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Development Management Committee

Tuesday, 12 July 2022 6.30 p.m. Civic Suite - Town Hall, Runcorn

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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 Dave Thompson		
Councillor Bill Woolfall		

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, 8 August 2022

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

Part I

Ite	Item No.		
1.	. MINUTES		
2.	. DECLARATIONS OF INTEREST		
	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.		
3.	PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE		
	(A)	22/00015/FUL - Proposed residential development of 20 apartments, with associated public open space, landscaping and access on site of Former Panorama Hotel, Castle Road, Runcorn	7 - 25
	(B)	22/00194/FUL - Proposed alterations to yard and building envelope, inclusion of operations hub and sheltered loading areas along with associated mechanical and electrical equipment to ensure client functionality at Borax UK, Gorsey Lane, Widnes, WA8 0RP	26 - 34
	(C)	22/00207/COU - Proposed change of use from a dwelling (Use Class C3 (a)) to a children's home for two children up to the age of 17 (Use Class C2) at 29 Kennington Park, Widnes, WA8 9PE	35 - 42
	(D)	PLANS	43 - 68

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 6 June 2022 at Civic Suite - Town Hall, Runcorn

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

Apologies for Absence: Councillors Hutchinson and Philbin

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry and L. Wilson-Lagan

Also in attendance: 22 Members of the public and one member of the press

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV1 MINUTES

The Minutes of the meeting held on 9 May 2022, having been circulated, were taken as read and signed as a correct record.

DEV2 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

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

DEV3 21/00016/OUT - 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 AT HOUGH GREEN SCOUT AND GUIDE GROUP HALL AND CHURCH FIELD, HALL AVENUE, WIDNES

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

This application was deferred at the Development Management Committee meeting on 9 May 2022, to allow for a site visit.

The Committee was addressed by local resident Bernard Carr, who spoke in objection to the proposal; he referred to the previous objections made by Mr Walker at the last meeting. He argued the following *inter alia:*

- The field has been used over the past 50 years until it was stopped by the applicant;
- Section 6 of the report should be scrutinised to see why the application should not be approved;
- The boundary of the proposal now included land that the scout hut was in;
- The application is not in accordance with the development plan;
- This green space had an important role in the community and is recognised as an asset of community value;
- The site was not surplus to requirements as claimed;
- He quoted planning policies HE4 and CS21 and said the application was contrary to these, so urged the Committee to refuse the application.

The Committee was addressed by Ms Eren, who spoke in support of the application. In response to comments made at the last meeting regarding monetary worth of the Church of England, she provided the monetary worth of the Scouts, stating that these facts aside, each Parish was an organisation in its own right. She also argued inter alia:

- The Church had owned the field for the past 90 years;
- The Scouts had only used the field since the 1950's;
- She clarified that the number of houses on the site was 6, not 10;
- The field would not be used going forward, regardless of the outcome tonight.

Members were then addressed by Janet Paul, who spoke in support of the application on behalf of the applicant. She clarified some issues regarding the background to the application, which was originally submitted in 2019 when the site was designated for residential development in the then UDP. She also stated:

- The plans were amended to retain the Scout hut, following recommendations from planning officers;
- She contradicted the comments that the field was

- used for recreational purposes;
- Only part of the field is used, and this was not throughout the year;
- The 204 objections received related to the first application submitted – this had now been amended and would have satisfied the objectors and their concerns; and
- They would use the proceeds from the sale for specific needs within the community.

She urged the Committee to consider the facts before making a decision.

In response to some of the comments made, Officers explained that the amendment to the plans was so that the existing Scout hut building would be retained; this would be secured by condition. It was also explained that although the application was made prior to the adoption of the new Delivery and Allocations Local Plan (DALP), it must be considered under the new DALP, not the previous Unitary Development Plan (UDP).

Members discussed the application and comments made by speakers and raised concerns over the fact that the application was a departure from the DALP. The proposed development would result in the loss of Greenspace as designated by the Halton Delivery and Allocations Local Plan (DALP) Policies Map. This Greenspace has a Specific Greenspace Category of Amenity Greenspace. The Halton Open Space Study 2020 Quantitative Update is an evidence-based document to accompany the recently adopted DALP. This considered the supply of such sites on the basis of the Area Forum Areas which encompassed the former wards of Broadheath, Ditton, Hale and Hough Green rather than the community area affected by the proposals.

It was commented that there was not a significant concentration of Amenity Greenspace in this area and to the South of the major artery, which is Liverpool Road; the only other amenity greenspace sites were at Brackenwood Drive and Derwent Road. The site is considered to be multifunctional having been used ancillary to a longstanding community building (also located on the site) as well as being a satellite site to Hough Green Park and supporting biodiversity.

It was noted that the protected trees on the boundary of the site would remain, however this does not mitigate for the loss of the Amenity Greenspace. This site whilst not being publicly accessible was considered to have an important visual and structural role to play particularly for the streetscene in this locality. The loss of the Amenity Greenspace would therefore have a detrimental impact on the visual amenity of this predominantly residential locality.

In conclusion, the Committee agreed that there is not considered to be a surplus of Amenity Greenspace in the recently created Bankfield Ward in which the site is located and to allow the proposal would be contrary to the provisions of Policies HE4, CS(R)18, CS(R)21 and GR2 of the DALP.

After taking into account these considerations the Committee agreed that the harm that would be caused with the loss of Amenity Greenspace in the area outweighed the need for the development. One Member moved a refusal, this was seconded and the Committee voted to refuse the application.

RESOLVED: That the application be refused, due to it being contrary to the provisions of Planning Policies HE4, CS(R)18, CS(R)21 and GR2 of the DALP.

Councillor Polhill declared an Other Registerable Interest in the following item as he had previously met with the applicant and the objectors. He did not participate in the debate or vote on the item.

DEV4 22/000020/FUL - PROPOSED CHANGE OF USE TO USE CLASS C2, EXTENSIONS AND ADAPTATIONS OF FORMER PUBLIC HOUSE TO PROVIDE TEMPORARY ACCOMMODATION COMPRISING 5 NO. HOUSES, 5 NO. APARTMENTS AND 3 NO. STUDIOS AND WELFARE FACILITIES FOR INDIVIDUALS AND FAMILIES AT THE CASTLE, 194 WARRINGTON ROAD, WIDNES, WA8 0AP

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

Members were referred to the published AB update list, which advised that an updated bat report had been received and observations from the Council's Ecological Advisor on this updated bat report were awaited.

The Committee was addressed by Mr Keirnan, who was a resident of Castle Street and spoke in objection to the proposal. He stated that:

- Work had already started on the site;
- Only the top four houses in the street received letters of consultation;

- He was concerned about the purpose of the building and who the occupants would be and wanted clarification on this:
- He was concerned that the occupants would contribute to anti-social behaviour and have mental health problems; and
- Parking was a concern as it was a one way street near a primary school and restaurants and was a very busy.

It was noted that the persons that would be residing in the properties was not material to the proposal's consideration.

In response to some of the comments, it was confirmed that the application was a proposed change of use to Use Class 2 and although this application was for dwellings providing temporary accommodation for families and individuals, other uses fell within this category. In relation to anti-social behaviour, there was no evidence that a certain 'type' of occupant was responsible for this. In relation to parking, as the building was previously a public house, it can be assumed that this generated a certain amount of traffic in the area. It was confirmed that the consultation letters were delivered in accordance with the regulations and that any works currently in progress on site were not known to the Council.

Members agreed that determination of the application be delegated to the Operational Director as described below and if approved, it be subject to the conditions listed.

RESOLVED: That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory consideration of ecology issues including adding any additional conditions required to those listed below.

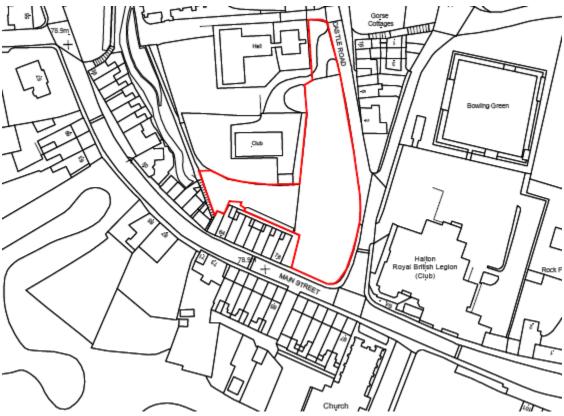
- 1. Time limit full permission;
- 2. Approved plans;
- 3. Restriction on use;
- 4. Construction hours (GR2);
- 5. Implementation of external facing materials (CS(R)18 and GR1);
- 6. Submission of landscaping scheme and subsequent maintenance (GR1);
- 7. Information packs for residents (HE1 and CS(R)20):
- 8. Breeding birds protection (HE1 and CS(R)20);
- 9. Electric vehicle charging points scheme (C2);

- 10. Parking and servicing provision (C1 and C2);
- 11. Off-site highway works (C1);
- 12. Implementation of cycle parking scheme (C2);
- 13. Implementation of drainage strategy (CS23 and HE9);
- 14. Sustainable development and climate change scheme (CS(R)19);
- 15. On site waste management scheme (WM9); and
- 16. Site waste management plan (WM8).

Meeting ended at 7.40 p.m.

APPLICATION NO:	22/00015/FUL
LOCATION	Site Of Former Panorama Hotel
LOCATION:	Castle Road, Runcorn.
PROPOSAL:	Proposed residential development of 20 apartments, with associated public open space, landscaping and access
WARD:	Halton Castle
PARISH:	None
APPLICANT:	Premier Builders Ltd. Suites 7 - 10 Prudential Buildings, 61 St Petersgate, Stockport. SK1 1DH.
AGENT:	N/A.
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2021) Delivery and Allocations Local Plan ('DALP') (March 2022).
	Allocated Residential Site Ref:R45.
DEPARTURE	No
REPRESENTATIONS:	Local resident objections received, summary of which is presented in the report.
KEY ISSUES:	Principle of development, regeneration of brownfield land; residential privacy and overlooking, parking provision, access onto Highway, drainage, Heritage and conservation area impacts.
RECOMMENDATION:	Approve Subject to Conditions





APPLICATION SITE

The Site

The application boundary covers an area of 0.159 hectares of previously developed land. The site is known locally as the Panorama site after the Hotel that once occupied the site. The Hotel was demolished in 2009.

The site occupies an elevated position above Main St. due to a difference in land levels between the application site and Main St. Access is currently taken off Castle Rd. at the most Northerly point of the application site boundary.

The perimeter of the site is bound along Main St. and Castle Rd. by a sandstone wall. The wall has suffered as a result of subsidence on site collapsing in two places.

The plan above provides an understanding of the locality of Halton Village in which the application site is situated. With regard to the nearest buildings to the application site, the following points of interest are of note.

Located to the west of the application site are numbers 64-76 Main St. This row of terraced properties are situated at a ground level approximately one storey lower than the proposed development site. The rear of these properties are bound by the steep rise in land level that is a natural area of topography that rises toward Halton Castle.

A further run of two storey terraced properties are located south of the application site boundary. Like those previously discussed they occupy a land level that is approximately one storey lower than that of the application site.

The Halton Royal British Legion is located to the east of the application site across from Castle Rd.

A row of terraced properties lie to the north east of the application site that are located along Castle Rd. This terrace are a series of Grade 2 listed buildings.

A scout hut is located to the North West that is still used by a local scout group. Beyond that is the Library building which is a Grade 2* listed building.

Planning History

08/00272/CAC- (PER) -Application for Conservation Area Consent for proposed demolition of four storey hotel (to be replaced with 15 No. apartments)

08/00273/FUL- (PER) -Proposed demolition of three storey hotel and erection of 15 No. self contained flats in a three storey block

11/00290/FUL- (PER) -Application for a new planning permission to replace extant planning permission in order to extend the time limit for implementation on 08/00273/FUL, for the proposed demolition of three storey hotel and erection of 15 no. self contained flats in a three storey block

15/00437/S73- (PER) -Application under Section 73 of the Town and Country Planning Act 1990 to amend condition 2 of planning permission 11/00290/FUL to substitute approved plan 208-PC.203-B for A04 Rev C to facilitate amendments to comply with disabled access requirements, site levels and new parking and bin storage requirements

15/00564/PLD- (PER) -Application for a Certificate of Proposed Lawful Development for 15 apartments in accordance with Planning Permission 11/00290/FUL

16/00286/S73- (PER) -Application under Section 73 of the Town and Country Planning Act to amend condition 2 of permission 15/00437/S73 to substitute approved plans 2008-PC-200B, 201B and A04C for 1316-001, 002, 003 to reduce the number of flats from 15 to 13, introduction of 3 no. light wells, amend access ramp and car park layout and introduce mezzanine level to flat 13

18/00096/TCA- (NOBJ) -Retrospective application to document previously approved tree removal to facilitate clearance of collapsed wall adjacent to Castle Road

21/00284/TPO- (PER) -Proposed removal of all trees within group G9 of TPO 016 to facilitate repair/replacement of wall

THE APPLICATION

The Proposal

The planning application was submitted with the following description of development:

Proposed residential development of 21 apartments, with associated public open space, landscaping and access

Through the course of the applications consideration the proposal has been reduced to 20 apartments. For the avoidance of doubt the development proposed is split as follows, 13 No. units are proposed to be single bedroomed and 7 No. are proposed to be double.

Documentation

The application was submitted with the following supporting documentation:

- Application form
- Set of existing and proposed drawings
- Archaeology report
- Design and access statement
- Engineering desk study
- Heritage Statement
- Planning statement
- Preliminary ecological appraisal
- Statement of community involvement
- Transport statement

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.

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

CS(R)1	Halton's Spatial Strategy
CS(R)3	Housing Supply and Locational Priorities
CS(R)12	Housing Mix and Specialist Housing
CS(R)13	Affordable Homes

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)22	Health and Well-Being
CS(R)23	Managing Pollution and Risk
CS(R)24	Waste
RD1	Residential Development Allocations
C1	Transport Network and Accessibility
C2	Parking standards
HE1	Natural Environment and Nature Conservation
HE2	Heritage Assets and the Historic Environment
HE5	Trees and Landscape
HE7	Pollution and Nuisance
HE8	Land Contamination
HE9	Water Management and Flood Risk
GR1	Design of Development
GR2	Amenity
GR3	Boundary Fences and Walls

Supplementary Planning Documents ('SPD')

- Design of Residential Development SPD
- Draft Open Spaces Supplementary Planning Document

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 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 application was advertised via the following methods: site notice posted near to the site, press notice, and Council website. Surrounding properties were

notified by letter.

Following the Applicant's modification of the scheme a follow up 14-day consultation exercise was issued to neighbouring properties.

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

United Utilities

<u>Drainage</u>

No objection subject to recommended conditions.

Council Services

<u>Archaeology</u>

The Council's retained advisor has reviewed the archaeology submission and confirms the following:

The evaluation states that the underground disturbance will be limited to the area of the public house. This has already undergone a programme of archaeological recording and are preserved by record on the Cheshire Historical Environment Records. An identified rock cut feature is of archaeological interest, however, no other features of this type were uncovered during the evaluation and the area of the feature (the entrance to the site) is to be landscaped into a garden/ car park entrance. It is unlikely that the development of the garden/car park entrance will significantly impact any further rock cut features.

If the council are minded to grant permission to this proposed development it is unlikely that the development will impact below ground remains which have not previously been identified and recorded and therefore there are no further archaeological requirements for this proposed development.

Conservation Advisor

The Council's retained advisor has reviewed the development proposal and is of the opinion that the proposed scheme will result in only a low degree of less than substantial harm to Halton Conservation Area and to the settings of nearby listed buildings.

Discussion with the Applicant has resulted in a redesign of the proposed main building. The original design was deemed to be too tall, and to appear too imposing from the Main Street and Castle Road junction, failing to address that corner appropriately.

The revised design has seen the roof height lowered and the roof redesigned.

both of which lessen any adverse impact that this new, larger building on the site would have. The floorspace lost through lowering the height of the building has been partially regained with the addition of a smaller extension to the south of the main building, which has the effect of breaking up the formerly imposing proposed south elevation, and stepping the building up from street level, addressing Main Street and the corner better. The application demonstrates well that visibility from the north is low and the building will therefore not impact on the setting of buildings in that direction.

The proposed creation of an entrance gate on the Castle Road frontage is acceptable. The section of wall proposed for removal appears not to be of the same phase of building as the parts that will remain, and the impact of its removal will be lessened by the alignment of Castle Road as it bends away from Main Street.

It is recommend that upon the grant of planning permission, a condition be added to that permission that details of external materials and finishes, spec for conservation rooflights, and design of the railing around part of the site be agreed prior to the commencement of work.

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HBC Contaminated Land

The Councils retained advisor recommends that, if approved, the permission is conditioned to require the further investigation, risk assessment and development of a remediation strategy (with appropriate verification reporting).

HBC Highways

Vehicle Parking - The application proposes 23 car parking spaces for the development (the planning statement included indicates the provision of 24 spaces). This is sufficient in regard to DALP policy which requires a maximum of 2 spaces for 2 bed apartments and 1 space per 1 bed apartment. Whilst this amounts to 25 spaces this is a maximum requirement.

This proposal for 23 spaces falls marginally below the threshold for parking standards by just over 10%. However, given its close proximity to shops and services by sustainable modes of transport, the Highway Authority would be satisfied with the proposed parking provision. The Highway Authority would condition this provision in line with the application. Additionally it would be necessary for this to include 10% disabled parking provision closest to the building entrance and 2 EV charging spaces.

Cycle Parking Provision - It is noted that the planning statement submitted states that there will be dedicated, secure cycle storage on the ground floor. I was unable to find further details as to this provision and we would condition that this was covered to protect bicycles and located in a visible and convenient location to encourage use.

Visibility Requirements - Independent speed surveys undertaken on Castle Road and The Underway indicate that the 85% speeds are low and below 20mph.

The visibility splays demonstrated appear to be sufficient given the lightly trafficked and low speed roads. They meet with MfS requirements in terms of distance and would appear to be acceptable. The one concern here is the visibility to the south which appears to be addressed by a lower wall which allows the visibility to be achieved. This low height of the boundary wall would be required to be maintained and the vegetation here should be of low growing varieties to prevent any future obstruction of this visibility splay.

Boundary Treatments - Whilst the design drawings provide only a visual representation of the proposed appearance, we would require details of all of the boundary treatments.

Site Access - It will be necessary for the amended footway bounding the site to be constructed under suitable legal agreement as well as the newly proposed site access and the re-aligned road markings on Castle Road to be subject to a 278 agreement with the Councils Highway Maintenance department prior to works commencing. The proposal to upgrade the footway is welcomed and improves the links to and from the site for pedestrians by comparison to the present unsatisfactory arrangement.

Retaining Walls And Structures - Full structural drawings and details of retaining walls shall be submitted prior to approval.

Precautions should be taken to avoid any highway damage during the course of construction. Any damage sustained would be subject to reinstatement by the Highway Authority at the applicant's expense.

Conditions - The Highways officer recommends the following conditions

- Structural details of all retaining walls within 4m of a highway boundary.
- Details of disabled and EV charge parking spaces to be detailed
- Cycle parking details to be supplied including location.
- Boundary treatment detail.
- Formal agreement entered with the Highway Authority in regard to the site access and re-positioned footway.
- Construction management plan including details of site deliveries and contractor parking to be located off highway.

Lead Local Flood Authority

The Council's retained advisor has confirmed that as the development would be located within flood zone 1 the proposed development would be appropriate in terms of flood risk. However, planning policy requires that applications are

supported by a drainage strategy that demonstrates how surface water and foul drainage would be managed in order to ensure that the proposed development is safe from flooding and would not increase the risk of flooding elsewhere. Further to this Sustainable drainage (SuDS) should be used unless it would not be feasible.

Therefore, it is recommended that conditions be attached to any approval to secure a drainage system in line with the sustainable drainage hierarchy and a condition that secures a verification strategy post installation to demonstrate compliance with the aforementioned scheme design details.

MEAS - Ecology and Waste Advisor

The Council's retained ecology advisor is considering the application documentation. An update will be reported to Committee by way of an entry on the update list or orally on the night of Committee.

REPRESENTATIONS

A total of 9No representations have been received as a result of the publicity undertaken. All bar one were objections to the scheme, the details of which are summarised below.

- I welcome the changes in height and colour of the proposed development
- I am concerned about the appropriateness of the number of apartments.
- Who will occupy the flats,
- There is a long-term legacy of problematic flats in this area
- It's too big, it's out of character to the village conservation area
- It is foreboding and overbearing to neighbouring properties and pedestrians.
- It will result in a loss of natural sunlight due to the building blocking the sun to the south. This will have a detrimental effect on people's wellbeing.
- There is a risk it will overlook the scout hut, which is a child safeguarding issue.
- Risk of overlooking the backs of houses.
- The proposed apartment block is 8.5 metres taller at the ridgeline than the houses below.
- The designs look like the wall will need to be partially demolished this is at odds with it being in a conservation area.
- The development will create a five-way junction of Castle Road. It's already a troublesome spot for turns and jams.
- Flats will definitely have more vehicle movements than the previous Hotel.
- The area already has lots of flats at Castle View House, Avalon Court.
- The Panorama flats design could be worse, it looks alright in a cosmetic way

- The site could quite easily accommodate terraced starter homes.
- It's too big it's out of character to have a block of flats that big in the village.
- Main street is extremely busy with traffic and vehicles struggle to pass and give way due to residents parked cars. We struggle for parking on main street.
- We are victims of anti social behaviour. Youths and young children throw stones at our tiled roofs causing thousands of pounds worth of damage. The last thing we need is more kids up the castle throwing missiles.
- The corner of that site is already difficult to drive around.
- Due to the sandstone wall, any noise made around that area carries across main street.
- This is a conservation area that needs to be sensitively preserved.
- The roads are already a nightmare as are youths hanging around the Castle.
- When I last checked the Land Registry it was apparent that the boundary
 of the Panorama site was in line with the gated wall. I now see that the
 amended plan boundary crosses the access track up into the scout huts
 and also includes the area in front of the Library Wall.
- We have little enough parking bays for the residents of Gorse Cottages.
- There is insufficient width of the Castle Rd. Highway to accommodate a pedestrian pavement.

As noted above, the Applicant undertook modifications to the development proposal following receipt of feedback from the consultees that have commented on the application. No new issues were raised during the second consultation window.

ASSESSMENT

Principle of Development

The planning application proposes the development of a residential apartment scheme upon a vacant brownfield site located within the Halton Village Conservation Area.

The scheme will consist of 13 No. 1 bed units and 7 No. 2 bed residential apartment units.

The site is identified as Site R45 by the DALP Proposals Map and is allocated for residential development. The proposals are considered acceptable in principle.

Highways Considerations - Access and Highway Impact.

The Council's highway engineer has reviewed the development proposal and raised no objections.

The Highway engineer has highlighted a potential conflict concerning the future development of a boundary treatments to the front elevation of the development. There are no boundary details in submission. Inappropriate boundary treatments have the potential to inhibit visibility when exiting the development onto the Highway. A boundary treatment condition can be applied to any permission granted that will necessitate the submission of a boundary development scheme, the details of which can be considered by the Council's Highway engineer.

The highway engineer has set out a minimum standard for cycle storage provision. This has been agreed by the Applicant. An appropriately worded condition will ensure such provision is delivered on site.

The Highways officer has recommended a number of planning conditions for a planning approval. These are detailed in his advice as set out earlier in this report. This includes a condition securing electric vehicle parking charge points. The Applicant has considered all conditions and has raised no objection to their use.

Greenspace Provision.

Policy RD4 'Greenspace provision for residential development' sets a requirement that development proposals of 10 or more dwellings are expected to make appropriate provision for the needs arising from the development. The Council has determined that the on-site landscaping is insufficient to fulfill policy requirements. In order to comply with planning policy, the Council has undertaken a calculation for off-site open space provision. The Applicant has agreed this sum and confirmed that they will make this payment upfront at the point of determination rather than sign a S106 agreement.

Ecology

As noted above, the Council is awaiting the comments of its ecology advisor. Members will be updated orally.

Drainage And Flood Risk

The development proposal has been assessed by the Lead Local Flood Authority (LLFA). The LLFA have determined that the site as the development would be located within flood zone 1 the proposed development would be appropriate in terms of flood risk.

Planning policy requires that applications are supported by a drainage strategy that demonstrates how surface water and foul drainage would be managed in order to ensure that the proposed development is safe from flooding and would not increase the risk of flooding elsewhere. Further to this Sustainable drainage (SuDS) should be used unless it would not be feasible.

To ensure the Applicant follows the drainage hierarchy the LLFA have

recommended a set of drainage conditions to satisfy the requirements of planning policy. The Applicant has reviewed the suggested conditions and has not raised an objection.

Design and Character

The scheme proposes an apartment building that is comprised broadly of two main sections; two and three and a half storey elements on an elevated platform above Main St. Halton Village. Both elements feature a dual pitched roof design that is consistent with the existing housing stock within the vicinity of the application site boundary.

When viewed from Main St. the apartment building will present a two storey element nearest the application sites southern boundary. The height of the building increases to three and half stories further north into the site. This design approach reduces the impact of the building upon the streetscene of Main St.

With regard to design, the mass of the building is broken up with design cues such as gable returns, off set symmetrical positioning of apertures, deep set pitched roof arrangements, mixed materials between ground and upper floor levels and the use of replica stone quoins which were a feature of the now demolished Panorama Hotel building.

The choice of building materials will have a significant impact on the final appearance of the building and its surroundings, particularly given its location in a conservation area. A materials condition will ensure that the development is built using a pallet of materials agreed in consultation with the Council's retained heritage advisor.

Given the difference in land levels between the development site and the properties along Main St. there will be an exaggerated juxtaposition between any existing and proposed development at this location. This was evident in the occupation of the site by the former Panorama Hotel and the previously approved schemes for the application site.

The Applicant has designed a scheme that is sensitive to the land levels of the application site and those of the properties that surround it. Specific regard has been had toward designing the apartment building in such a way that it makes a positive contribution to the street scene. As such the scale and massing is considered appropriate.

Residential Amenity and landscaping

The Applicant has followed the advice of the Council's retained heritage advisors and planning officers to reduce the scale and massing of the building at its nearest point of interface with existing residential properties. In addition the proposal now incorporates the use of externally projected angled windows to prevent direct overlooking of terraced properties along Main St. This will limit the views out of apartment windows to a north west direction and minimise potential

overlooking of the rear of properties 64-76 Main St.

It is considered that such measures in combination with the site and situation of the proposed apartment building, would not cause overlooking, loss of privacy, loss of light or over shadowing to justify refusal of planning permission.

As noted in the planning history section of the report, the application site has over recent years lost a number of mature trees. A standard landscaping scheme condition is recommended to compensate for this historic loss and to ensure an appropriate landscaping scheme is incorporated into the final design that specifies the planting of appropriate species.

Whilst an area of land is incorporated into the scheme, there is no landscaping scheme that sets out how this use of land will be given over the enjoyment of future site residents. This can be addressed by the requirements of a landscape condition. An off site contribution in lieu of on-site open space provision has been agreed with the Applicant. The Applicant has agreed to an up front undertaking in place of a S.106 agreement.

Site Layout

The application site is broadly divided into three parts, the residential apartment building, landscape open space and the car park.

The building is serviced via an undercroft arrangement that will provide access for utilities and bin storage and a degree of parking.

Two separate access points are proposed. The undercroft will be accessed off the highway known as the Underway. The main car park will be accessed off Castle Rd. Due to the site levels it is not possible for these two access points to be linked.

The layout and parking arrangements have been assessed by the Council's Highways Officer who has raised no objection.

Site Boundary

The site is currently bound by a sandstone wall that runs from the boundary on Main St. to Castle Rd. This is a substantial wall that acts as a retaining wall at certain points along its length. To the west the site is bound by a cliff top edge.

It is recommended that two conditions be attached to any approval. A standard boundary treatment condition will ensure any additional boundary treatment is satisfactory in terms of quality, Highway Safety and avoid the potential overshadowing of neighbouring properties. A second condition to secure an assessment of this wall and a program of restoration.

Ownership

The Council has received an email from a member of public that states part of

the application site boundary is not in the ownership of the Applicant and raised concern with regard to the maintained access to the Scout Hut. The Applicant has provided land registry documentation that demonstrates that they do own the land shown in the proposed red edge plan. The Council is satisfied that the Applicant has signed the correct ownership certificate.

The Applicant has confirmed that they have discussed the proposal with the local Scout group and that access to the Scout Hut will remain in perpetuity.

Safeguarding

A representation made by a member of the public raises concern that the proposed development will overlook the local Scout Hut. The Scout Hut was included in the public consultation exercise. No response was received.

Scout groups typically operate in residential areas due to their community nature and like schools have a chachmenet of youth population. This development proposal is a residential development in an existing residential area. There is no identifiable safeguarding risk as a result of this development to justify refusal of planning permission.

Heritage and Archaeology

The Council's retained advisors in these fields have considered the application and raised no objection.

Concerns have been raised in response to the public consultation exercise that comment upon the proposed building being too large and out of keeping with the conservation area. These comments were made in response to the first consultation exercise and considered the development proposal as first submitted. Since that time the Applicant has amended the scheme following consultation with the Council's retained heritage advisor. This has resulted in the modification of the two and three storey arrangement to break up the overall appearance of the buildings mass and an overall reduction in the height of the building. Such efforts were undertaken to better integrate the proposed apartment building into the existing street scene.

An additional heritage concern raised in response the consultation exercise concerned the lack of repair to the stone wall along Castle Rd. The wall has failed at two separate points. In response the Council has discussed the need for an assessment of the stone wall and a program of repair with the Applicant. The Applicant has agreed to the use of a suitably worded planning condition to secure this work.

Traffic and Highways

The scheme has been considered by a highways officer on behalf of the Local Highway Authority. Following a review of the proposed scheme and the results

from an independent traffic review, the Highways officer considers that the scheme is compliant with the advice set out in the manual for streets.

The Highways officer notes a shortfall in parking standards that marginally exceeds the 10% watershed consideration set by DALP planning policy C2 para 3 that states:

3. 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.

As noted in the Highway's officer advice, the parking standards set out at Appendix D of the DALP are maximums not minimums. The combination of onsite parking provision and the proposed development's close proximity to bus stops and local services is sufficient for the development site to be considered a sustainable location. The development is considered to comply with policy C2.

Planning conditions have been suggested as noted in the advice of the Highways officer set out in full earlier in this report. These will secure; appropriate visibility splays at the developments access points, structural details of all retaining walls, a construction and access management plan, appropriate levels of disabled parking spaces, electric vehicle charging, cycle storage, and arrangements concerning a re-positioned footway. The Applicant has been made aware of the need for such conditions and raises no objection.

A number of representations have raised concerns with the increase in traffic, access to the development site and safety. As noted above, matters of highway safety have been considered by a Highway officer using data from an independent traffic review and using the standards and methodologies of assessment as set out in the manual for streets. Provided the above conditions are attached to a planning permission, the Highways officer offers no objection.

Construction vehicle traffic will cause a temporary burden to the locality including an impact on the immediate highway network. A construction and management plan will ensure such level of impact is kept to a minimum. An additional standard condition is recommended for the final surfacing and lining of car park layout to be completed prior to occupation of the building.

Affordable Housing

DALP planning policy CS(R)13 'Affordable Homes' states that developments located on brownfield land are exempt from providing affordable homes. Given the brownfield nature of the application site, the Applicant is not required to provide an element of affordable housing provision as part of this development proposal.

Waste Management

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

In terms of the proposed residential use of the site, there is sufficient space within the development to deal with this and the necessary detail can be secured by condition.

Sustainable Development & 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.

Conclusion

The application site is allocated for residential development in the newly adopted DALP. Development of the site will contribute toward the Council's housing targets.

The design and appearance of the two and three and half storey apartment building is considered to be of a high quality that will contribute to the character and appearance of the Conservation Area and nearby listed buildings. The precedent of a three storey apartment building has been established by the historic planning permissions set out in the planning history section of the report. The scheme has been amended to address impacts on adjoining properties.

Development of this scheme will utilise a brownfield site that has been vacant for over ten years. The site has become overgrown and the retaining wall has suffered two instances of subsidence and partial collapse along Castle Rd. The removal of a derelict site from within the boundary of the Conservation Area and a program of restoration for the boundary wall are further considerations that weigh in favour of the development proposal.

The proposed development provides sufficient parking and servicing arrangements. Matters of access and visibility have been assessed by the Council's Highways officer who raises no objection.

The proposal would not adversely affect amenity of local residents. The historic loss of trees will be compensated by a future landscaping scheme that can be secured by a suitably worded planning condition.

In conclusion the submitted proposals are considered to offer a high quality development that is well suited the character of the Conservation Area and the

properties along Main St. The proposal is therefore considered to comply with the planning policies identified in the policy section of this report.

RECOMMENDATION

The application be approved subject to the following:

- a) Financial payment (or a legal or other appropriate agreement) relating to securing financial contributions to open space.
- b) Conditions relating to the following:
 - 1. Time Limit Full Permission.
 - 2. Approved Plans (GR1).
 - 3. External Facing Materials (Policy GR1)
 - 4. SUDS (Policies CS7, CS23)
 - 5. SUDS verification and validation (Policies CS7, CS23)
 - 6. Structural details of all retaining walls within 4m of a highway Boundary (GR1).
 - 7. Details of disabled and EV charge parking spaces to be detailed (Policy C2)
 - 8. Cycle parking details to be supplied including location.
 - 9. Boundary treatment details.
 - 10. Program of restoration for the sandstone wall adjacent to Main St. and Castle Rd. including an assessment of its current condition.
 - 11. Formal agreement entered with the Highway Authority in regard to the site access and re-positioned footway.
 - 12. Construction management plan including details of site deliveries, contractor parking to be located off highway and reasonable avoidance measures for nesting birds, amphibians, hedgehogs (Policies GR1, GR2, CS20).
 - 13. Car park to be surfaced and set out prior to occupation (GR1)
 - 14. Foul and surface water shall be drained on separate systems (Policy CS23)
 - 15. Phase 2 ground investigation study/ remediation (Policy CS23)
 - 16. Bird and bat boxes details (Policy CS(R)20)
 - 17. Car park lighting scheme (Policies GR1, GR2, CS20)

- 18. Specification of conservation area roof lights (GR1, HE1)
- 19. Soft landscaping (Policies GR1, HE5)
- 20. Sustainable Development and Climate Change Scheme (Policy CS(R)19)
- c) That if payment is not made (or the S106 Agreement or alternative arrangement is not executed) within a reasonable period of time, authority be delegated to the Operational Director Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

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.

APPLICATION NO:	22/00194/FUL
LOCATION:	Borax UK, Gorsey Lane, Widnes, WA8 0RP.
2007 (110111)	Bolax ork, colody Larlo, Marios, Wile ork .
PROPOSAL:	Proposed alterations to yard and building envelope, inclusion of operations hub and sheltered loading areas along with associated mechanical and electrical equipment to ensure client functionality.
WARD:	Halton View
PARISH:	N/A
APPLICANT:	Unipart, Unipart House, Garsington Road, Cowley, Oxford OX4 2PG.
AGENT:	Jefferson Sheard Architects, Unit 9, The Forum, Minerva Business Park, Lynchwood, Peterborough PE2 6FT
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Employment Allocation (part of E31).
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No.
REPRESENTATIONS:	No representations have been received from the publicity given to the application.
KEY ISSUES:	Principle of Development, Design and Layout, Highways and Flood Risk and Drainage
RECOMMENDATION:	Approve subject to conditions.
SITE MAP	

1. APPLICATION SITE

1.1 The Site

The Borax UK site is located within the defined town settlement boundary for Widnes, to the east of Widnes town centre. It is accessed from Gorsey Lane, which is located to the south of the A562 which links to the town of Warrington to the east. The river Mersey Estuary located to the south of the site.

The site is bounded to the east by Gorsey Lane, the A562 to the west and Bell's Healthcare to the north, to the south is vacant land with Teal Business Park beyond.

1.2 Planning History

Planning permission 19/00240/FUL was granted 14 August 2019 development of industrial unit with use classes B1, B2 and B8 with associated external lighting, electricity substation, service yard and car parking. Since the full application was granted there have been a number of Minor Material Amendments, and None Material Amendments to the original scheme detailed under the following planning applications:

- 19/00476/NMA to permit additional 2.4 metre high guard fencing in black around car park, additional cycle shelter accommodating 20 cycles and reduction to cycleway length through the site.
- 19/00516/NMA to enable the re-routing of the 3 metre footpath / cycle path by substituting approved site layout.
- 20/00611/NMA to allow reduction in unit width by approximately 3 metres, omit Gatehouse, remove canopy to level access doors, amend doors to office layout, and relocation of the service yard access.
- 21/00170/NMA to amend Unit 1 elevations colour from Russet Red to Dahlia Yellow and, in relation to condition 21, to clarify through an amendment to the wording of the condition that the footpath/cycle link will be to the west of the application site along Fiddlers Ferry Road.
- 21/00010/S73 to vary condition 1 of permission 19/00240/FUL and amended by application 20/00611/NMA to refer to revised plans Unit 1 Site Layout Plan M3151-100-101 Rev E, Unit 1 Site Location Plan M3151-101 Rev E, Unit 1 Landscape Proposals SF2922 LL01 Rev H, Unit 1 Landscape Proposals SF2922 LL02 Rev E, and Security Gatehouse M3151-108 to suit occupiers requirements for additional parking, fire engine access direct to the service yard, a security gatehouse and an additional sprinkler tank at Unit 1.
- 22/00106/S73 to vary conditions 21 and 22 of permission 21/00010/S73 (Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 of permission 19/00240/FUL and amended by application 20/00611/NMA to refer to revised plans Unit 1 Site Layout Plan M3151-100-101 Rev E, Unit 1 Site Location Plan M3151-101 Rev E, Unit 1 Landscape Proposals SF2922 LL01 Rev H, Unit 1 Landscape Proposals SF2922 LL02 Rev E, and Security Gatehouse M3151-108 to suit occupiers requirements for additional parking, fire engine access direct to the service yard, a security gatehouse and an additional sprinkler tank) to allow occupation of the unit on the basis that the highways works will be completed by 16th May 2023.

2. THE APPLICATION

2.1 The Proposal

The site is being developed to create a suitable working environment for Unipart Logistics to operate as part of the NHS Supply Chain, acting as a facility for the storage and distribution of medical supplies and hospital consumables serving NHS organisations in the North West. The development assists with improved productivity and efficiency within the NHS supply chain.

As part of this development a number of minor alterations to the building envelope and external spaces are proposed, including a new operations/transport office, 2no new vehicle unloading enclosures, external roller shutter doors, emergency exit doors, a recreational area, mechanical and electrical equipment, external canopy and storage area and alterations to the carpark/vehicle entrance.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement.

3. POLICY CONTEXT

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

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)4 Employment Land Supply
- 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;
- CS23 Managing Pollution and Risk;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- ED1 Employment Allocations
- HE1 Natural Environment and Nature Conservation;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

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

4.1 Highways and Transportation Development Control

No objection to the proposed development.

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.

4.4 Environment Agency

The Environment Agency have no objections to the application, but would offer the following informative comments:

Storage of oils, fuels & chemicals

Any facilities, above ground, for the storage of oils, fuels or chemicals must be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.

4.5 Environmental Protection

No objection to the proposed development.

4.6 Major Projects

No objection to the proposed development.

5. REPRESENTATIONS

- 5.1 The application was publicised by forty one neighbour notification letters sent on 13th January, site notices posted in the vicinity of the site on 21st April and a press advert in the Widnes and Runcorn Weekly News.
- 5.2 No representations were received.

6. ASSESSMENT

6.1 Principle of Development

The site is located within an area defined as Primarily Employment Area, in Policy ED1 of the Delivery and Allocations Local Plan. Employment uses are defined as those for Office, Research and development, and light industry, General Industrial and Storage and Distribution, in accordance with the Town and Country Planning (Use Classes) Order 1987, now superseded by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Therefore, the proposed use is consistent policy ED2 and is considered to be acceptable in principle.

ED2 requires new industrial and commercial developments to be compatible with existing and proposed surrounding uses. Providing adequate screening, to obscure or conceal any unsightly feature of the development.

6.2 Scale Layout and appearance

The proposal seeks to alter the appearance of the original building mainly on the southern elevation by the addition of two sheltered loading docks, an operations hub and two sprinkler units. The sheltered loading dock is also visible on the western and eastern elevation due the protruding nature of the development from the original building line.

In addition, there are a number of generators and transformers to be located on the eastern elevation with air handling units and a new opening consisting of a door with roller shutter.

The western elevation consists of an enclosed smoking shelter, with a 2.4 metre high v mesh fence.

There is no proposals to alter the appearance of the northern elevation.

The general appearance, materials and details of the proposed building would be consistent with existing building and the surrounding area. The built elements would represent a simple building of neat functional and durable design, appropriate to the established surrounding industrial and commercial context. The siting of the mechanical and electrical equipment is in keeping with the established uses.

The development would not appear incongruous, and would not harm the character and appearance of the area. The proposal is consistent with policies CS(R)18 and GR1 of the Delivery and Allocations Local Plan. A condition is recommended that the proposals be implemented in accordance with the approved plans and details, and for approval of external materials.

6.3 Highways, Transportation and Accessibility

The site is located in a sustainable location with good access to local bus services and local amenities.

Safe vehicular access via Gorsey Lane.

The site layout proposes 387 on site car parking spaces including disabled bays and electric charging points with the previously approved 60 cycle parking spaces and 16 motorcycle spaces. The proposal does lose 4 lorry trailer parking spaces due to the development of the operations hub.

The Highway Officer has not raised any concerns regarding the proposals.

The application seeks to meet the requirement for the provision for ultra low emission vehicles. The proposed block plan indicates such provision for 22 spaces. It is considered that a condition requiring the implementation of an electric vehicle charging point scheme and its subsequent implementation and maintenance can be dealt with satisfactorily.

The applicant indicates that the provision of secure cycle storage is to be made in the form of a cycle shelter which is considered appropriate. 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 CS(R)15, C1 and C2 of the Halton Delivery and Allocations Local Plan.

6.4 Flood Risk and Drainage

The site is located in Flood Zone 1, which is an area deemed to be at less than 0.1% chance of flooding in any year which is a low risk.

Based on the site's location in Flood Zone 1 and the site's size, a Flood Risk Assessment is not required in this instance

The Lead Local Flood Authority note that the development is considered to be appropriate in terms of flood risk and the applicant has developed a drainage strategy based on SuDS to manage surface water runoff. This drainage system considers the potential impact of climate change and would help to reduce the risk of flooding elsewhere. However, the application is not clear if the proposal would increase the impermeable area within the development and if this would affect any potential impact on surface water runoff rates or volume.

No development should commence until a surface water drainage strategy is submitted to identify the potential impacts of the development on surface water drainage and to demonstrate the opportunities reduce runoff rates and to include sustainable drainage have been considered fully in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan.

6.5 Ground Contamination

No objection is raised on the grounds of Ground Contamination. The proposal is considered to comply with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

6.6 Trees and Landscaping

The Tree and Landscape Officer has not raised any concerns regarding the proposals. The application does not appear to alter the existing development.

The application appears to be in compliance with Policies GR1 and HE5 of the Halton Delivery and Allocations Local Plan.

6.7 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.

6.8 <u>Waste Management</u>

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 and based on the nature of the proposed development, significant volumes of waste are unlikely to be generated.

In terms of on-going waste management, there is sufficient space within the development to deal with this.

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

7. CONCLUSIONS

The principle of the development is considered to be acceptable. The scale, layout and appearance of the buildings works and addition of mechanical and electrical equipment is also acceptable, and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to drainage can be mitigated by the use of planning conditions.

The proposal is considered to comply with Development Plan Policies CS(R)4, CS(R)15; CS(R)18; CS(R)19; CS(R)20; CS23; C1; C2; ED1, HE1, HE5, HE7, HE8; HE9; GR1; GR2; and GR3 of the Halton Delivery and Allocations Local Plan, and is recommended for approval.

8. RECOMMENDATION

That the application is approved subject to conditions.

9. CONDITIONS

- 1. Time Limit Full Permission.
- 2. Approved Plans.
- 3. Construction Hours (Policy GR2)
- 4. Implementation of External Facing Materials (Policies CS(R)18 and GR1)
- 5. Electric Vehicle Charging Points Scheme (Policy C2)
- 6. Parking and Servicing Provision (Policies C1 and C2)
- 7. Implementation of Cycle Parking Scheme (Policy C1)
- 8. Implementation of Drainage Strategy (Policies CS23 and HE9)
- 9. Sustainable Development and Climate Change Scheme (Policy CS(R)19)

Informatives

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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.

APPLICATION NO:	22/00207/COU
LOCATION:	29 Kennington Park, Widnes, Cheshire, WA8 9PE
PROPOSAL:	Propose change of use from a dwelling [Use Class C3(a)] to a children's home for two children up to the age of 17 [Use Class C2]
WARD:	Birchfield
PARISH:	None
APPLICANT:	Mr Tony Hallam, 20 Leeswood, Skelmersdale, WN8 6TH.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Primarily Residential.
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No.
REPRESENTATIONS:	Representations from 4 contributors have been received from the publicity given to the application.
KEY ISSUES:	Principle of Development and Highways.
RECOMMENDATION:	Grant planning permission subject to conditions.
SITE MAP	



THIS APPLICATION IS BEING CONSIDERED BY THE DEVELOPMENT MANAGEMENT COMMITTEE AS IT HAS BEEN CALLED IN BY WARD COUNCILLOR MIKE FRY FOLLOWING CONCERNS RAISED WITH HIM BY RESIDENTS.

1. APPLICATION SITE

1.1 The Site

The property subject of the application is 29 Kennington Park in Widnes. The property is a detached house with an integral garage and a double width driveway to the front. The site is designated Primarily Residential in the Halton Delivery and Allocations Local Plan.

1.2 Planning History

The site has been subject to the following relevant planning history:

03/00572/FUL – Proposed conservatory to rear – Granted 28/07/2003.

21/00673/PLD - Application for a Lawful Development Certificate for the proposed use of the property as a small children's care home (use class C3b) with no more than 6 people at the home at any one time – Withdrawn 22/04/2022.

2. THE APPLICATION

2.1 The Proposal

The application proposes a change of use from a dwelling [Use ClassC3(a)] to a children's home for two children up to the age of 17 [Use Class C2].

Members will note from the planning history section at 1.2 that an application for a Lawful Development Certificate for the proposed use of the property as a small children's care home (use class C3b) with no more than 6 people at the home at any one time was submitted for this property last year (application reference 21/00673PLD).

This application was withdrawn by the applicant on 22nd April 2022. The reason why the application was withdrawn was due to the fact that the proposal was not lawful development and planning permission was in fact required, hence the current application.

2.2 Documentation

The application is accompanied by relevant plans only.

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:

- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- 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.

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. CONSULTATION RESPONSE.

4.1 <u>Highways and Transportation Development Control</u>

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

Whilst detail is limited, no material changes are proposed to the dwelling in terms of access or parking nor will significant intensification of use result from the proposed change of use. Therefore Highways has no objection to the submitted application.

5. REPRESENTATIONS

- 5.1 The application was publicised by nine neighbour notification letters sent on 5th May and a site notice posted on Kennington Park on 5th May.
- 5.2 Representations from four contributors have been received from the publicity given to the application. A summary of the issues raised is below:
- This business will not operate like a family home;
- This is not a business area;
- The proposal contravenes restrictive covenants;
- No pre application consultation was undertaken with neighbours;
- Adequacy of parking provision for the proposed use;

- Increased traffic generation impacting on the highway and residential amenity;
- Would compromise the accessing of existing driveways on the street;
- Increased noise and disturbance;
- Anti-social behaviour resulting from groups congregating;
- Lack of information on the company/staffing and OFSTED reports;
- Staff unwilling/unable to take responsibility for issues residents may cause;
- Application form is incorrect. The house is vacant and has been for some time;
- Lack of consultation on the proposed development by the Council.

6. ASSESSMENT

6.1 Principle of Development

The property is a dwellinghouse located in a Primarily Residential Area as designated on the Halton Delivery and Allocations Local Plan Policies Map. Residential is therefore the predominant land use in this locality.

The application proposes a change of use from a dwelling (Use Class C3a) to childrens home for two children up to the age of 17 (Use Class C2). The application form indicates that the children would be supervised by two carers 24 hours a day and sleep at the home in the two remaining bedrooms. The two support staff would work on a shift basis and a manager would be at the home Monday - Friday 9am-5pm. The support staff work on a 2 day on 4 off basis comprising of just three shift changes during a week.

It is not considered that the associated comings and goings (Children travelling to and from a place of full time education and staff travelling to and from the property, which would be their place of work) would be of such a significant level that would be detrimental to the amenity of persons residing in the locality.

This view is based on the details provided in the application and it is considered reasonable to attach a condition which states that the property can be used as a childrens home for up to two children and that care for the up to two children shall be provided by not more than one manager and two support staff on a shift basis. Whilst the proposed description makes reference to the proposal being for a childrens home for two children (Use Class C2), the condition proposed would provide clarity on what is permitted in terms of staffing.

In conclusion, the proposed use is considered sympathetic to surrounding land uses and would not be significantly detrimental to the amenity of the locality in compliance with Policy GR2 of the Halton Delivery and Allocations Local Plan.

6.2 Highways, Transportation and Accessibility

The property benefits from an integral garage and a double width driveway, which is a total of three off-road parking spaces.

Concerns have been raised regarding parking, traffic generation and the ability to access existing driveways.

Based on staff numbers and likely movements to and from the property, the Highway Officer has not objected to the application as it is considered that no material changes are proposed to the dwelling in terms of access or parking nor will significant intensification of use result from the proposed change of use.

It is therefore considered that a refusal of the application on highway grounds could not be sustained.

In conclusion from a highway perspective, the proposal is considered acceptable in compliance with Policies C1 and C2 of the Halton Delivery and Allocation Local Plan.

6.3 <u>Issues raised in the representations not addressed above</u>

In principle, any consideration, which relates to the use and development of land is capable of being a planning consideration.

In terms of what weight can be given to a material consideration, the law makes a clear distinction between the question of whether something is a material consideration and the weight which is to be given to a material consideration. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

Concerns have been raised that this is a business and will not operate like a family home. The proposed use of the building is the consideration of this application and it is considered sympathetic to surrounding land uses.

In respect of the property not being in a business area, it is in fact a primarily residential area and a residential use is being proposed which is considered sympathetic to surrounding land uses.

In respect of the proposal contravening restrictive covenants, this is a private matter and not a reason on which the refusal of this application can be sustained.

Whilst desirable, the applicant is not obliged to undertake any pre application consultation with neighbours.

With regarding to increased noise and disturbance and anti-social behaviour resulting from groups congregating, there is no evidence to suggest that this is the case. It is the suitability of the land use that is the subject of this application.

Concerns have been raised on the lack of information on the company/staffing and OFSTED reports. The Council as Local Planning Authority has sufficient information to consider the suitability of the proposed C2 use in this property.

In any case, a subsequent planning permission is for the use rather than for a particular operator.

Regarding staff unwilling/unable to take responsibility for issues residents may cause, this is a future management issue rather than a reason on which the refusal of planning permission could be sustained.

It is alleged that the application form is incorrect and that the house is vacant and has been for some time. Again, it is the suitability of the proposed use, which is the consideration with this application.

The Council has undertook publicity on this application, which exceeds the statutory requirements.

6.4 Planning Balance

Based on the above assessment, the proposal is considered to be in accordance 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

The proposed use of the property as a children's home for two children up to the age of 17 is considered sympathetic to surrounding land uses.

No external alterations are proposed which would impact the character of the area.

The property benefits from an integral garage and a double width driveway and based on staff numbers and likely movements to and from the property no highway objection is raised to the proposal.

The proposed change of use is therefore considered acceptable in compliance with Policies GR2, C1 and C2 of the Halton Delivery and Allocations Local Plan.

8. RECOMMENDATION

Grant planning permission subject to conditions.

9. CONDITIONS

1. Time Limit – Full Permission.

- 2. Approved Plans.
- 3. Restriction on Use.

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

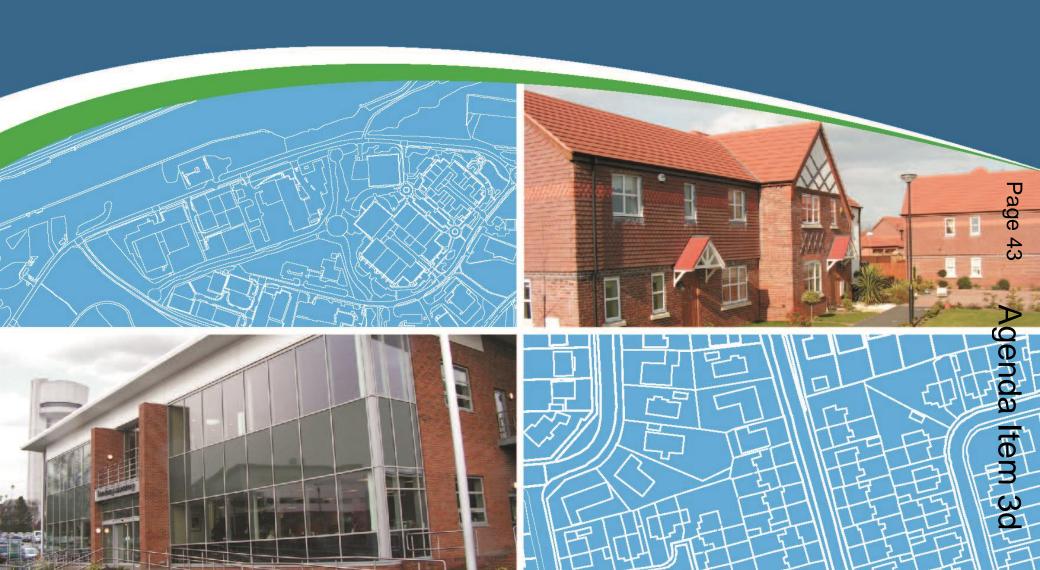
As required by:

- 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.

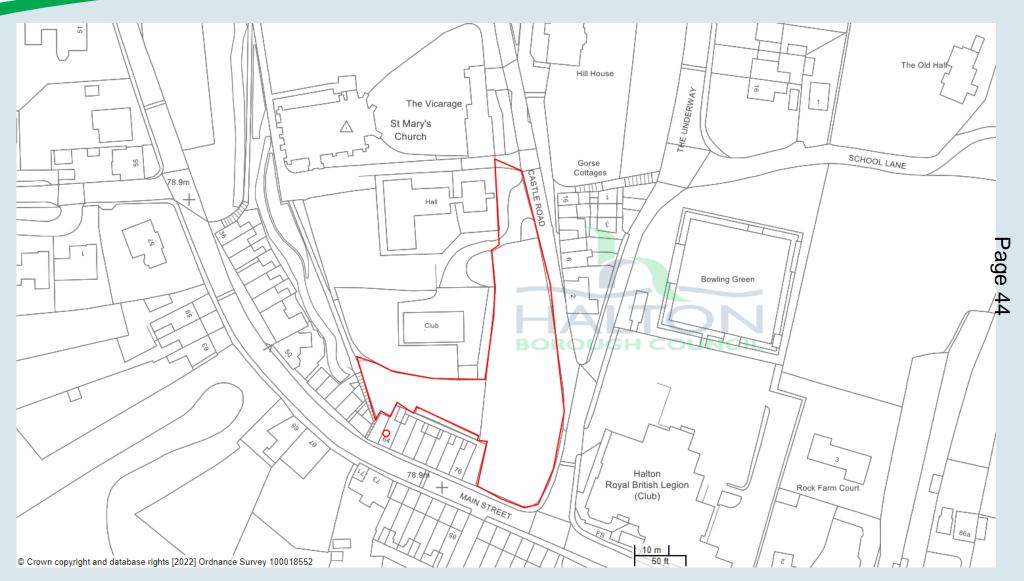
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.



Development Management Committee 12th July 2022



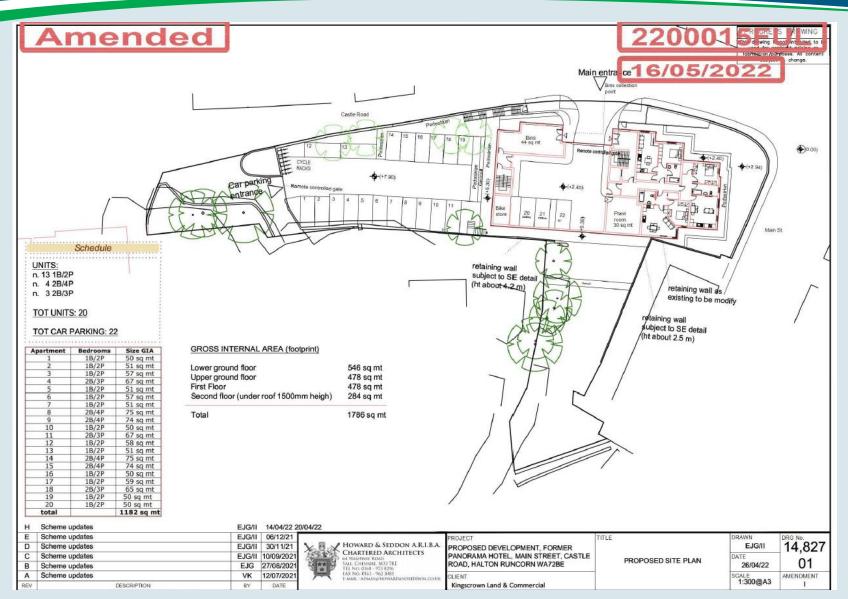




Application Number: 22/00015/FUL

Plan IA: Location Plan





Application Number: 22/00015/FUL

Plan IB: Proposed Site Plan





Plan IC: Proposed Development 3D (I)





Plan ID: Proposed Development 3D (2)





Plan IE: Proposed Development 3D (3)





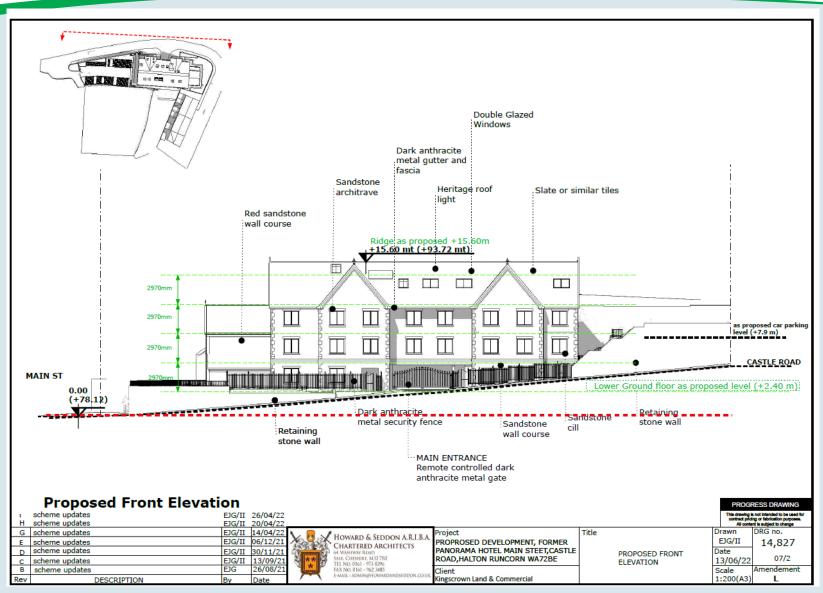
Plan IF: Proposed Development 3D (4)





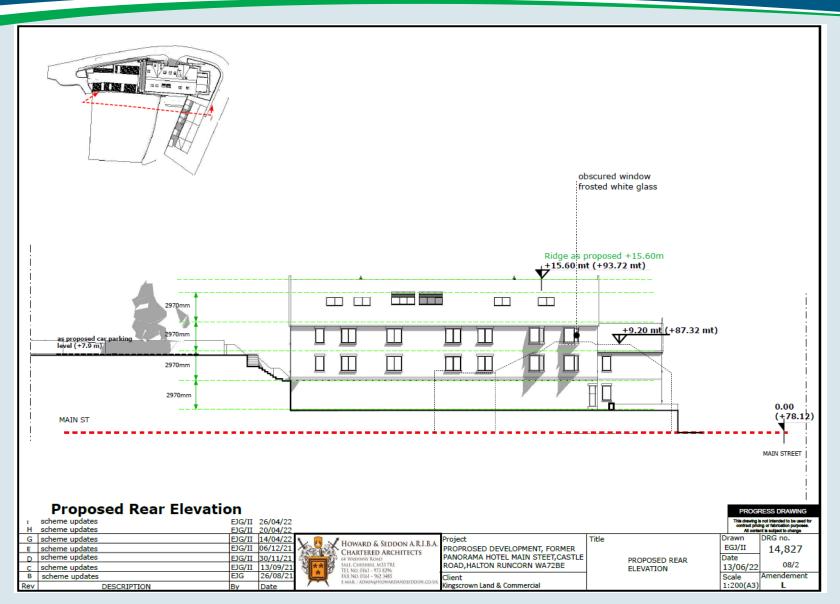
Plan IG: Proposed Development 3D (5)





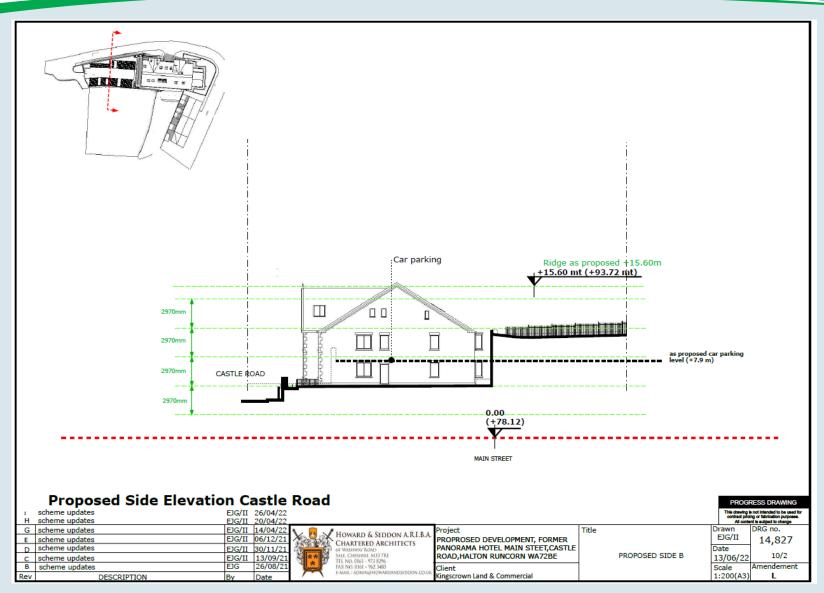
Plan IH: Proposed Elevations (I)





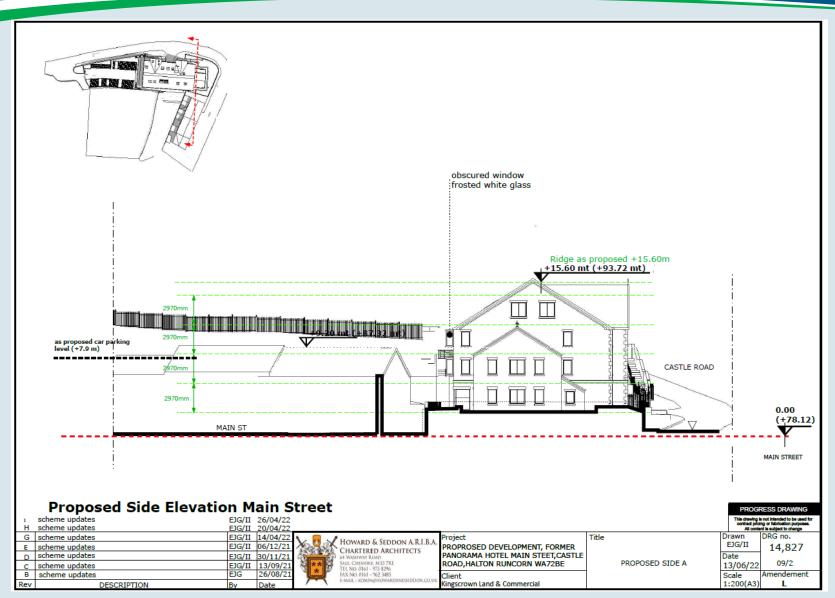
Plan II: Proposed Elevations (2)





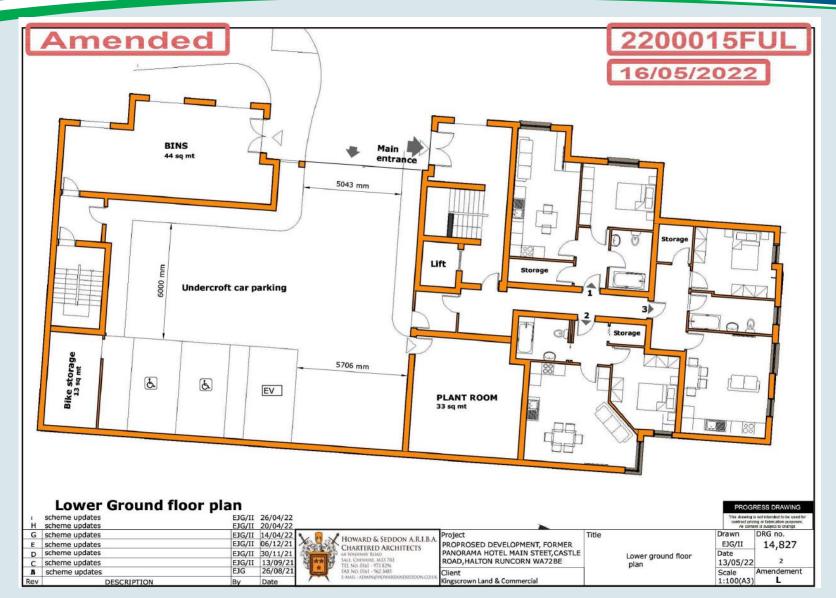
Plan IJ: Proposed Elevations (3)





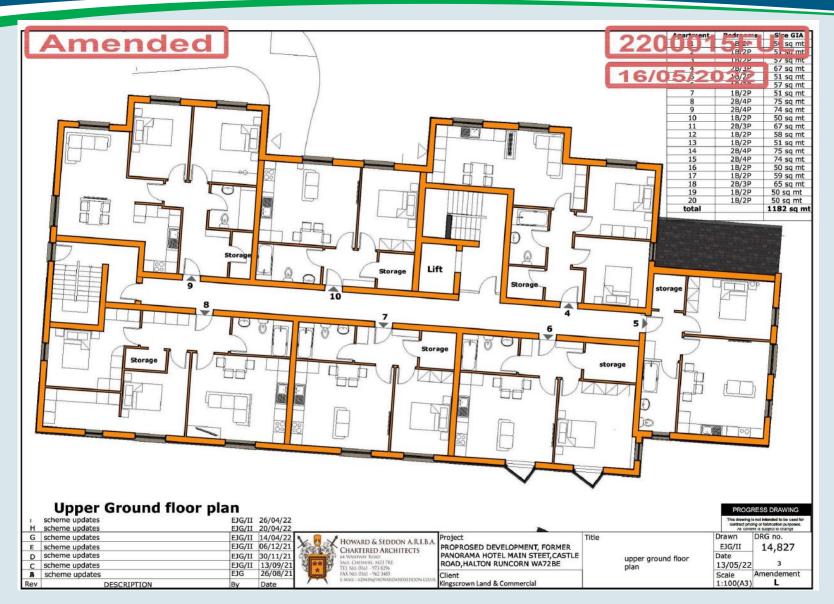
Plan IK: Proposed Elevations (4)



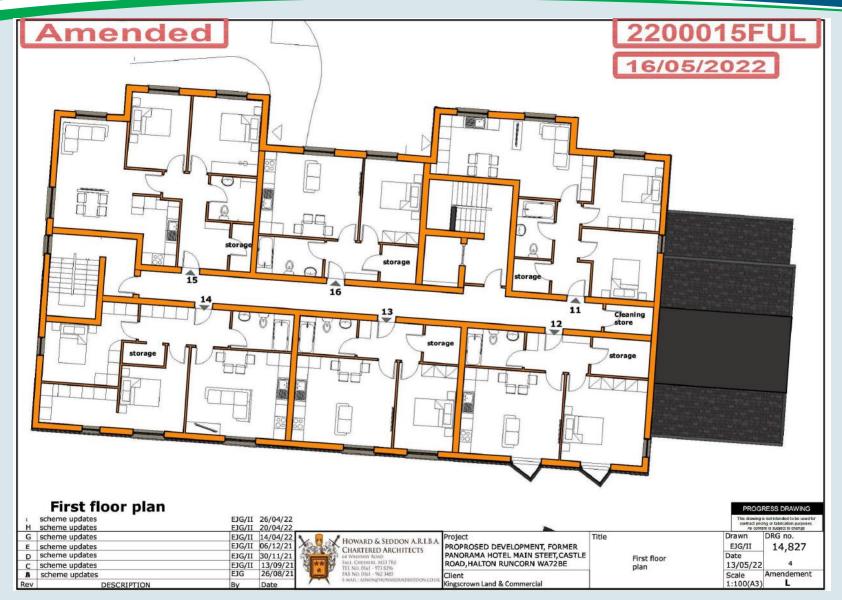


Plan IL: Proposed Lower Ground Floor Plan



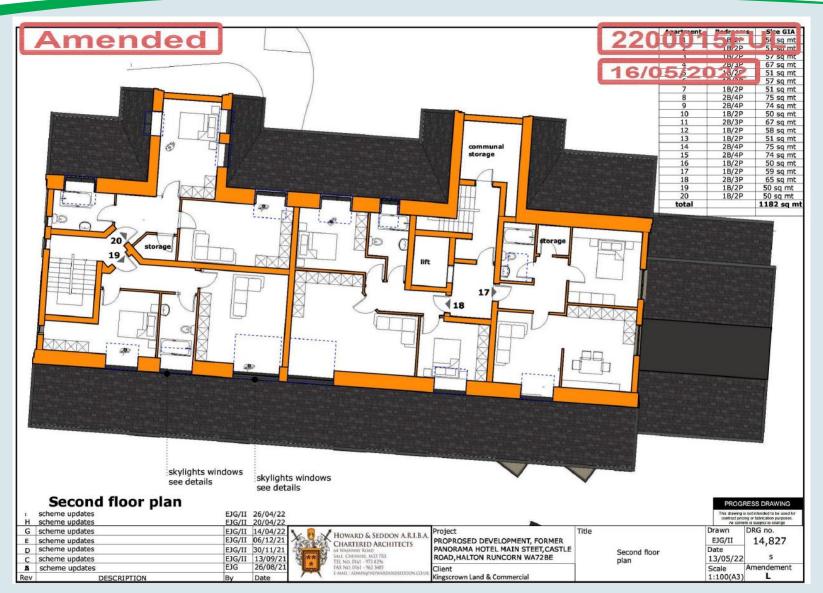






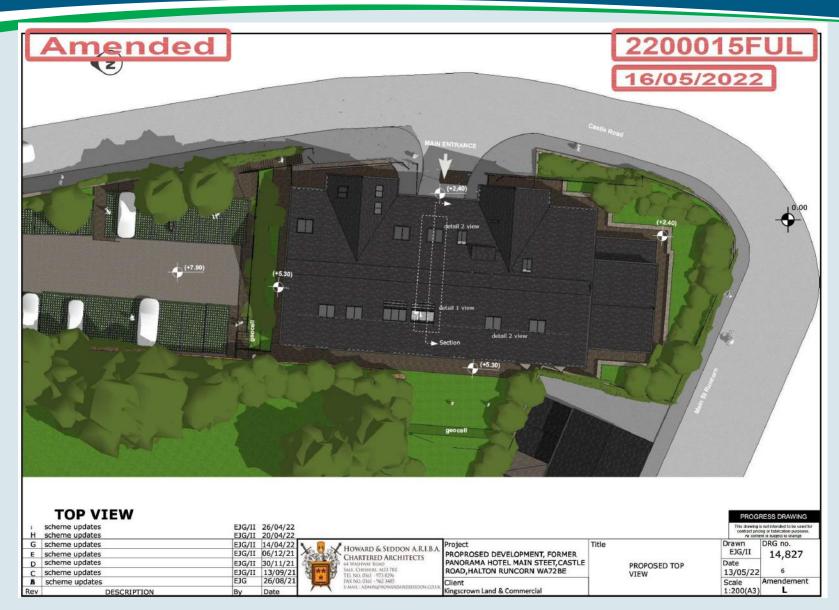
Plan IN: Proposed First Floor Plan





Plan IO: Proposed Second Floor Plan





Plan IP: Proposed Roof Plan





Application Number: 22/00015/FUL

Plan IQ: Aerial Photograph





Application Number: 22/00194/FUL

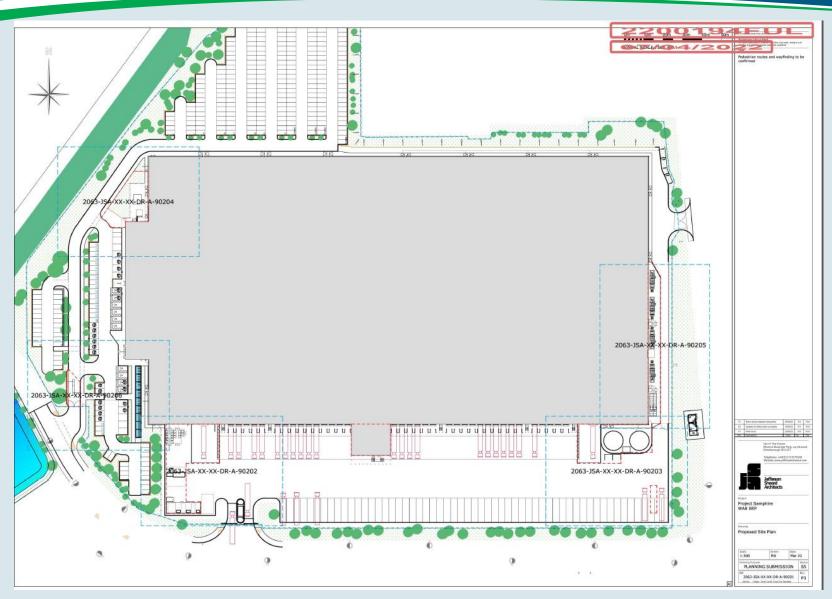
Plan 2A: Location Plan





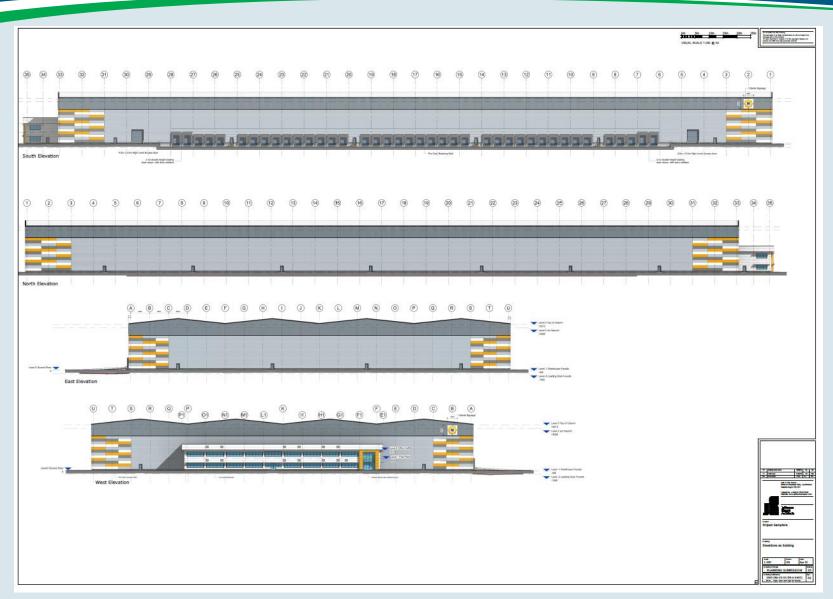
Plan 2B: Existing Site Plan





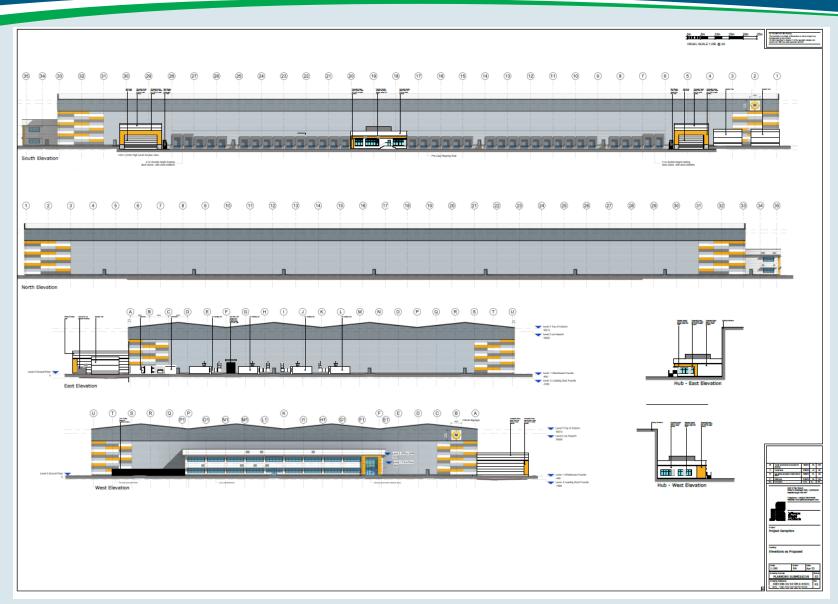
Plan 2C: Proposed Site Plan





Plan 2D: Existing Elevations





Application Number: 22/00194/FUL

Plan 2E: Proposed Elevations



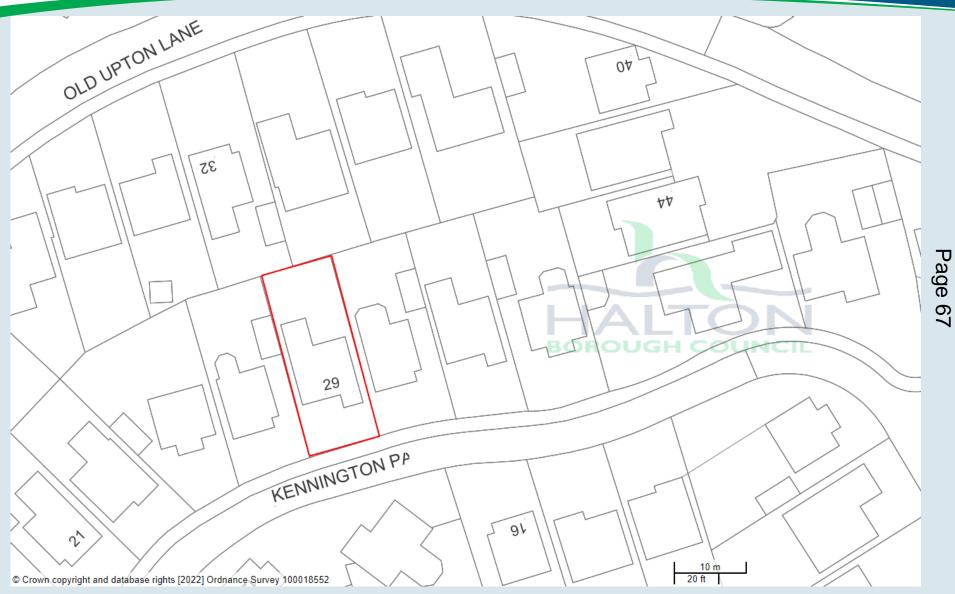




Application Number: 22/00194/FUL

Plan 2F : Aerial Photograph





Application Number: 22/00207/COU

Plan 3A: Location Plan





Application Number: 22/00207/COU

Plan 3B : Aerial Photograph