and Commercial Noise). I am satisfied that the methodology is appropriately applied in relation to this application and the conclusions are robust.

The assessment identifies 3 noise sensitive receptors at French Street, Naylor Road and St John Fisher School. It then assesses the cumulative impact of the 4 noise making pieces of equipment on site. The assessment then calculates the impact of the proposed site at these locations comparative to the existing noise levels. The noise sensitive receptors are all in excess of 600m from the proposed site and are shielded by other commercial buildings across the intervening industrial area. The assessment concludes that noise from the site will be between 9 and 12 dB below the existing levels and therefore indicates a negligible impact on the noise environment at these receptors.

The application makes it clear that the site will only operate between 07:00 and 17:00 hours on weekdays and 07:00 to 13:00 hours on Saturdays. This further protects the noise environment around the noise sensitive dwellings.

## Dust

The applicant as also submitted a dust mitigation plan. This addresses the measures to be implemented to ensure that dust emissions off site are minimised. This includes the use of water on site to minimise dust emissions, a wheel wash at the site exit to prevent mud and dust being carried onto the road, measures to be taken should dust emissions become visible off-site, maintenance, minimising drop heights where possible and speed limits around the site. Given the location of the site in an existing industrial and over ½km from the nearest residential and sensitive properties I am satisfied that the dust emissions can be adequately controlled within the area.

## Recommendations

With regard to noise emissions Environmental Health would be satisfied that, given the location of the development, it presents a negligible risk, during daytime hours to sensitive receptors.

With regards to dust emissions Environmental Health would be satisfied that the risk of emissions from the site can be mitigated through careful management. The dust management plan indicates the willingness of the operator to employ methods to reduce the amount of dust generated on site and exported off. I would suggest that this is reflected in the conditions on any planning consent issued.

## Proposed Planning Conditions

To reduce the environmental risk to nearby sensitive receptors I would ask that conditions to have the following effect are included in any planning consent issued for this application

- 1- The site shall only operate within the following hours: 07:00 – 17:00 hours Monday to Friday 07:00 – 13:00 hours Saturday
- 2- An adequate water supply which can reach the whole of the site shall be available at all times.
- 3- The crusher and screener shall not operate without a water supply being available to water down materials.
- 4- A copy of the dust management plan shall be on site at all times.

## MEAS – Ecology and Waste Advisor

### RESPONSE DATED 05/05/2020

In principle, I consider that the proposal would help to achieve the vision for the WLP along with strategic objectives SO1, SO2, SO3, SO4, SO6 and SO8. However, there are some additional pieces of information required to fulfil all the policy requirements.

Policies WM1, WM2, WM3 and WM5 5. Section 3 of the Planning Statement



(Pearl Environmental Proposed Aggregate Recycling Facility: Johnsons Lane, Widnes) undertakes an assessment of compliance with the WLP policies. For policy WM1, it identifies site H1 (Widnes Waterfront) as the only allocated site but does not make any assessment as to whether it is suitable or available. It is understood that the site is available, although it is acknowledged the site is larger than required. The applicant needs to demonstrate that part of the site would not be available or suitable for their needs and whether or not it is deliverable. This is a requirement of policy WM1. A site scoring assessment for the proposed site has been submitted and scores favourably with the allocated sites. This information is required prior to determination.

Allocated site H2 (Ecocycle) is according to the applicant is currently used for civil engineering/plant storage and waste management. Whilst the site would be suitable for the proposed facility, there are currently no commercially available plots and none of the individual plots would be large enough. I concur that this is the current status quo.

The site falls within the Area of Search defined by policy WM5 for Halton described in the policy as Industrial Areas of Ditton/Widnes. The areas of search are defined for small scale reprocessing activity, which would include the proposed activity.

Given that the applicant is an existing Halton business looking to relocated within Halton, on this occasion I think it is reasonable to restrict their search to allocated sites within Halton.

Policy WM7 (Protecting Existing Waste Management Capacity for Built Facilities)

The supporting documentation does not consider policy WM7, this is relevant to the proposal as it is an existing waste management facility currently located on Ditton Road, Widnes. Policy WM7 is supportive of retaining this waste management capacity, albeit the proposal is to relocate from its existing site.

Policy WM10 (High Quality Design and Operation of Waste Management Facilities)

The Planning Statement indicates that application of a BREEAM rating is not appropriate as the only buildings on site will be open sided sheds primarily aimed at keeping materials dry. I concur with this. However, sustainability has been considered with proposals to use rainwater harvesting to provided water for dust suppression, size/profile and colour of building to be in keeping with the industrial landscape and use of recycled hardcore for the site surface. The site also benefits from screening to the south by an existing wildlife buffer. Subject to Environmental Health being satisfied with amenity issues, I consider sufficient information has been submitted to comply with this policy.

Policy WM11 (Sustainable Waste Transport)

The Planning Statement acknowledges that the site is not suitable for alternative modes of transport other than road – this is accepted. It also indicates that the

site will serve the local area with transportation limited to 10miles from Halton, and therefore reduces the carbon impact of transporting further afield. This is particularly relevant given the weight of inert materials and carbon impact of transporting long distances. The Transport Assessment (DTPC Report No. J1164/TS dated March 2020) calculates anticipated vehicles movements based on throughput of 75,000tonnes per year. I will be guided by Highways colleagues on whether they consider this policy has been complied with.

#### Policy WM12 (Criteria for Waste Management Development)

Appendix 1 of the Planning Statement includes a table which covers every aspect of information required by Box 1 associated with policy WM12 of the WLP. This is welcomed. The majority of this information is satisfactory, however, there are some additional information requirements see paragraphs 14 and 15 below. From a waste perspective, the only outstanding query is to clarify the actual throughput of the site is it 30,000 tonnes or 75,000 tonnes as different supporting documents state different amounts. This information is required prior to determination.

#### Habitats Regulations

The development site is 500 metres and 620 metres from Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area Local Wildlife Sites (respectively) designated for saltmarsh, reedbed and mudflat habitat. Collectively they comprise supporting habitat (Functionally Linked Land (FLL)) for qualifying species of the following European sites which are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core Strategy policy CS20 applies:

- Mersey Narrows and North Wirral Foreshore SPA;
- Mersey Narrows and North Wirral Foreshore Ramsar site;
- Dee Estuary SPA;
- Dee Estuary Ramsar site;
- Mersey Estuary SPA; and
- Mersey Estuary Ramsar site.

I have considered the proposals and the possibility of likely significant effects on European sites using the source-pathway-receptor model. There are pathways between the proposals and the European sites, therefore, the proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy policy CS20 applies. The Assessment of Likely Significant Effects must be carried out prior to determination.

To enable a Habitats Regulations Assessment to be carried out the following information is required:

- Detailed construction method statement(s) setting out; what work will be done, when (an indication of the time of year and how long work will take),

- how the work will be undertaken, if there will be any emissions (such as to water, air, disposal to land) and any transport requirements to the site;
- An amended noise assessment that provides modelling to assess the noise levels at the Functionally Linked Land which is a sensitive ecological receptor (Local Wildlife Sites) approximately 620 metres south of the site; and
  - Confirmation that the applicant will use the existing foul sewer for foul drainage as indicated as acceptable by United Utilities.

This information is requested under Regulation 63 (2) and will be used to enable the competent authority to determine whether an appropriate assessment is required.

### General Ecology

The applicant has submitted an ecology report to support the application (Preliminary Ecological Appraisal, Bowland Ecology, October 2019). The report is limited as it concludes that there will be no impact on the nearby Local Wildlife Sites due to the distance between them and the development site. This is not accepted see paragraphs above regarding Habitats Regulations. Although this conclusion is a limitation of the report the remainder of the report is considered acceptable.

Habitats on site or adjacent to the site may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

The site provides nesting opportunities for breeding birds, which are protected and Core Strategy policy CS20 applies. The following planning condition is required.

### Condition

No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance or building work 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, hedgerows 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.

The proposed development will result in the loss of bird breeding habitat and Core Strategy policy CS20 applies. To mitigate for this loss, details of bird nesting boxes as recommended in Section 5.9 of the ecology report (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The

following planning condition is required.

Condition

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

Great crested newt is known in the wider area although not recorded within the site during previously accepted surveys of the area. Common toad is known to be present within the site, is protected and Core Strategy policy CS20 applies. Due to the highly likely absence of Great crested newt from the ponds close to the development site the Reasonable Avoidance Measures (RAMs) recommended in Section 5.13 of the ecology report are sufficient to ensure all amphibians are not harmed by the proposals. These RAMs can be secured by a suitably worded planning condition.

The ditch running along the southern boundary of the site was assessed as potentially providing habitat for Water vole. However, no evidence of Water vole was recorded. Section 5.3 of the ecology report recommends the protection and planting of a 10 metre buffer zone along the southern boundary of the site. This buffer zone is sufficient to ensure Water vole, if present, will not be harmed by the proposed works. Details of the methods of protection of this zone during construction should be submitted to the Council for approval. This can be secured by a suitably worded planning condition.

The report states that Hedgehog is likely to be present within the site. Hedgehog is protected and Core Strategy policy CS20 applies. The Reasonable Avoidance Measures (RAMs) recommended in sections 5.7 and 5.8 of the ecology report are sufficient to ensure Hedgehog is not harmed by the proposals and can be secured by a suitably worded planning condition.

The ecology report recommends the planting of a ten metre wide wildflower meadow along the southern boundary of the site to mitigate for the loss of bird breeding, invertebrate, bat foraging and terrestrial mammal habitat. This mitigation is accepted and details of the location, area, species to be planted and its management in perpetuity should be submitted to the Council for approval. This can be secured by a suitably worded planning condition.

RESPONSE DATED 22/09/2020

Habitats Regulations

The development site is 500 metres and 620 metres from Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area Local Wildlife Sites (respectively) designated for saltmarsh, reedbed and mudflat habitat. Collectively they comprise supporting habitat (Functionally Linked Land (FLL)) for qualifying species of the following European sites which are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Core

Strategy policy CS20 applies:

- Mersey Narrows and North Wirral Foreshore SPA;
- Mersey Narrows and North Wirral Foreshore Ramsar site;
- Dee Estuary SPA;
- Dee Estuary Ramsar site;
- Mersey Estuary SPA; and
- Mersey Estuary Ramsar site.

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

- The site is not Functionally Linked Land (FLL)
- The site is approximately 500 metres from the nearest functionally linked land, there will be no direct land take;
- The site is elevated from the functionally linked land (this will reduce visual disturbance);
- The applicant has confirmed that site drainage will be directed into the existing foul drainage infrastructure crossing the site; and
- Noise levels generated from the site will not exceed levels that could cause a response from qualifying features of the European sites using the Functionally linked land approximately 500 metres south of the site (Noise Assessment, Miller Goodall, 12 August 2020, Ref: 102291-2).

All previous comments regarding protected species and landscaping remain valid (Memo from Lucy Atkinson to Jeff Eaton, 5 May 2020, HA20-012).

#### Waste Local Plan

The applicant has submitted additional information in response to our original memo of 5th May 2020 (Letter from The Alban Building Consultancy to Jeff Eaton (Halton Council) Ref: 20/00164/WST dated 13/08/20). This includes a consideration of the proposed facility against allocated site H1, concluding that access is not currently available to the site from Tan House Lane, and that the costs of opening up the access and/or providing a 500m access road to the main body of site H1 would be prohibitively costly and therefore unviable for the such a small scale operation.

The response goes on to state that the size of the site (H1) lends itself to waste operations of sub-regional a scale. The proposed facility would require only a small fraction of the site. Carving the site up is likely to jeopardize viability for a large scale operation and there is unlikely to be unavailable for such small scale operations. This is true, however, one potential use of the site is a resource

recovery park which could accommodate the proposed facility, however, it is anticipated that this would likely need to be developed as a whole and not on a piecemeal basis.

Contact has recently been made (03/08/20) with the landowner of site H1 with regard to the current status of the site. To date no response has been received. In the absence, of further information from the site owner, I consider that the above assessment of the proposed facility against site H1 is reasonable. The costs of delivering the proposed facility on this site would be unviable. It is not clear if access to the site from Tan House Lane is still possible. I will be guided by planning colleagues as to whether this is correct.

Therefore, I consider that policy WM1 has been complied with.

#### RESPONSE DATED 27/07/2021

##### Waste Local Plan

Subsequent to previous responses on this application, the appeal decision (APP/D0650/W/20/3251697) regarding another waste management proposal in Widnes was made on 2nd February 2021. This confirmed the previous JR ruling that policy WM1 of the Waste Local Plan must be followed strictly, as a key policy of the plan and so, further demonstration that the allocated sites are not available was requested from the applicant.

The applicant has now submitted an email (Email from Courtney Ellis (Butcher & Barker LLP) to Jeff Eaton (Halton Council) dated 21/5/21) and encloses an updated and more detailed Alternative Site Assessment (ASA) (Pearl Environmental 19th May 2021) of the proposed facility against site H1 which includes the following information:

Site H1 is allocated for sub-regional use and is a large, derelict site with a mosaic of hardstandings at various heights. This is not considered viable/deliverable for the proposed inert waste recycling facility for the following reasons:

- i. The southern end of Tan House Lane where the site is accessed is no a surfaced walkway with access to TPT beyond the railway and the canal. The cost of opening up this access is beyond the viability of this project;
- ii. If Tan House Lane where reopened, an internal access road of approximately 500m would be required to the main plot. This would involve breaking out and levelling a substantial area of hardstanding and foundations, which again would not be viable for this project;
- iii. The size of the site lends itself to waste operations of sub-regional scale. The proposed facility is a local facility and would require only a small fraction of the site.
- iv. The proposed facility is for inert waste and waste would be from the area local to Widnes and transport costs are a major consideration in determining site suitability.

v. Some information has been gleaned on the potential contamination levels on site and the cost of remediation would be beyond the commercial viability of this small scale facility.

A conversation between the applicant, Mr Bannon, has been had with Mr Cosgrove, the landowner of site H1, on 17th May 2021. Mr Cosgrove indicated that the land was not for sale and he was in discussion with a third party to develop the site. No written evidence has been provided regarding the conversation. Subsequent to this, Halton's Principal Planning Officer has spoken to the landowner of site H1, who indicated that he is currently in discussion with other parties regarding the site's development. The outcome of the discussion is not yet clear.

Further to point 4 iii) above, the planning statement indicates that incoming waste will be derived from highways works throughout Halton and not far beyond (within 10 miles of site). Recycled aggregates delivered for use in re-instatement works and road construction projects within a similar area. Although an earlier section of the planning statement (Policy WM11) refers to the sources of waste materials and markets being geographically varied. From my experience, the key point here is that given the heavy nature of the materials it is not economically viable to transport such materials long distances. It is the size/throughput of the site which determines whether it is district level or sub-regional.

The difference with the appeal site is that the applicant was subject to a long-term contract with MRWA for management of inert waste from all HWRCs in the sub-region.

The ASA also includes site scoring process using the guidance in the Waste Local Plan and a Sustainability Assessment (SA). I have noted one discrepancy on the site scoring which would reduce the overall score by -10, however, other than that the site scoring seems reasonable. I am satisfied with the SA.

#### Summary

The owner of site H1 is currently in discussion with other parties regarding the development of the site, as confirmed during a conversation with Halton's Principal Planning Officer. The outcome of the discussion is not yet clear.

There are key differences between this proposal and the site subject to the appeal. This proposal is a local, district level facility and transport costs are more constrained given the nature of inert material. It is smaller scale and has less throughput than the site subject to appeal. Therefore, the site is not considered sub-regional. Furthermore, the site does lie within an Area of Search and is surrounded by other waste uses. The Sustainability Appraisal and Site scoring are reasonable.

I consider that if it is accepted that this waste operation is district level, rather than sub-regional, then the differences between this site and the appeal site are clear, and therefore, in this instance, the policy requirements of WM1 and WM13 of the WLP have been met.

## **REPRESENTATIONS**

The application has been advertised via the following methods: site notices posted near to the site, press notice and Council website. Surrounding commercial properties have been notified by letter. No representations have been received as a result of the publicity undertaken.

## **ASSESSMENT**

### Principle of Development

The proposal is for a new waste recycling facility on a vacant site adjoining other waste uses.

The proposed waste streams would be imported non-hazardous inert as permitted under Standard Permit SR2010 No 12 and identified by the applicant as concrete, brick, stone, tarmac and soils. A Standard Permit (75,000 tonnes) was approved by the Environment Agency in September 2017 and is exhibited in the application papers. Vehicle movements are anticipated to be in the region of 52 'in' and 52 'out' movements per day made up of rigid bodied tipper trucks and staff/light vehicles.

The site in issue is identified in the DALP Proposals Map for Primary Employment use, Policy ED2 : (Employment Development) but is not an allocated site.

Policies WM1 and WM13 of the Joint Waste Local Plan 2013 require that developers should develop sites allocated in the Waste Local Plan in the first instance and that such a full written assessment of alternative allocated sites should be appropriately completed before unallocated sites will be considered. There are two allocated sites in Halton which are H1 – Sub-regional Site Allocation – Site at Widnes Waterfront and H2 – District Level Site - Eco-cycle Waste Ltd, 3 Johnson's Lane, Widnes.

As set out the in the MEAS response, the district allocated site H2 (Ecocycle) is, according to the applicant, currently used for civil engineering/plant storage and waste management. Whilst the site would be suitable for the proposed facility, there are currently no commercially available plots and none of the individual plots would be large enough.

The applicant has submitted information and explanation demonstrating why they consider their proposal compliant with the WM1 and WM13 policy requirements in relation to allocated sub regional site H1 (Widnes Waterfront).

They confirm that none of the H1 land was for sale, that the H1 site is of significant size and suitable for sub regional strategic needs where the applicant's requirements were more modest and would be fulfilled by 11% of the H1 site. The applicant notes that the H1 site is known to be grossly contaminated and would require a long internal access road and resolution of existing foundations and hardstandings. In summary for reason of its size, suitability (or lack thereof) and the considerable costs associated with its



remediation, H1 would not present a practical or commercially viable alternative to the proposal site. This is accepted by MEAS.

The planning statement indicates that incoming waste will be derived from highways works throughout Halton and not far beyond (within 10 miles of site). This is accepted due to the heavy nature of the materials and the economic viability of moving such. The proposal is therefore considered a district level waste operation and the applicant is not expected to consider other allocated sites within other boroughs in the Waste Local Plan area.

If allocated sites are not available, then the waste industry should seek sites within the areas of search, as set out in policy WM5. These areas are suitable for small-scale waste management activity, such as waste transfer stations, re-processing activity or displacement of existing waste management uses. This site is in the area of search and is adjacent to other waste uses and on this basis there is a presumption in favour of development. The proposal is considered compliant with Waste Local Plan policies WM1, WM2, WM3, WM5, WM7, WM10, WM11 and WM13 based on the above assessment and the observations made by MEAS.

Policy ED2 provides that all proposals for new employment development must be appropriate and development falling within Use Classes B1, B2, B8 and Sui Generis Industrial uses will normally be permitted in such areas. The proposed development falls within the identified uses and as such is considered acceptable in principle in this location.

### Design and Character

The scheme proposes a waste recycling facility comprising a processing yard, two large storage buildings, two storey portacabin site offices with containers and parking. This is considered acceptable for the proposed use and is reflective of the character of the area.

### Site Layout

The application site is broadly identified in two equal parts Phase 1 and Phase 2. Phase one will comprise a concrete yard with two large open fronted steel portal buildings measuring 36m x 15m with a ridge height of 12m, constructed of colour coated steel over precast concrete panels with fibre cement roofing with translucent roof lights.

Office and comfort facilities will be delivered in a single two storey portacabin located in proximity to the weighbridge. The Site plan identifies two forty foot containers, parking provision for HGVs and light vehicles and a wheelwash positioned at the internal access point between Phase 1 and Phase 2 areas. An area immediately south of the Phase 1 area is identified as a wildlife corridor in accordance the applicant's ecology report. This includes the planting of a ten metre wide wildflower meadow along the southern boundary of the site to

mitigate for the loss of bird breeding, invertebrate, bat foraging and terrestrial mammal habitat to ensure compliance with Policy HE1.

Phase 2 is the unsurfaced processing area with a ten foot high wall to the western boundary. Locations for stockpiles of materials are identified located to the western and southern aspects of the Phase 2 area to a maximum height of 10m. The vacant area accommodates the proposed crusher and screener and in addition other identified plant to be used on site, specifically a shovel and excavator.

A swale and pond is located to the southern boundary of the site although it is anticipated that surface water will be drained to the public surface water sewer in Johnson's Lane. Foul drainage will be discharged by gravity into the foul sewer crossing the site.

The proposed buildings are open fronted, utilitarian in nature and are considered appropriate for the intended use. The site and buildings will be viewed from the east off Johnsons Lane and from the north and east will be experienced in the context of other waste and employment uses. Views into the site from the south are partially screened by an existing wildlife buffer.

Sustainability has been considered with proposals to use rainwater harvesting for use in dust suppression.

### Noise

The proposal was supported with a noise assessment. However, Merseyside Environmental Advisory Service ('MEAS') required an amended noise assessment to assess noise impacts at the Functionally Linked Land. As a consequence the application is supported with an updated noise assessment to include local sensitive receptors and further as requested an assessment of impact upon the nearby (within 600m) Upper Mersey Estuary Intertidal Area Local Wildlife Site. The report concludes that the site will have a low impact at nearby receptors and noise should not be considered as a constraint to the proposed development. The assessment of operational noise on the Intertidal Local Wildlife Site to the south shows that noise disturbance will be considered a low level effect and unlikely to cause a response in birds. Conditions will limit operations to 07:00 – 17:00 hours Monday to Friday and 7am to midday on Saturdays. All vehicles and mobile plant shall utilise broadband/white noise reversing alarms and the boundary wall to the west of the site will be retained or replaced with a structure of at least equal quality.

### Dust

The application is supported with a Dust Management Plan identifying sources of potential dust emissions and proposed mitigation. The report identifies that the prevailing winds blow from the west and northwest so that neighbouring residential and business users to the west and north would be least affected by

any dust impacts and those to the east and southeast would be the most likely affected. In these areas an existing waste operator (Ballast Phoenix) is located to the east and open land is to the southeast so that no material adversity will be experienced.

Potential sources of dust are noted to arise on loading and unloading, through vehicle movements, dust material from stockpiles and through processing on site when typically dust can carry 350m and further with wind assistance.

Prevention and mitigation methods are identified to include operating hours (07:00-17:00 Monday to Friday and 07:00 to midday on Saturdays. An adequate water supply which can reach the whole site shall be available at all times. The crusher and screener shall not operate without a water supply being available to water down materials. The use of a windsock will be required on site and cessation of loading and unloading will be effected until conditions pass in dry windy conditions or when operations are identified as causing or likely to cause visible emissions across site boundaries. Water suppression will be used to damp down yard surfaces in those circumstances.

All unloading and loading will take place in the Phase 2 area where stockpiles will be located. Loading and unloading protocols to limit dust will be followed and water suppression spraying and misting will limit impacts in warm dry and windy conditions. Stockpiles and access routes will similarly be maintained damp in such conditions.

A copy of the dust management plan shall be available at all times and a complaints procedure will be followed in the event of arisings and the processes will be reviewed annually for effectiveness.

The Halton Environmental Protection Officer was consulted and concurs that the applicant's dust mitigation proposals are suitable to ensure that dust emissions are minimized and that these should be conditioned.

### Odour

The waste streams in issue are new development or demolition arisings with no food or animal waste so that odour is unlikely to be in issue.

### Access and Highway Considerations

The proposal provides for a new ramped and gated access to the northeastern corner of the site, joining Johnson's Lane at 11.08 AOD.

As previously identified the Council's Highways Officer commented in respect of access, parking and drainage proposals and further requirements to be secured by condition. In particular these require the provision of designated safe pedestrian and cycle access to the site along Johnsons Lane and extending through the site access, together with secure, visible cycle storage within the

application site, dedicated Disabled Parking provision and one Electric Charging point. Further queries arose in respect of drainage and attenuation from the site and the provision of a Construction Management Plan. The applicant responded in writing (13.8.20) to provide further information confirming the intention to deliver these requirements. The attachment of appropriate conditions would ensure policy compliance with Policies C1 and C2.

### Ecology

As previously identified MEAS commented in respect of the proposals and environmental and ecological impacts requiring further information to better facilitate an assessment in relation to Likely Significant Effects. Identified requirements included those of noise impact discussed below. The applicant responded in writing (13.8.20) observing that an EA Permit 75,000t had been issued based on a generic environmental risk assessment so that the EA was satisfied that the proposal would pose no significant risk to protected habitats. However, observing the further requirements of Halton BC, Pearl Environmental for the applicant produced a risk assessment identifying Widnes Warth Saltmarsh and Upper Mersey Estuary Intertidal Area and their regional biological and conservation importance for birds and a range of species, in turn considering potential impacts of the proposed development through construction and operational phases. Identified hazards include dust carried from vehicle movements, (soil stockpiles, processing activities, loading and unloading), water run-off (carried overland and through drainage) and noise and vibration (from mobile plant operation and vehicle movements). Management proposals are identified to mitigate and manage these impacts in a range of measures to be embraced in conditions.

### Contaminated Land

The site comprises scrubland / former agricultural land so that contamination is not a material factor of concern. However, it is the case that incoming waste streams and their processing on site may give rise to pollutant linkages and future land contamination and contamination to the surface water feature and beyond. This is a concern raised by the Land Contamination Team for resolution which similar observation is made by the LLFA. Requirements for the provision of detailed proposals for site drainage (to include sealed tanks) are suitable for condition.

### Other Waste Issues, Sustainable Development and Climate Change

The proposal is major development and involves demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste and Planning Practice Guidance apply. These policies require the minimisation of waste production and implementation of measures to achieve

efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved is required. It is considered that this can be secured by a suitably worded planning condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials in accordance with Policy WM9.

Policy CS(R)19 (Sustainable Development and Climate Change) seeks to encourage BREEAM 'Very Good' standard. As a new build, it is also expected that the building should comply with BREEAM Excellent rating, as required by the policy WM10. The Planning Statement indicates that application of a BREEAM rating is not appropriate as the only buildings on site will be open sided sheds primarily aimed at keeping materials dry. This is accepted.

The applicant does however note that sustainability has been considered with proposals to use rainwater harvesting to provided water for dust suppression, size/profile and colour of building to be in keeping with the industrial landscape and use of recycled hardcore for the site surface. The site also benefits from screening to the south by an existing wildlife buffer.

Whilst the development is unable to demonstrate compliance with the referenced policies, it is considered that the proposals are in conformity with the Development Plan when taken as a whole, and meet the principles of achieving sustainable development as required by the NPPF.

### Conclusions

The proposal is a major application, the site exceeding 0.5 ha of rough pasture land in an area identified as Primary Employment in proximity to a range of waste users. The site is not an allocated waste site so an assessment of the availability and suitability of the alternative allocated waste sites has been undertaken by the applicant and the conclusions are accepted. Additional sites that are required for waste-related re-processing activities and other small scale waste management facilities over and above those allocated for specific waste management uses will be considered favourably in the

Industrial areas of Ditton / Widnes. This site falls within this area of search and on this basis is considered favourably.

The application seeks permission for the change of use of the site from a vacant site to a waste recycling facility. The waste will be drawn from the local area (within 10 miles) and processed and stored on site to leave the site as product. In this regard the proposal is in line with sustainable objectives under the development plan as it is with the waste hierarchy and local and national objectives to recycle waste where waste cannot be otherwise prevented.

The design of the development is considered appropriate to the proposed use of the land.

The Joint Waste Local Plan Policy WM0 and NPPF paragraphs 11 and 38 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The proposals are considered compliant with the Joint Waste Local Plan and Local Plan Policy CS(R)19 (Sustainable Development and Climate Change), CS24 (Waste) and subject to compliance with conditions are capable of being similarly compliant with policies CS(R)15 (Sustainable Transport), CS(R)20 (Natural and Historic Environment), CS(R)22 (Health and Well Being), CS23 (Managing Pollution and Risk), HE1 (Natural Environment and Nature Conservation), HE3 Waterways and Waterfronts), HE7 Pollution and Nuisance and HE9 (Water Management and Flood Risk). In accordance with Local Plan Policy GR2, having regard to the matters set out in the application papers to include responses to further information required and submitted by the applicant in response the local planning authority is satisfied that the amenity of neighbouring users will not be materially affected by the development and conditions will be imposed to secure compliance with proposed safeguarding measures and mitigation.

### **RECOMMENDATION**

That the application be approved subject to conditions:

### **CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Hours of Operation (Policy GR2)
4. External Facing Materials (Policy GR1)
5. Sustainable Urban Drainage Scheme (Policies CS23 and HE9)
6. Sustainable Drainage Management and Maintenance Plan (Policies CS23 and HE9)
7. Foul and surface water shall be drained on separate systems (Policies CS23 and HE9)
8. Off Site Highway Works (Policy C1)
9. Parking and Servicing Provision (Policies C1 and C2)
10. Cycle Parking (Policy C2)
11. Electric Vehicle Charging Point Scheme (Policy C2)

12. Construction Environmental Management Plan (Policies C1, HE1 and GR2)
13. Boundary Treatments Scheme (Policies GR2 and GR3)
14. Utilisation of broadband / white noise reversing alarms (Policy GR2)
15. Implementation of Dust Management Plan (Policy GR2)
16. Provision of an adequate water supply (Policy GR2)
17. Crusher and screener shall not operate without the water supply referenced in condition number 16 (Policy GR2)
18. Installation of a windsock to guide operations undertaken on site (Policy GR2)
19. Maintenance procedures for stockpiles (Policy GR2)
20. Breeding Bird Protection (Policies CS(R)20 and HE1)
21. Bird Boxes Scheme (Policies CS(R)20 and HE1)
22. Protection of Swale/Pond/ Wildlife Corridor during Construction Period (Policies CS(R)20 and HE1)
23. Lighting Scheme to Protect Ecology (Policies CS(R)20 and HE1)
24. Reasonable Avoidance Measures – Amphibians (Policies CS(R)20 and HE1)
25. Reasonable Avoidance Measures - Hedgehogs (Policies CS(R)20 and HE1)
26. Implementation and Maintenance of Wildflower Meadow (Policies CS(R)20 and HE1)
27. 10m height restriction on any stockpiles (Policy GR1)

### **BACKGROUND PAPERS**

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

### **SUSTAINABILITY STATEMENT**

As required by:

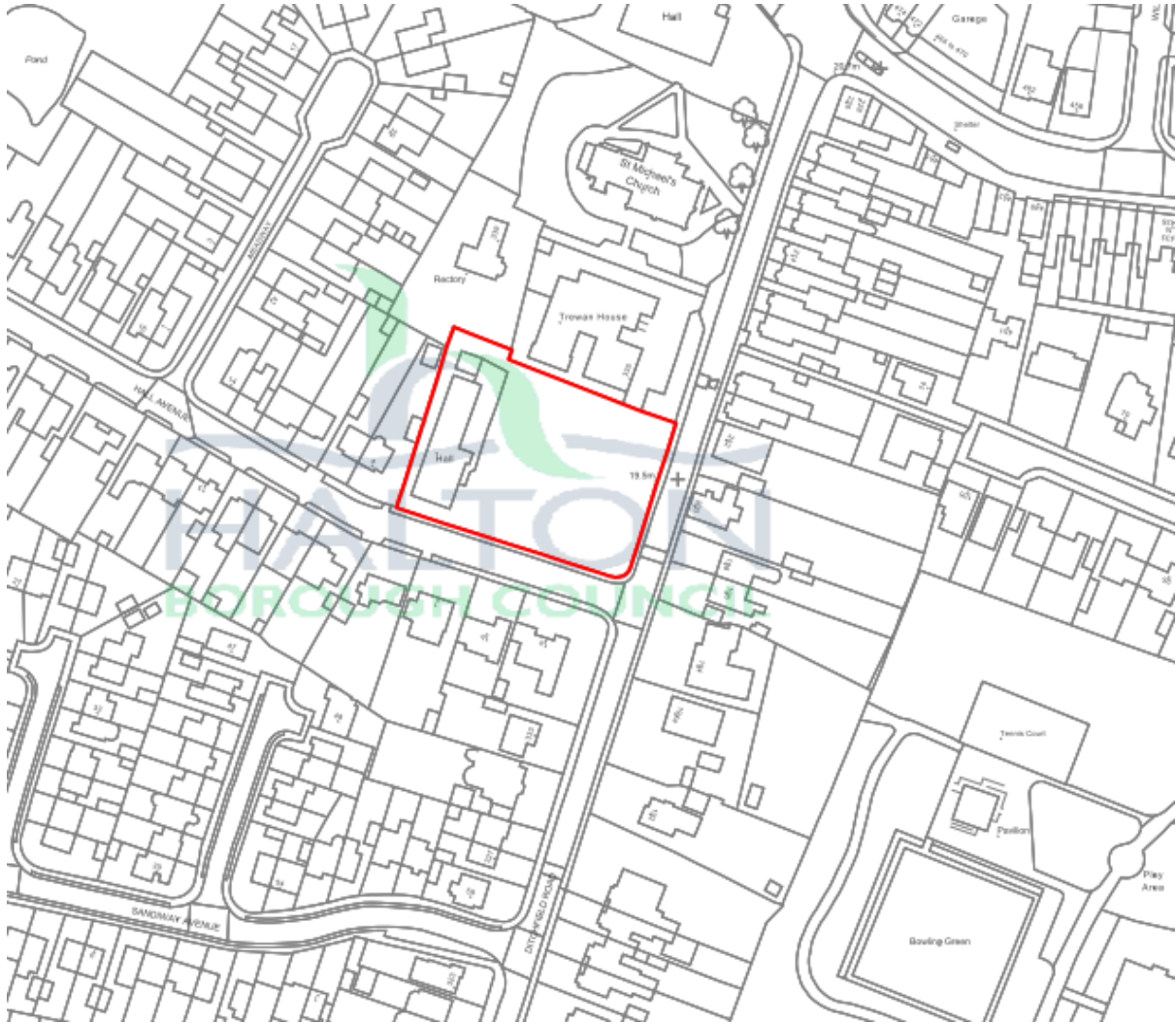
- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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



<b>APPLICATION NO:</b>	21/00016/OUT
<b>LOCATION:</b>	Hough Green Scout and Guide Group Hall and Church Field, Hall Avenue, Widnes.
<b>PROPOSAL:</b>	Outline application, with all matters other than access reserved for the erection of two semi-detached dwellings and four detached dwellings on the existing church field and the retention of the existing scout hut.
<b>WARD:</b>	Bankfield
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Secretary, St Michael with St Thomas Ditton Parochial Church (PCC), Ditchfield Road, Widnes.
<b>AGENT:</b>	Martyn Wilshaw, Finlason Partnership Limited, Suite 4, Beech House, 1 Cambridge Road, Hale, Altrincham, WA15 9SY.
<b>DEVELOPMENT PLAN:</b>  Halton Delivery and Allocations Local Plan (2022)         Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Community Facilities – Western Side of the Site.  Greenspace (4 – Amenity) – Eastern Side of the Site.  Recreation Impact HRA Interim Arrangement Mitigation Area.
<b>DEPARTURE REPRESENTATIONS:</b>	Yes.
<b>KEY ISSUES:</b>	318 contributors have made representations from the publicity given to the application.  Community Facilities and Services, Development on a Greenspace, Trees, Green Infrastructure, Access and Housing.
<b>RECOMMENDATION:</b>	Grant outline planning permission subject to conditions.
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is the Hough Green Scout and Guide Group Hall and Church Field located adjacent to Hall Avenue and Ditchfield Road in Widnes.

The site is located directly adjacent to residential uses on all sides. Other uses in the locality include St Michael's Church, the Church Hall, the Woodlands Bar and Grill, Schools, the Local Centre on Liverpool Road and Hough Green Park, which includes provision for Children & Young People.

The western side of the site which encompasses the Hough Green Scout and Guide Group Hall is designated as Community Facilities, whilst the eastern side of the site which is the church field is designated Greenspace (annotated with

the number 4 which links to its use as an Amenity Greenspace) on the Halton Delivery and Allocations Local Plan Policies Map. Members may note that the entire site was previously Primarily Residential Area on the previous plan (Halton Unitary Development Plan Proposals Map).

The site is located within Recreation Impact HRA Interim Arrangement Mitigation Area on the Halton Delivery and Allocations Local Plan Policies Map

The site has a number of protected trees along both the Hall Avenue and Ditchfield Road frontages. The trees in question are Groups G2 and G3 of TPO 063. Group 2 comprises of 9 Sycamore Trees adjacent to Ditchfield Road and Group 3 comprises of 7 Lime Trees and 1 Oak Tree.

## 1.2 Planning History

The site has some planning history as set out below:

05/00347/FUL - Proposed erection of a replacement perimeter fence with 1800mm high exemplar fencing – Granted 30/06/2005.

06/00052/FUL - Proposed erection of a 1.8m high perimeter fence – Granted 22/02/2006.

07/00671/FUL - Proposed single storey side extension to scout building – Granted 14/11/2007.

11/00435/TPO - Application for works to trees; crown lift to sycamores, oaks and limes; general maintenance to all trees – Granted 09/01/2012.

## 2. **THE APPLICATION**

### 2.1 The Proposal

This is an outline application, with all matters other than access reserved for the erection of two semi-detached dwellings and four detached dwellings on the existing church field and the retention of the existing scout hut.

Members will note that the description of development was previously described as follows:

*Outline application, with all matters other than access reserved, for demolition of existing hall and erection of eight semi-detached dwellings and two detached dwellings.*

The applicant has chosen to amend the proposal to ensure the retention of the community facility that is the Hough Green Scout and Guide Group Hall following observations made by Officers.

### 2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning, Design and Access Statement, Response to Pre-Application Advice in Support of Outline Planning Application, Ecological Scoping Survey, Arboricultural Health Assessment, Arboricultural Method Statement, Arboricultural Implications Assessment and a Phase 1 Ground 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 Delivery and Allocations Local Plan (2022)**

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy;
- CS(R)3 Housing Supply and Locational Priorities;
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC5 Community Facilities and Services;
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity

##### **3.2 Joint Merseyside and Halton Waste Local Plan (2013)**

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

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

## **Supplementary Planning Documents (SPD)**

Design of Residential Development SPD

### **MATERIAL CONSIDERATIONS**

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

#### **3.3 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

#### **3.4 Equality Duty**

Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

#### **3.5 Other Considerations**

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

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

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

4.3 Contaminated Land Officer

No objection to the proposed development subject to a condition.

4.4 Open Spaces

Observations made in respect of impact on protected trees, which would inform site layout.

4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

4.6 Natural England

No objection to the proposed development.

4.7 United Utilities

No objection to the proposed development subject to conditions.

**5. REPRESENTATIONS**

5.1 The application was originally publicised by forty-eight neighbour notification letters sent on 14<sup>th</sup> January 2021, three site notices posted in the vicinity of the site on 14<sup>th</sup> January 2021 and a press advert in the Widnes and Runcorn Weekly News on 21<sup>st</sup> January 2021.

5.2 Following the receipt of amended plans and an amended description of development, further publicity in the form of two hundred and thirty neighbour notification letters sent on 1<sup>st</sup> November 2021 and three site notices posted in the vicinity of the site on 4<sup>th</sup> November 2021.

5.3 Representations from three hundred and eighteen contributors have been received from the publicity given to the application. Seventy-four are noted as

being in support of the development and two hundred and forty-four are noted as being in objection. A summary of the issues raised are below:

#### GROUNDS OF SUPPORT

- Proposal supported as long as the trees are not affected;
- Sale of the land for housing needed to support the church which is at the heart of the community;
- A negative impact on the church would result without development and could result in its closure;
- The loss of the church would be significant for the community;
- The sale of the land for housing would help fund a new centre to benefit all;
- The church does wonderful work in the community;
- The church has compromised to ensure that both parties can serve the community well;
- Development takes account of resident's concerns regarding access and parking;
- Current building is an eyesore;
- The field is an asset bought by the church in 1920's. The asset now needs to be utilised to ensure the church's survival;
- It is a church asset not a community asset and is not publicly accessible;
- The Scout and Guide groups do not have a valid lease and have not engaged in the process;
- The Scout and Guide groups cannot use the church field;
- The Scout and Guide groups have previously requested for everything to stay the same which unfortunately is not sustainable;
- The Church of England may have assets worth £8.3 billion, however St Michaels with St Thomas still need to pay the Diocese its Parish Share.
- Hough Green Park is less than 100m from the church field;
- There is a need for affordable housing in the area;
- The Council would receive Council Tax from the new properties.

#### GROUNDS OF OBJECTION

- Loss of a key now formally designated greenspace;
- Loss of a green infrastructure asset and consequential loss of residential and visual amenity, environmental quality and associated impacts with regard to health and well-being;
- There are Tree Preservation Orders on the site;
- Root systems would be damaged;
- Impact on flora and fauna;
- Impact on services such as drains along with future flooding concerns;

- Extra traffic resulting in parking and access issues;
- Too much development being proposed which does not respect the locality. If development were to be permitted, it should be for a low density well designed scheme;
- Negative impacts on streetscenes;
- Impact on adjacent care home in terms of light and privacy;
- Disturbance to existing residents during the construction period;
- Both the building and the field are community assets;
- A purpose built Scout Hut is necessary. Church or School Halls cannot compare;
- The Scout Hut is required even more post COVID-19.
- The Scout Hut is an Asset of Community Value;
- The Scout Hut is required and should not be demolished for the church's profits;
- The loss of the Scout Hut would be a severe blow to the health of children in the town;
- The building is used by more groups than just the Scouts and Guides;
- The field is also used for play schemes and fund raising events;
- The field next to the Scout Hut is needed for Scouting outdoor activities;
- No requirement for additional houses;
- The houses will not be affordable;
- This is not a housing site;
- Should build on brownfield sites;
- Impact on the availability of school places;
- Certificate B should have been signed as the application is not made by the registered landowner.
- Is the site referred to as a church field on any local maps or Ordnance Survey maps?
- The Church of England do not need the money as they are worth a reported £8.3bn.
- There remains no certainty over the future of the Scout Hut despite the building's retention of the indicative layout plan;
- Should this application be approved, the entire site would benefit from outline planning permission for housing and would put the community facility at risk.

5.4 The following representations have been received from Ward Members:

Cllr Marie Wright - I would like to register my objections to the above application on the grounds of issues around parking, access to the site, traffic is horrendous as it is at the top of Ditchfield Road, poor drainage of the land, the loss of a valuable open space.



Cllr Bob Gilligan - I would to object to this application on the grounds that this plot of land has housed the Hough Green scout group for many years providing young people of the area with healthy outgoing activities and helping them to develop into good citizens of the Borough a precious amenity which once lost will never be replaced.

Cllr Eddie Dourley - I would like to formally register my objection to the proposed development at the Hough Green Scouts & Guides facility on Ditchfield Road, Widnes (21/00016/OUT).

Cllr Tony McDermott - I wish to register my objection to this outline application on the grounds of loss of amenity to the community and to the Scouting community in particular.

Cllr Laura Bevan - Thank you for this just looking at the plans now, to confirm is this a revision from an original application for 10 dwellings to six? Also on the assessment of flood risk section 11 it doesn't reference Soakaway but is but is labelled for use on the plans?

As I was not a councillor when original application was put in just want to make, sure I am understanding the amendments correctly.

## **6. ASSESSMENT**

### **6.1 Retention and Enhancement of Existing Community Facilities**

Policy HC5 of the Halton Delivery and Allocations Local Plan is of particular relevance.

The western side of the site which encompasses the Hough Green Scout and Guide Group Hall is designated as Community Facilities and Services on the Halton Delivery and Allocations Local Plan Policies Map. This particular site provides youth facilities to Widnes.

Policy HC5 makes clear that the Council will support the retention and enhancement of existing Community Facilities such as this. Members will note that the original proposal for the site involved the demolition of the Hough Green Scout and Guide Group Hall. Officers made clear the protection afforded to Community Facilities and the applicant chose to amend the proposal to ensure the retention of the Hough Green Scout and Guide Group Hall. The positive things that the Scouts, Guides and other groups do for young people as set out in the representations received are acknowledged.

Some of the representations received state that the use of the building requires the adjacent field for outdoor activities and therefore form part of the Community Facility being protected here. It is noted that whilst it may be desirable for the

Scouts and Guides to have space for outdoor activities, the Community Facilities and Services designation only encompasses the area of the building rather than the entire application site. The remainder of the site is designated Greenspace and the proposal's policy compliance in this respect is to be considered below.

By virtue of the fact that the proposal now explicitly states the retention of the existing scout hut within the description and the indicative plan accompanying this outline planning application shows this, it is considered that the proposal is compliant with Policy HC5 of the Halton Delivery and Allocations Local Plan.

Members will note that the adjacent St Michael with St Thomas Church and the associated Church Hall are also designated as Community Facilities and Services on the Halton Delivery and Allocations Local Plan Policies Map.

The applicant states in their Planning, Design and Access Statement that if the church does not sell this land with Planning Permission, the church will likely be forced to close, which in turn means the closure of the Scout and Guide premises and the Hough Green Social Centre. The land would then be sold off by the Diocese.

The applicant has previously indicated that any funds received for this land would be used to invest locally in the much-needed facilities in the form of a community hub.

No further details are provided in this regard, however Members should note that the retention of the Scout and Guide Group Hall on this site ensures planning policy compliance as set out earlier without the need for any further compensatory provision.

Whilst investment by the church into enhanced facilities would be welcomed, this cannot be secured by this application, as there is no policy requirement in this instance. A number of representations have been received stating the wonderful work in the community that the church does and that its closure would be significant for the community and that the sale of the land for housing needed to support the church which is at the heart of the community. Representations also make clear that the church has amended its proposals to ensure that both parties can serve the community well.

## 6.2 Development on a Greenspace

Policy HE4 of the Halton Delivery and Allocations Local Plan is relevant.

The eastern side of the site which is the church field is designated Greenspace (annotated with the number 4 which links to its use as an Amenity Greenspace) on the Halton Delivery and Allocations Local Plan Policies Map. The text accompanying Policy HE4 is clear that the amenity value of Greenspace is recognised as being wide ranging. Even where greenspaces are not publicly accessible, many of them are recognised as having an important visual, wildlife or structural role to play.

Members will note that the application was submitted in 2021 when the previous Development Plan was in place. The previous designation of Primarily Residential Area has now changed to part Community Facilities and Services and part Greenspace by the adoption of the Halton Delivery and Allocations Local Plan on Wednesday 2<sup>nd</sup> March 2022. The application needs to be determined in accordance with the current Development Plan unless material considerations indicate otherwise.

The proposal would result in the loss of this Greenspace (A Green Infrastructure Asset) if permission were granted for residential development on this parcel of land. Policy HE4 sets out a criteria where development will be permitted where a loss of an existing green infrastructure asset results.

This Greenspace is identified as being an Amenity Greenspace which notes its use as an informal recreation space / greenspace in and around housing. In this case, the land is privately owned by the church and has been used as an informal recreation space albeit infrequently. It is understood that the Scouts and Guides lease of the Hall (which has now expired) never included the field adjacent to the building, however has been used infrequently over the years.

It is accepted that the protected trees and the field beyond do have a visual amenity value to this locality. The retention of the protected trees would protect the wildlife interest and no objection has been raised by the Council's Ecological Advisor. This site does not directly link to other Greenspaces so it is not considered to have a structural role to play.

Some representations make reference to the positive impacts that the site has with regard to health and well-being. The visual amenity value of the site is again acknowledged as well as its infrequent use by various groups over the years, however this in itself is not considered a reason on which a refusal could be sustained.

As part of the evidence base for the recently adopted Halton Delivery and Allocations Local Plan, a Halton Open Spaces Study 2020 Quantitative Update was undertaken. This noted that in this particular neighbourhood (encompassing the former wards of Broadheath, Ditton, Hale and Hough Green) there was a surplus of Amenity Greenspace of around 15ha. The same was the case when considering Amenity Greenspace on both a town basis and on a borough basis (over 100ha). This proposal would result in the loss of amenity greenspace amounting to approximately 0.2ha. Based on the significant surplus of Amenity Greenspace in the Borough, the limited usage of this private site and the retention of the protected trees which contribute significantly to the visual amenity value of the site (considered further at section 6.4), it is considered that the proposed development meets criteria i.

The proposal does not meet criteria ii as it would not provide equivalent or better provision in terms of quality and quantity, and in a suitable location to meet the needs of users of the existing Green Infrastructure asset, however there is only a policy requirement to meet either criteria i or criteria ii.

It is considered that the loss of a Green Infrastructure asset under criteria i would not detract from the Borough's ability to divert recreational pressure away from sensitive European designated sites and would not result in an effective increase in recreational pressure within the European designated site. It is noted that the proposed development is small in scale and that both the Council's Ecological Advisor and Natural England do not object to the proposed development. The proposal therefore meets criteria iii.

The proposed development is considered compliant with the provisions of Policy HE4 of the Halton Delivery and Allocations Local Plan.

### 6.3 Green Infrastructure

As Amenity Greenspace, the site subject of the application represents Green Infrastructure provision as defined by the definitions in the justifications to both Policy CS(R)21 and Policy HE4 of the Halton Delivery and Allocations Local Plan.

The consideration of compliance with Policy HE4 is set out in section 6.2.

In respect of Policy CS(R)21, it states that the loss of green infrastructure where there are identified deficiencies in provision will be resisted. Noting the surplus of Amenity Greenspace in this locality and on a borough wide basis, it is not considered that a refusal on the grounds of loss of green infrastructure can be sustained.

The proposal is considered to accord with the provisions of Policy CS(R)21 of the Halton Delivery and Allocations Local Plan.

### 6.4 Impact on Trees

As noted in the site description, there are a number of protected trees along both the Hall Avenue and Ditchfield Road frontages. The trees in question are Groups G2 and G3 of TPO 063.

Noting the importance of the protected trees, the applicant has shown the access position where there is largest gap in between trees, which corresponds with an existing field access.

Noting that this is an outline application with all matters other than access, the only element which would be fixed should the application be granted is all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. The positions of the dwellings would be subject to a reserved matters application at which layout is being considered.

The comments of the Open Spaces Officer are noted and the applicant has made alterations to their indicative layout for the proposal in order to show

further consideration of the relationship with protected trees including the incursion of root protection areas.

Technical solutions exist to ensure the appropriate retention and protection of the protected trees through further submissions, which would be made at the reserved matters and by condition.

It is considered that compliance with Policy HE5 of the Halton Delivery and Allocations Local Plan can be achieved.

## 6.5 Housing

Policy CS(R)1 'Halton's Spatial Strategy' of the Halton Delivery and Allocations Local Plan states that to achieve the Vision for Halton to 2037, new development should deliver: at least 8,050 (net) additional dwellings (2014-2037).

Policy CS(R)3 'Housing Supply and Locational Priorities' of the Halton Delivery and Allocations Local Plan states that new homes will be delivered from a variety of sources including housing allocations. The policy also refers to windfall sites as being a source of which this would be one if planning permission were to be granted.

This site is not a housing allocation, however this does not automatically make it unacceptable for housing development. The proposal must be considered on its merits.

The site is located in the urban area and is accessible to the range of facilities and services as set out in the site description at section 1.1.

There is no requirement for the mix of new property types delivered to contribute to addressing identified needs as quantified in the most up to date Strategic Housing Market Assessment in this instance based on the amount of development proposed.

There is also no affordable housing requirement based on the amount of development proposed. This does not mean that there is not a need for affordable housing in the area, just that there is no policy requirement for this proposal to provide a certain level of provision.

There is no policy requirement for new Greenspace provision for the proposed Residential Development as Policy RD4 only requires this for residential developments of 10 or more dwellings.

Based on the key consideration of both Community Facilities/Services and Greenspace as set out above being found to be acceptable, it is considered that housing on the site would contribute towards the Borough's requirements in accordance with Policies CS(R)1 and CS(R)3 of the Halton Delivery and Allocations Local Plan.

#### 6.6 Highways, Transportation and Accessibility

As stated previously, this application needs to be assessed in terms of access which includes all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.

The Highway Officer notes that the general carriageway width considered acceptable is 5.5m, however a 4.8m carriageway with separate 1.8m footways may be provided for minor roads. The proposed access arrangements provide these widths along with appropriate visibility at the junction with Hall Avenue.

The proposed parking is accommodated by courtyard arrangement. The level of provision shown (12 spaces) is in line with the Council's requirement (set out in Appendix E of the Halton Delivery and Allocations Local Plan) for dwellings up to 3 bedrooms. The submitted application provides for parking bays which are acceptable in terms of sizing and reversing space. It is considered that a suitable bin collection scheme can be achieved for the proposed development and be secured by condition.

The Highway Officer notes that the proposed parking arrangement are not desirable in terms of their relationship to the proposed dwellings and the level of overlooking offered. By virtue of the requirement to have active frontages to both Hall Avenue and Ditchfield Road and the constraints with gaining access to the site as a result of the protected trees and the bus stop on Ditchfield Road, the proposed parking arrangement is considered an acceptable parking solution in this instance. It is expected that a reserved matters application dealing with layout, landscaping and appearance demonstrate that the courtyard is a well-designed functional space.

The Highway Officer has noted that no detail is provided for cycle parking, however this can be achieved within the curtilage of each dwelling and secured by condition.

Noting the requirement for development to make provision for ultra-low emission vehicles, it is considered reasonable to secure such provision by condition.

Based on the above, the proposed development is considered to be acceptable in terms of access in compliance with Policies CS(R)15, C1 and C2 of the Halton Delivery and Allocations Local Plan.

#### 6.7 Flood Risk and Drainage

The site is located in Flood Zone 1, and is shown to have a very low fluvial, surface water and tidal flood risk on the Environment Agency Long Term Flood Risk Maps. It is however within one of Halton Borough Council's Critical Drainage Areas as shown in the Strategic Flood Risk Assessment.

The observations of the Lead Local Flood Authority note the lack of consideration of a number of points, however they do consider that a satisfactory solution can be reached and that this can be secured by condition as set out in their consultation response.

United Utilities have made observations in relation to drainage and have suggested conditions.

In order to avoid any duplication, it is considered that the conditions suggested by the Lead Local Flood Authority would appropriately deal with issues raised by United Utilities.

The attachment of the suggested conditions would ensure that the proposal is acceptable from a flood risk and drainage perspective in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

### 6.8 Ground Contamination

The application is accompanied by a Phase 1 ground investigation report. The report concludes that a site investigation is necessary to fully understand and characterise the site's land contamination potential.

The Contaminated Land Officer is in agreement with the report's conclusions and does not object to the application, provided that any approval is conditioned to require the submission of a site investigation, risk assessment and, if determined to be necessary, a remediation strategy with associated verification reporting.

The attachment of the suggested condition above will ensure compliance with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

### 6.9 Ecology

The application is accompanied by an Ecological Assessment Report.

The Ecology and Waste Advisor raises no objection to the proposed development subject to conditions securing a lighting scheme which protects ecology, a construction environmental management plan (CEMP), breeding birds protection, a bird nesting boxes scheme, reasonable avoidance measures for terrestrial mammals and removal of invasive species as set out in detail within their consultation response.

The site's location within the Recreation Impact HRA Interim Arrangement Mitigation Area on the Halton Delivery and Allocations Local Plan Policies Map is noted. As the proposed development is only for 6 dwellings, it is below the threshold for this interim approach and as stated by the Ecology and Waste Advisor, a Habitats Regulations Assessment (HRA) is not required to assess recreational pressure.

Subject to the attachment of the suggested conditions, the proposal is acceptable from an Ecology perspective compliant with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

#### 6.10 Layout

Members should note that a significant amount of work has been undertaken with the applicant to improve the indicative layout, which accompanies this outline planning application. Officers have sought that the applicant produce a plan which shows sufficient setback from the protected trees to show their successful retention along with active frontages to both Ditchfield Road and Hall Avenue.

The indicative layout is purely illustrative as to how two semi-detached dwellings and four detached dwellings could be laid out within the site.

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

Whilst indicative, the submitted plans provide enough information to demonstrate that there is sufficient space within the site to accommodate these standards upon the final design and submission of reserved matters.

It is considered that a scheme of two semi-detached dwellings and four detached dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies CS(R)18, GR1 and GR2 of the Halton Delivery and Allocations Local Plan.

#### 6.11 Scale



Scale is reserved for future consideration. It is considered that a detailed scheme in terms of scale can be designed which respects the character of the surrounding area in compliance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

6.12 Appearance

Appearance is reserved for future consideration. It is considered that a detailed scheme in terms of appearance can be designed which ensures the delivery of good design as well as respecting the appearance of the surrounding area in compliance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

6.13 Landscaping

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

Impact on the protected trees is considered at section 6.4. It is considered that an appropriate hard and soft landscaping scheme for the site can be achieved at the reserved matters stage to ensure the delivery of a well designed scheme to accord with Policies CS(R)18, HE5 and GR1 of the Halton Delivery and Allocations Local Plan.

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

6.14 Sustainable Development and Climate Change

Policy CS(R)19 of the Halton Delivery and Allocations Local Plan requires development to be designed to have regard to the predicted effects of climate change.

The attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

6.15 Waste Management

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

In terms of on-going waste management, there is sufficient space within the development to deal with this as demonstrated by the proposed site layout.

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

6.16 Other Issues raised in representations not addressed above

The Scout and Guide Group Hall is to be retained as part of the proposed development. A refusal of the application based on the retention of the building by virtue of its poor appearance could not be sustained.

It is stated that the Scout and Guide groups do not have a valid lease and have not engaged with the church and its proposals. The Scout and Guide Group Hall is a Community Facility and these factors do not weigh significantly in favour of the loss of the facility.

In respect of the Church of England having assets worth £8.3 billion and St Michaels with St Thomas still needing to pay the Diocese its Parish Share, it should be noted that no financial viability information has been submitted with the application due to the proposal demonstrating policy compliance as set out in the report.

The close proximity of the application site to Hough Green Park that has a number of different functions including as Parks and Gardens and Provision for Children and Young People is noted.

It is noted that the Council would receive Council Tax from the new properties as well as New Homes Bonus. This weighs in favour of the development.

It is likely that some disturbance would be experienced by existing residents during the construction period. This is typical of most forms of development and will be temporary. In a predominantly residential location such as this, it is considered reasonable to attach a condition which secures a restriction on the hours of construction.

With regard to the issue that new houses should be built on brownfield sites, Policy CS(R)3 (5) states that an average of at least 30% of new residential development should be delivered on previously developed (brownfield) land over the plan period. The issue does not form grounds for the refusal of this application.

Halton has an overall surplus capacity of school places in both primary and secondary sectors. It should also be noted that latest population projections do not predict significant increases in the number of school age residents over the Plan period to 2037.

It is alleged that the Certificate of Ownership on the application form is incorrect. It is assumed that this is due to the Diocese not being the applicant. The purpose of the Certificate of Ownership is to ensure that the owner is aware of the planning application and it is not considered that this has prejudiced the processing of this planning application.

The way the site is referenced on any local maps or Ordnance Survey maps does not affect the processing of a planning application. The site description given makes clear which parcel of land is subject of the application allowing interested persons to make any representations they see fit.

The fact that the Church of England are worth a reported £8.3bn does not form grounds to refuse this planning application.

Representations made consider that there remains no certainty over the future of the Scout Hut despite the building's retention on the indicative layout plan and that should this application be approved, the entire site would benefit from outline planning permission for housing and would put the community facility at risk. The description of development explicitly references the retention of the Scout Hut. Ultimately the occupation of the building by the Scout and Guide groups remains a matter for the Church to control regarding any lease that may be offered for the building.

#### 6.17 Planning Balance

Based on the above assessment, it is considered that the loss of Greenspace is not desirable, however in this case the loss of this amenity greenspace is surplus to requirements both in this locality and also on a Borough basis resulting in policy compliance. The proposal is considered compliant with the Development Plan based on the assessment set out above.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

### 7. CONCLUSIONS

In conclusion, the proposal would now ensure the retention of the Hough Green Scout and Guide Group Hall in compliance with Policy HC5, which supports the retention of Community Facilities.

The proposed development would result in the loss of designated Greenspace (A Green Infrastructure Asset). This Greenspace is identified as being an Amenity Greenspace which notes its use as an informal recreation space / greenspace in and around housing for which there is a significant surplus both in this locality and across the Borough. Based on this along with the retention

of the protected trees, which contribute significantly to the visual amenity value of the site and no effective increase in recreational pressure within the European designated sites, it considered that Policy HE4 is met and the loss of Greenspace is acceptable.

In terms of access, the proposed arrangements from Hall Avenue along with visibility at the junction are considered acceptable. Due to site constraints, parking would be accommodated in a courtyard arrangement with the level of provision shown in line with the Council's requirements. A suitable bin collection scheme, cycle parking provision and provision for ultra-low emission vehicles can be secured by conditions.

Noting the importance of the protected trees, the applicant has shown the access position where there is largest gap in between trees, which corresponds with an existing field access. Technical solutions exist to ensure the appropriate retention and protection of the protected trees through further submissions, which would be made at the reserved matters and by condition.

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

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

The application is recommended for approval subject to conditions

## **8. RECOMMENDATION**

Grant outline planning permission subject to conditions.

## **9. CONDITIONS**

1. Time Limit – Outline Permission.
2. Submission of Reserved Matters.
3. Development Parameters.
4. Submission of Existing and Proposed Site Levels (Policy GR1)
5. Tree Protection Measures – (Policy HE5)
6. Arboricultural Method Statement – (Policy HE5)
7. Breeding Birds Protection – (Policies CS(R)20 and HE1)
8. Submission of Bird Boxes Scheme – (Policies CS(R)20 and HE1)
9. Lighting Scheme to Protect Ecology – (Policies CS(R)20 and HE1)
10. Construction Environmental Management Plan – (Policies CS(R)20 and HE1)
11. Reasonable Avoidance Measures – Terrestrial Mammals - (Policies CS(R)20 and HE1)
12. Invasive Species Scheme - (Policies CS(R)20 and HE1)
13. Electric Vehicle Charging Points Scheme (Policy C2)
14. Ground Contamination - (Policies CS23 and HE8)

15. Parking and Servicing Provision – (Policies C1 and C2)
16. Submission of a Cycle Parking Scheme – (Policy C2)
17. Submission of a Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
18. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
19. Foul Water - (Policies CS23 and HE9)
20. Sustainable Development and Climate Change Scheme – (Policy CS(R)19)
21. Waste Audit (Policy WM8)

#### Informatives

1. United Utilities Informative.
2. Landscaping Informative.

### **10. BACKGROUND PAPERS**

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

### **11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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

### **APPENDIX 1 – FULL CONSULTATION RESPONSES**

#### **1.1 Highways and Transportation Development Control**

#### **NO OBJECTION SUBJECT TO CONDITIONS.**

Further to your consultation we have considered the proposed application as the Highway Authority and would make the following comments;

As previously stated the Outline application only wishes to address the access arrangement onto the proposed new road. Given that this application is being reviewed on the basis of outline permission being sought only and as such any layout concerns will not be addressed at this stage and any approval gained should not be taken as Highway Approval of the overall scheme.

The general carriageway width we accept would be 5.5m. Alternatively a 4.8m carriageway with separate 1.8m footways may be provided for minor roads. The drawings appear to offer these minimum widths and visibility at the junction with Hall Avenue appears to meet with standards.

My previous comments asked for tracking of a refuse vehicle into the site. Whilst these were not provided adequately, in retrospect, given that the courtyard access would not be considered for adoption there would no longer be a requirement for this. Instead it would be necessary for the applicant to demonstrate a bin collection point which was conveniently located for residents and for collection.

The parking is accommodated by courtyard arrangement. The submitted application provides for parking bays which are acceptable in terms of sizing and reversing space however do not include for Electric Vehicle charging spaces nor provision for disabled use. The parking is remote and lacks the security that adjoining, overlooking properties provide. This is contrary to design guidance set out in Manual for Streets as well as guidance set out in section 8.18 of Halton's Supplementary Planning Guidance on Residential Development 2001.

With the removal of the requirement to provide a turn head at the top of the courtyard this could allow the option for a more attractive redesign of parking and landscaping at the rear of the properties which would include the bin storage facility. It equally may provide an opportunity for greater back garden space to property number 6 and potentially address drainage requirements. Halton Borough Council's Design of New Residential Development SPD states that-

*8.18 Shared communal parking may also be satisfactorily incorporated within the public realm but only if carefully designed as an integral feature. Such parking should be properly overlooked by, and be easily accessible from, surrounding residential properties. It should also be small scale to avoid large expanses of car parking and should be broken up with landscaping and clear pedestrian routes.*

There is no detail provided for cycle parking. This would be necessary as part of the development.

*8.21 With regard to cycle facilities within residential development schemes, consideration should be given from the outset to the suitable provision for cycle parking. Cycle parking should be secure, covered and easy to use.*

## DRAINAGE

Details of plot/road levels and SUDS/drainage proposals will need to be provided. Any areas of hardstanding should be constructed of porous materials or provision made to allow for direct run-off water from a hard surface to a permeable or porous area or surface within the curtilage of the dwelling. Additional information can be found within; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

## SUMMARY

The car parking courtyard arrangement, whilst not ideal, is understood to be as a result of the constraints encountered as a result of the TPO's on Ditchfield Road. In spite of this it would be necessary to include the provision EV charging points. The Highway Authority would prefer to see amendments to the layout which offer more in terms of usability and to design out the potential for crime and anti-social behaviour. The current courtyard is functional however its relative remoteness from properties on Ditchfield Road detracts from the security homeowners would require to promote its use. A more attractive and landscaped design reducing the emphasis on simply parking could encourage the area to be a space for people to enjoy and take pride in communally increasing the feelings of security.

Disabled accessible spaces which meet with DDA compliant sizing would be necessary as would cycle parking provision for each of the properties.

## CONDITIONS

- Disabled parking provision
- EV Charging facilities
- Secure cycle storage for each of the properties
- Refuse collection point in convenient location.
- Amendments to the design to improve the sense of security in the courtyard area.

### 1.2 Lead Local Flood Authority

After reviewing 21/00016/OUT planning application LLFA found the following:

- The site is 0.3ha, it is a mixed of a Brownfield and greenfield site.
- The proposed development is for demolition of the existing buildings and development of up to 10 no. residential dwellings and associated parking. This would increase the sites current vulnerability to 'More Vulnerable' according to NPPF guidance.
- The proposed development involves the land use change which will likely reduce the permeability. This change would likely increase the surface water runoff at the proposed site.
- The site is shown to have a very low fluvial, surface water and tidal flood risk on the Environment Agency Long Term Flood Risk Maps. However, it

is within one of Halton Borough Council's Critical Drainage Areas as shown in the Strategic Flood Risk Assessment.

Following discussions between Halton BC officers additional information was submitted on the 25/10/21.

- The applicant has provided an outline drainage strategy drawing. This identifies that surface water drainage from the properties would be discharged to a soakaway feature located within the south east corner of the site whilst the runoff from the road would be attenuated and discharged to the public sewer.
- No supporting calculations or evidence of infiltration testing has been presented but high-level estimates of the drainage volume required have been provided which appear to demonstrate that the proposed strategy is potentially viable.
- It is not clear why the road drainage would not be routed into the soakaway feature.
- Climate change is not assessed in any detail but there appears to be an acknowledgment that the drainage system would need to accommodate increased rainfall intensities.
- High level estimates

Based on the additional information provided, the LLFA would recommend that the following conditions should the Local Planning Authority be minded to approve on this basis:

No development should take place until a detailed drainage strategy is provided that includes:

- Evidence of infiltration testing in accordance with BRE digest 365. Should infiltration be found to not be feasible a detailed consideration of other potential discharge locations should be presented.
- Calculated runoff rates for the 1, 30 and 100yr flood events both pre- and post-development for use in drainage design.
- Calculations and design details (including drawings) to demonstrate how runoff rates would be reduced by 50% compared the existing arrangement or as close as possible to this.
- Evidence that the drainage system has been designed to account for a 40% increase in rainfall intensity due to climate change.
- Evidence that the proposed drainage strategy designs for exceedance and that the development would not be at risk during rainfall events that exceed the design standard of the proposed drainage system.

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:

- 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.

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

### 1.3 Contaminated Land Officer

I have considered the land contamination implications for the application and have the following comments.

The application is supported by the following document;

- Land at corner of Ditchfield Road Hall Avenue Ditton. Phase 1 ground investigation report, ref 5239/01, Terraconsult Ltd, November 2020

The above report details the findings of a desk study and presents a preliminary risk assessment and conceptual site model. No site reconnaissance was undertaken (although this may be consequence of COVID19 restrictions).

The site history and subsequent CSM do not identify any highly significant potential sources of contamination, but there are number of infilled ponds and the long-standing general urban nature of the location that could give rise to land contamination. The CSM identifies a number of possible pollutant linkages relating to future site users that warrant further investigation and assessment. The report concludes that a site investigation is necessary to fully understand and characterise the site's land contamination potential.

I am in agreement with the report's conclusions and do not object to the application, provided that any approval is conditioned to require the submission of a site investigation, risk assessment and, if determined to be necessary, a remediation strategy with associated verification reporting. Suggested wording for such a condition is presented below.

No part of the development hereby permitted shall commence until;

- a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;
- b) Should any significant risks be identified by such an investigation a remediation plan, including suitable monitoring and verification methodologies, should also be agreed in writing by the Planning Authority. A completion statement shall be issued upon completion of any remediation.

### 1.4 Open Spaces

The specification for the construction of the permeable hard surfacing is not considered to be appropriate and contradictory to the detail in the first section of the Arboricultural Method Statement. Tree roots will be present in the top 600mm of topsoil and the methodology details the surface layer to be scraped off by either hand or machine. No depth of excavation has been specified for this operation. It will undoubtedly result in the loss of essential root of the protected trees (detailed at 1.7 and 1.8 of the document).

The housing layout for those properties facing Ditchfield Road show permeable pedestrian paving to the properties that will result in the removal of T3 - the stem is shown to be in the middle of the path. It is also questionable if all other permeable paths can be constructed using the detailed specification above due to the close proximity of the basal flare on protected trees - T2, T7 and T17 in particular.

It is unclear if the development will have a low brick wall as a boundary treatment, or whether this will be a hedge as shown within the Design and Access Statement. It is assumed wall foundations will be constructed within the RPA of the protected trees, which will not be acceptable.

The soakaway storage system is shown within the root protection area of G2 and G3 Drawing No. 17/008(2-)APP010. The soakaway will need to be relocated outside of the RPA of protected trees.

Permitted tree work shall be carried out strictly as described above and in accordance with British Standard 3998:1989 "Recommendations for Tree Work" to safeguard the health and visual amenity of the tree.

Work shall not be carried out between April and July if it would result in disturbance to nesting birds to ensure no damage to wildlife.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1)  
Consult W&C Act 1981 (with amendments) for full details of protection afforded to wildlife

The consent shall be valid for a period of two years from the date of notice to remove any doubt in the future as to whether proposed work already has a valid consent.

#### 1.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

##### Ecology

The applicant has submitted a Preliminary Ecological Appraisal report in accordance with Core Strategy Local Plan policy CS20 (Ecological Scoping Survey, Kingdom Ecology Ltd, October 2021) which has minor limitations. However, this does not affect the conclusions of the report and the report is accepted.

##### Habitats Regulations Assessment

The revised application is for 6 dwellings. The emerging Liverpool City Region Recreational Management Strategy Interim Approach follows principals sets out within the Halton and Liverpool Local Plan HRA's. This sets the criteria for which the Interim approach would be applied. This is set at 10 dwellings or more. Therefore, in line with this emerging interim approach I advise that HRA is not required to assess recreational pressure.

## Bats

### Roosting

The Preliminary Ecological Appraisal (Ecological Scoping Survey, Kingdom Ecology Ltd, October 2021) identified the existing building on site as having low bat roost potential. On this occasion, given the that the amended proposals will now retain the scout hut The Council does not need to consider the proposals against the three tests (Habitats Regulations). See comments below relating to sensitive lighting.

### Foraging and commuting

Habitats on site and adjacent to the site may provide foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

### Breeding birds

Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy Local Plan policy CS20 applies. The following planning condition is required and included within a CEMP.

### CONDITION

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

The proposed development will result in the loss of bird breeding habitat and Local Plan policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site for agreement with the Council are required. This can be secured by a suitably worded planning condition.

### CONDITION

The development hereby permitted shall not be occupied until details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) and timing, has been provided for approval and implemented in accordance with those details.

#### Terrestrial mammal

The habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy CS20 applies. The following reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them:

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

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

#### Invasive Species

A small patch of Montbretia is present within the site boundary. Montbretia is listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies<sup>1</sup>. The applicant should excavate and dispose of the plant appropriately off-site during clearance works. This can be secured by a suitably worded planning condition.

#### Waste Local Plan

##### Policy WM8

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

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

##### Policy WM9

The applicant has not provided sufficient information to demonstrate compliance with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). I advise that information relating to household waste storage and collection is required and can be secured by a suitably worded condition. Further information is provided in Part Two below.

#### Part Two

#### Ecology

##### Biodiversity Net Gain

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

In line with Core Strategy Local Plan policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that provision of hedgehog highways should be provided on site to achieve a biodiversity net gain.

I advise that any landscaping is undertaken with native tree and shrub species. Suitable native tree and shrub species for planting include:

- Willow (*Salix* spp.);
- Rowan (*Sorbus aucuparia*);
- Birch (*Betula pendula* or *B. pubescens*);
- Hawthorn (*Crataegus monogyna*);
- Blackthorn (*Prunus spinosa*);
- Alder (*Alnus glutinosa*); and
- Holly (*Ilex aquifolium*).

The applicant should be aware that the once the Environment Bill is enacted into law there will be a legal requirement to provide net gain for biodiversity. Depending on timescales this development may be required to provide biodiversity net gain. Further information is available at <https://www.gov.uk/government/news/government-introduces-ground-breaking-environment-bill>

#### Waste Local Plan Policy WM9

Guidance on design and access to accommodate sustainable household waste management is available for Halton Council in the following documents:

- Halton – Design of Residential Development SPD (May 2012)
- Other useful sources of guidance include:
- NHBC Foundation – Avoiding Rubbish Design (2015)
  - Building for Life Partnership – The Sign of a Good Place to Live: Building for Life 12 (2014)

#### 1.6 Natural England

NO OBJECTION

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

#### 1.7 United Utilities

##### 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.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

The applicant can discuss any of the above with Developer Engineer, Shoiab Tauqeer, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

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

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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

#### Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

#### 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 and the design and construction period should be accounted for.

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](mailto: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

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](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto: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/>

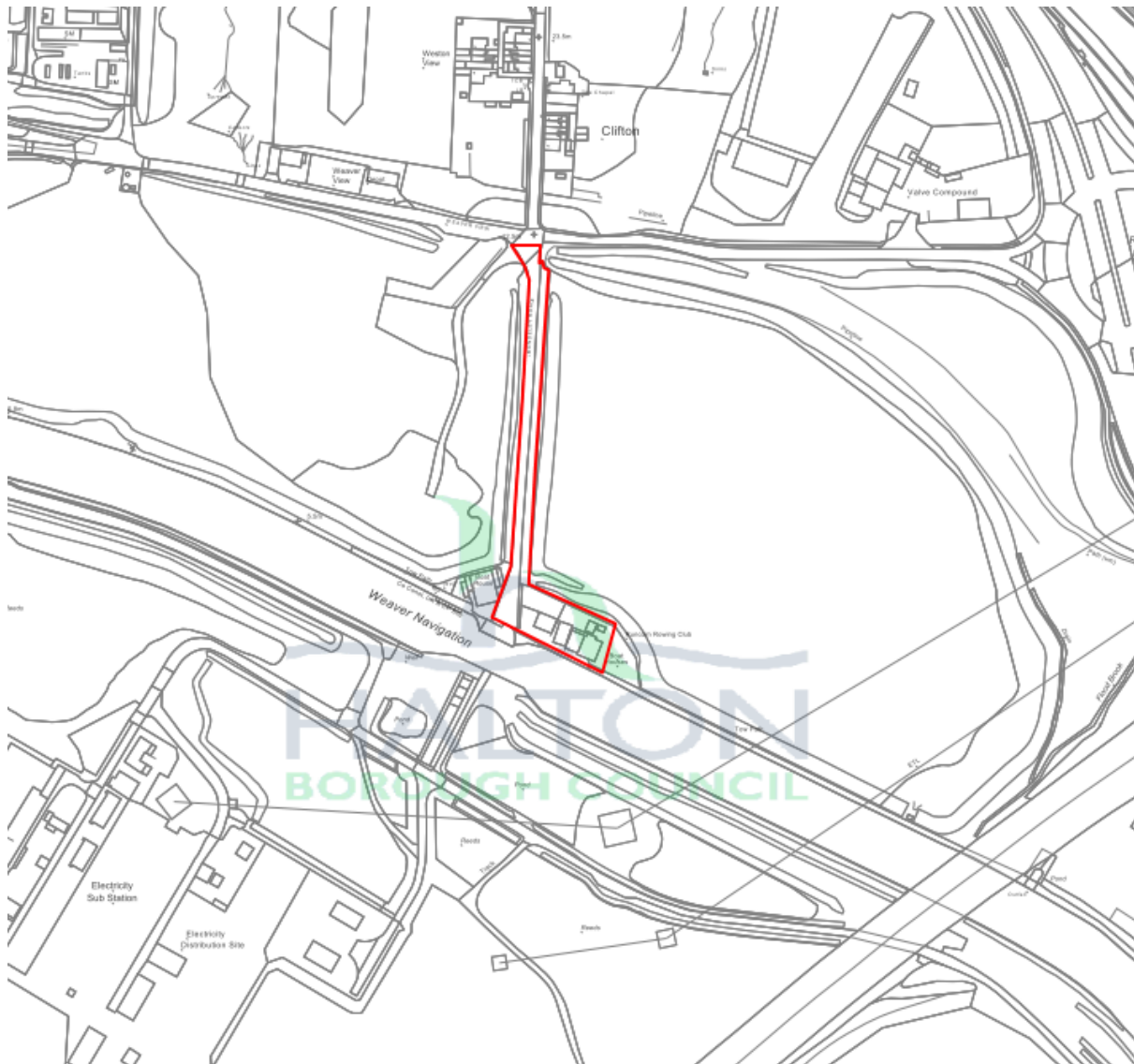


You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

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.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

<b>APPLICATION NO:</b>	21/00102/FUL
<b>LOCATION:</b>	Boat House, Cholmondeley Road, Runcorn, Cheshire, WA7 4XT.
<b>PROPOSAL:</b>	Proposed demolition of existing facilities and development of new clubhouse incorporating changing facilities, gym, social areas and ground floor boat and canoe storage.
<b>WARD:</b>	Heath
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Runcorn Rowing Club, Boat House, Cholmondeley Road, Runcorn, WA7 4XT.
<b>AGENT:</b>	Mrs Sue Sljivic, Runcorn Rowing Club, 8 Red Lane, Frodsham, WA6 6RB.
<b>DEVELOPMENT PLAN:</b>  Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Unallocated land in the Urban Area.
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	No representations have been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Sport and Recreation, Highways, Flooding and Drainage, Design, Public Safety.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is the Boat House located on Cholmondeley Road in Runcorn. The site is unallocated in the Halton Delivery and Allocations Local Plan.

The site encompasses access along Cholmondeley Road from Weaver View to land adjacent to the Weaver Navigation, which is occupied by Runcorn Rowing Club.

## 1.2 Planning History

The site has some relevant planning history as set out below:

03/00903/FUL – Proposed erection of boat store – Granted 19/12/2003.

11/00002/COU - Change of use of dwelling house to uses ancillary to adjoining rowing club – Granted 01/03/2011.

13/00001/FUL – Proposed demolition of the existing bridge cottage and provision of two temporary buildings to provide meeting room, training room and canteen and changing facilities – Withdrawn 25/02/2013.

13/00432/FUL – Demolition of existing buildings and erection of modular buildings to provide rowing club facilities – Granted 06/01/2014.

## 2. **THE APPLICATION**

### 2.1 The Proposal

The application proposes the demolition of existing facilities and development of new clubhouse incorporating changing facilities, gym, social areas and ground floor boat and canoe storage.

### 2.2 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Ecological Appraisal, Flood Risk Assessment, Ground Conditions Survey, Utilities Survey, Cadent Gas Main Plan, Topographical Survey and a Water Treatment Tank Manual.

## 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 Delivery and Allocations Local Plan (2022)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS(N)26 Unallocated Land in Urban Areas;

- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HE1 Natural Environment and Nature Conservation;
- HE3 Waterways and Waterfronts;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development.

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

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

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

### **MATERIAL CONSIDERATIONS**

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

### 3.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

### 3.4 Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

### 3.5 Other Considerations

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

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

### 4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

### 4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

### 4.3 Contaminated Land Officer

No objection to the proposed development subject to a condition.

### 4.4 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

### 4.5 Environment Agency

No objection to the proposed development subject to conditions.

### 4.6 Natural England

No objection to the proposed development.

### 4.7 Health and Safety Executive

HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

### 4.8 Canal and River Trust

No objection to the proposed development subject to conditions and informatives.

### 4.9 Cadent Gas

They highlight that there is a major accident hazard pipeline in the vicinity of the proposed development.

4.10 Sabic

No observations to make on the proposed development.

**5. REPRESENTATIONS**

5.1 The application was publicised by twenty four neighbour notification letters sent on 25<sup>th</sup> February 2021, three site notices posted in the vicinity of the site on 25<sup>th</sup> February 2021 and a press advert in the Widnes and Runcorn Weekly News on 4<sup>th</sup> March 2021.

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

**6. ASSESSMENT**

6.1 Principle of Development

The site is unallocated land in the urban area and Policy CS(N)26 of the Halton Delivery and Allocations Local Plan is applicable. This policy assumes that present uses will continue and that any changes of use will be judged on the relevant policies in the Plan.

The proposal would result in the redevelopment of the site for the same purpose whilst providing enhanced facilities for Runcorn Rowing Club. The enhanced facilities would enhance the Borough's offer in terms of both sport and recreation whilst having a positive impact on this waterfront location.

The proposed development is considered to be acceptable in principle in compliance with Policies CS(R)22, CS(N)26, HE3 and GR1 of the Halton Delivery and Allocations Local Plan.

6.2 Highways, Transportation and Accessibility

The proposed development would significantly increase the size of Runcorn Rowing Club's facilities.

The Highway Officer notes that the access along Cholmondeley Road is adopted to a Public Right of Way status only and the grass verges are maintained by Halton Borough Councils Landscapes Department. The Public Right of Way (Sutton No.9) is also recorded as a Greenway, which extends eastwards along the canal towpath toward Clifton Road.

It is noted that the current facility has no dedicated parking facility and presently uses the grass verges along Cholmondeley Road. The present parking requirement is for a maximum of ten off road spaces. The increase in the size of the facility would increase this requirement to a maximum parking provision of 50 spaces.

The clubs commitment to sustainable travel is set out in their Design and Access Statement and the Highway Officer has concluded that the proposed provision for parking is acceptable and given the intermittent demand for parking based on events and regular meets it would not be necessary to formally mark out all of the 50 spaces shown on the plans. It is however considered reasonable to attach a condition, which secures the implementation of proposed parking and servicing arrangement and their subsequent maintenance.

There is a requirement for the proposal to make provision for ultra low emission vehicles. It is considered that a condition requiring the submission of an electric vehicle charging point scheme and its subsequent implementation and maintenance can satisfactorily deal with this.

The applicant indicates that the provision of secure indoor cycle storage is to be made as part of their commitment to sustainable travel. Details of an appropriate cycle storage scheme along with its implementation and subsequent maintenance should be secured by condition.

Based on the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies C1 and C2 of the Halton Delivery and Allocations Local Plan.

### 6.3 Flood Risk and Drainage

The site is located in Flood Zone 3, which is an area at risk from flooding.

Noting this fact, the application is now accompanied by a Flood Risk Assessment incorporating a drainage strategy, which has been reviewed by the Lead Local Flood Authority and the Environment Agency.

The Lead Local Flood Authority welcomes the submission of the Flood Risk Assessment however there is still insufficient evidence that the development and its users would be safe from flooding throughout the life of the development and that surface water runoff would be managed in a way that would be sustainable and would avoid an increase in flood risk elsewhere.

The observations of the Lead Local Flood Authority are noted, however they do consider that a satisfactory solution can be reached and that this can be secured by condition as set out in their consultation response.

The Environment Agency do not object to the application, however they do suggest conditions relating to flood resilience and the implementation of flood mitigation measures.



United Utilities have made observations in relation to drainage and have suggested conditions.

In order to avoid any duplication, it is considered that the conditions suggested by the Lead Local Flood Authority would appropriately deal with issues raised by both the Environment Agency and United Utilities.

The attachment of the suggested conditions would ensure that the proposal is acceptable from a flood risk and drainage perspective in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

#### 6.4 Ground Contamination

The application is not supported by a detailed preliminary risk assessment, however the applicant acknowledges the requirement for one to be undertaken.

The application site is immediately adjacent a closed waste disposal site formerly operated by ICI (the application site is at the foot of the embankment that enclosed the waste disposal lagoon). The site itself has had some former development from the late 1800s onwards, with a cottage and latter boat house and associated facilities

The proposed use (a continuation of the current use) is of relatively low sensitivity to contamination, however a complete risk assessment based upon desk study and intrusive investigation is required. This along with if necessary, a remediation strategy and verification reporting should be secured by condition.

The attachment of the suggested condition above will ensure compliance with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

#### 6.5 Ecology

The application is accompanied by an Ecological Assessment Report.

The Ecology and Waste Advisor raises no objection to the proposed development subject to conditions securing a lighting scheme which protects ecology, a construction environmental management plan (CEMP), breeding birds protection and a bird boxes scheme as set out in detail within their consultation response.

Subject to the attachment of the suggested conditions, the proposal is acceptable from an Ecology perspective compliant with Policies CS(R)20 and HE1 of the Halton Delivery and Allocations Local Plan.

#### 6.6 Layout

The proposed site layout is considered to give the site a more uniform, high quality appearance in this waterfront location. An appropriate separation distance from the Weaver Navigation would be provided to accommodate activity to the front of the proposed building including users of the public right of way. The layout of the building ensures active frontages would be provided.

The layout of the proposed development is considered to be acceptable and compliant with Policies CS(R)18, HE3 and GR1 of the Halton Delivery and Allocations Local Plan.

#### 6.7 Scale

The proposed building would be two storey in height and larger than those adjacent, however it is considered acceptable in respect of scale and would provide enhanced facilities to the rowing club whilst having a positive impact on this waterfront location.

The proposal is considered to be acceptable in terms of scale and compliant with Policy GR1 of the Halton Delivery and Allocations Local Plan.

#### 6.8 Appearance

The elevations show that buildings proposed would be of an appropriate appearance with variety in materials to add interest to the overall external appearance. Some detail on the external facing materials to be used is provided which is considered acceptable in principle, however the submission of precise details should be secured by condition along with implementation in accordance with the approved details.

This would ensure compliance with Policies CS(R)18 and GR1 of the Halton Delivery and Allocations Local Plan.

#### 6.9 Sustainable Development and Climate Change

Policy CS(R)19 of the Halton Delivery and Allocations Local Plan requires development to be designed to have regard to the predicted effects of climate change.

The attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 of the Halton Delivery and Allocations Local Plan.

#### 6.10 Waste Management

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

In terms of on-going waste management, there is sufficient space within the development to deal with this as demonstrated by the proposed site layout.

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

#### 6.11 Public Safety

The proposed development is within a 15.5m building proximity distance to a high pressure gas main which results in the proposed development being within the Consultation Distance of Major Hazard pipeline on which the Health and Safety Executive (HSE) are a statutory consultee.

The HSE's assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

It is for the Council to make decisions on planning applications, giving very careful consideration to the advice of the HSE along with any wider social and economic benefits, which may outweigh any adverse impacts.

This application should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Policy CS23 of the Halton Delivery and Allocations Local Plan relates to managing pollution and risk and is relevant to the determination of the application.

To prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following relevant principles apply to the consideration of this proposed development:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10

chances per million and that the population exposed to risk is not increased.

The position of the HSE having regard to Building Proximity Distance of Major Hazard Pipelines is noted, however Runcorn Rowing Club have been established in this location for many years and have 10km of rowable river between Weston Marsh Lock and Dutton Locks.

It is also noted that the existing buildings are all within the Building Proximity Distance of the pipeline and this proposal would provide enhanced facilities for the Runcorn Rowing Club. Subject to there being no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline, risk to public safety for what is an existing operation is considered to be minimised.

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

As stated at section 6.1, the enhanced facilities would enhance the Borough's offer in terms of both sport and recreation whilst having a positive impact on this waterfront location. The proposal is also considered compliant with Policy CS23 of the Halton Delivery and Allocations Local Plan and the Council's Planning for Risk Supplementary Planning Document.

It is not considered that the safety advice of the HSE outweighs the proposals policy compliance and the benefits that would result from the enhanced facility.

Should members be minded to grant permission, the Local Planning Authority is required to give the HSE 21 days' notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

#### 6.12 Planning Balance

Based on the above assessment, it is considered that the advice of the HSE that there are sufficient reasons on safety grounds against the granting of planning permission does not outweigh the benefits for both sport and recreation whilst having a positive impact on this waterfront location along with compliance with the Development Plan.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

## **7. CONCLUSIONS**

In conclusion, the proposal would result in the redevelopment of the site for the same purpose whilst providing enhanced facilities for Runcorn Rowing Club. The enhanced facilities would enhance the Borough's offer in terms of both sport and recreation whilst having a positive impact on this waterfront location.

The proposal is considered acceptable from a highway perspective making appropriate provision for parking whilst also showing commitment to sustainable travel noting the site's location on a public right of way.

The proposed site layout is considered to provide active frontages and would result in the delivery of a well-designed attractive building.

The application is recommended for approval subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.

## **8. RECOMMENDATION**

Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.

## **9. CONDITIONS**

1. Time Limit – Full Permission.
2. Approved Plans.
3. Submission of Existing and Proposed Site Levels (Policy GR1)
4. Submission of External Facing Materials (Policies CS(R)18 and GR1)
5. Submission of Landscaping Scheme and subsequent maintenance (Policy GR1)
6. Breeding Birds Protection – (Policy CS(R)20)
7. Submission of Bird Boxes Scheme – (Policy CS(R)20)
8. Lighting Scheme to Protect Ecology – (Policy CS(R)20)
9. Construction Environmental Management Plan – (Policy CS(R)20)
10. Electric Vehicle Charging Points Scheme (Policy C2)
11. Ground Contamination - (Policies CS23 and HE8)
12. Parking and Servicing Provision – (Policies C1 and C2)
13. Submission of a Cycle Parking Scheme – (Policy C2)
14. Flood Resilience Measures – (Policies CS23 and HE9)
15. Submission of a Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
16. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)

17. Submission of a Package Treatment Plant Scheme – (Policy PR16 and Policy CS23)
18. Sustainable Development and Climate Change Scheme – (Policy CS(R)19)
19. Waste Audit (Policy WM8)

#### Informatives

1. Canal and River Trust Informative.
2. Cadent Gas Informative.
3. United Utilities Informative.
4. CEMP Guidance Informative.

### **10. BACKGROUND PAPERS**

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

### **11. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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

### **APPENDIX 1 – FULL CONSULTATION RESPONSES**

#### **1.1 Highways and Transportation Development Control**

The application presented looks to increase the overall size of the club facility from the existing 241sqm by 865sqm to a total of 1106sqm.

The access along Cholmondeley Road is adopted to a Public Right of Way status only and the grass verges are maintained by Halton Borough Councils Landscapes Department. The Public Right of Way (Sutton No.9) is also recorded as a Greenway which extends eastwards along the canal towpath toward Clifton Road.

The current facility has no dedicated parking facility and presently uses the grass verges along Cholmondeley Road. The present parking requirement is for a maximum of ten off road spaces. The increase in the size of the facility would increase this requirement to a maximum parking provision of 50 spaces. The Clubs Design and Access statement states that

*'Runcorn Rowing Club are committed to ensuring that members use sustainable transport where possible. The club feel that it is not necessary to provide any additional parking within this application as they encourage walking and cycling to the club for those who live locally. The proposed changing rooms will provide secure storage for items that members bring with them to the club and cycle racks will be provided to allow safe storage of bicycles. For members that live further afield, the rowing club actively encourage car sharing where possible to try and reduce the club's environmental impact and to reduce the need for car parking as the membership base grows in the future.'*

The proposed provision for parking is acceptable and given the intermittent demand for parking based on events and regular meets it would not be necessary to formally mark out all of the 50 spaces.

#### CYCLE PARKING

The application statement provided by the applicant highlights that provision of secure indoor cycle storage is to be provided as part of the application.

#### SUMMARY

The Highway Authority do not object to the proposed development which appears to bring many benefits to the borough.

#### 1.2 Lead Local Flood Authority

After reviewing the revised 21/00102/FUL planning application the LLFA has found the following:

- The site is 0.2 ha and is a brownfield site currently comprising existing buildings associated with the rowing club.
- The proposed development is for the demolition of existing buildings and re-development with new buildings.
- A Flood Risk Assessment report including a drainage strategy has been added to the information submitted to support the application ref. OTH\_660138-R1(02)-FRA.pdf.
- This flood risk assessment identifies fluvial flood levels from Environment Agency Modelling. This includes a predicted flood level for the 1% AEP + 30 % flow increase to account for the impact of climate change.
- Tidal flood levels have been assessed based on EA model data including an uplift for climate change. This analysis confirms that the main risk to the site would be from fluvial flooding.

- The assessment of risk from other sources is based on national datasets and concludes that the risk from these sources would be low.
- Mitigation measures recommended include a finished floor level of 6.62m AOD and flood resilience measures up to a level of 7.72 m AOD (600 mm above the 1% AEP flood event +30% increase for climate change). Resilience measures would be designed to allow flood flows through the building to enable free drainage post flood and to limit the impact on floodplain storage. A flood response plan would also be prepared comprising subscription to the EA flood warning and alert service.

The LLFAs comments on the drainage strategy information provided are:

- The LLFA agrees that as a water-based recreational development, the proposals would classify as water compatible development and would be appropriate within flood zone 3 subject to appropriate mitigation measures.
- Based on the stated 50-year design life, the 30% uplift in fluvial flows is considered to be an appropriate design standard.
- The FRA acknowledges the risk to the wider site during events more frequent than the design (1% AEP + climate change) flood event.
- Additional evidence has been presented to quantify the impact of tidal flooding and the effect of climate change
- The proposed design levels for finished floor levels and resilience measures have been based on the present-day flood level of 6.26 m AOD. However, flood resilience measures are proposed up to a level of 7.72m AOD to ensure that the impacts of flooding would be reduced throughout the proposed development life. Limited details of the specific flood resilience measures have been provided but there is a commitment to ensuring that sensitive equipment such as electrical appliances are installed above 7.72m AOD.
- The flood risk management and flood response measures are limited to a commitment to subscribe to flood warnings. Given the potential for people to be trapped on the first floor during flooding and the potential for deep fast flowing water across the wider site, consideration should be given to the development of plans to safely evacuate and close the site ahead of flood events.
- The surface water drainage strategy identifies that infiltration drainage would not be feasible due to the presence of shallow groundwater. This position is accepted by the LLFA.
- Whilst the drainage strategy identifies runoff rates and the likely volume of attenuation that would be required, it does not present any design to demonstrate that it would be possible to achieve this level of attenuation within the site boundary or what the preferred design option or point of discharge would be. However, it is recognised that discharge into the River Weaver would be feasible.

-  
In summary, whilst the LLFA welcomes the additional detail that has been provided, there is still insufficient evidence that the development and its users would be safe from flooding throughout the life of the development and that surface water runoff would be managed in a way that would be sustainable and would avoid an increase in flood risk elsewhere. Therefore, the LLFA would recommend the following conditions should the planning authority be minded to approve on this basis:



- No development shall take place until details of flood resilience measures have been submitted to and approved by the local planning authority. These measures should be developed following [EA guidance](#) and should consider the loadings of floodwater on the structure of the building, the effect of floodwater on foul drainage systems, details of floor and wall coverings and the location of sensitive equipment. The LLFA would expect the detailed design drawings showing these measures to be accompanied by a design report which details the design principles and any product specifications along with any maintenance requirements.
- No development shall take place until details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - Design of attenuation and flow control structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield rates for new roof/hardstanding areas.
  - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
  - Confirmation that the Canals and Rivers Trust would accept the discharge of surface water into the canal.
- 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:
  - Evidence that the treatment plant 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.
  - 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.
  - Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.
- No development shall be occupied until a verification report confirming the details of the flood resilient construction and flood response plan have been submitted and approved by the local planning authority.
- No development shall be occupied until a detailed flood response plan is prepared and submitted to the LLFA for approval. This plan should remain within the Health and Safety file for the development and should include (but not be limited to):

- Specific triggers for preparation for flood events and evacuation for the site. The Environment Agency's Flood Alert and Flood Warning system would be a reasonable basis for this.
- Details of specific actions to prepare for a potential flood event which should be assigned to named individuals.
- Details of how the site would be evacuated and closed in the event of a flood.
- Adequate signage to make users aware of the potential risk of flooding and evacuation routes.

### 1.3 Contaminated Land Officer

I have considered the land contamination implication for the development and have the following comments.

The application is not supported by a detailed preliminary risk assessment. However, ground conditions are mentioned within the design and access statement; an intrusive site investigation (for the purposes of foundation design) appears to be proposed with the inclusion of some contamination testing. A single trial pit log and photograph is also included.

The application site is immediately adjacent a closed waste disposal site formerly operated by ICI (the application site is at the foot of the embankment that enclosed the waste disposal lagoon). The site itself has had some former development from the late 1800s onwards, with a cottage and latter boat house and associated facilities

The proposed use (a continuation of the current use) is of relatively low sensitivity to contamination, however there a number of potential sources that need to be assessed (not least the waste disposal site adjacent). Therefore a complete risk assessment based upon desk study and intrusive investigation will be required (such an investigation should be designed to collate the appropriate land contamination information, and not just be tagged onto the geo-technical investigation).

Therefore if the application is to be granted it should be conditioned to require the investigation risk assessment, and if necessary, remediation strategy and verification reporting.

Suggested wording is as follows;

No part of the development hereby permitted shall commence until;

a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;

b) Should any significant risks be identified by such an investigation a remediation plan, including suitable monitoring and verification methodologies, should also be

agreed in writing by the Planning Authority. A completion statement shall be issued upon completion of any remediation.

#### 1.4 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

MEAS provided a response to this application on 19/03/2021. The applicant had submitted a letter summarising an initial assessment of bat roost potential (Avian Ecology. August 2020. Development at Runcorn Rowing Club) which was considered unacceptable due to:

- The categorisation of suitability of buildings for bats was unclear and there was no assessment of trees is provided.
- No LERC data search was been provided and the impact on the adjacent Local Wildlife Site and Weaver Navigation had not been assessed.

The provision of a PRA of the existing trees, buildings, structures was requested prior to determination. The provision of a PEA was also requested prior to determination to include water vole and otter surveys and an assessment of the site for breeding birds.

Also, it was requested that the PEA included an assessment of the adjacent LWS (Clifton Lagoons.)

The MEAS response dated 19/03/2021 also included a condition for evidence through the provision of a waste audit or similar, in accordance with Policy WM8 which remains valid.

The applicant has since submitted an updated ecology report in accordance with Core Strategy Local Plan policy CS20 s (Avian Ecology. July 2021.Runcorn Rowing Club. Ecological Assessment Report) which meets BS 42020:2013. Bats Reasonable Avoidance Measures (RAMS)

As a precautionary approach, I advise that Building 3 (B3) (refer to Avian Ecology. July 2021.Runcorn Rowing Club. Ecological Assessment Report) is demolished in accordance with the recommendations set out in Section 4.5 of the report, during November and March (inclusive) in order to protect the adjacent bat roost (in Building 4 / B4) from disturbance. This can be secured by a suitably worded planning condition or included within the CEMP.

#### Bats and lighting

Habitats on site and adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the buildings in line with NPPF (paragraph 180). The lighting strategy will also need to take into account This can be secured by a suitably worded planning condition.

It would be helpful for the applicant to refer to Bat Conservation Trust website <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Badger

The site provides habitat for Badger which is protected and Local Plan policy CS20 applies. There is the potential for the proposed works to harm this species should it be present. As a precaution, as recommended in Section 4.5 of the report, a precommencement check for Badger is required. This should be included within the Construction Environmental Management Plan (CEMP).

#### Otter

The site provides habitat for Otter which is protected and Local Plan policy CS20. There is the potential for the proposed works to harm this species, should it be present. As a precaution, as recommended in Section 4.5 of the report, a pre-commencement check for Otter is required. This can be included within the CEMP.

#### Water vole

The site provides habitat for Water vole which is protected and Local Plan policy CS20 applies. There is the potential for the proposed works to harm this species should it be present. As a precaution, as recommended in Section 4.5 of the report, a precommencement check for Water vole is required. This should be included within the Construction Environmental Management Plan (CEMP).

#### Reptile Reasonable Avoidance Measures (RAMS)

The proposals have the potential to harm reptiles. Reptiles are protected and Local Plan policy CS20 applies. As a precaution, I advise that the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase are included within the CEMP):

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

#### Breeding birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy Local Plan policy CS20 applies. The following should be included within the CEMP

#### 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.

#### Bird nesting boxes

The proposed development will result in the loss of bird breeding habitat and Core Strategy Local Plan policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement.

The following planning condition is required.

#### CONDITION

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

#### Construction Environmental Management Plans

I advise that the applicant prepares a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development. The CEMP should address and propose measures to minimise the main construction effects of the development and, amongst other things, should include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management.

The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts including:

- Reasonable Avoidance Measures to avoid harm to bats;
- Pre-commencement check for Badger;
- Pre-commencement checks for Otter;
- Pre-commencement checks for Water vole;
- Reasonable avoidance measures to avoid harm to reptiles;
- Reasonable avoidance measures to avoid harm to breeding birds; and
- Measures to Prevent Pollution of Control Waters.

The CEMP should be compiled in a coherent and integrated document and should be accessible to site managers, all contractors and sub-contractors working on site as a simple point of reference for site environmental management systems and procedures.

I advise that the CEMP can be secured through a suitably worded planning condition or other legal agreement for e.g. S106. The details of the draft CEMP should be submitted to the Council, agreed and implemented prior to the discharge of the planning condition.

Advisory: Key sources of CEMP guidance/standards are:

- [http://www.bre.co.uk/filelibrary/rpts/sustainable\\_construction\\_simpleways\\_to\\_make\\_it\\_happen.pdf](http://www.bre.co.uk/filelibrary/rpts/sustainable_construction_simpleways_to_make_it_happen.pdf)

- [NHBC Foundation Research Documents](http://www.nhbcfoundation.org/researchpublications) – range of documents on sustainable construction <http://www.nhbcfoundation.org/researchpublications>
- [CIRIA](http://www.ciria.org/ItemDetail?iProductCode=C692&Category=BOOK) – Environmental Good Practice Site Guide (3<sup>rd</sup> Edition) (C692)
- <http://www.ciria.org/ItemDetail?iProductCode=C692&Category=BOOK>

Please note: Some of these publications may not be free.

## 1.5 Environment Agency

### **Environment Agency Position**

Further to the email (dated 17/3/21) from David Halliburton at Halton LPA, while the Design & Access statement provides some commentary on the flood risk affecting the site, there is an absence of detail regarding just what methods & materials will be used in the design to increase the flood resilience and resistance on the ground floor area of the boathouse.

Having reviewed the information within the Design and Access statement we are satisfied that it is sufficient to remove our objection on the basis that details regarding flood protection to the building will be submitted for approval later.

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning conditions are included on the planning permission:

**Condition** The development shall be carried out in accordance with the submitted flood risk assessment (ref: January 2021/20031 Rev B Design & Access Statement/Glancy Nicholls Architects) and the following mitigation measures it details:

- Accommodating flood-sensitive facilities at the first floor level.
- Increasing the flood resistance and resilience of the lower boathouse area using suitable construction methods and materials.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reasons** To comply with NPPF and reduce the risk of flooding to the proposed development and future occupants

**Condition** The development hereby permitted must not be commenced until such time as a scheme to improve the flood resilience and resistance of the lower floor of the boathouse has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any

other period as may subsequently be agreed, in writing, by the local planning authority.

**Reasons** To comply with NPPF and reduce the risk of flooding to the proposed development and future occupants

#### 1.6 Natural England

##### **NO OBJECTION**

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

#### 1.7 Health and Safety Executive

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

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If, nevertheless, you are minded to grant permission, your attention is drawn to Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Ministry of Housing, Communities and Local Government, or paragraph A5 of the National Assembly for Wales Circular 20/01. These require a local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government, or Welsh Ministers, call-in the application for their own determination. The advance notice to HSE should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS or by email to lup.padhi.ci5@hse.gov.uk. The advance

notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

### 1.8 Canal and River Trust

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Surface Water Drainage
- b) Construction Management Plan
- c) Design and Layout

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The Trust owned and managed Weaver Navigation passes to the south of the application site. The application site is enclosed by a bund/cutting to the rear of the site. The strip of land between the application site and Navigation, forms the towpath and is a public right of way. The site is next to the Clifton Lagoon County Wildlife Site.

#### Surface Water Drainage

The application form sets out that surface water drainage (SWD) would be to a combination of SUDs, soakaway and watercourse. No drainage layouts have been provided at this stage. Whilst foul waste would be to a package treatment plant. The plans show that the package treatment plant would be sited in the north-east corner of the site. We note that maintenance documents have been submitted for the treatment plant, but no indication has been given in terms of the capacity or suitability of the package treatment plant and no details on where the treated waste is to be discharged (other than Environment Agency approval would be required). If the discharge would be to the Weaver Navigation, then a discharge permit from the EA will be required and they would also need separate approval from the Trust, where charges will apply.

Furthermore, in terms of surface water drainage, we would advise that the applicant/developer should contact the Trust directly should they wish to consider the feasibility of discharging surface water to the Weaver Navigation. The Trust is not a land drainage authority and such discharges are not granted



as of right, and will usually be subject to completion of a commercial agreement, but we would be happy to consider whether such a discharge might be acceptable to us. The applicant should contact the Trust's Utilities Team for further advice in the first instance.

If the Council are minded to approve the application we would suggest the following conditions

No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the design and operation of any attenuation and flood storage measures and details of the long-term management and maintenance arrangements for these and any other SUDS elements. If surface water is proposed to be discharged to the Weaver Navigation then the details should also include the headwall, discharge rates, flow restrictors and oil interceptors. The development shall thereafter only be carried out in accordance with the approved scheme.

No development shall take place until full details of the package treatment plant have been submitted to and approved in writing by the Local Planning Authority. The details shall include the capacity and suitability of the package treatment plant and details of how the treated waste would be discharged and details of permits/approvals. The development shall thereafter only be carried out in accordance with the approved details.

These details are required prior to commencement of development to ensure that both foul and surface water can be disposed of in a satisfactory manner.

#### Construction Management Plan

The submitted Design & Access Statement and Ground conditions report, both seem to dismiss the chance of contamination being present on the site. We would ask the Council to satisfy itself that this would be the case and that an asbestos survey of the buildings to be demolished would not be required. If asbestos is present, then the controlled removal of this would be required before demolition takes place.

Given the proximity of the works to the waterway and towpath then protective fencing would be required during the construction phase of the development to contain the site and protect the waterway and its users. Any storage of materials near the boundary with the waterway would need to ensure that there would be no loading imposed on the waterway infrastructure. The waterway would also need to be protected from runoff and other waste both from any storage compounds and during construction. The potential for contamination of the waterway in terms of dust, solid materials and surface runoff during the construction phase would need to be addressed as part of the Construction Environment Management Plan (CEMP) for the site. If the Council is minded to approve the application we would ask that the CEMP condition includes the following criteria:

- A plan showing the areas of storage of plant and materials used in constructing the development;
- Include the steps to be taken to prevent the discharge of silt -laden run-off, materials or dust or any accidental spillages entering the waterway;
- Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during site clearance/construction

It would also be important that the works are carried out in accordance with the Trusts Third Party Works Code of Practice. If the Council is minded to approve the application then the informative at the end of the letter should be attached the decision notice.

### Design and Layout

The proposed building would be set slightly further from the waters edge than the existing buildings and would therefore be unlikely to impact the structural integrity of the waterway. The proposed design and layout of the building is considered to be appropriate to its waterway context. The viewing platform/balcony and fenestration would create a positive frontage to the waterway.

### Comments as Landowner

#### Boating Business

The Canal & River Trust own and manage the Weaver Navigation here. The existing rental agreement with the Trust for the landing stage and use of the waterspace will be required to be renewed/updated. The applicant is advised to contact the Canal & River Trust Boating Business Team [business.boating@canalrivertrust.org.uk](mailto:business.boating@canalrivertrust.org.uk) to discuss their proposals in more detail and use of the waterspace and associated safety management plans and required agreements.

#### Former landowner

The application property was sold by British Waterways (predecessor to the Trust). The Transfer dated 16<sup>th</sup> December 2011 of the property known as Bridge Cottage (formerly known as Canal Cottage), Cholmondeley Road, Runcorn, Cheshire and between Transferor: British Waterways Board and Transferee: Timothy Simon Leach, Eric Ronald Bennett and Edmund Alun Burrows must be complied with in full. We would further advise that the Trust's separate consent may be required, irrespective of the Council's decision on the current application. The applicant should contact the Canal & River Trust Estate Management Team on 0303 040 4040 or email [Matthew.Hart@canalrivertrust.org.uk](mailto:Matthew.Hart@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained.

The Trust own a strip of land between the application site and navigation (towpath) which is a public right of way and cannot be effected/blocked/restricted at any time by the development.

If the Council is minded to approve the application we would request the following informatives are appended to the decision notice:

1) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

2) The applicant/developer is advised to contact the Canal & River Trust Utilities Team. Please contact Philippa Walker [Philippa.walker@canalrivertrust.org.uk](mailto:Philippa.walker@canalrivertrust.org.uk) to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

3) The property was previously owned by British Waterways (now the Canal & River Trust). The applicant contact the Canal & River Trust Estate Management Team on 0303 040 4040 or email [Matthew.Hart@canalrivertrust.org.uk](mailto:Matthew.Hart@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained.

4) The Canal & River Trust own and manage the Weaver Navigation here. The existing rental agreement for the landing stage will be required to be renewed as well as the use of the waterspace. The applicant is advised to contact the Canal & River Trust Boating Business Team [business.boating@canalrivertrust.org.uk](mailto:business.boating@canalrivertrust.org.uk) to discuss their proposals in more detail and use of the waterspace and associated safety management plans and required agreements.

#### 1.9 Cadent Gas

Cadent Gas has a **MAJOR ACCIDENT HAZARD PIPELINE** in the vicinity, **LODGE LANE/FRODSHAM.**

This was laid to the appropriate standards and in accordance with the relevant codes of practice. The pipeline is laid in a legally negotiated easement to which certain conditions apply.

The intended work is in the vicinity of our pipeline, which is laid in a legally negotiated easement to which certain conditions apply.

It is essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline.

**The BPD (Building Proximity Distance) for the Pipeline is 15.5 metres.**

The BPD is taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission.

This is the standard adopted by Cadent Gas and endorsed by the Health and Safety Executive (HSE).

There are other restraints imposed on high pressure gas pipelines, these are land use planning distances. These are distances defined by the HSE to allow them to advise on the acceptability of new developments next to the pipeline and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process. Further guidance on how these are applied can be found on the HSE's website <https://www.hse.gov.uk/landuseplanning/index.htm>

Under Land Use Planning the HSE may wish to apply more stringent criteria for Building Proximity. I recommend that you ensure that they are formally consulted.

When working in the vicinity of **ANY** Cadent Gas pipelines, the standards set out in the enclosed copy of the Cadent Gas specification **SSW22** must be strictly adhered to. **PLEASE ENSURE THAT THIS IS HANDED TO THE RESPONSIBLE PERSON ON SITE, TOGETHER WITH COPIES OF THE ENCLOSED PLANS.**

**It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site.** As you will appreciate, we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

**Early Contact at the planning stage is very important to allow full discussion of proposals and to ensure the safety of plant and operators.**

**Plant Protection Team, 3<sup>rd</sup> Party Enquiries, Cadent Gas Block 1 floor 2  
Brick Kiln Street Hinckley Leicestershire LE10 0NA.  
[.box.sitevisits@cadentgas.com](mailto:.box.sitevisits@cadentgas.com)**

Please note that a minimum 7 days notice, or shorter if agreed with Cadent Gas, is required before any work may commence within the easement.

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

#### 1.11 United Utilities

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.

##### **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.

**As the applicant intends utilising a package treatment plant, we would advise that the LPA and/or applicant contacts the Environment Agency who may have an input in the regulation of this method of drainage disposal.**

### **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](mailto: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**

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](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto: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>

<b>APPLICATION NO:</b>	21/00629/COU
<b>LOCATION:</b>	34 Cronton Lane, Widnes, WA8 5AJ
<b>PROPOSAL:</b>	Proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles
<b>WARD:</b>	Birchfield
<b>PARISH:</b>	N/A
<b>AGENT(S)/ APPLICANT(S):</b>	Aneesha Ray Rachel Heaton, Cronton Dental Ltd
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005)  Primarily Residential Area  Halton Core Strategy Local Plan (2013)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	Representations have been received from 136 individuals, these comprise of:  100 objections 36 in support
<b>KEY ISSUES:</b>	Principle of development/location, traffic and highway safety, impact on residential amenity and character of the area
<b>RECOMMENDATION:</b>	Approve with conditions
<b>SITE MAP:</b>	<p>The site map displays a residential street layout. Cronton Lane runs horizontally across the middle. A red rectangle highlights the plot at 34 Cronton Lane. Other plots are labeled with numbers: 51, 39, 41, 36, 24, 2a, 225, and 1. A scale bar below the lane shows 46.9m on the left and 47.7m on the right. A watermark for Halton Borough Council is overlaid on the map.</p>



## **APPLICATION SITE**

### The Site and Surroundings

The site subject of the application is no. 34 Cronton Lane, Widnes. This comprises an extended 3 bedroomed detached bungalow, with an attached double garage. The property is positioned on the corner of Cronton Lane and Hill View, and has associated gardens to the front and side of the property. The existing driveway and access crossing is located adjacent to 1 Hill View. There are residential properties surrounding the application site.

### Planning History

Planning permission (Ref. 11/00454/FUL) for a proposed single storey extension to side, approved 26/01/2012).

## **THE APPLICATION**

### Proposal Description

The application seeks permission for the proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles.

### Documentation

The application is accompanied by the necessary plans and application form. Given the minor nature of the application, no further information has been submitted.

## **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.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 make as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

### Halton Delivery and Allocations Local Plan 2022 (DALP)

The following DALP policies and policy documents are relevant to this application:

GR1 - Design of Development  
GR2 - Amenity  
HE7 - Pollution and Nuisance  
HE9 - Water Management and Flood Risk  
C1 - Transport Network and Accessibility  
C2 - Parking Standards  
CS(R) - 19 - Sustainable Development and Climate Change  
RD5 - Primarily Residential Areas

The Joint Merseyside and Halton Waste Local Plan 2013

WM9 - Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents (SPD)

None of direct relevance

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.

Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **CONSULTATIONS**

### HBC Highways

No objection – Full comment provided in the Highways section in the report below

### HBC Lead Local Flood Authority

No objection subject to a condition in relation to drainage.

### HBC Open Spaces

No objection, there are no formal tree or ecological constraints associated with this plot.

### HBC Environmental Protection

As the bungalow is detached Environmental Health would have no concerns with regards noise from the proposed activities. There should be minimal or no impact on residents adjacent the property.

### Cheshire Police

The Police Designing Out Crime Officer wishes to make the following points for consideration by the applicant:

- The local officers are concerned about possible parking issues as this stretch of road has double yellow lines and they already deal with a high number of parking complaints round the shops. They would like assurances that the dentist would be robust in managing patient parking and reminding people to use the spaces provided and not the road.
- While Cronton Lane has good street lighting, I would recommend lighting complying with BS5489:1-2020 is fitted to all elevations containing a doorset.
- I would also recommend that access is restricted round the side of the building to limit any unauthorised access to the rear area.
- A monitored intruder alarm and panic alarms should be installed. The alarm should be from an installer who belongs to either NSI [www.nsi.org.uk](http://www.nsi.org.uk) or SSAIB [www.ssaib.co.uk](http://www.ssaib.co.uk)
- While I appreciate doors and windows may not be replaced during the initial change of use I would recommend that, any future replacements comply with PAS 24:2016 or LPS2081 as a minimum. If doors are not being replaced consideration should be given to fitting locks complying with TS007.
- Window limiters should also be considered for any opening windows.
- I would recommend that staff areas are fitted with an access control system comply with UL 293 to prevent any unauthorised access to these areas.

General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], 8. Promoting healthy and safe communities 92.b) states that the development should be;

'b) safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas';

I recommend that all developments are designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued .I would however welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com)

## **REPRESENTATIONS**

The application was initially advertised by way of a site notice and neighbour notification letters sent on the 04.11.2021. Further notification letters were sent out on 05.01.22 and 10.02.22 in relation to amended plans and description. The overall consultation period after the last notification ended on the 24.02.2022.

Representations have been received from 136 individuals, addresses as a result of the consultations undertaken. Of these, 100 object to the application, and 36 are in support of the application.

Objections have also been raised from Ward Councillors Bill Woolfall, Mike Fry and Angel Ball.

A summary of the issues raised by the 100 objectors and Ward Councillors are listed below:

- Highway safety concerns due to the proximity to the Hill View/Cronton Lane Junction, congestion, reversing of vehicles, narrowness of Hill View, congestion, existing parking issues at the top of Hill View will be exacerbated, elderly people and students that use the footway.
- Commercial nature of the property and comings and goings inappropriate in a residential area
- Loss of privacy
- Noise and disturbance
- Loss of planting
- Loss of a bungalow
- Concerns with the number of people visiting the site and safeguarding issues of children living in neighbouring houses

- Other available commercial properties within area that should be considered first
- The proposed backlit sign would be inappropriate in the area
- Negative impact on house prices
- Possible need for shutters to windows will detract from character
- Potential attraction to youths congregating and anti-social behaviour
- Would set precedent for other non-residential uses.

The 36 representation in support of the application relate to the need for more dentists in the area.

Material considerations have been addressed in the assessment section of this report.

## **ASSESSMENT**

The amended application seeks planning permission to change the use from a 3 bedroomed bungalow, to dental practice comprising of a reception, 2 surgery/consulting rooms, storage and staff facilities and 8 off-street car parking spaces. The applicant has stated that there would be 5 full time staff.

### Principle of Development

The application site is within an area designated as a Primarily Residential Area on the Delivery and Allocations Local Plan Proposals Map. Part 3 of Policy RD5 of the DALP states that within the Primarily Residential Areas, proposals for non-residential uses will be considered with regard to their effect on amenity and the concentration of non-residential development.

### Amenity, Noise and Disturbance

Representations have been received from the occupiers of neighbouring properties raising concerns that the proposal to insert additional windows and a doorway on the eastern elevation would cause overlooking and loss of privacy. It is noted that the adjoining property to the rear at no. 32 does have a secondary living room window on the side.

The interface would be at an angle and not directly overlook, and the existing boundary fence in between the properties would also provide some level of screening, particularly to of the lower levels. However, due to the proximity it is still recommended that the door is either solid or obscurely glazed, and that the window is also obscurely glazed. This can be secured by a suitably worded condition.

It is noted that the windows would also be enlarged on the elevation facing Cronton Lane, however this front onto a public highway, with the residential property on the opposite side of the road being some 35m away. Similarly Hill View separates the application property from 36 Hill View opposite. Therefore a refusal could not be sustained on the grounds of loss of privacy.

It is acknowledged that the proposed use, and the staff and patients would undoubtedly increase activity at the site and the associated comings and goings from

the property. However, the Council's Environmental Protection Team have been consulted, and has no concerns with regards noise from the proposed activities. Furthermore, it would be reasonable to restrict the hours of opening by condition so as to mitigate potential noise and disturbance during unsociable hours. The property is also within a relatively busy area including a main road, college, hotel and local shops nearby as well as residential properties. Therefore noise and disturbance is not considered to be a reason for refusal that could be upheld.

Consequently, the proposal would avoid detriment to the living environment of existing residential properties, it would maintain the expected levels of privacy and outlook, and objections on noise and disturbance grounds could not be upheld. The proposal is therefore consistent with Policies GR2 and HE7 of the DALP.

### Character

The application site comprises of an extended residential bungalow with associated garden and driveway, located on the corner of Cronton Lane and Hill View. The property is surrounded on all four sides by residential properties along Cronton Lane and Hill View.

The front door and driveway Hill View front on to Hill View. The prevailing character of Hill View comprises of modest residential bungalows, with landscaped gardens enclosed by low level walls/fences.

The application site has some high level close boarded fencing enclosing part of the Hill View elevation. These would be removed opening up the site which would be more akin to the majority of properties along Hill View that have low level wall/fences and appear more open in appearance.

Whilst the proposed parking would result in increased areas of hard surfacing along Hill View, the areas have been designed to incorporate landscaping, and the large front garden would be retained. This would ensure that the parking areas do not dominate the site, and would not appear incongruous within the street scene.

The proposal includes the enlargement of windows on the Cronton Lane elevation and the insertion of reception doors on the Hill View elevation. These external alterations are relatively subtle and the general appearance of the bungalow would be retained, so would not be harmful to the prevailing character and appearance of the area.

Consequently, the proposal would retain the character of existing buildings and spaces, and would be consistent with GR1 and GR2 of the DALP.

### Highways, Parking and Accessibility

Policy C1 states that the Council will support development provided, amongst other things, it does not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network and appropriate provision for car and cycle parking is made. It is located within 400metres walking distance of a bus stop or railway station with a suitable level of service and it is accessible to all.

Furthermore, Policy C2 states that all development must provide an appropriate level of safe, secure, accessible and viable parking. It also requires the design and layout of the proposed parking must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and ultra-low emission vehicles.

The site is located on a corner plot at the junction of Cronton Lane and Hill View. Cronton Lane (A5080) connecting road users to Cronton sixth form college and Cronton to the west, and with north Widnes and the A557 (Watkinson Way) to the east. Hill View is a residential street with a 20mph speed restriction, it provides the entrance and exit for vehicles leaving the housing area to the south.

The proposed development includes the provision of 8 off-street car parking spaces, electric charging points for two vehicles, and the provision of secure cycle parking for 4 bicycles (two Sheffield stands).

In terms of access to local facilities and bus services, Cronton Lane Local Centre is located approximately 140m to the east of the site, and the nearest bus stop is approximately 110m to the west outside of the Hillcrest Hotel and is served by 26A. Furthermore, the bus stops by Lunts Heath Road round-a-bout and Birchfield Gardens are approximately 250m to the east.

The Council will require parking provision according to the standards set out in Appendix E. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking.

The Council's Highways Officer has been consulted on the application and has provided the following comments on 25/02/2022:

*Further to your consultation we have considered the proposed application as the Highway Authority and would make the following representation;*

*It is noted that the application was considered by the Highway Authority in November 2021 and issues raised by the Highway Officer with a formal objection.*

*The current proposal is for a reduced number of treatment rooms and includes revised onsite parking arrangements to address points raised by the Highway Officer with regards to non-compliance to Halton's access crossing guidance.*

*On balance the Highway Officer is of the view that the proposal would be acceptable with suitable conditions applied to ensure that the development is implemented and operated as per the revised submission.*

*The previous proposal showed 12 spaces of which 9 took direct access over the adopted footway via an elongated dropped kerb. This was considered unsuitable, due to Highway safety considerations, as was the proximity of the proposed access crossing to the junction with Cronton Lane to the North.*

*Current plans show off street parking in the form of 6 number 3m wide bays and the retention of the existing double garage provision. It is noted that the garage spaces are unlikely to meet the current guidance in terms of internal dimensions but they are to be retained and therefore carry some weight.*

*Hill View is a residential street that is by current standards narrow and the site is on the corner with Cronton Lane a major East/ West corridor to the North of Widnes. The junction on which the site is located is protected by existing double yellow lines and sees a change in speed limit from 30mph to 20mph on Hill View.*

*Previously we raised the potential for conflict between parked vehicles on Hill View and users of the new off street parking provision. To address this the applicant has widened the bays which is an accepted method to improve accessibility of parking spaces as referenced in Manual for Streets.*

*The proposal for 3 pairs of wide bays meets the access crossing guidance document and following on from discussion with internal colleagues I confirm that if an application came in to construct the 2 new crossings they would be permitted.*

*This said the turning movements required to access the bays may be convoluted if parked vehicles are present opposite the bay and therefore could result in potential vehicle/ vehicle conflict.*

*To address this and as part of the proposal the applicant proposes to reduce the height of the boundary wall to improve visibility from and to the new car parking provision. In the interests of road safety the boundary treatment changes shown on drawing 0001-04 should be implemented prior to the change of use being brought into use and conditioned to be retained for the lifetime of the use.*

*Although this aspect of the proposal is likely to remove the road safety issue with regards to vehicles using the off street car parking provision there is still a possibility that there would be short term impacts on operation of the street and junction due to the site constraints, substandard road width and proximity to the junction.*

*In an attempt to put the potential likelihood of conflict between the proposed car parking and other road users into context further information was provided with regards to anticipated use. Although a worst case has not specifically been provided the information suggests that each treatment room will accommodate 2 patients per hour.*

*Allowing for a 10 hour working day the maximum number of patients per day is likely to be in the region of 40 per day which in the Highway Officers opinion is not considered to be an unacceptable number of new movements on the network.*

*It is the Highway Officers opinion that given the layout for proposed access crossings/ parking spaces meet the guidance provided by Halton and the proposed*



*amendments to the boundary wall an objection on Road Safety would not be sustainable.*

*In terms of parking space numbers the maximum standard for medical/ health services set out in the current UDP is 1 space per 2 staff and 4 spaces per consulting room, as this is not a town centre location I see no reason why we would look to allow a reduced standard in this case.*

*Upon request the applicant has clarified that the total number of staff would be 5 and therefore, given the reduction of treatment rooms to 2, the current maximum standard would be 11.*

*The proposal as presented falls short of the maximum by 3 which although is not ideal we would question if an objection under TP12 would be sustainable given the location.*

*The inclusion of cycle parking and provision for the charging of EV vehicles is welcomed and if permitted facilities should be provided prior to the change of use being brought into use.*

*Works to, and on, existing highway will require suitable agreement and it should be noted that as part of the works to form the new access crossings there may be a requirement to relocate the existing traffic calming hump adjacent to the site to avoid conflict with new onsite parking provision.*

*The Highway Officers considerations were based on submitted plans and supporting information provided by the applicant. The proposal is for a dental practice and therefore we would request that the use be conditioned accordingly and that alternative services outside of the considered context are prohibited.*

*A further point that the Highway Officer would note is that significant congestion was observed along Cronton Lane during the AM peak with high footfall for pedestrians heading for the local college to the West.*

*This congestion results in difficulty with access and egress to Hill View and although a degree of driver courtesy appears to be the norm we would request that for the benefit of all users consideration be given to amending the proposed weekday working hours stated on the application from 08:30 start to after the AM peak.*

*Given the sites location we would request that should a permission be granted a CEMP should be conditioned to manage construction in the interests of road safety.*

*Additional comments 15/03/22*

*We have been made aware that the DALP has been adopted and is being due to be published in final draft imminently.*

*To aid in your considerations I thought it would be useful to compare the previous standards against the new in terms of car parking as I know this is an area of debate.*

*When drafted the UDP utilised maximum standards in terms of parking spaces which, for medical/ health services was 1 space per 2 staff and 4 spaces per consulting room.*

*In my comments I stated that in my opinion I could see no reason why we would look to support a reduced standard in this case.*

*Upon request the applicant clarified that the total number of staff would be 5 and therefore, given the reduction of treatment rooms to 2, the maximum standard according to the UDP would be 11.*

*The proposal as presented fell short of the maximum by 3 which as previously mentioned was not ideal however it was my opinion that an objection under TP12 (the UDP policy regarding car parking) would not be sustainable given the location and observed availability of on street parking in the wider, albeit residential, area.*

*Policy C2 within the DALP considers impact of development in terms of car parking and the standards set out in Appendix D replicate the DALP maximum standards with the following policy wording;*

*“The Council will require parking provision according to the standards set out in Appendix D. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking.”*

*The proposed development does demonstrate a shortfall when considered against policy, beyond the -10% referred to, but considered on its merits and taking into account site observations it is my opinion that my previous comments stand and that an objection to the proposal based on under provision of onsite parking would not be sustainable as space is available on the highway to park safely/legally for any small amount of overspill that might occur.*

The concerns raised relating to potential to increase improper parking around the junction. It is the responsibility of the Police to enforce and resolve issues surrounding improper and illegal parking and a refusal of the application due to potential for illegal parking not within the application site and resulting congestion could not be justified.

Consequently, it is considered that the development would not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network. Appropriate provision would be provided for car and cycle parking. The site is in an accessible location served by bus stops within a suitable walking distance. Consequently, the proposal is considered to be compliant with Policies C1 and C2 of the Halton Delivery and Allocations Local Plan. It is not considered that the suggested CEMP can be justified based on the scale of the proposed development but an informative can be provided with respect to guidance provided by the Considerate Constructor's Scheme.

Furthermore, paragraph 111 of the NPPF is clear in that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Considering the above, a refusal on highways grounds could not be sustained.

#### Drainage

The proposed development involves the creation of car parking spaces on areas that are currently a residential garden. This would have the potential to increase the surface water runoff at the proposed site and exacerbate the existing drainage problems within the area. The Lead Local Flood Authority has been consulted and has no objection although has recommended a basic drainage strategy to help mitigate this, for example some basic measures such as the use of permeable paving, soakaway to garden areas, or a rain water butt. These can be secured by appropriately worded planning condition.

#### Waste

The applicant has provided sufficient information in the Proposed Site Plan to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

#### Other issues raised

Objections have been raised to the appropriateness of the proposed illuminated signage indicated on the submitted drawings. However, this would be controlled by other legislation and a separate advertisement consent would need to be submitted for considered by the Local Planning Authority.

Objections have also been raised in relation to the number of people that would visit the site and potential safeguarding issues of children living in the surrounding area. However, whilst crime and anti-social behaviour are material planning considerations, no evidence or justification has been presented as to why a dentist would increase such issues in the area, and the proposal could not be refused on these grounds.

Objections have been received on the basis that there are other available commercial properties within area that should be considered first. However the local planning authority is required to consider planning applications on their own merits, whilst there may be commercial units located elsewhere that are preferable, that does not constitute a reason for refusal.

Additional concerns have also been raised with regards to the affect the proposal would have on house prices in the area, however this is not a material planning consideration.

#### Summary and Conclusions

The existing traffic in the area, and the highways concerns raised by local residents have been fully considered. However, a refusal could not be justified on highway

grounds as the development would not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network. Appropriate provision would be provided for car and cycle parking. And the site is in an assessable location served by bus stops within a suitable walking distance.

Overall the proposal would not have a detrimental impact on the amenity of the area. Suitable planning conditions can be imposed to ensure that the necessary windows would be obscured to prevent loss of privacy to the adjacent property to the rear, and hours of opening to patients can also be controlled by condition to prevent noise and disturbance at unsociable hours.

Furthermore, the external alterations are relatively minor and the general appearance of the bungalow would be retained, so as not to harm the character and appearance of the area.

The proposed change of use would also provide benefits to the local community in the form of an additional dental service. Consequently, the proposed development is consistent with Policies GR1, GR2, C1, C2, HE7 and is recommended for approval.

### **RECOMMENDATIONS**

Approve subject to conditions.

### **CONDITIONS**

1. Standard 3 year permission
2. Condition specifying plans (GR1, GR2)
3. Obscure glazing (GR2)
4. Hours of opening to patients (GR2, HE7)
5. Lowering of wall for visibility (C1)
6. Vehicle access and parking to be constructed prior to commencement of use (C1, C2)
7. Securing EV Charging
8. Implementation of cycle parking provision (C1, C2, and WM8)
9. Drainage (HE9)
10. Landscaping (GR1)
11. Use restriction to a dentist (GR1, GR2, C1, and C2)

### **BACKGROUND PAPERS**

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

### **SUSTAINABILITY STATEMENT**

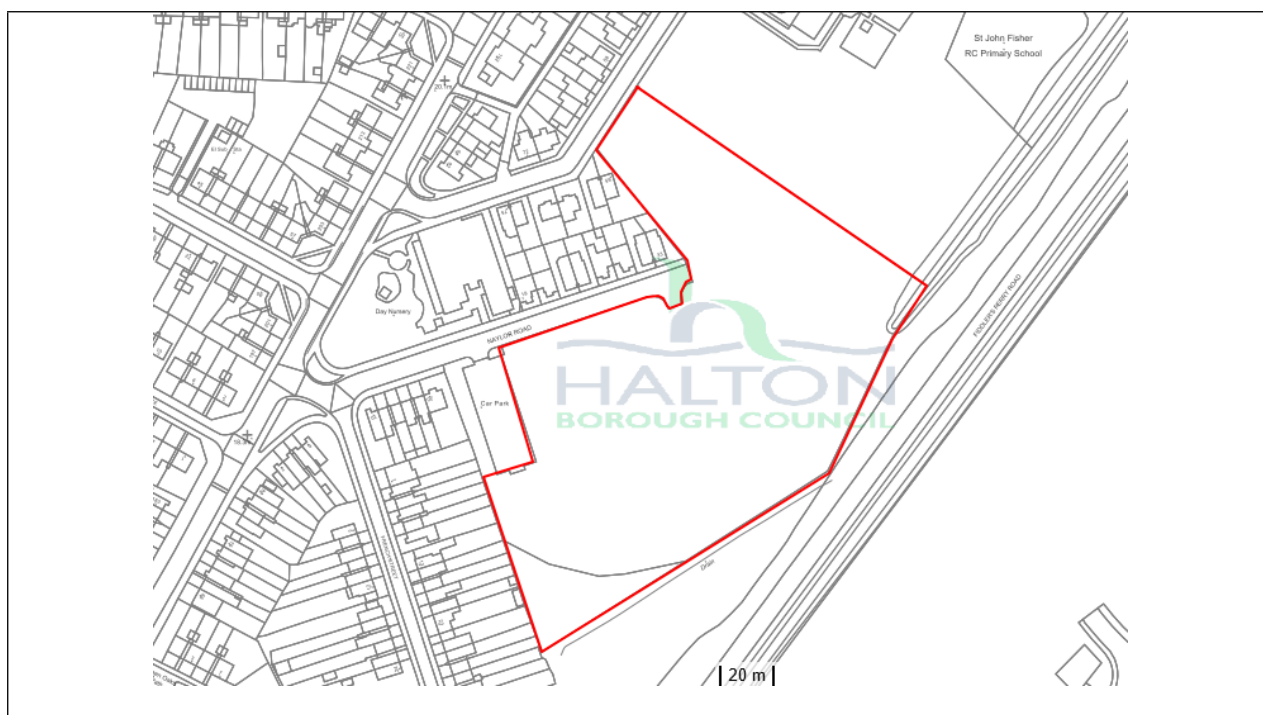
As required by:

- The National Planning Policy Framework (2021);

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

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

<b>APPLICATION NO:</b>	22/00004/FUL
<b>LOCATION:</b>	Land At Naylor Road, Widnes, WA8 0BS
<b>PROPOSAL:</b>	Proposed development of a two storey special education needs and disability school (SEND) (use class F), as well as hard and soft landscaping, multi-use games area (MUGA) and sports pitches, creation of on-site car parking and creation of new vehicular access.
<b>WARD:</b>	Halton View
<b>PARISH:</b>	N/A
<b>AGENT(S)/ APPLICANT(S):</b>	Miss Georgia Goff, Nexus Planning Ltd/ Bowmer And Kirkland Limited
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005)  Primarily Residential Area  Halton Core Strategy Local Plan (2013)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	Representations have been received from 29 individuals, these comprise of: 16 objections 14 in support A letter of representation has also been received from the opposite nursery school together with a petition of 159 signatures summarised below.
<b>KEY ISSUES:</b>	Principle of development/location, traffic and highway safety, impact on residential amenity and character of the area
<b>RECOMMENDATION:</b>	Approve with conditions
<b>SITE MAP:</b>	



## **APPLICATION SITE**

### **The Site and Surroundings**

The application site is located off Naylor Road, approximately 2km east of Widnes town centre. The site is boarded to the northwest by Naylor Road and Castle Street. To the southeast the site is bound by Fiddlers Ferry Road (A562). The site comprises 1.79 hectares of open greenspace. The site is allocated in the Delivery and Allocations Local Plan for education purposes (Policy HC10). The wider area to the north and west is primarily residential, whilst across Fiddlers Ferry Road to the south and west is mainly employment uses.

### **Planning History**

Historically the site provided playing fields associated for the former Warrington Road School which closed in the mid-1990s, before being redeveloped for housing.

Whilst the application site itself does not have any recent relevant planning history, the area of the adjoining nursey car park to the east has the following relevant history:

- Planning permission (Ref 10/00074/HBCFUL) for a proposed extension to existing car park to create 10 No. additional spaces together with the installation of 1 No lighting column, permitted 22/04/2010.
- Planning permission (Ref 04/00903/HBCFUL) Proposed part demolition of existing single storey nursey and construction of new two storey extension for children's centre including nursery, childcare accommodation and associated facilities, together with associated car parking on land opposite, permitted 26/11/2004.

- Planning permission (Ref 04/00901/HBCFUL) for a proposed provision of 2 No. double and 1 No. single classroom units (all single storey) with temporary playground and fencing permitted 24/11/2004.

## **THE APPLICATION**

### Proposal Description

The application seeks permission for a two storey special education needs and disability school (SEND) (use class F), as well as hard and soft landscaping, multi-use games area (MUGA) and sports pitches, creation of on-site car parking and creation of new vehicular access.

### Documentation

The application is accompanied by the necessary application form, plans, planning statement, design and access statement, flood risk assessment, traffic assessment, arboricultural impact assessment, ecological assessment and contaminated land site investigation report, travel plan, energy statement, construction environmental management plan and landscape management and maintenance plan.

## **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.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

### Halton Delivery and Allocations Local Plan 2022 (DALP)

The following DALP policies and policy documents are relevant to this application:



CS(R) 19 - Sustainable Development and Climate Change  
CS(R) 20 - Natural and Historic Environment  
CS(R) 22 - Health and Well Being  
C1 - Transport Network and Accessibility  
C2 - Parking Standards  
GR1 - Design of Development  
GR2 - Amenity  
HC10 - Education  
HE1 - Natural Environment and Nature Conservation  
HE8 - Land Contamination  
HE7 - Pollution and Nuisance  
HE9 - Water Management and Flood Risk

The Joint Merseyside and Halton Waste Local Plan 2013

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

#### Supplementary Planning Documents (SPD)

Designing for Community Safety SPD

#### 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.

#### Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **CONSULTATIONS**

### HBC Highways

No Objection in principle – see highways section below

### HBC Lead Local Flood Authority (LLFA)

No objection - In Summary the LLFA is generally satisfied that the development would be safe from flooding and would not increase flood risk elsewhere. However, the condition and capacity of the culvert that conveys flow from the ditch downstream needs to be established before the drainage design can be finalised. Therefore, the LLFA would recommend the conditions should the local planning authority be minded to approval on this basis. Full LLFA comments provided in the drainage section below.

### HBC Open Spaces

Further to your consultation I have considered the open space implications and would make the following comments;

The proposed development is not within a conservation area and both the internal and boundary trees are not subject to tree preservation orders.

Arb Impact Assessment (AIA) recommendations should be strictly adhered to during the construction process.

The removal of trees T19, T21, T22 and T24 are acceptable, but would need to be replaced elsewhere on the development in order to enhance and maintain the local ecology. This can be secured by condition.

All trees within the site and on the boundary line are to be protected during construction as recommended in the AIA.

All works should be carried out following the guidance from the Ecological Assessment Survey.

Should the application receive consent, permitted work shall be carried out strictly in accordance with British Standard 3998:2010 "Recommendations for Tree Work" to safeguard the health and visual amenity of the tree.

Work shall not be carried out between April and July if it would result in disturbance to nesting birds to ensure no damage to wildlife.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1) Consult W&C Act 1981 (with amendments) for full details of protection afforded to wildlife

#### HBC Environmental Protection

Environmental Health has considered the application in relation to noise and also light pollution. The applicant has provided some noise information stating that the noise from fans etc has been assessed as being 5dB below background at the nearest residential dwellings. The applicant has also committed to the sound barriers to reduce the impact of the outdoor sports areas.

#### Conclusion

Based on the information provided by the applicant I would suggest that any consent includes time restrictions for construction works (07:00-19:00 Monday-Friday, 07:00-13:00 Saturday and no working Sundays or bank holiday).

All lighting on the site should comply with the Institute of Lighting Engineers standard EN01/21 (The Reduction of Obtrusive Light) in line with standards for Environmental Zone E3.

#### Contaminated Land Officer

The application is supported by the following documents relevant to assess the potential land contamination impacts of the proposed scheme;

- Phase 1 geo-environmental desk study - Land off Naylor Road, Widnes, WA8 0BS, ref UK19.4781, Issue 1, prepared by EPS Ltd, December 2019
- Phase 2 geo-environmental assessment - Land of Naylor Road, Widnes, ref UK19.4781C, Issue 1 - prepared by EPS Ltd, April 2020

The two reports present a preliminary risk assessment based upon a desk study and site reconnaissance, with a follow on intrusive site investigation and risk assessment. Both reports follow best practice and guidance and present a sound assessment of the ground conditions and land contamination at the site. Limited potential sources of contamination were identified, although I believe that an early, infilled pond (early 1900s) has been missed in the assessment, and the presence of a tennis court whilst noted in the site history, it wasn't flagged a possible source of contaminated made ground (former sports pitches such as tennis courts and bowling greens within the borough have been identified as having an ash/clinker drainage layer under the turf which has given rise to elevated concentrations of some contaminants). I don't think that either of these features were captured by the site investigation.

That said the general assessment is good and the conclusions are that the majority of the site is suitable for the proposed use, with some elevated concentrations of arsenic identified in an area that will be covered by the school building and engineered surfaces of the MUGA (therefore breaking any potential pollutant linkage). As a precaution, the report recommends clean cover soils be provided for landscaping that will be developed adjacent to those areas.

The potential omissions from the overall assessment, with regards to potential contamination sources, should be raised with the applicant and included in the management plan for the construction phase (the report makes recommendation regarding a watching brief for previously encountered contamination during the build).

I have no objection to the proposals with the proviso that the recommendation for a 400mm clean cover layer to landscaped areas be implemented and that a verification report be issued upon completion of those works.

Merseyside Environmental Advisory Service

No objections, conditions recommended in relation to CEMP/Reasonable avoidance measures, nesting bird boxes, lighting and invasive plant species.

Natural England

Natural England has no comments to make on this application.

Sport England

Sport England does not wish to raise an objection to this application as it is considered to broadly meet Exception 4 of Sport England's Playing Fields Policy and paragraph 99(b) of the NPPF. The absence of an objection is subject to conditions being attached to the decision notice in relation to Sport specific ground condition survey and pitch specification for the natural turf pitch and training grids, Technical design and construction for the Multi Use Games Area, and Technical design of the Sports Hall and Changing Rooms.

Environment Agency

This application didn't meet our consultation criteria so was screened out - we don't have any objections/comments.

United Utilities

No objection

Cheshire Police

I have spoken to officers from Widnes Local Policing Unit and they have no concerns apart from additional extra pressure on parking but are hopeful this can be avoided with the additional parking area on Naylor Road and the fact that people from the SEND school are more likely to be collected from the site.

I wish to make the following points for consideration by the applicant:

- It is good to see the strict criteria laid down by the Department of Education in relation to fencing and perimeter control. This will be beneficial to protect the site from unwanted intruders and for safeguarding purposes to prevent pupils leaving the site or unauthorised people gaining access. The robust fencing will help keep intruders off the site and ensure the safety of pupils while they are on site. I would recommend the fencing comply with LPS 1175 A1.
- Gate specification should match the fencing, be lockable, have anti-lift hinges and avoid features that assist climbing
- I note the recessed areas in the building design, I would recommend that they are a maximum of 600mm in depth to maximise natural surveillance and reduce the opportunity for any hiding areas.
- It is good to see the internal layout of the building has allowed for small bends to be added to the internal corridors to improve surveillance.
- While CCTV is not always the panacea that people believe when it comes to crime prevention it can make a big difference when used in conjunction with other mitigations. I anticipate that cameras are due to be positioned to cover the perimeter of the building. If possible I would recommend that the cameras are sited to protect the car park and front entrance area or an additional camera be erected which will cover this area.
- The construction of the canopy area at the front of the building needs to be done so it does not impede natural surveillance or any CCTV coverage. Likewise, the covered dining area at the rear needs to be the same, the only difference being that this is behind a secured perimeter.
- It is recommended that cycle storage for the facility be within a secure structure. The design of the stands within the store should enable the cycle to be secured at two separate parts of the cycle, for example a 'Sheffield Bar'. If external, it should be roofed, and the walls open to surveillance by using materials such as welded mesh, grilles, bars or polycarbonate. I feel the current positioning of the store lacks natural surveillance. While I appreciate the disabled spaces needing to be near the front of the building I feel these could obscure coverage of the cycle stores. It is good to see that there is reference to having a storage locker per cycle space for safely storing equipment.
- I would however recommend that the crown of any trees is above two metres where appropriate and that any shrubs are a maximum of 1 metre high. This will allow a clear line of sight across the development site where appropriate. I appreciate that in some areas the tree coverage will help provide necessary privacy to the school and local residents so there does need to be an appropriate balance.
- I would recommend that all doors comply with LPS 1175 SR 2, PAS 24 2016, LPS 2081, STS 201 or STS 202: Issue 3 BRT or equivalent. I appreciate that the additional cost of installing all doors to SBD standards may have a detrimental effect on the viability of the development however I would recommend that the main entrance doors do comply with these standards if at all possible as there will be less protection for the doors on this elevation. All internal door sets to non-public areas should be of robust construction and incorporate an electronic access control system, so that they can be secured to prevent unauthorised access. Where possible all windows should comply with PAS 24:2016 or equivalent. Fire doors

should be fitted with door contacts programmed into a 24-hour alarm circuit. Audible alarms on opening and/or relayed to security may also be included on fire doors.

- I am a little concerned about this door as it is on the front elevation and does not appear to be behind any additional perimeter security. This door will need to be on an access control system or suitably alarmed.
- Appropriate glazing should be put into internal doors to ensure the safety of staff and pupils, some form of access control system needs to be in place to ensure pupils do not enter unauthorised areas.
- An access control and visitor entry system at the primary entrance into the building is clearly a requirement to give staff control of who does enter the building. This must be followed up with a stringent signing in and out procedure for visitors. Once in the reception area, people should not be able to proceed further into the building through the next set of doors. Again, these would be access controlled and released by way of fob and/or release button in the staff office.
- The design of the building should take into account the need to prevent features which aid scaling or climbing. For example, rainwater downpipes should be either flush fitting (i.e. square profile) or concealed within the cavity so that cannot be used as a climbing aid to get on the roof.
- Telecommunication lines and cables and other services should enter buildings below ground and be protected (to prevent access and damage by unauthorised persons) by secure access covers certificated to a minimum of LPS 1175 Security Rating 2 or STS 202:Issue 3, Burglary Resistance 2.
- For the main entrance reception office, a high, wide reception desk is recommended, this increases the distance between the receptionist and visitor. There may also be consideration for additional protection such as a glazed screen that staff only open when required. It is good to see that there is an airlock system and an appropriate audio-visual intercom proposed at the main access so staff can engage with visitors before letting them in to the building.
- A suitably designed, fit for purpose, monitored intruder alarm should be installed and an audible personal attack alarm should be located at the reception desk so that staff can use it to summon assistance in the event it is required.
- I note the substation (point O) off Naylor Road on the general landscape arrangement; attention needs to be paid to this to ensure it cannot become a climbing aid onto the site.
- While I appreciate that the trees will need to be maintained to provide a boundary between the site and neighbouring properties I would recommend that there is an appropriate balance and a robust maintenance contract is put in place. I would recommend the crown of all trees are maintained above 2 metres in height and any hedging / shrubbery should be a maximum of 1 metre to allow a clear line of sight and improve natural surveillance across the development.

#### General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], - Section 8, paragraph 92b states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; I recommend that all developments be designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued. I would welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

While I appreciate the cost implications of improved security, it is important to give consideration to the carbon cost of crime. Reported crime, and loss and damage associated with crime, in England and Wales equates to a staggering 5.5 million tonnes of CO2 per year with unrecorded crime taking this to over 6.5 million tonnes per year.

I note there is reference to BREEAM throughout the DAS but did not see sight of a Security Needs Assessment (SNA).

Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com).

## **REPRESENTATIONS**

The application has been advertised by way of a press notice, site notice and neighbour notification letters sent on 06.01.2022. The overall consultation period ended on the 03.02.2022.

Representations have been received from 29 individuals as a result of the consultations undertaken. Of these, 16 object to the application, and 14 are in support of the application.

A summary of the issues raised by the 16 objectors are listed below:

- Loss of green space and opportunity for locals to enjoy exercise and outdoor recreation
- Impact on ecology
- Access off Naylor Road, existing parking issues with the nursery, Increased traffic, parking issues and associated highway safety concerns
- Loss of Greenbelt
- Loss of privacy and outlook to occupiers of houses on Naylor Road
- Scale and visual impact of school and substation
- Effect of EMF omissions from substation
- Loss of trees
- Noise, pollution and dust during construction
- Should extend and merge at existing school sites in the area
- Construction materials of car parks should be similar to that installed in the current Nursery car park
- Should discourage use of the car park for anti-social behaviour of out of school hours
- Problems caused by students to residents and their property in the nearby vicinity including vandalism and trespass.

- The siting of such a facility next to a primary school and adjacent to a nursery with regards to the safety and welfare of young children.
- Playing fields should be re-designed to allow continued access by local residents
- Car park extension should be removed
- Parking restrictions and management should be put in place
- The types of vehicles and machinery accessing the site during construction via Naylor Road and Castle Street should be restricted
- Should provide an alternative temporary access to the site via Fiddlers Ferry Road for heavy machinery and construction vehicles
- During construction vehicles movements should be restricted during peak times
- Need to ensure that there is off street car parking for construction workers vehicles

A petition of 159 signatures has also been received, for the following grounds, to protect the green space for community use, and to safeguard children's welfare & road safety due to increased traffic and congestion.

A representation has also been received from the head teacher of Warrington Road Nursery School highlighting that they should not be responsible for the management and maintenance of the extended part of the car park off Naylor Road.

The 14 representation in support of the application relate to the need for a new SEND school in the area.

Material considerations have been addressed in the assessment section of this report.

## **ASSESSMENT**

### **Summary of the Development**

The proposed school would accommodate 64 pupils between the ages of 11 to 16 and provide education for children with special educational needs and disabilities. The school will operate as The Raise Academy and will address the need for SEND provision for children in both Halton and St Helens. The school will operate on behalf of the Department for Education by the Youth Engagement School (YES) Trust.

The school would comprise of a two storey building 2096.5 sq. m of gross internal floor space housing teaching rooms, dining hall and sports hall. Externally would be outdoor sports and recreation area including a multi-use games area (MUGA), and provision of onsite car parking and pupil drop off.



### Principle of Development and loss of Greenspace

The site is allocated in the Delivery and Allocations Local Plan for education purposes (Policy HC10), and is identified on the associated proposal map as site reference EDU2.

The associated justification under Policy HC10 explains that the Local Education Authority (LEA) has been in discussions with St. Helens LEA about the provision of a shared school for pupils with Special Educational Needs. Land at Naylor Road has been identified as the preferred location and is allocated for education use.

### Amenity, Noise and Disturbance

The existing residential properties along Naylor Road currently benefit from a front aspect looking out across the undeveloped areas of the application site. The proposed new school building would be positioned in excess of 30 metres away from the nearest residential dwelling no. 33 Naylor Road. Due to the angled position of the building the interface increases to approximately 40 metres between no. 29. The nearest residential property on Castle Street is in excess of 55 metres away. Furthermore the proposed building would only be two storeys in height.

Taking the above into account the proposed building would not cause any significant overlooking or loss of privacy. Neither would it appear overbearing when viewed from residential properties on Naylor Road or Castle Street.

It is acknowledged that the proposed fencing required to secure the site would alter the visual appearance of the site given that it is currently open to the street. However, the proposed fencing would comprise of 2.4m high black weldmesh fencing along Naylor Road and Castle Street. Such fencing is relatively sensitive as it does allow for a good degree of visibility through the fence panels, and its height would not appear overbearing.

Furthermore, the applicant has noted that there would be a raised berm / landscaped mound located in between the 7 a side pitch and the boundary fence adjacent to Naylor Road to provide a further degree of separation and screening to mitigate the activities within the site. No heights or landscape details have been provided, however this can be controlled through by a levels and landscaping condition. From an operational perspective the proposed school is relative small being only for approximately 64 pupils and provides a relationship with residential properties not dissimilar from many other schools across the borough. The Council's Environmental Health Officer raises no objection

There may be some potential for noise and disturbance during construction, however this would be temporary in nature. And the applicant has provided a Construction Environmental Management Plan that addresses hours of construction, deliveries, dust mitigation measures and locations of site compound. These measures can be secured by planning condition.

Consequently, the proposal would avoid detriment to the living environment of existing residential properties, it would maintain the expected levels of privacy and outlook, and objections on noise and disturbance grounds could be upheld. The

proposal is therefore consistent with Policies GR2 and HE7 of the Delivery and Allocations Local Plan.

### Design, Character and Appearance

With regards to layout, the building has been located to the northeast of the site away from existing trees to Castle Street and Naylor Road. The position of the car park provides a degree of separation from Naylor Road and Castle Street.

The building has a rectangular footprint, approximately 69m in length and 21m in depth. The building would have a uniform appearance, with a flat roof with parapet design, the maximum height of the building would be approximately 9.5m. The form of the new school building has been developed to provide a compact energy efficient building, optimising the use of space and internal arrangement as promoted through the Department of Education's 'Baseline Designs for Schools', this provides for good supervision across floors and efficient circulation.

Externally the large vertically orientated windows have been designed to provide a good degree of natural light into the teaching areas, frames constructed from dark grey aluminium. The elevations are broken up by providing a pattern of contrasting coloured fibre cement cladding panels at the upper level, and buff brick slips to the lower levels of the building, providing a degree of contrast.

The proposed new school would respect the character and appearance of the area, and would be consistent with Policies GR1 and GR2 of the Delivery and Allocations Local Plan.

### Highways, Parking and Accessibility

The Local Highway Authority has been consulted on the application as originally submitted and made the following observations and recommendations:

*We have had an initial review of the information submitted to support the application and would like to take this opportunity to raise some high level comments prior to submitting our formal response to give the applicant an opportunity to address some issues raised during pre-app that have carried forward into the scheme proposals.*

- *In terms of access from Naylor Road the proposed layout includes an error in terms of how the tie in is set out. The inbound lane should enter the site on the correct side of the carriage i.e. line up with the northern kerb line.*
- *Provision should also be made for pedestrians using the northern footway to gain safe access to the site. It cannot be assumed that all pedestrians will utilise the new southern footway.*
- *The cycle storage is welcomed but more thought needs to be made for how the provision is accessed/ circulation space.*
- *The access to Castle Street as detailed in the TA is not considered to be appropriate. The plans show an elongated dropped kerb access crossing where it is*

*considered more appropriate to have a full bell mouth construction with tactile paving etc.*

- *Tracking diagrams do not satisfy the points raised at pre-app with regards impact of the new access on existing legal parking patterns. Additional information is required and there is a likelihood that the arrangement will need to be amended.*
- *It may be prudent to review walking links to the school as there appears to be no consideration for North/ South pedestrian movements across Castle Street and Naylor Road as there are currently no dropped kerb crossing points to these roads.*

Those concerns have been shared with the applicant and discussions are ongoing with respect to amended plans to address them. No objection is raised in principle subject to resolution of these technical matters. Members will be updated accordingly.

### Ecology and Habitats

The applicant has submitted an Ecological Assessment report in accordance with Core Strategy Local Plan policy CS20 as well as a Construction Environmental Management Plan (CEMP) which includes ecological mitigation measures (i.e. pre-commencement badger inspection and measures to avoid harm to bats, hedgehog and breeding birds).

MEAS have been consulted and have no objections. They have advised that because boundary habitats are potentially suitable for badger and hedgehog, the following additional Reasonable Avoidance Measures (RAMs) should also be put in place to ensure that harm to them is avoided. These include precautions in relation to trenches, excavations, pipes and stored materials so that wildlife does not get stuck in them. The CEMP and these additional measures can be secured by condition.

MEAS also note that the proposed development will result in the loss of bird breeding habitat and Core Strategy Local Plan policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be secured by condition.

Habitats adjacent to the site may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the adjacent habitats. This can be secured by a suitably worded planning condition.

According to the submitted CEMP, Japanese knotweed is present in a 'bog area' to the eastern boundary of the application site. This is classified as an invasive species in the Wildlife and Countryside Act. Therefore a condition is required for a method statement outlining the control and management of this.

The applicant has also submitted a shadow Habitats Regulations Assessment (HRA) report in support of the planning application (Habitats Regulations Assessment

Screening Report, Urban Green, February 2020, UG381). This concludes that the proposed development will have no likely significant effects on the Mersey Estuary SPA and Ramsar sites. MEAS have advised that the conclusions of this report are acceptable, therefore the need for a HRA can be screened out.

The attachment of the conditions recommended above would ensure that the proposal from an Ecology perspective is compliant with Policies CS(R) 20 and HE1 of the Delivery and Allocations Local Plan.

### Drainage

The Lead Local Flood Authority (LLFA) has been consulted on the application has made the following observations and recommendations:

- *The site is described as 1.9 ha. It is considered to be a greenfield site in terms of drainage characteristics although it has reportedly been previously developed.*
- *The proposed development would be for educational purposes that would classify as more vulnerable to flood risk as defined within Planning Practice Guidance.*
- *The site is shown to be located within Flood Zone 1*
- *Surface water flood risk is reported to vary from High (> 3.3% AEP) to very low (less than 0.1% AEP). across the site*
- *The Halton SFRA identifies that the site is not located within a critical drainage area*
- *A Flood Risk assessment and Drainage strategy has been prepared in support of the application ref. OTH\_2353 Halton Raise Academy - Flood Risk & Sustainable Drainage Assessment P01.pdf*
- *It is noted that drainage drawings submitted as part of the plans for the proposal ref PLAN\_2353-PAR-ZZ-00-DR-C-08001.pdf have been superseded and do not accurately reflect the proposals. This review therefore focusses on the drawings within Appendix H of the FRA and drainage strategy.*

The LLFAs comments on the Flood Risk Assessment are:

- *The proposed development is for educational purposes which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.*
- *The risk of flooding from the ordinary watercourse at the boundary of the property has not been explicitly assessed, although risk from this source appears to have been inferred using the flood map for surface water.*
- *The more vulnerable elements of the development (buildings) are located within the areas shown to have with a low risk from surface water and ordinary watercourse flooding based on EA mapping with sports pitches located within the areas of higher risk. Therefore, whilst the assessment has not considered the potential impact of climate change or culvert blockage on flood risk, the LLFA*

*accepts the conclusion that flood risk to the development as proposed would be low from Ordinary Watercourses and surface water and that the proposed surface water drainage system would manage the risk from this source effectively.*

*The LLFAs comments on the Drainage Strategy are:*

- *Infiltration drainage confirms that soakaway drainage would not be feasible.*
- *With infiltration drainage confirmed as not feasible, the proposal is to attenuate surface water runoff using a combination of permeable paving and below ground attenuation features prior to discharge into the ditch that runs along the southern boundary of the site.*
- *It is noted that the dimensions and condition of the culvert that conveys the watercourse along the southern boundary is currently not known and that the applicant proposes to undertake a survey to confirm this information. If the culvert condition is found to be poor and the ditch would be unsuitable for discharge of surface water flows, then the UU combined sewer has been identified as a viable alternative*
- *Greenfield runoff rates have been calculated for the 100%, 3.33%, 1% and QBAR events for the proposed site.*
- *A 40% increase in rainfall intensity has been applied within quick storage estimates for attenuation volumes and the calculations confirm that the system would not flood during the 1% AEP +40% rainfall event*
- *Foul Drainage is reported to be via a gravity discharge to the UU public Sewer and this connection would be subject to UU consent. Correspondence provided indicates that consultation with UU is well progressed in this regard.*

*In Summary the LLFA is generally satisfied that the development would be safe from flooding and would not increase flood risk elsewhere. However, the condition and capacity of the culvert that conveys flow from the ditch downstream needs to be established before the drainage design can be finalised. Therefore, the LLFA would recommend the following conditions should the local planning authority be minded to approval on this basis.*

*No Development should commence until*

- *A culvert survey is undertaken to confirm the condition and geometry of the culvert conveying the watercourse to the south of the site. The applicant should liaise with the LLFA regarding the scope of this survey and any necessary approvals for access onto third party land.*
- *A confirmed drainage strategy is issued either confirming that discharge into the ditch is viable, or making alternative arrangements with a discharge to the UU combined sewer.*

*No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings*

*(including off site alterations) and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:*

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

The LLFA is satisfied that the above could be satisfactorily addressed by conditions. The applicant has been provided these comments, notes that the information could be conditioned, and have contacted the LLFA directly to address what is required.

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 HE9 of the Delivery and Allocation Local Plan.

#### Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report. Whilst the site itself is relatively open with the majority trees located along the borders of the site. The report identifies four trees (T19, T21, T22 and T24 all category B)) to be removed to facilitate the construction of the access off Naylor Road and the associated parking areas. These comprise of 2 no Ash and 2 no. Sycamore. The group of Ash trees opposite 27-33 Naylor Road would be retained, albeit with some pruning works recommended in the arboricultural assessment.

The Council's Open Spaces Officer has been consulted and has said that the removal of trees are acceptable, subject them being replaced elsewhere on the development.

The tree protection measures can be secured by condition. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

Planning conditions would ensure that a suitable landscaping scheme and the replacement planting is secured, implemented and maintained, and that any new tree planting that is lost is replaced within a reasonable time frame.

Based on the above, the proposal is considered acceptable from a tree perspective and landscaping perspective in compliance with Policies CS(R) 20 and HE1 of the Delivery and Allocations Local Plan.

#### Waste

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), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has provided sufficient information in the proposed site plan to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the WLP and the National Planning Policy for Waste (paragraph 8). The proposed site plan can be secured in the approved drawings condition.

#### BREAMM Assessment

Policy CS ( R ) 19 (sustainable Development and Climate Change) of the DALP sets out that new non-residential development will encourage a BREEAM 'Very Good' standard to be achieved. The applicant has submitted a BREEAM pre- assessment that demonstrates that the proposed building will achieve the required 'Very Good' standard.

The applicant has also submitted an Energy Strategy report. This outlines measure in relation to energy efficiency and measures to reduce CO2 emissions.

Therefore the development is considered to comply with Policy CS ( R ) 19.

#### Anti-Social Behaviour and Fear of Crime

Objections have been raised in relation to potential anti-social behaviour and crime. However, whilst anti-social behaviour and crime are material planning considerations, no evidence or justification has been presented as to why the proposed school would increase such issues in the area, therefore the proposal could not be refused on these grounds.

#### Summary and Conclusions

The proposal would provide new SEND school needed to support the educational needs of local children in Halton and St Helens. The overall design and appearance of the school is considered to be acceptable, it would respect the character and appearance of the local area, and is consistent with the high quality design standards required for new development. The sites layout has been carefully designed to ensure that the amenity of existing surrounding occupiers would not be harmed, and would not have an unacceptable impact on highway safety.

Consequently, the proposed development is consistent with Policies GR1, GR2, C1, C2 and HC10 of the Delivery and Allocations Local Plan, and paragraph 95 of the NPPF which recognises the importance of ensuring sufficient choice of school places is available to meet the needs of existing and new communities.

### **RECOMMENDATIONS**

Approve subject to conditions.

### **CONDITIONS**

1. Standard 3 year permission
2. Condition specifying plans (GR1, GR2)
3. Bird nesting boxes scheme (CS(R) 20, HE1)
4. CEMP and additional reasonable avoidance measures (GR2, CS(R) 20, HE1)
5. Lighting scheme (GR2, CS(R) 20, HE1)
6. Implementation of cycle parking provision (C1, C2)
7. Electric Vehicle Charging Points Scheme (C1, C2)
8. Vehicle access and parking to be constructed prior to commencement of use (C1, C2)
9. Method statement for invasive species (CS(R) 20, HE1)
10. Tree report and tree protection measures (CS(R) 20, HE1)
11. Foul and surface water on a separate system (HE9)
12. Drainage condition(s) to include culvert survey, final drainage strategy and validation (HE9)
13. Levels (GR1)
14. Landscaping condition(s) including replacement tree planting (GR1)
15. Waste Audit (WM8)

### **BACKGROUND PAPERS**

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

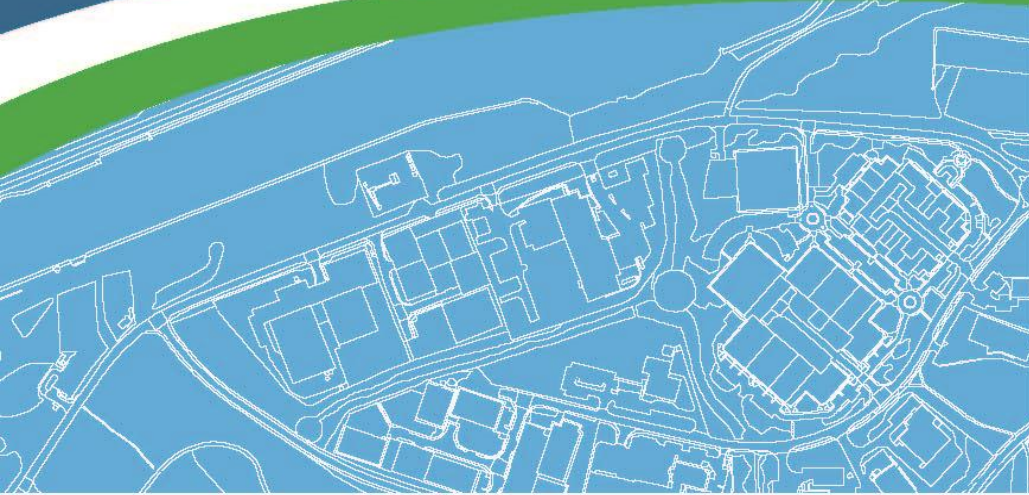
### **SUSTAINABILITY STATEMENT**

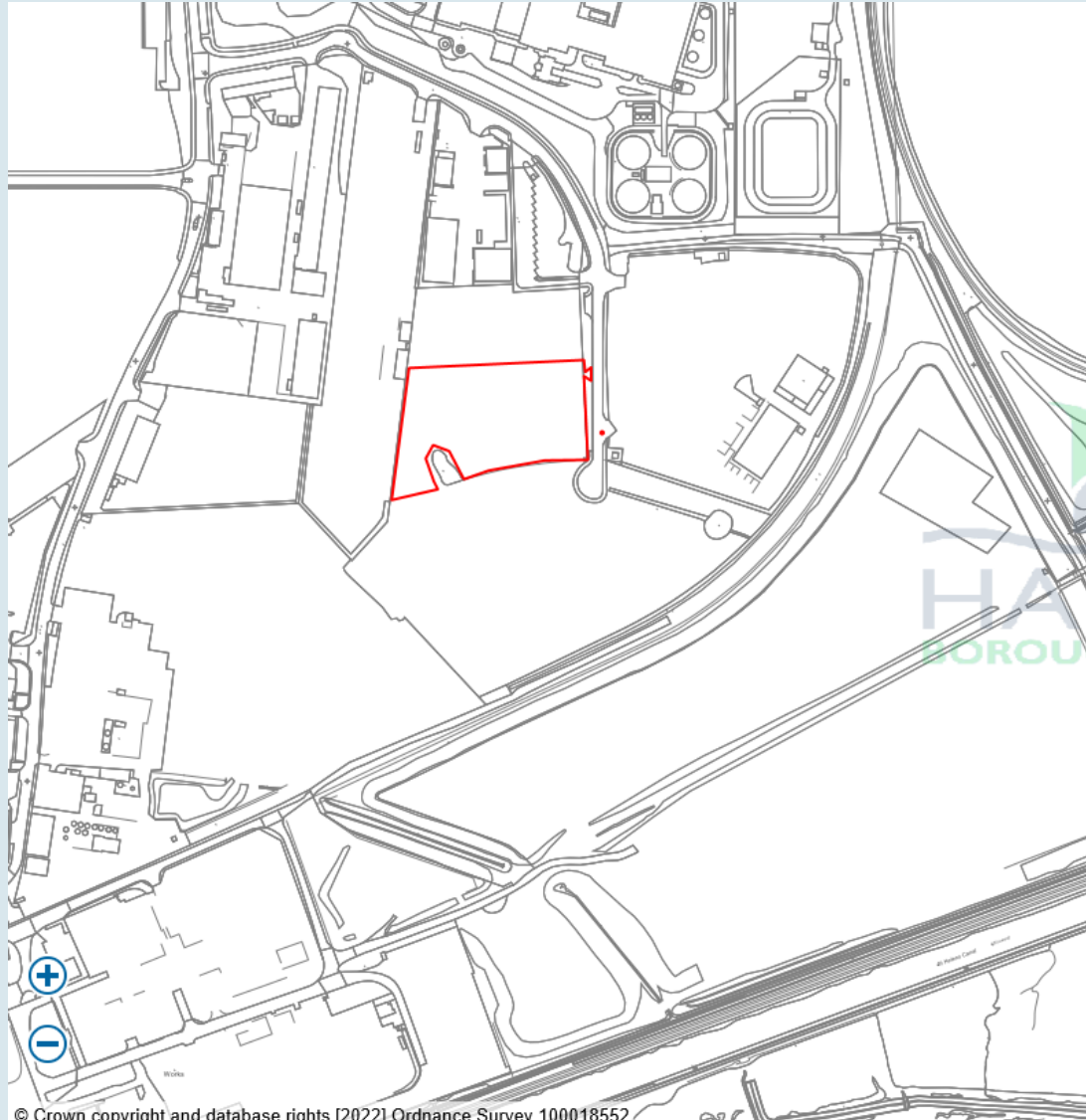
As required by:

- The National Planning Policy Framework (2021);
- 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.

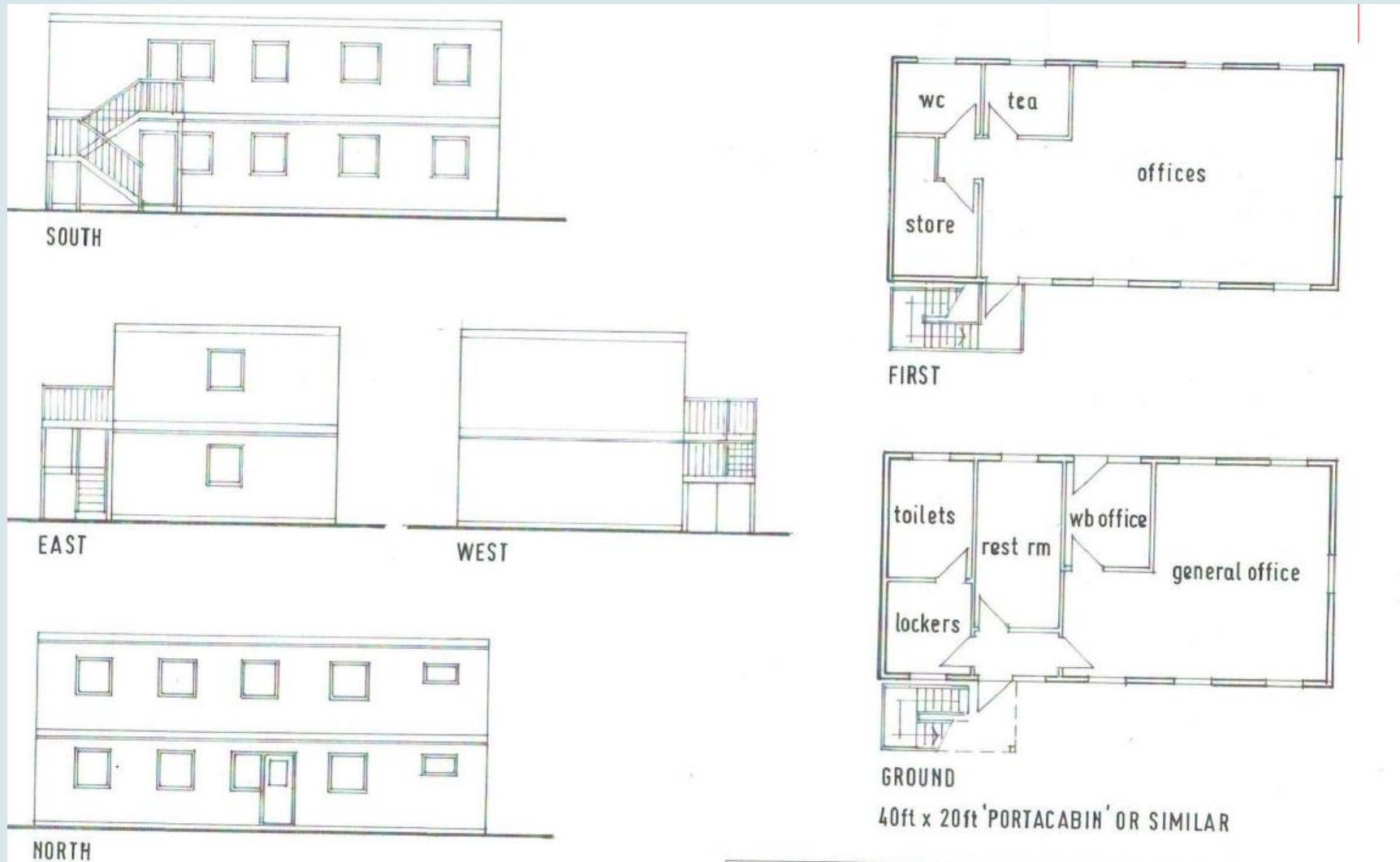


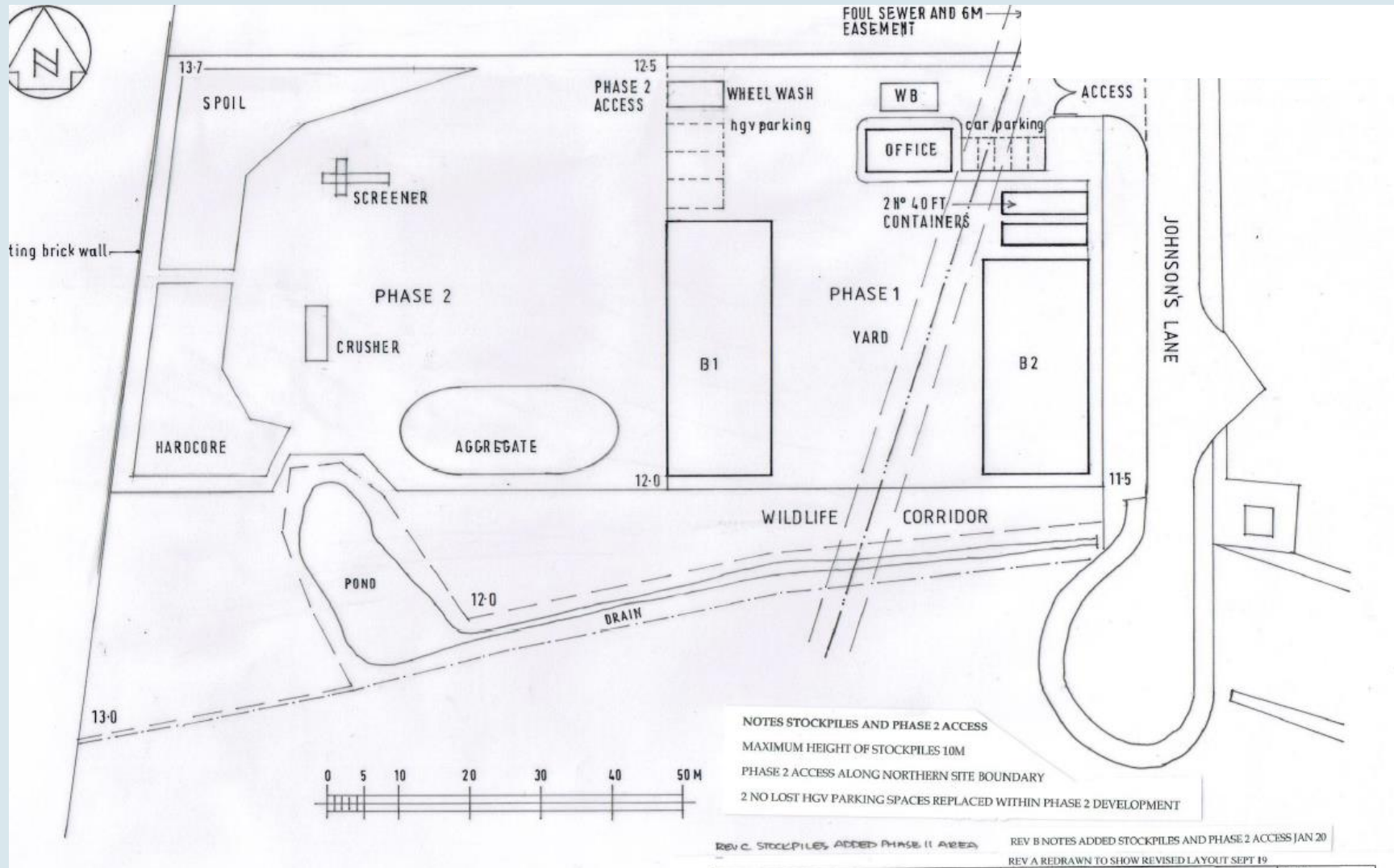




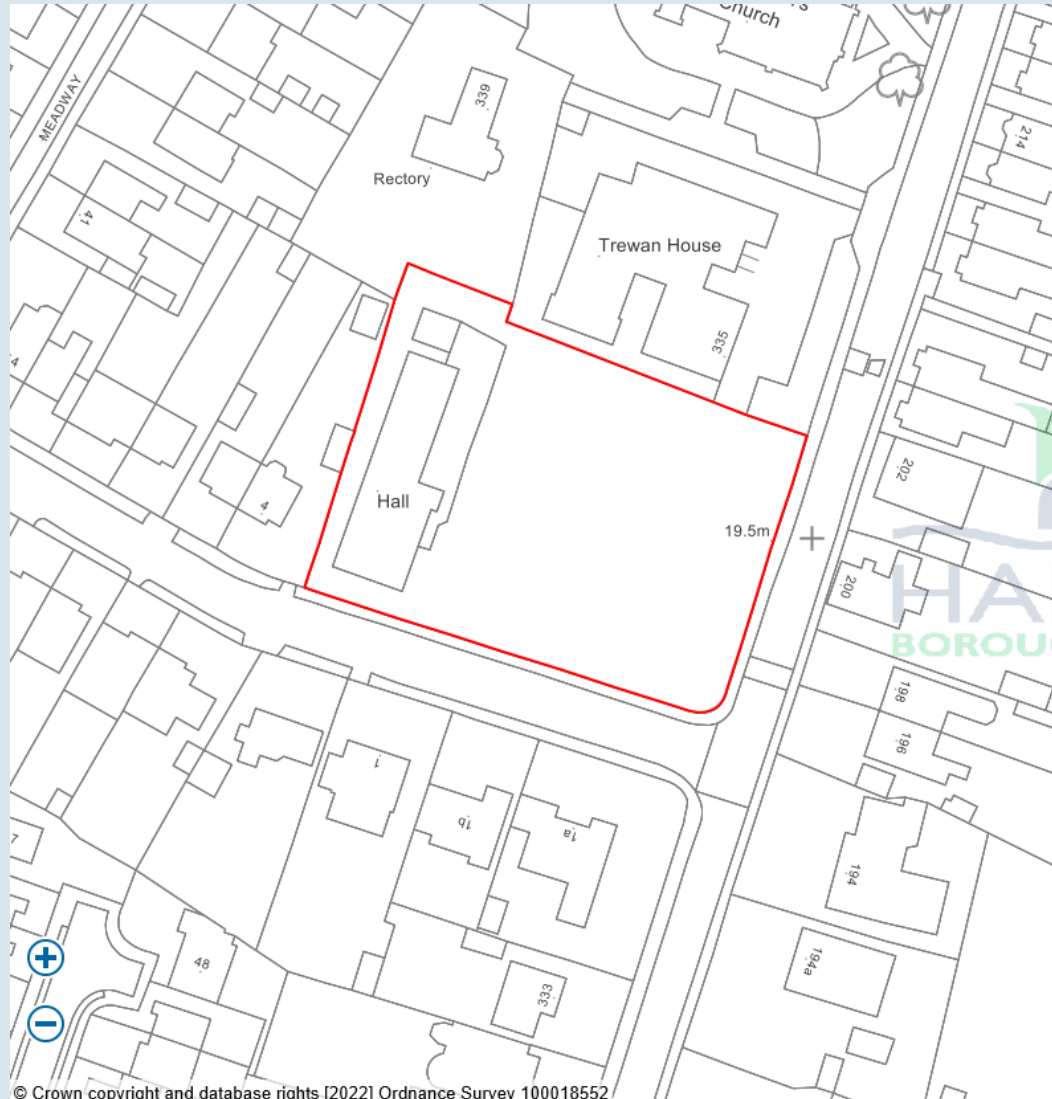
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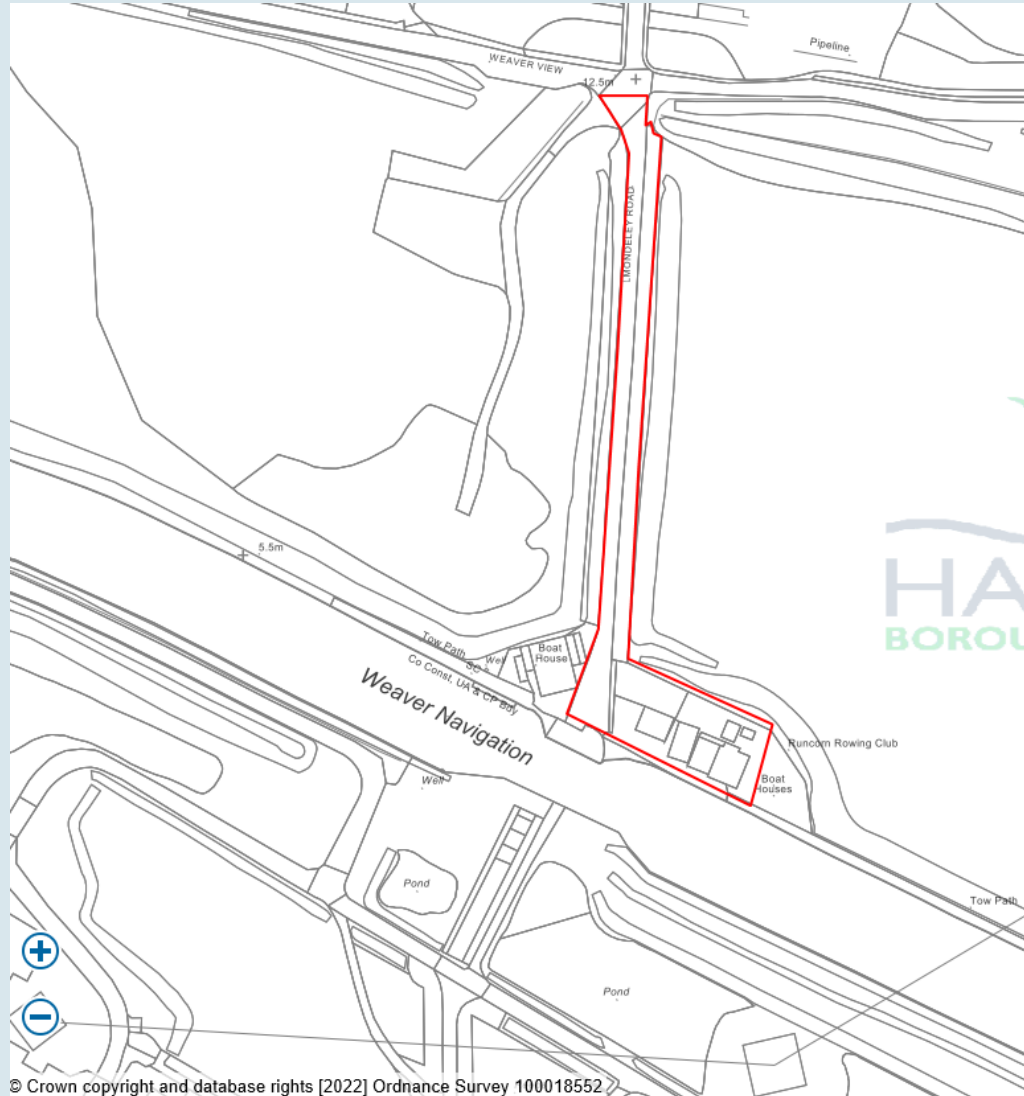


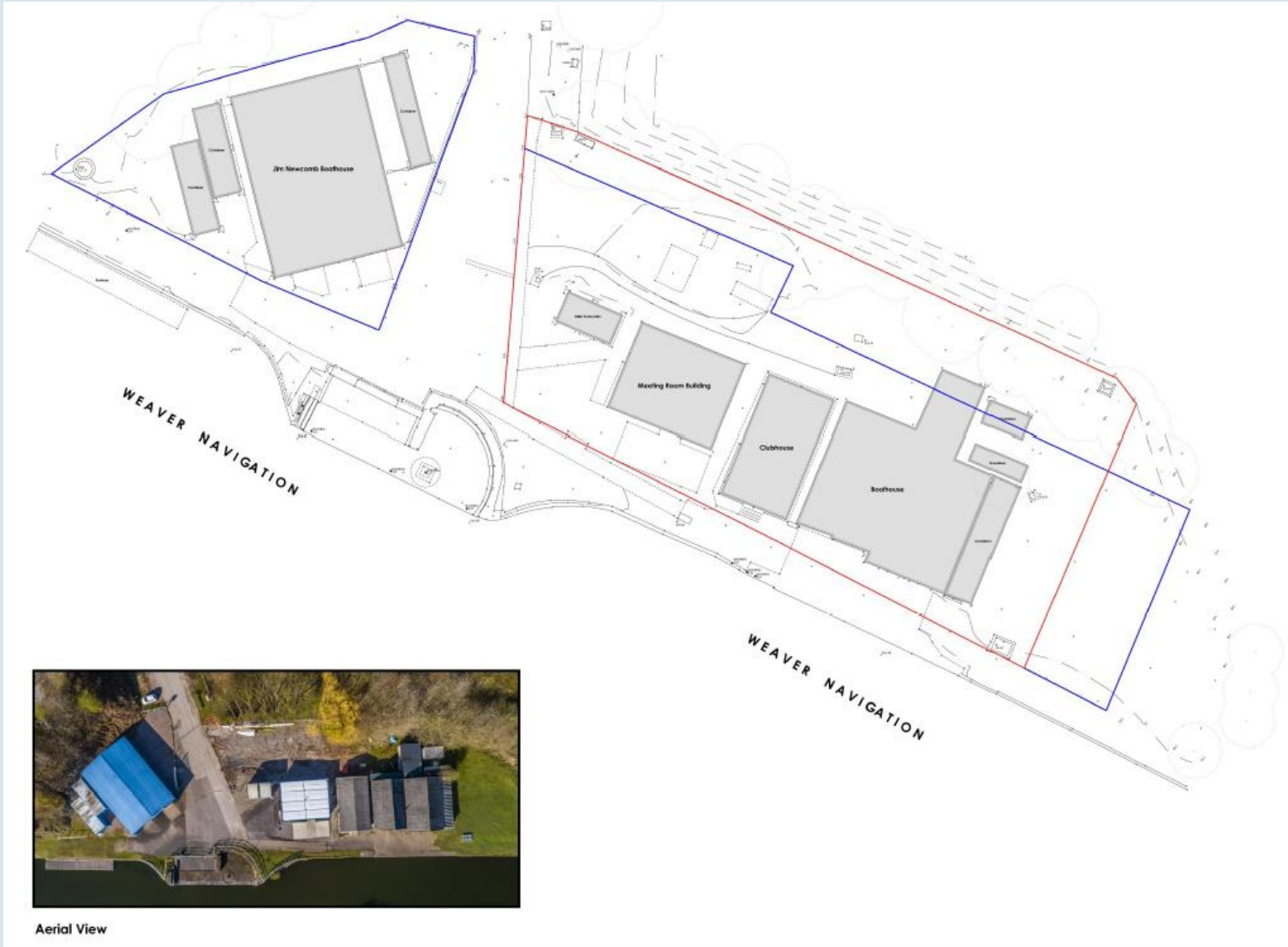




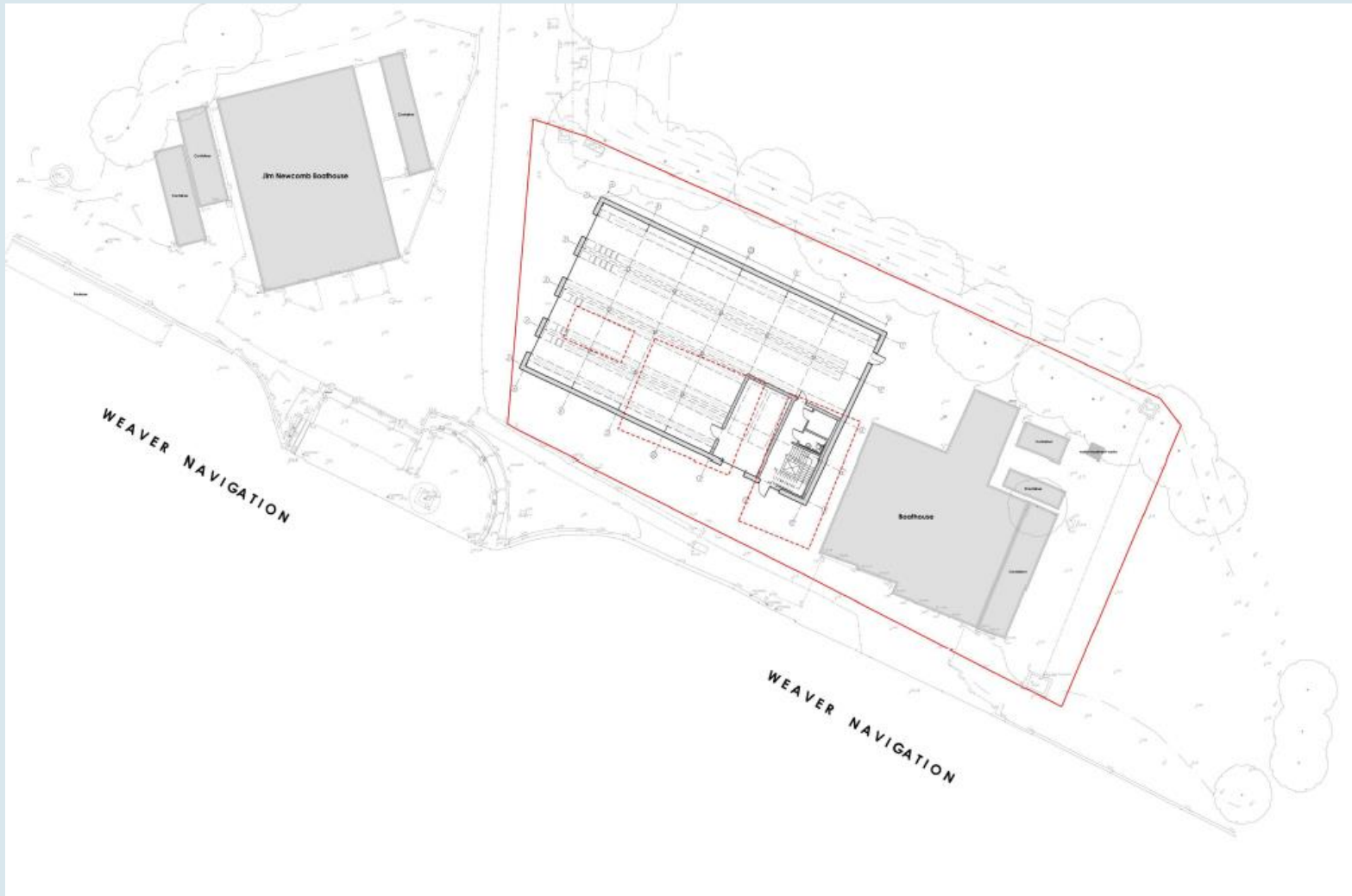


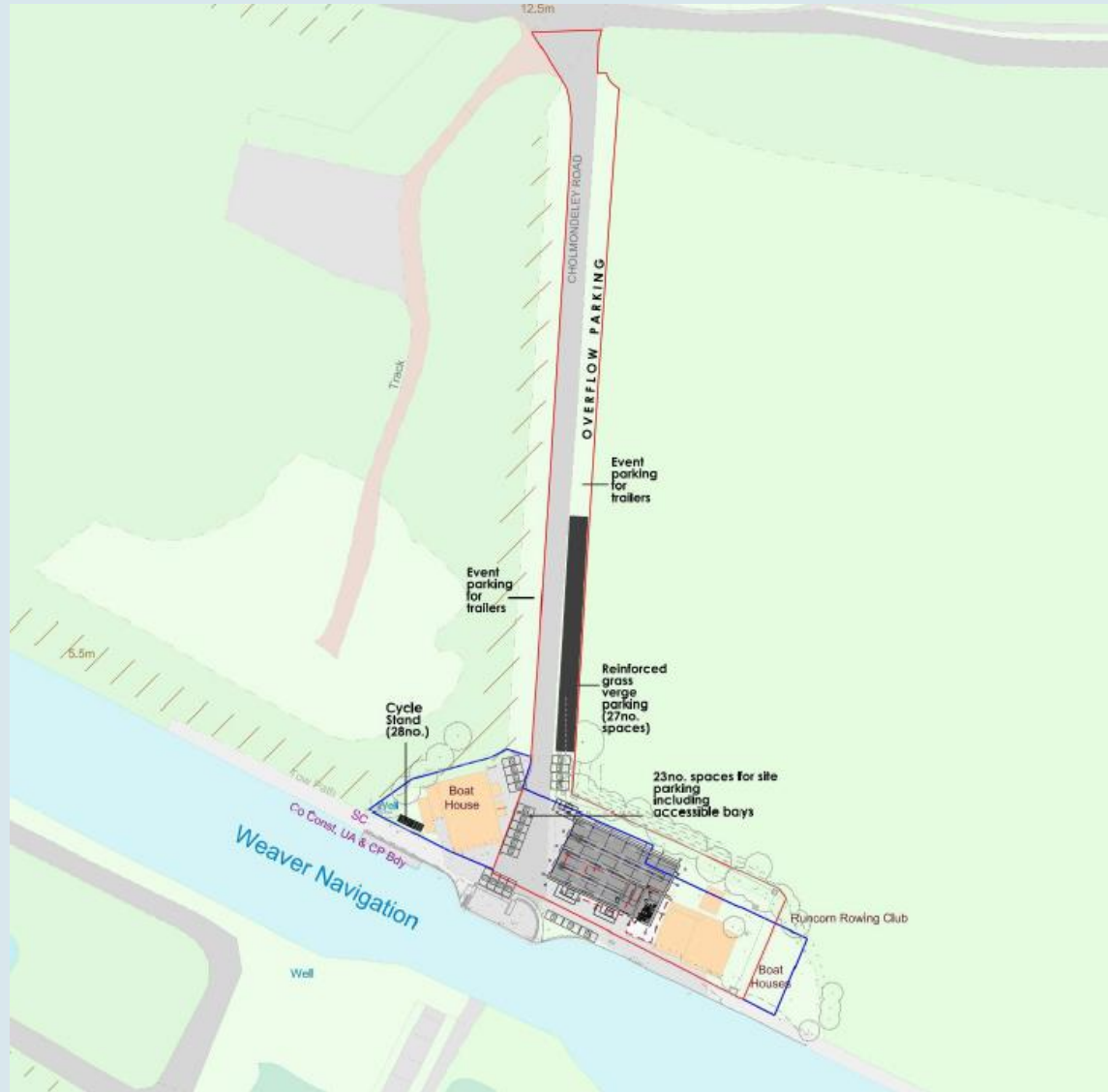






Aerial View







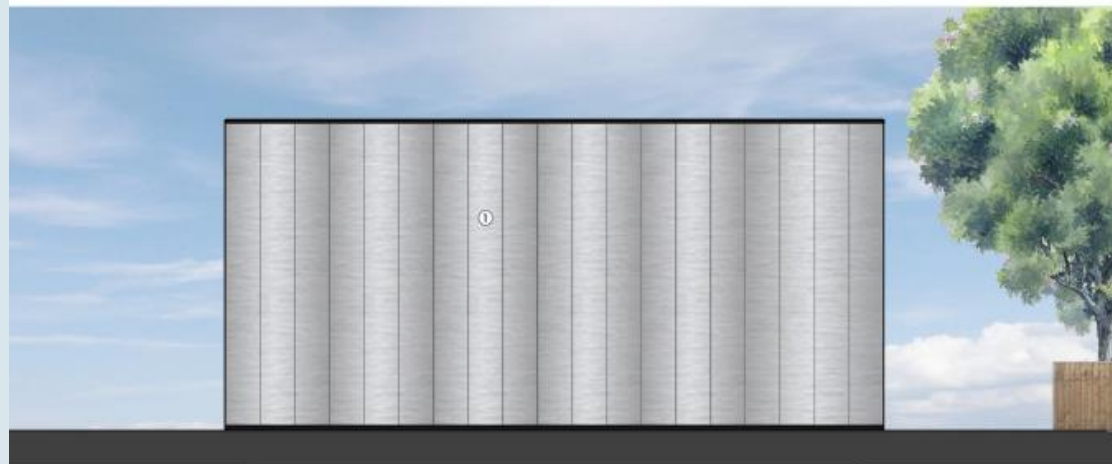
North Elevation





Proposed Rowing Boathouse

West Elevation



Proposed Rowing Boathouse

East Elevation

