

# Public Document Pack



## Development Management Committee

Monday, 2 September 2024 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 Laura Bevan
Councillor Chris Carlin
Councillor Chris Loftus
Councillor Ged Philbin
Councillor Carol Plumpton Walsh
Councillor Rob Polhill
Councillor Christopher Rowe
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, 7 October 2024*

**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 - 3</b>
<b>2. DECLARATIONS OF INTEREST</b>	
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.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>24/00007/FUL</b> - Proposed residential development with associated open space, landscaping and infrastructure with new accesses on land of South Lane, Widnes, WA8 3UB	<b>4 - 46</b>
(B) <b>24/00097/FUL</b> - Erection of two drive through units with 'drive-thru' facilities together with associated car parking, servicing and landscaped areas at Green Oaks Centre, Green Oaks Way, Widnes	<b>47 - 79</b>
(C) <b>24/00147/FULEIA</b> - Proposed erection of an electricity substation with associated plant, along with access, landscaping, means of enclosure, boundary treatments and associated ancillary infrastructure and works on land off Windmill Hill Avenue, Runcorn	<b>80 - 108</b>

***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, 5 August 2024 at Civic Suite, Town Hall, Runcorn*

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Bevan, Carlin, C. Loftus, Philbin, C. Plumpton Walsh, Polhill, Rowe, Thompson and Woolfall

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Evans, A. Strickland, G. Henry, I. Dignall and L. Crampton

Also in attendance: None

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

	<i>Action</i>
DEV56 MINUTES	
<p>The Minutes of the meeting held on 20 May 2024, having been circulated, were taken as read and signed as a correct record.</p>	
DEV57 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV58 24/00097/FUL - ERECTION OF TWO DRIVE THROUGH UNITS WITH 'DRIVE THRU' FACILITIES TOGETHER WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPED AREAS AT GREEN OAKS CENTRE, GREEN OAKS WAY, WIDNES	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	
<p>The Committee was reminded that this application was being considered by the Development Management</p>	

Committee following a request received from Ward Councillor Teeling, which was agreed by the Chair.

The Committee was advised that two additional conditions would be required relating to a customer litter bin plan and final details of the extraction systems to be used. The outstanding objection from Public Health was noted however, it was not considered that a refusal on health and air quality grounds would be sustained.

The Committee was addressed by Mr Wiseman, the Agent for the Applicant. He stated the following *inter alia*:

- There would be no adverse impacts on traffic at any time of the day;
- Parking provision for the restaurants was sufficient for all hours of operation;
- Servicing areas would be designed in accordance with the operators of the site to accommodate their vehicles;
- The scheme and uses of both units complied with town centre policies in the Local Plan; and
- There were no statutory reasons for refusal of the application.

Officers clarified that Condition number 7 on page 27 would be superseded by the another, to include a restriction on the length of the service vehicles to less than 11.32 metres.

Members queried the delegated status of this application and the outline application before it, which was approved under delegated authority. They raised concerns over the loss of 207 parking spaces and felt this would be detrimental to Widnes town centre and local businesses, who would see a reduced footfall. They also queried how the timings of service vehicles visiting the site, could be guaranteed.

The Highways Officer confirmed that they had no objections to the application and explained the policies in support of this. He added that there were customer parking spaces within the plans of both drive through restaurants.

One Member proposed that the application be deferred so that a site visit could be made by the Committee as a whole, with the Highways Officer and Planning Officers. This was moved and seconded and the Committee voted to defer the application so that the site visit could take place.

RESOLVED: That a decision on the application be deferred to a future meeting, to allow time for the Committee to make a site visit.

DEV59 MISCELLANEOUS ITEMS

The following appeals had been received / were in progress:

**23/00136/FUL**

Proposed pair of semi-detached dwellings at 132 Halton Road, Runcorn.

**23/00200/FUL**

Proposed removal of existing conservatory and construction of single storey rear extension at Sexton Cottage, Daresbury.

**24/00053/ADV**

Advertisement consent for 1 no. internally lit LED digital display at 85-87 Victoria Road, Widnes.

The following appeals had been determined:

**23/00166/FUL**

Proposed new dwelling on land adjacent to 19 Lilac Crescent, Runcorn – Dismissed.

**23/00289/FUL**

Proposed two storey rear extension at 31 Cypress Avenue, Widnes – Allowed.

**23/00066/FUL**

Proposed first floor side extension at 17 Woodland Avenue, Widnes – Allowed.

**22/00157/FUL**

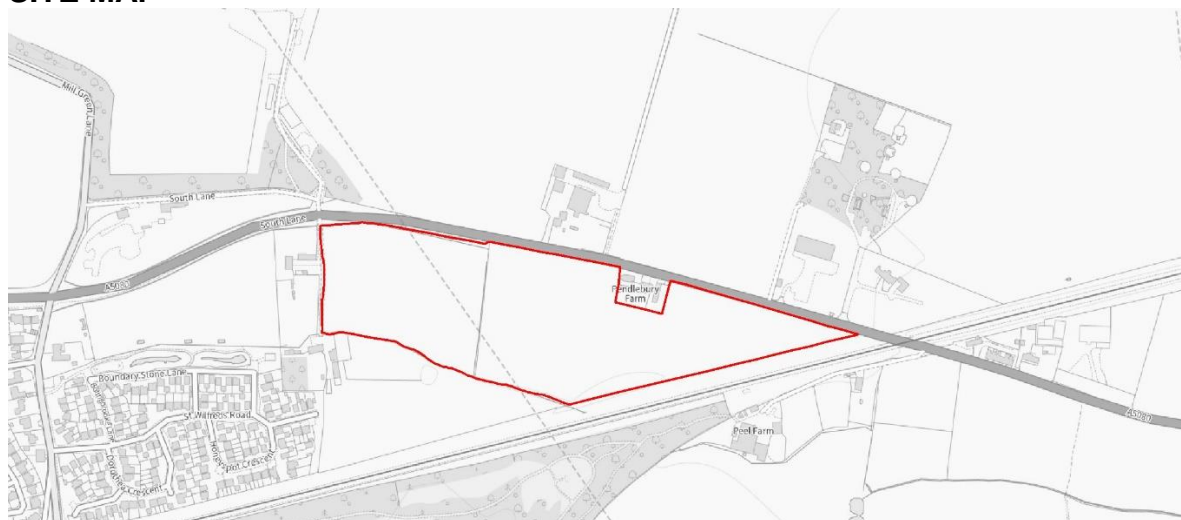
Proposed phase two extension to approved planning application 20/00607/FUL, comprising an additional 10 mixed-use light industrial units (totalling 1180sqm), 24 parking spaces, associated refuse and cycle storage, and landscaping with access to site via existing crossover at land to the east of Canalside Court, Runcorn – Dismissed.

**23/00351/FUL**

Proposed part single and part two storey side extension at 288 Liverpool Road, Widnes – Dismissed.

*Meeting ended at 7.05 p.m.*

<b>APPLICATION NO:</b>	24/00007/FUL
<b>LOCATION:</b>	Land off South Lane Widnes, WA8 3UB.
<b>PROPOSAL:</b>	Proposed residential development with associated open space, landscaping and infrastructure with new accesses.
<b>WARD:</b>	Farnworth
<b>PARISH:</b>	N/A
<b>APPLICANT:</b>	Bloor Homes Stantec
<b>AGENT:</b>	
<b>DEVELOPMENT PLAN:</b> Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b> Residential Allocation Site 'W11'
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	Six representations have been received in response to the public consultation exercise. A summary of the responses is set out in the report.
<b>KEY ISSUES:</b>	Highways , Principle of Development, Ecology, Developer Contributions, Residential amenity, design, affordable housing, contaminated land, drainage and flood risk, recreational pressure. Green Belt compensation
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions and S106 Legal Agreement relating to Open Space, Affordable Housing, recreational pressure interim measure, bus pass provision, off site open space provision and BNG provision.

**SITE MAP**

## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application consists of 7.3 hectares of undeveloped greenfield land. The site is roughly triangular in shape and is currently farmland pasture. The site is bordered to the north by Derby Road, the Liverpool to Manchester rail line to the south and the Prospect Homes development site to the west.

The application site forms part of site allocation W11 as defined by Policy RD1 and the Halton DALP policies map.

### **1.2 Planning History**

The application site is an undeveloped parcel of land. As a result there is no relevant planning history.

## **2. THE APPLICATION**

### **2.1 The Proposal**

Permission is sought for the erection of 185 dwelling houses. The proposed breakdown of dwellings is set out at Table 1 of this report. The houses are a combination of flatted, semi detached and detached properties.

The proposed scheme proposes 20% affordable dwellings. A breakdown of sizes is set out at Table 1 of this report. Tenure is proposed in the following terms 9 No. shared ownership 9 No. social rent and 19 No. First Homes.

The development details two separate access points off Derby Road that are each capable of providing access across the application site. It is proposed that 19 No. units will front onto Derby Road and be accessed from three private drives. This will limit impacts upon the existing hedge lined boundary treatment along South Lane. In addition a continuation of an approved emergency access route will extend from the boundary of the application site with that of the approved Prospect Homes development site (22/00368/FUL).

The Applicant proposes a traditional materials pallet consisting primarily of render and red brick with grey and red roof tiles.

Whilst there are mature standard trees along the sites boundary with Derby Road, none are protected.

### **2.2 Documentation**

The planning application is supported by the following documentation:

- Planning Statement

- Flood risk assessment
- Ecological assessment
- Ground investigation report
- Air quality assessment
- Noise impact assessment
- Design and access statement
- Arboricultural impact assessment
- Energy statement
- Landscape visual assessment
- Transport assessment
- Heritage report
- Utility 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)3 Housing Supply and Locational Priorities;
- CS (R) 6 Green Belt
- CS (R) 7 Infrastructure Provision
- 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;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and the Historic Environment
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- RD1 Residential Development Allocations
- RD 5 Primary Residential Areas
- GR3 Boundary Fences and Walls



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

Design of Residential Development SPD

### **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**

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. 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

No objection

### Warrington Borough Council

No objection

### St Helens Borough Council

No objection

### Environment Agency

No objection

### Scottish Power

No objection

### Network Rail

Objection

### Natural England

No objection

### **Council Services**

#### Highways

No objection

#### Lead Local Flood Authority

Discussions ongoing, update to be presented at Committee.

Environmental Protection

No objection subject to condition

HBC Contaminated Land

No objection to the proposed development subject to conditions

Archaeology

No objection. Site does not hold archaeological interest

Open Spaces

No objection subject to condition.

Landscape Architect

No objection

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection subject to condition and financial contribution secured by S106

Waste Services

No objection

**5. REPRESENTATIONS**

5.1 The application has been publicised by neighbour notification letters and a site notice in the vicinity of the site. The application was also advertised in the Local Press.

5.2 A total of six representations have been received. A summary of the objections received is set out below.

- We need more schools, doctors surgeries and dentists
- There is insufficient information
- Not clear how many homes are being applied for
- Already a large number of properties recently approved, area cannot cope with such a large increase in the number of properties in the area
- Loss of green spaces
- Traffic will deteriorate at peak travel times
- Schools wont cope with increase to local population
- Loss of Green Belt land
- Insufficient school places
- Overlooking and fear of interference with privacy
- Concerns over impact on livestock in nearby agricultural fields
- Excess surface water discharged into the brook, which already overflows
- Potential contamination of surface water discharging into the brook
- Impact on wildlife, barn owls, bats and badgers

## 6. ASSESSMENT

### Principle of Development / DALP Allocation

The Residential Allocation of the site by the Halton DALP has established that developing the site for residential purposes is acceptable in principle. Policy RD1 of the Halton DALP contains a table that presents a notional capacity for all the of the allocated residential sites. Such figures are indicative only, developments can exceed or fall short of this capacity depending on site circumstances. The suggested capacity of the application site identified as site W11 on the DALP Policies Plan is 278 residential units. Whilst the proposal of only 185 dwellings is less than the notional value, it should be noted that the application site forms only part of site W11. Land allocation W11 also includes the adjoining sites approved by planning permissions 22/00179/FUL and 22/00368/FUL were approved for the development of 51 and 99 residential units respectively. On this basis site W11 is forecast to deliver a total of 335 units. Therefore the proposed development is considered to be consistent with the DALP housing delivery strategy.

The DALP residential allocation for the application site establishes the precedent that a form of residential development is acceptable in principle. The remaining planning policies identified above will consider whether the form and quantum of development is acceptable. The consideration of such policies is set out below.

### Housing Mix

Dalp policies CS(R)3 and CS(R)12 require sites of 10 or more dwellings to deliver a mix of new property types that contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. The Mid-Mersey SHMA 2016 sets out the demographic need for different sizes of homes, identifying that the majority of market homes need to provide two or three bedrooms, with more than 50% of homes being three bedroomed. The policy justification recognises that a range of factors including affordability pressures and market signals will continue to play an important role in the market demand for different sizes of homes. Evidence from the Mid-Mersey Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for a greater diversity of housing types and sizes across market housing as well as in affordable accommodation. The housing type profile in Halton currently differs from the national pattern with higher proportions of medium/large terraced houses and bungalows than the average for England and Wales. Consequently, there is under provision of other dwelling types, namely detached homes and also to a certain extent, flatted homes. The SHELMA (LCR) shows an above average representation of detached and semi-detached sales however does not breakdown for bedroom requirements. In Halton this is due to a particularly high proportion of new build sales that upwardly skew the figures for detached and semi-detached sales.

It is important to rebalance the type and size of housing across the Borough and to ensure that the most appropriate form of housing is provided by listening to the market to ensure the requirements are met for current and future residents.

Table 1. illustrates the proposed residential mix.

	Market	Affordable
1 bed units	0	2 (5%)
2 bed units	0	25 (68%)
3 bed units	67 (45%)	10 (27%)
4 bed units	81 (55%)	0
Total	148 (80%)	37 (20%)

**Table 1.** Proposed residential mix

Table 2 below provides the objectively assessed housing need breakdown as presented in the 2016 SHMAA that formed the original evidence base for the DALP.

	Market	Affordable
1 bed units	6.5%	44.8%
2 bed units	30.4%	28.4 %
3 bed units	52.7%	23.8%
4+ bed units	10.5%	3.0%

**Table 2.** 2016 SHMA evidence base

Since the adoption of the DALP, the Liverpool City Region Authority has undertaken a HEDNA study into housing needs of the Liverpool City Region (HEDNA 2023). The local need set out in this evidence base is set out in the Table 3 below.

	Market	Affordable
1 bed units	25%	25%
2 bed units	45%	45%
3 bed units	25%	25%
4+ bed units	6%	5%

**Table 3.** 2023 HEDNA Study

From the tables set out above, noting the inconsistencies between the 2016 DALP evidence base and the evidence base of the emerging Liverpool City Region Spatial Development Strategy, the Applicant is not meeting the locally identified needs.

The proposed development sets out a provision of market housing in the 3 and 4 bedroom tenure range. Affordable housing is proposed at the 1-3 bedroomed range. With regard to market housing, using the 2016 SHMAA as a basis for comparison, the evidence base demonstrates a need for housing primarily in the 2-3 bedroomed need. As set out in Table 1 the Applicant proposes 67 three bedroomed units and 81 four bedroomed units. No single or two bedroomed units are proposed. The evidence base identifies a need for single and two bedroomed units of 6.5% and 30.4% respectively. When compared against the evidence base it is a clear conclusion that the proposed development is under providing in 1-3 bedroomed properties and over providing in four bedroomed properties.

The Applicants view is that the needs of the smaller properties can be met within larger properties. Whilst this may be the case from a Volumetric perspective, it does not necessarily follow from an affordability perspective. Notwithstanding, the

Applicant asserts that the development will deliver affordable units in line with DALP planning policy CSR13 and that the delivery of such affordable housing is typically larger than what is set out in the evidence base.

In terms of social housing, the evidence base is skewed toward the delivery of need in 1-3 bedroomed properties. Taking two and three bedroomed unit need together represents 52.2% of social housing need in new developments. The Applicant is proposing to deliver 95% of its social housing provision in this tenure size. The Applicant proposes the remaining 5% to be delivered as one bedroomed properties. Whilst this is not in strict keeping with the need, affordable housing provision across the plan period will vary according to site and situation. A large provision of single bedroomed properties will be at odds with the delivery of a large housing scheme but would not necessarily be so in the context of an apartment building. Furthermore, it is of note that the needs of a single bedroomed property can be met in a two bedroomed property, the same can not be said in a reversal of such a consideration. The Applicant is providing 20% affordable housing in line with paragraph 1a of DALP policy CS(R)13. With regard to the tenure mix of this provision, the Applicant is to provide social housing in the following terms 50% first homes, 25% shared ownership, 25% social rent. The proposed tenure does not conform fully to the tenure requirements of paragraph 2 of Policy CS(R)13 which sets a requirement of 74% social rent or affordable rent and 26% intermediary measure. Whilst this is clearly a matter of non compliance, it is considered that this is not sufficient to justify a reason for refusal of the planning application particularly given the Applicant's compliance with delivering 20% affordable housing.

It is of note that the Council has received notifications from registered social housing providers as part of its consideration of the other Widnes based DALP housing allocations. Such notifications identify a need of properties in the range of 1No to 3No bedroomed dwellings. The proposed social housing mix offered as part of this development site is consistent with such opinion of social housing sector need.

With regard to market housing, the Applicant has set a focus on delivering 4 bedroomed detached properties accounting for 55% of the proposed market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less (95% HEDNA). It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families, where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality. The Applicant has bought the development site with a view to implementing a sensitive development in line with the proposed plans commensurate in scale to the land allocation table set out at Policy RD1 of the Halton DALP.

#### Affordable Housing

As per the terms of planning policy CSR13, residential development proposals on non strategic housing sites are required to deliver 25% affordable housing as part of the proposed housing mix. Paragraph 2 of CSR13 sets out the Councils ambition

for affordable housing delivery, at 74% social rent and 26% intermediary. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the DALP examination in public. The Council accepts that First Homes are a form of intermediary housing. The Applicant is proposing that all 50% of the affordable dwellings will be delivered as First Homes.

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Eligibility criteria apply to their occupation. First homes are required to fulfil the following nationally set criteria:

- Must be discounted by a minimum of 30% against the market value
- Sold to persons meeting the first homes eligibility criteria
- On their first sale will have a restriction registered on the Land Registry title to ensure that other restrictions are passed on at each subsequent title transfer
- A market price cap of £250,000 is applied
- Purchasers of a First Home should have a combined household income not exceeding £80,000 in the tax year immediately preceding the year of purchase
- A purchaser of a First Home should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price

In addition to the above nationally set criteria, it is intended for the following locally set criteria to be applied. The Applicant has agreed to the following locally set criteria:

- Applicant must be a former British Armed Service Member or ex member of no longer than 5 years inc. civil partners, spouses, ex spouses/partners
- A Halton resident for a continuous period of not less than 24 consecutive months.
- A parent/child family with association to Halton resident
- A requirement to living in Halton due to employment as a key worker
- Past resident who has living the Borough for 5 years or more
- A key worker employed in Halton Public Sector for 12 months
- Key worker employed in health and education and childcare, public safety and national security

The provision of 50% First Homes does not conform with paragraph 4b of policy CSR13. However, as noted above the Council does not consider that this is sufficient reason to justify refusal of the application.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units throughout the scheme and has confirmed that they will use the same building material pallet. There will be a noted difference in the appearance of the properties compared to the free market properties, however, this will primarily be the result of the differences in size of the properties rather than design or build quality. It is therefore considered that the Applicant has had full regard for the requirements of paragraph 4a of the planning policy CS(R)13.

Affordable housing would be secured by means of suitably worded clauses within an accompanying S106 agreement. First homes eligibility criteria would also form part of the S106 wording with a requirement for criteria to be entered into the title deeds to ensure market discount is retained in perpetuity. The development proposal will deliver the 20% affordable housing requirement which meets the broad requirements of planning policy CS(R)13. It is not considered that the percentage split in the type of affordable housing units would warrant the refusal of the application.

### Design and Appearance

The development proposal is a well-designed housing scheme that comprises a visually attractive layout with good quality architectural design. The Applicant has chosen a collection of house types that are well suited to one another and the site layout. The development site has no three properties that could be classed as existing neighbours. These properties are former farm and infill developments that were part of a rural setting before recent expansions of the Widnes town settlement. There is no immediate residential locality from which the Applicant would be expected to draw local design cues from. Notwithstanding, the Applicant has given consideration to the semi rural character of the immediate surroundings. The application sites existing hedge and tree lined boundary along South Lane is a distinct and likely only familiar characteristic that a member of the public would have familiarity with. The Applicant has clearly made effort to retain as much of this feature as is possible, avoiding direct fronted access along the development front. A total of three private drives will serve 19 No. units and in addition there will be two further access points. In addition a further active travel route will be positioned behind this mature boundary to retain the existing relationship between the site boundary and the South Lane Highway.

The appearance of the proposed scheme will be consistent with that seen in the more recent housing developments, particularly those adjacent sites that make up the remainder of site allocation ref: W11. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation. The final appearance will result in a well-designed addition to the Widnes town settlement.

### Residential Amenity

The proposed development layout has taken into account the guidance set out in the Design of Residential Development SPD (the SPD) and follows good urban design principles with complementary plot layouts that ensure good natural surveillance and convey a pedestrian and community safe sense of place.

Sufficient regard has been given to the interface distances between proposed plots meet the interface requirements of the SPD. There is one interface of note that concerns the existing property Pendlebury Bungalow. This interface will be a side to rear elevation. The Council's supplementary planning document 'New Residential Developments' (the SPD) states that interfaces between existing and proposed in a side to rear arrangement should be no less than 13m. The interface inclusive of conservatory has been measured to be 13.98m. This is in line with the



SPD requirement. The Applicant sought to improve this interface further by reorientating the aspect arrangement of plot 23 to avoid a direct interface. It is considered that the applicant has had sufficient regard to the interface requirements of the SPD.

Consideration has been given toward garden sizes within the proposed residential site. The suggested minimum garden size set by the SPD for residential properties is met on the majority of the plots. The scheme is however considered deficient with respect to a number of plots (approximately 31%). Just because the gardens on some plots could be classed as modest, it does not follow that unacceptable harm would necessarily be caused to future occupiers. The gardens would provide sufficient space for sitting out, hanging laundry and for children to play. The proposed ratio of garden to space per plot would appear proportionate.

The proposed scheme does detail an area of open space within the application site boundary. This will comprise of a trim trail and area of formal open space. This feature will provide an outdoor area of open space for informal recreation as well as an area of outdoor activity for children. The trim trail is worthy of separate comment, the Applicant had intended on providing a traditional area of equipped play. However, as there are two proposed areas of equipped play within the application site boundary of recently approved neighbouring schemes (22/00178/FUL and 22/00368/FUL), the Council invited the Applicant to pursue a trim trail provision that would offer a different form of outdoor activity for children. Similar to areas of equipped play, details of design and timing of delivery will be secured by way of a suitably worded planning condition.

It is considered that the development proposal is acceptable having had regard to Policies GR1 and GR2 of the Halton DALP.

#### Open space, Greenspace and Green Infrastructure

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision of open space and green infrastructure in new developments. Policy RD4 underlines the importance at para 9.18 of the DALP where it states:

*The provision of greenspace underpins people's quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities.*

Paragraph 9.23 of the DALP goes on to say:

*The provision of attractive and functional open space has an important role to play in ensuring a satisfactory housing estate design. It is vital that it should be considered as an integral element of the overall residential layout. The type, location and amount of areas of open space must be one of the starting points in drawing up the design of a new development. However, it should be noted that not all residential development will create a need for all types of open space and the type and amount will be guided by site specific circumstances.*

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

The application site lies within Neighbourhood 3, which is identified as having deficiencies in the provision of natural and semi natural open space, amenity green space, provision for children and young people and allotments.

The proposal includes an area of open space. However, the proposal falls short of the requirements of Policy RD4 as set out in the table below.

Open Space Typology	Amount Required By Policy RD4	Amount Provided By Development Proposal
Natural and semi natural open space	18,150 SQM	14,885 SQM
Amenity green space	6,600 SQM	1,387 SQM
Provision for children and young people	1,320 SQM	162 SQM
Allotments	594 SQM	Zero

As shown in the table above there remain shortfalls in provision based on the levels of need set by Neighbourhood 3. In order to overcome these shortfalls the Applicant has agreed to pay a financial contribution to deliver off site open space provision.

The agreed financial contribution is necessary for the planning application proposal to comply with DALP policy RD4. Having assessed the merits of the proposal against the Local Plan requirements set out above, it is considered that the blended approach of on site provision and offsite open space payments are acceptable and are therefore held to be in compliance with Policies RD4, HE4 and HE5 of the Halton DALP.

#### Residential development on former Green Belt Sites

Paragraph 3 of RD1 states that; '*Residential development on Green Belt sites, or former Green Belt sites allocated in this Plan, will need to provide appropriate mitigation for the loss of green belt land in line with NPPF requirements*'.

Policy CSR6 'Green Belt', paragraph 3 states, '*Development proposals for the sites removed from the Green Belt and allocated or safeguarded in this plan should include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt*'.

Paragraph 7.71 in the policy justification to CSR6 provides clarification as to the form such compensatory measures can take; '*Compensatory improvements could include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, new or enhanced walking or cycling routes and improved access to new, enhanced or existing recreational and playing field provision*'.

Prior to the adoption of the DALP in March 2022 the application site was designated as Green Belt land. Therefore the requirements of RD1 para 3 and CSR6 para 3 apply. In order to address this policy requirement, the Applicant has agreed to a financial contribution toward a North Widnes active travel corridor and facilitated its route through the application site.

With continued participation from the wider development delivery within SRL7 sites as demonstrated by previously considered planning applications 22/00178/FUL, 22/00179/FUL and 22/00377/FUL, the north Widnes active travel corridor will provide a sustainable travel link and provide improved access to the Green Belt by utilising and connecting to existing infrastructure at Rivendell Garden Centre and the footpath link to the west.

The Applicant has incorporated connectivity to the North Widnes Active Travel corridor through their respective site layout by provision of pedestrian and cycle links through the proposed layout and in addition have confirmed that they will contribute to off site payments toward the delivery of the North Widnes Active Travel Corridor. These payments will be secured through a legal agreement by means of S106. The resulting active travel corridor will provide a sustainable mode of travel for the benefit of the Widnes population, particularly those residing at the northern edge of the existing conurbation boundary as well as future site residents of the newly allocated sites.

In addition a portion of the off site open space provision will be spent to improve existing public recreation sites located in the Green Belt at Sunny Bank Park, Hale Park and Wigg Island.

It is considered that the above can be adequately secured and, as such, that the Applicant has had sufficient regard to the policy based requirement to undertake suitable compensatory measures with the development of a former Green Belt site. It is considered that the proposals accord with the Development Plan having particular regard to Policies RD1 and CSR6.

### Ecology

The Applicant has undertaken an ecological impact assessment (EclA) in support of the application. This has been reviewed by the Council's retained ecology advisor. The comments provided by the Council's ecology advisor are summarised below.

### Protected Species

The Applicant has indicated that they wish to follow the great crested new district level licensing (DLL) approach which has been adopted in Halton. The DLL obtained by the Applicant formed the basis for the Habitats Regulation Assessment (HRA) undertaken by the Council's retained ecology advisor. This HRA has been considered by Natural England who have confirmed a position of no objection.

In addition to the mitigation approved by Natural England concerning the DLL the Applicant has stated an intention to follow a precautionary working method statement (PWMS). A PWMS will be secured by way of a suitably worded planning condition.

Bat roosting potential has been considered by the applicant. Six trees were assessed and were considered to be of low bat roosting potential. Notwithstanding, only one of these trees is to be removed as a result of the development proposal. It is advised that the applicant employs a soft felling practice for T14 under the supervision of a suitably qualified ecologist. This will be secured by a suitably worded planning condition.

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 designed to prevent excessive lighting and protect ecology in line with NPPF paragraph 186 can be secured by an suitably worded planning condition.

#### Nesting Birds

The proposed development will result in the loss of bird breeding habitat and Local Plan Policies HE1 and CS(R)20 apply. To provide mitigation for this loss, bird nesting boxes are required to be installed on the final developed site. Details of number, type and location as well as a timetable for delivery will be secured by a suitably worded planning condition. The proposed development will result in the loss of existing site vegetation. Such vegetation may provide nesting opportunities for breeding birds, which are protected. DALP policies HE1 and CS(R)20 applies. The following condition is recommended:

*No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground 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, 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.*

#### Recreational Pressure

The proposed Development is located within 5km of the Mersey Estuary SPA and the Mersey Estuary Ramsar. Therefore DALP policy CS(R)20 applies.

It is considered that the resultant development will result in an uplift in population that will result in increased visits to the identified sensitive sites. In order. In order to mitigate the impact of the scheme against recreational pressure upon sensitive ecological sites, the Applicant has agreed to participate in the Halton Interim Approach on Recreational Management (HIARM) as part of the adoption of the DALP. The Applicant will include a colour copy of the leaflet produced by the Council's retained ecology advisor and pay a financial contribution toward off site mitigation. This will be secured by way of a S106 agreement.

In line with the new Government biodiversity duty and NPPF (paragraph 186), the applicant should provide biodiversity enhancements such as bat roosting boxes and a hedgehog highway. Such measures will be secured by a suitably worded planning condition.

### Biodiversity Net Gain

The application was submitted prior to mandatory Biodiversity Net Gain (BNG). However, the development should still provide a net gain in line with the requirements of the NPPF and the Information Note on BNG and its implementation within the LCR.

The Executive Summary of the EclA submitted in support of the application refers to the completion of a biodiversity net gain strategy for the site (*TEP report ref: 10066.005*). This, along with the Biodiversity Metric calculation and condition assessment sheets have been assessed by the Council's retained ecology advisor. A formal response has not been received in time for the publication of the officer report. An update will be presented to Members at Committee.

### Priority Species

Hedgehogs are a Priority Species, the application site is considered a suitable habitat for hedgehogs, as a result Local Plan policies HE1 and CS(R)20 apply. In order to maintain habitat connectivity for hedgehogs, it is recommended that the scheme incorporates hedgehog highways with the insertion of 13cm x 13cm gaps or apertures be installed into any closeboard fences on site at ground level. This mitigation will be secured by a suitably worded planning condition.

### SSSI Impact Risk zones

The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (November 2022). The development proposal subject of the planning application would form a new residential developments that would bear impact as a result of recreational disturbance impacts on the coastal designated sites.

As noted above such impacts are mitigated following implementation of the HIARM. The Council's retained ecology advisor has undertaken an HRA which has been set to NE who responded with a position of no objection.

### Mineral Area of Search

The planning application site falls within a minerals area of search as identified in DALP policy HE10 'Minerals Safeguarding Areas'. The Council's retained advisor on minerals has raised concern that the submission that accompanies the planning application is deficient in detail on this subject matter. However, recent neighbouring planning applications have submitted detailed assessments of the feasibility of extracting minerals that are expected to be in the vicinity.

Whilst details submitted with this application are lacking, the Council is aware through the determination of neighbouring sites the issues facing an extraction of minerals at this location. A pragmatic approach is to follow the evidence that the Council is already aware of and use that to make a determination for this particular consideration. As was the case for the neighbouring site the minerals below the surface of the application site are cost prohibitive. There is further concern over the impact that any mass excavation could have on the surrounding area which is secured residential development along with an arterial road and regional railway line. Notwithstanding these concerns there is

also the issue of the land needing to be filled after excavation has ceased. This would require extensive reclamation which may no longer be suitable for residential purposes for which the land is allocated. Finally the time it would take for the mineral to be worked, extracted and then reclaimed, based on nearby quarrying works would likely exceed the entire plan period. On this basis it is considered that it is not practicable for the mineral to be excavated. The Applicant has not had sufficient regard to the requirements of Policy HE10 of the Halton DALP, however, the Council has sufficient record from adjoining sites to undertake due regard for the policy. There is insufficient reason to justify refusal of the planning application on this consideration.

#### Waste Planning Policy

The development proposal is a major development. Such developments typically involve excavation and activities which are likely to generate significant volumes of waste. As a result, 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 prior to development commencing. This can be secured by a suitably worded planning condition.

#### Waste Collection and Storage

The applicant has provided sufficient information in the Proposed Planning Layout 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 Planning Layout can be secured as an Approved Document by a suitably worded planning condition.

#### Sustainable Development and Climate Change

In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level. The proposed development should consider the use of low carbon and/or renewable energy in line with Core Strategy Local Plan policy CS19: (Sustainable Development and Climate Change) and Policy GR5 (Renewable and Low Carbon Energy).

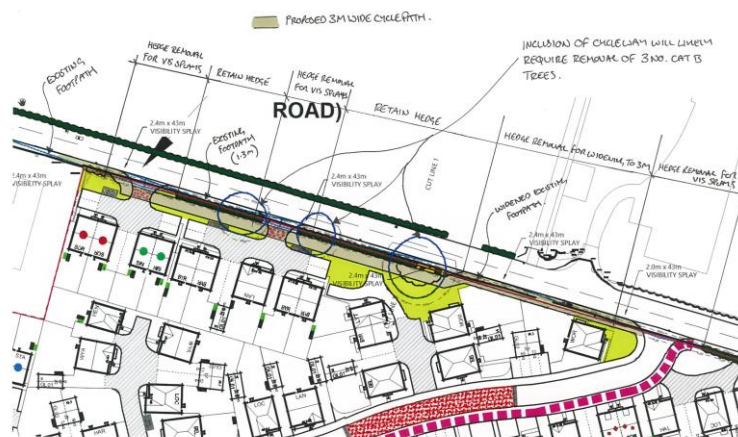
The Applicant has submitted an energy statement to demonstrate compliance with DALP policy CS(R)19 'Sustainable Development and Climate Change'. The statement includes a variety of information relating the energy hierarchy and fabric performance as well as an assessment of low and zero carbon technologies. The implementation of such measures will result in a CO2 emission rate of 4.45% over the standard Part L building regulation requirements. This demonstrates compliance with part a, c and d of policy CSR19 and parts 2 and 4 of Policy GR5 (Renewable and Low Carbon Energy).

## Highways

The development proposal has been reviewed by the Councils Highways Officer on behalf of the Local Highway Authority in response to the consultation exercise. Comments provided indicate that the Development will have an impact on the local highway network pursuant to the quantum of development sought. The residential allocation of the application site by the DALP Allocations Plan does not call for specific infrastructure to be implemented ahead of the schemes delivery or occupation.

The Applicant has worked closely with the Council's Highways Officer in addressing the typical design requirements of a residential development. It is considered that the proposed development has adequate provision of off road parking spaces along with visitor parking. The development layout adequately serves the proposed dwellings and tracking of the layout has demonstrated a that it is appropriate for large service vehicles. Site egress has been assessed and determined in line with good practice and having regard for standards set out in the manual for streets guidance document. Full comments received from the Highways Officer are set out below:

*Following a number of discussions with the applicant, the Highway Authority are satisfied with the agreed proposal to provide a continuous cycleway across the site frontage. This of course is interrupted by the Pendlebury Farm buildings but continues thereafter. It was agreed that in spite of the ecological benefits the section of hedging to the east of Pendlebury Farm would be removed as it presented a potential for highway safety concern if the maintenance was not continued. Changes have been made to make the transitions across junctions smoother.*



*The application is required to address road safety concerns on South Lane and provide adequate protection for different types of road users (including those with protected characteristics as defined in the Equality Act) looking to cross this busy road at the access to the Public Right of Way in St Helens. Consequently, a series of off-site works are required to be approved and implemented to the satisfaction of the Highway Authority on South Lane prior to first occupation. These will secure the*

*construction of the accesses and the active travel measures through appropriate legal agreement with the Highway Authority.*

TRANSPORT ASSESSMENT- CUMULATIVE IMPACT OF DEVELOPMENT

*Junction analysis and trip rates have been assessed for the approved residential developments in the north of Widnes following the release of the Delivery and Allocations Plan (DALP). The applicants were asked to produce a Transport Assessment to best understand the impact of the proposed developments and assess the cumulative impact of their proposal in line with the other developments being brought forward. A cumulative assessment technical note was prepared by i-Transport commissioned by Redrow Homes. The scope of this included all of the sites within the SRL7 allocation including this site within the W11 parcel. Given that there was no existing application for this the current parcel the impact assessment assumed 127 properties as part of the assessment. The Highway Authority would require a technical note producing which demonstrates how the proposed application fits in line with this cumulative assessment.*

*Traffic impact assessments and sensitivity tests identified that certain junctions in the proximity to the development would be at or near to capacity in future year models. These junctions included Derby Road, Lunts Heath Road as well as Wilmere Lane and the A5080 Cronton Lane junction with Norlands Lane.*

*The introduction of improved, LTN compliant and high-quality active travel measures would allow for greater access to sustainable and healthy travel choices. This would create the space along a traffic heavy corridor with excess of 7000 vehicle movements per day, for people to walk and cycle safely to local facilities. It also provides the opportunity for a modal shift on shorter journeys to promote health, well-being and positively contribute to the Liverpool City Regions ambitions to reduce the dependency on car borne trips.*

*Mott McDonald were commissioned to review i-transport proposals for active travel measures along the northern corridor in Widnes from the Sixth Form College to the borough boundary on South Lane and down to Farnworth Village. These measures included segregated cycleways, kerb realignments, the raising of junction levels and improved crossing points. In addition to this, the capacity at junctions for vehicular traffic was also addressed to allow for more efficient movements of vehicles and mitigate against queuing. This included kerb realignment and the addition of MOVA to signal operations.*

*The proposed active travel route will allow for improved pedestrian and cycle access along Cronton Lane. These measures tie into existing facilities at the Black Horse roundabout to link to an LTN compliant two-way cycle lane along the southern side of Lunts Heath Road. From here*



*the route continues onto Derby Road on its northern side to meet with Redrow's 3m frontage cycle lane before extending eastwards to the borough boundary. New crossing points are proposed at the junction of Cronton Lane close to Norlands Lane and on Lunts Heath Road to connect the Miller Homes development to public right of way Widnes No.5 which is a well-used traffic free route to school and local facilities in Farnworth.*

*These measures should contribute significantly to an improvement in travel choices in the north of Widnes as well as complimenting existing active travel schemes currently being delivered.*

*Contribution toward improved bus services were considered as part of the overall package. The 26 and 26a serve this area however frequency is limited. Additional services and a route extension was considered here however, it was agreed that the proposals were potentially cost prohibitive and could not be justified. As a result, a free bus pass to each household for the period of one year would appear to be appropriate. This will have the benefit of improving resident's awareness to the service as well as potentially increasing its benefit to local people.*

#### GENERAL CONDITIONS

*The application is required to address road safety concerns on South Lane and provide adequate protection for different types of road users (including those with protected characteristics as defined in the Equality Act) looking to cross this busy road at the access to the Public Right of Way in St Helens.*

*Prior to commencement of the development, a scheme of off-site works shall be submitted to and approved in writing by the Local Planning Authority, subject to the submission and approval of detailed design, technical approval and the submission of Stage 2 and 3 safety audits. The scheme shall include and not be limited to: - Proposed footway widening on southern side of South Lane, traffic calming/ gateway features on South Lane to protect a crossing of South lane to the Public Right of Way, Bus stop improvements on South Lane, road markings and signage to signify changes in priorities - It is recommended that a condition is attached that requires a plan for offsite highway improvements to be submitted and approved prior to first occupation.*

*A further condition is recommended that secures details of traffic calming through the estate roads and their subsequent implementation.*

*Any new or extended areas of hard-standing are required to 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 to prevent surface water runoff onto the highway. This is to be secured by an appropriately worded planning condition. 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)

*Active travel measures and a bus pass arrangement will be secured through appropriate legal agreement clauses.*

A thorough assessment has been undertaken by the Highways officer with regard to potential highway impacts on the existing highway network and the design and layout of the proposed housing development. The Highways Officer has confirmed a position of No objection. A number of conditions are recommended, the applicant has raised no objection to the use of such proposed planning conditions. On this basis it is considered that the development proposal complies with DALP planning policy C1.

#### Drainage And Flood Risk

The application is supported by a Flood Risk Assessment. The details of this assessment has been considered by the Council's Drainage Engineer. At this time discussions are ongoing between the Council's and Applicants respective advisors. It is considered that the use of appropriately worded planning conditions will address any shortfall in submission. Members will be updated orally at Committee.

#### Contaminated Land

As part of a package of supporting documentation, the Applicant has submitted a ground investigation report. This has been reviewed by the Council's contaminated land officer who raises no objection subject to a condition requiring conformity with the proposed methodology and a separate condition requiring the submission of a validation report.

The Applicant has reviewed the details of the contamination officer and confirmed that they accept the recommended conditions. Subject to the Contaminated Land Officers recommendations being implemented, the application site is found to be a suitable use of land for residential purposes with no risk to human health. It is considered that the proposed development complies with planning policy HE8 of the Halton DALP.

#### Noise Pollution

The planning application was accompanied by an acoustic report, this has been reviewed by the Council Environmental Health Officer. Comments from whom are set out below.

*The applicant has submitted an acoustic report reference 1102023, dated 14/12/2023 in support of the application. The impact of existing sources of noise that may affect the development site are assessed in order to ensure that sound levels specified in BS 8233:2014 Guidance on Sound Reduction for Buildings can be achieved at all properties within the development site.*

*Given the proximity of both major road and rail links, the levels specified in BS 8233:2014 cannot be met without mitigation. Mitigation for upgraded glazing requirements for the properties adjacent to the road*

*and railway line are therefore specified in table 4-1. In order to ensure that the maximum recommended external noise level of 55dB is achieved, a further scheme of acoustic barriers is also proposed in figure 5-1. This report and its conclusions are accepted.*

*Given the proximity of existing residential properties to the development site, hours of work will need to be appropriately controlled.*

The risks of sound pollution have been assessed by the Council's EHO who has responded with an opinion of no objection. The EHO recommends that two conditions are used, firstly that the scheme of acoustic mitigation specified in table 4-1 and figure 5-1 of acoustic report reference 1102023, dated 14/12/2023 shall be implemented in full and secondly that an hours of operation condition is attached to ensure construction activity is limited to the following hours:

- Monday – Friday 07:30 to 19:00 hrs
- Saturday 07:30 to 13:00 hrs
- Sundays and Public Holidays Nil

The acoustic impacts on future residents as set out in the applications accompanying acoustic report have been considered by the Council's EHO who is satisfied that the applicant has given due care and consideration to noise impacts on future occupiers. Conditions recommended have been accepted by the Applicant.

It is considered that subject to the above acoustic standard being achieved on site, the development site is a suitable location for human habitation and therefore the development complies with policy HE7 of the Halton DALP insofar as it is relevant to sound pollution.

#### Air Quality

The applicant has submitted an Air Quality Assessment, this has been assessed by the Council's EHO who have provided the following comments.

*The applicant has submitted an Air Quality Assessment reference 103084, dated 7/12/2023 in support of the application. The potential for off-site impacts from dust emissions during the construction phase of the development has been assessed, in accordance with The Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction.*

*The Air Quality Assessment goes on to consider the increase in Annual Average Daily Traffic from the site once operational, and whether this increase is would lead to significant changes to annual concentrations of Nitrogen Dioxide or fine particulate matter (PM10 and PM2.5). The report concludes that is the impact as a result of the proposed development is negligible.*

*The report concludes that the impact from both construction and operational phases is not significant. However given the proximity of existing residential properties, the scheme of dust mitigation as*

*proposed in Appendix D on p29 will need to be implemented during the construction phase.*

*The scheme of dust mitigation as stipulated in Appendix D on p29 of Air Quality Assessment reference 103084, dated 7/12/2023 shall be implemented and adhered to on site at all times.*

The risks borne from air pollution for the future occupiers of the site and those who occupy and use the land around the application site have been assessed by the Council's EHO who has provided a provided an opinion of no objection subject to the use of a condition that will require the Applicant to adhere to the air quality assessment recommendations set out above. He applicant has reviewed this condition and accepts it's inclusion on a planning permission.

It is considered that the Application site is fit for human habitation and that subject to the above recommended planning condition the development proposal complies with policy HE7 of the Halton DALP insofar as it is relevant to the consideration of air pollution.

#### Impact on Local Services

A key feature in the responses received to the public consultation exercise has centered on the concerns regarding this development and the impact it will have on local services, specifically education places in primary and secondary schools, health services regarding GP surgery places and dentists.

EDUCATION - The Local Education Authority have stated that there is sufficient capacity within the Halton Borough in terms of primary and secondary school provision based on existing population levels. In addition 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. On this basis there is no anticipated shortfall in this provision as a result of the DALP site allocations. Therefore, no financial contribution is sought toward a pooled fund to increase existing capacity.

HEALTH SERVICES NO request for additional funding finance has been received from any public body as a result of this application or in response to the Council's allocation of residential sites by the DALP. The concerns raised in response to the public consultation exercise relate to existing service levels, such objections are based on an existing situation albeit one that additional households borne from the development would marginally worsen. Notwithstanding, no policy justification or scheme exists to justify mitigation or financial contributions in this regard and it is not considered sufficient reason for refusing a grant of planning permission for residential development on a strategic housing site.

#### S106

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having had full regard to the individual matters and the strategic importance of underlying policy justification.

## Distribution of spend

This report has set out a number of planning considerations that following an examination of planning policy have resulted in the Applicant agreeing to a package of off-site commuted sum payments in order to comply with the DALP. The following table sets out the value of contributions sought from the development in order to mitigate harm.

The Applicant asserts that a greater allowance would make the scheme unviable. The Applicant is still providing 20% affordable housing in line with DALP policy CSR13.

As set out in the report, the Applicant has agreed off site cumulative contributions towards the following:

- Mitigating against the recreational pressures placed upon sensitive habitats in line with the Halton Interim Strategy,
- Off site open space improvements including Green Belt compensation
- BNG off site compensation
- Active travel improvements including Green Belt compensation
- The issuing of a 12 month bus pass to each developed plot

Securement of the above items will ensure that the scheme complies with national and local planning policies with regard to ecology and nature conservation as set out in the ecology section of the report.

The agreed contribution is considered sufficient to comply with the requirements of planning policy RD4. The S106 funds have been allocated having full regard to planning policy. They will ensure that the scheme is delivered in a sustainable manner and that any harms are sufficiently mitigated.

## Planning Balance and Conclusion

Whilst there is an element of non-compliance detailed in relation to housing and affordable housing tenure mix, this is not considered to be contrary to the development plan as a whole. Based on the above assessment and subject to the proposed to be issued with a planning approval conditions and legal agreement provisions, the proposal is deemed acceptable. The proposed development would provide residential development on an allocated housing site in a sustainable location, contributing to housing need in the Borough and delivery of high-quality development.

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.

## **RECOMMENDATION**

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 resolution of the outstanding issues relating to drainage and ecology.

Upon satisfactory resolution that the application be approved subject to the following:

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below.
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Director – Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

Recommended conditions as follows with any additional conditions recommended through the resolution of the HRA compliance issue to be added to the list below:

### **CONDITIONS**

1. Time Limit
2. Approved Plans
3. Submission of Existing and Proposed Site Levels (Policy GR1)
4. Existing Tree Protection Measures – (Policy HE5)
5. Submission of Bird Box Scheme – (Policies CS(R)20 and HE1)
6. Bat Box Scheme – (Policies CS(R)20 and HE1)
7. Protection of mammals during construction (Policies CS(R)20 and HE1)
8. Common amphibian avoidance strategy – (Policies CS(R)20 and HE1)
9. Reasonable Avoidance Measures Strategy for Priority Species – (Policies CS(R)20 and HE1)
10. Biodiversity Enhancement Scheme – (Policies CS(R)20 and HE1)
11. Soft Tree Felling Strategy (Policies CS(R)20 and HE1)
12. Ground Contamination - (Policies CS23 and HE8)
13. Waste Management Plan (Policy WM8)
14. Construction Management Plan (Policy C1)
15. Limited Construction Hours (Policy GR2)
16. Detail Hard Standing agreed (Policy C2 and HE9)
17. Access constructed prior to occupation (Policy C1)
18. Landscaping (Policy GR1, GR3 and HE5)
19. Hedgerows retained or mitigation (Policy CS(R)20 and HE1)
20. Acoustic Mitigation (Policy GR2)
21. Contaminated Land in accordance with approved scheme (Policy HE7)
22. Contaminated Land validation report (Policy HE7)
23. Acoustic measure to be implemented in accordance with approved details (Policies HE7 and GR2)

24. Dust mitigation measures to be implemented in accordance with approved details (Policy HE7)
25. Off site highway improvements (Policy C1)
26. Estate traffic calming details (Policy C1)
27. Energy statement compliance (CS19)

The conditions above have been agreed with the applicant.

## **7. 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.

## **8. 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.



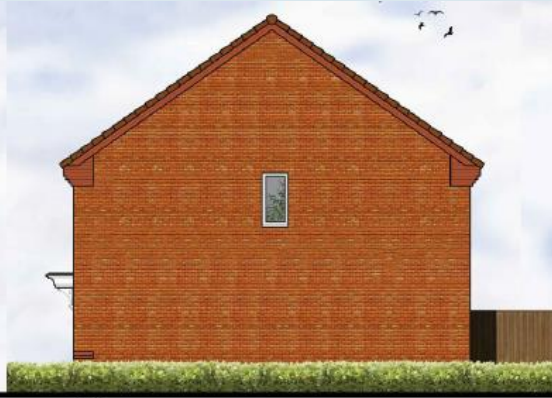






**372**  
**FRONT ELEVATION**  
 Refer to materials plan for individual plot finishes

372-1

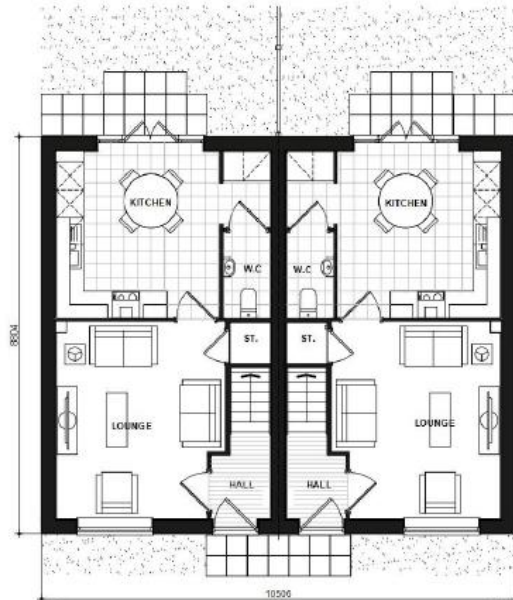


**372-1**  
**SIDE ELEVATION**



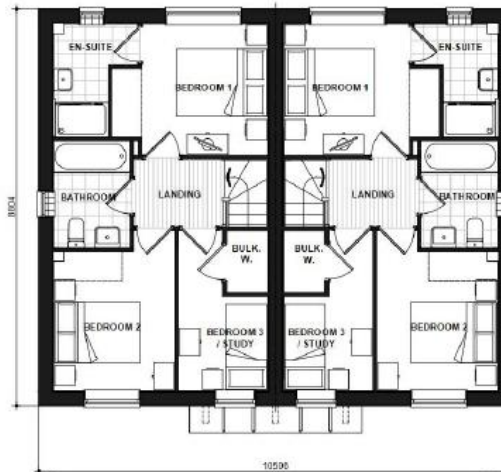
**372-1**  
**REAR ELEVATION**

372



**372**  
**GROUND FLOOR PLAN**

372-1



**372**  
**FIRST FLOOR PLAN**

372-1



496  
FRONT ELEVATION  
Refer to materials plan for individual plot finishes

496  
SIDE ELEVATION



496  
REAR ELEVATION



496  
SIDE ELEVATION



481  
FRONT ELEVATION  
Refer to materials plan for individual plot finishes



481  
SIDE ELEVATION



481  
REAR ELEVATION



481  
SIDE ELEVATION



**385**  
**FRONT ELEVATION**

Refer to materials plan for individual plot finishes

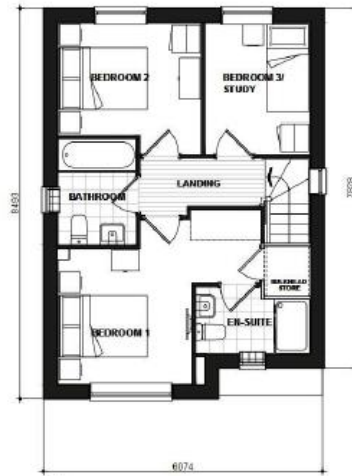
**385**  
**SIDE ELEVATION**

**385**  
**REAR ELEVATION**

**385**  
**SIDE ELEVATION**



**385**  
**GROUND FLOOR PLAN**



**385**  
**FIRST FLOOR PLAN**



**301 FRONT ELEVATION**  
Refer to materials plan for individual plot finishes

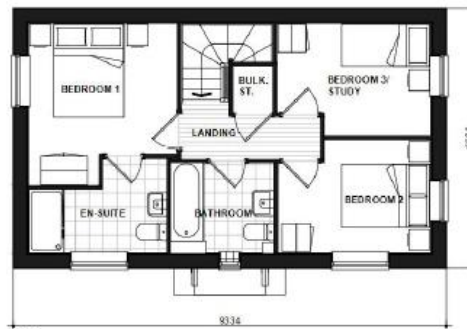
**301 SIDE ELEVATION**

**301 REAR ELEVATION**

**301 SIDE ELEVATION**



**301 GROUND FLOOR PLAN**



**301 FIRST FLOOR PLAN**



384  
FRONT ELEVATION  
Refer to materials plan for individual plot finishes  
384-1

384-1  
SIDE ELEVATION



384-1  
REAR ELEVATION  
384

384  
SIDE ELEVATION







480  
FRONT ELEVATION  
Refer to materials plan for individual plot finishes



480  
SIDE ELEVATION



480  
REAR ELEVATION



480  
SIDE ELEVATION



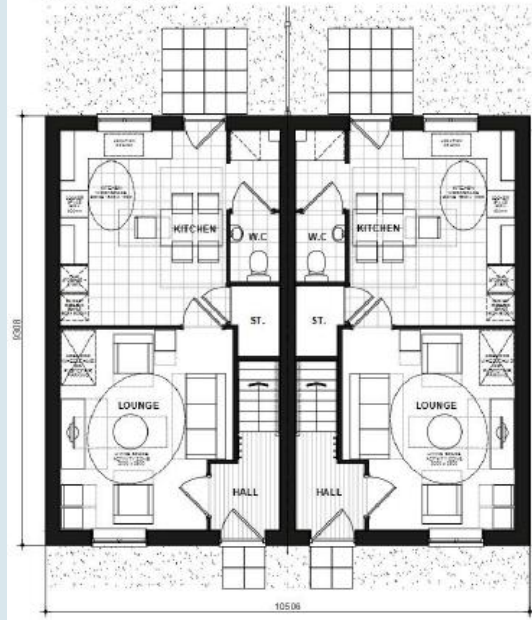
3B5P  
FRONT ELEVATION

3B5P-1

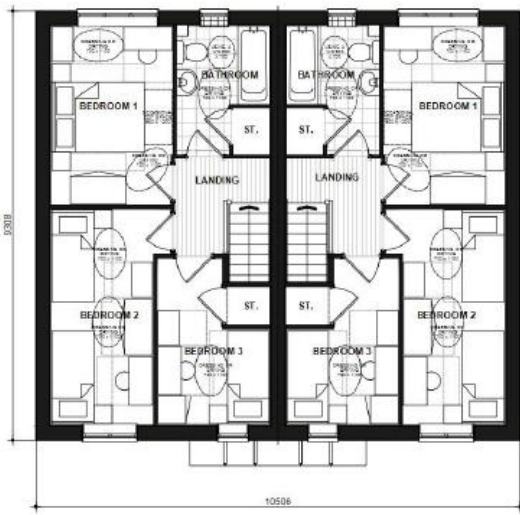
3B5P-1  
SIDE ELEVATION

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REAR ELEVATION

3B5P



GROUND FLOOR PLAN



FIRST FLOOR PLAN



**FRONT ELEVATION**  
Refer to materials plan for individual plot finishes



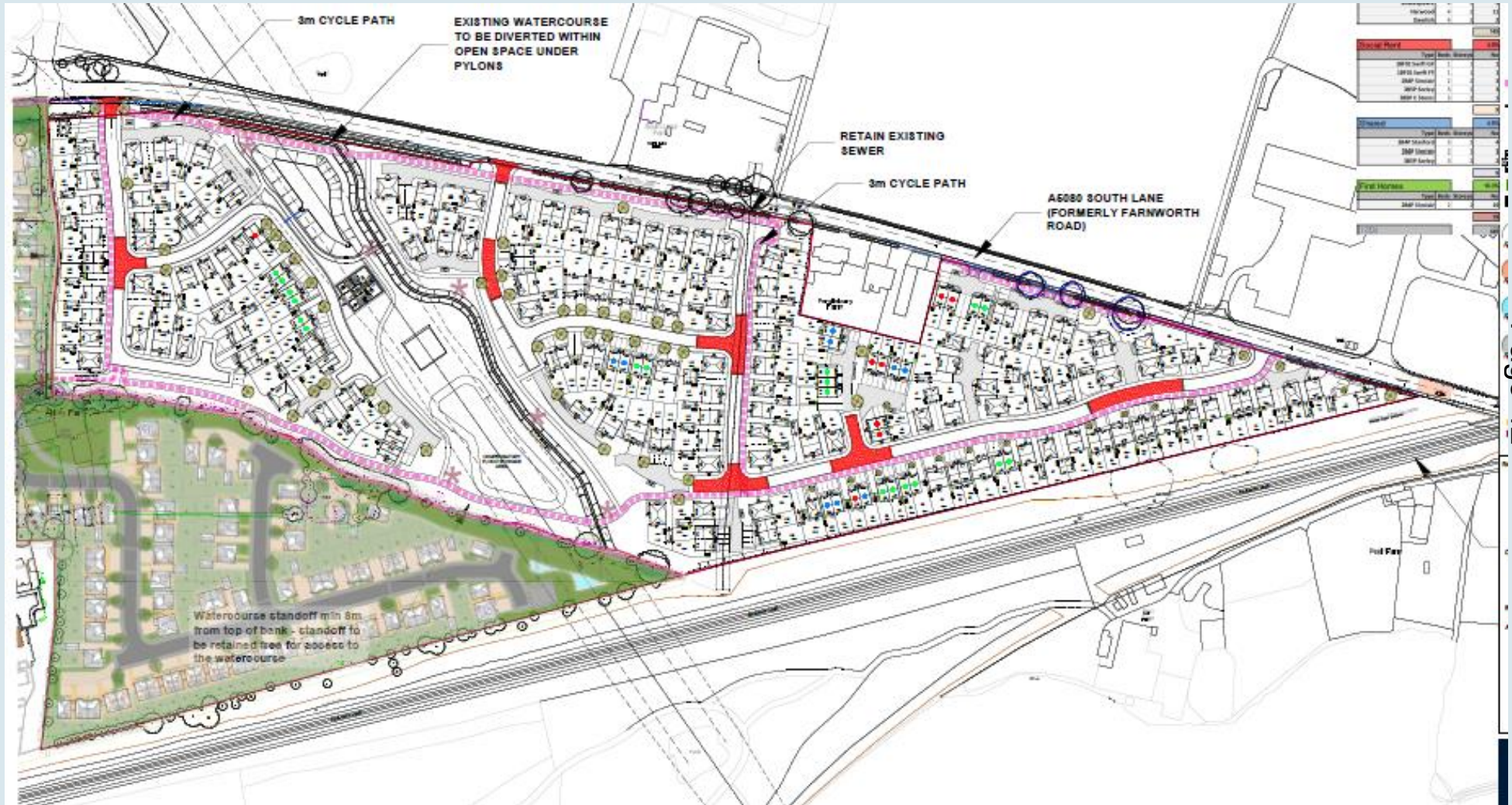
**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**







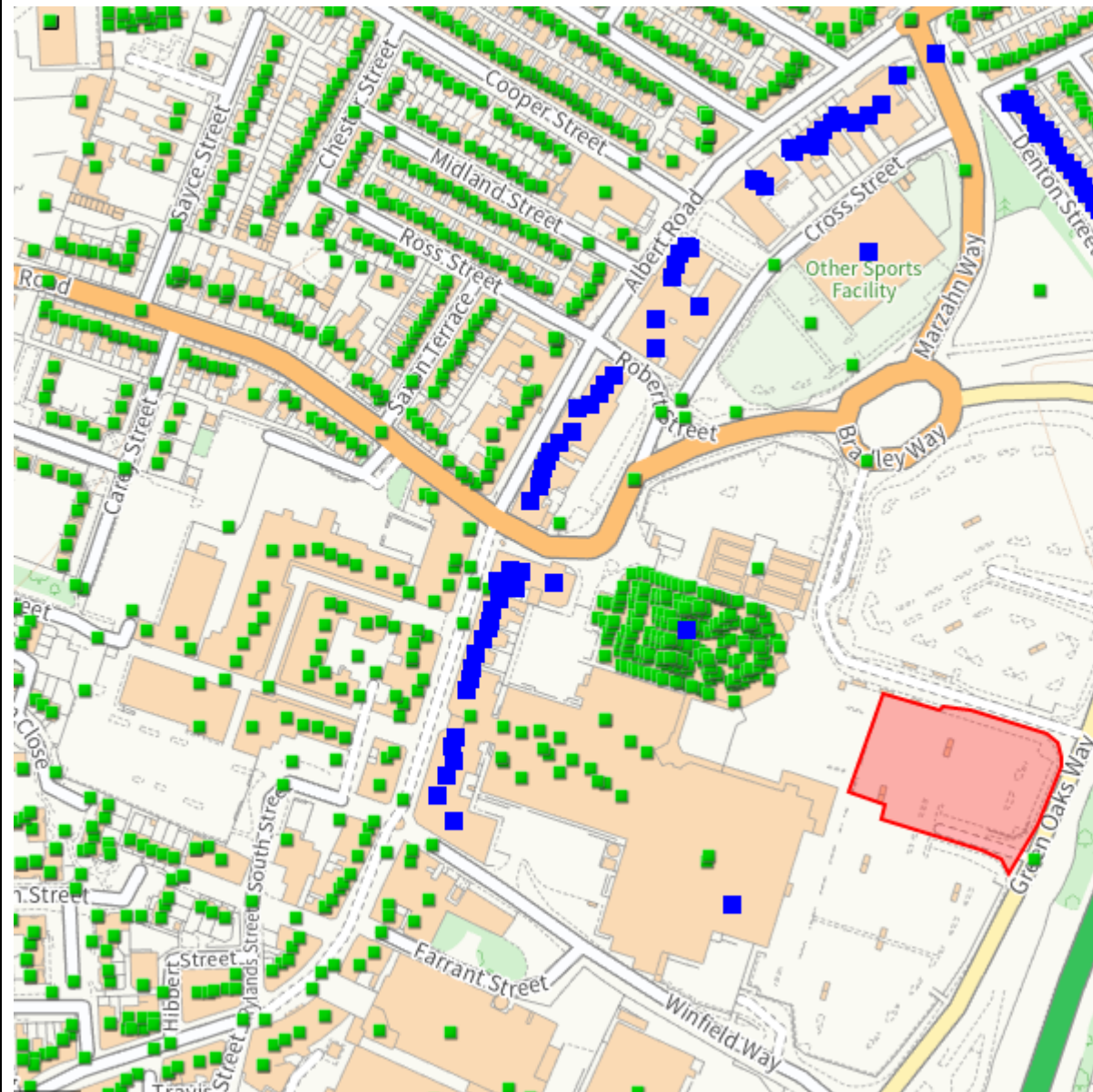






<b>APPLICATION NO:</b>	24/00097/FUL
<b>LOCATION:</b>	Green Oaks Centre, Green Oaks Way, Widnes
<b>PROPOSAL:</b>	Erection of two drive-thru units with 'drive-thru' facilities together with associated car parking, servicing and landscaped areas at
<b>WARD:</b>	Appleton
<b>PARISH:</b>	None
<b>APPLICANT:</b>	AIM Land Limited C/o Agent
<b>AGENT:</b>	Miss Francesca Opoku-Gyamfi Savills (UK) Limited Belvedere 12 Booth Street Manchester M2 4AW
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Delivery and Allocations Local Plan (2022)	Town Centre Boundary – CS(R)1, CS(R)20, HE1
Joint Merseyside and Halton Waste Local Plan (2013)	Unallocated Land in Urban Areas – CS(N)26
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	1
<b>KEY ISSUES:</b>	Traffic generation, Road safety
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions

**SITE MAP**



**THE APPLICATION IS BEING CONSIDERED BY THE DEVELOPMENT MANAGEMENT COMMITTEE FOLLOWING AGREEMENT BY THE CHAIR FOLLOWING A REQUEST RECEIVED FROM WARD COUNCILLOR ANGELA TEELING**

**THIS PLANNING APPLICATION WAS PREVIOUSLY CONSIDERED AT THE AUGUST 2024 DEVELOPMENT MANAGEMENT COMMITTEE. THE CONSIDERATION OF THE DEVELOPMENT PROPOSAL WAS DEFERRED FOLLOWING A MOTION APPROVED BY MEMBERS THAT SOUGHT TO UNDERTAKE A SITE VISIT TO UNDERSTAND THE SCHEMES POTENTIAL**

**IMPACTS UPON THE EXISTING TOWN CENTRE PARKING PROVISION AT THE APPLICATION SITE.**

**A SITE MEETING HAS BEEN ARRANGED FOR MEMBERS OF THE DEVELOPMENT MANAGEMENT COMMITTEE.**

**1. APPLICATION SITE**

**1.1 The Site**

The site subject of the application is the car park at the Green Oaks Centre located on Green Oaks Way in Widnes. The site is unallocated land in the urban area and within the defined Widnes Town Centre on the Policies Map accompanying the Halton Delivery and Allocations Local Plan (DALP).

**1.2 Planning History**

An outline planning application with all matters reserved except access was submitted for the erection of a drive thru restaurant with associated car parking, servicing and landscaped areas. The application was approved on 29<sup>th</sup> March 2023 and as such is still extant.

Later that year, the applicant sought pre-application advice for the erection of two drive thru units with associated car parking, servicing and landscaped areas (23/08060/PREAPP). The advice given at that time was that the proposed development is likely to be considered acceptable in principle.

**2. The Application**

**2.1 The Proposal**

The proposed development seeks permission for the erection of two 'drive-thru' facilities together with car parking, servicing and landscaped areas.

The proposed 'drive-thru' units, identified as Units A and Unit B on the submitted plan, will measure 167 sq. m (GIA) and 171 sq. m (GIA) respectively, and are proposed to be occupied by Starbucks and Burger King. The remaining areas of the site are ascribed to parking, loading areas and landscaping, with soft landscaping proposed around the boundaries of the Site.

Provision is sought to operate Unit A (Starbucks) within Class E and Unit B (Burger King) as a 'Sui Generis' hot food takeaway.

Access and egress of the site will be gained via the existing access into the shopping centre from Green Oaks Way. The proposed development will result in a net loss of 207 car parking spaces to the wider Green Oaks Shopping

Centre car park, which is assessed in detail in the submitted Transport Statement.

Eight cycle spaces, four disabled parking spaces and two electric vehicle ('EV') spaces will be made available for use of the proposed development.

## 2.2 Documentation

The application is accompanied by the associated plans in addition to:

Planning Statement (Cover Letter)  
Design and Access Statement  
Transport Statement  
Drainage Strategy  
Landscape Strategy  
Contaminated Land Phase One Desk Study

## 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 (DALP)

The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)1 – Halton’s Spatial Strategy
- CS(R)15 – Sustainable Transport
- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- CS23 – Managing Pollution and Risk
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking
- HC1 – Vital and Viable Centres
- HC8 – Food and Drink
- HE4 – Greenspace and Green Infrastructure
- HE5 – Trees and Landscaping
- HE7 – Pollution and Nuisance
- HE8 – Land Contamination

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

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

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

## **MATERIAL CONSIDERATIONS**

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

### **3.34 National Planning Policy Framework**

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in December 2023 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 85 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.

### **Achieving Sustainable Development**

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and

cultural well-being; and

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

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

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

#### The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Decision-making

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

#### Determining Applications

Paragraph 47 states that planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as

quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

### 3.5 Other Considerations

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

## **4. CONSULTATIONS**

The consultation responses are summarised below:

### **Appleton Ward Councillors**

Councillor Angela Teeling:

I object to the building of these:-

The impact of traffic in the area, the road is only a single lane either way, currently it gets congested on a regular basis and the added traffic joining the roads will only impact this. The roundabouts at either 2nd of this stretch of road are not large enough to take added traffic, more so when you consider that this is a major bus route.

Litter, even though these premises will provide bins and litter picks in their car parks, the wind will blow the litter and unfortunately customers will drop litter.

The added bins and litter will attract vermin and other pests: rats, seagulls and pigeons to name but a few.

Being close to the market, high street and other local businesses if built these will have a detriment impact on the finances and footfall of the other establishments in the area.

### **Highways**

The Highway Authority has raised concerns throughout the application process mainly due to the loss of 207 car parking spaces in the central car parking area. Given the outline permission granted in 2023 and the applicants suggestion that significant capacity remains in Green Oaks car park as a whole, albeit largely due to the introduction of car parking charges, an objection on this ground could not be sustained.

The Highway Officer did not agree with the trip rate data but the applicant provided an update concluding that the proposal would not have any adverse impacts. It was considered that an objection on this ground could not be sustained.

Regarding tracking, it appears that service vehicles overrun parking areas. The Highway Authority would wish to condition delivery times to non-peak days and times.

Regarding cycle parking, an under provision is shown on proposed plans. The Highway Authority would condition cycle parking for each individual unit which was covered, secure and located in a prominent overlooked location. This would need to be substantial enough to cater for both staff and customers.

### **Lead Local Flood Authority**

The LLFA is satisfied that the site is located within an area of low flood risk and the applicant has provided a clear drainage strategy. However, there are some updates required to the hydraulic calculations which are likely to impact the volume of attenuation required and as such conditions are recommended.

### **Environmental Protection**

The application was assessed for potential noise and odour impacts. The officer did not find reason for concern and does not object.

### **Contaminated Land**

The Contaminated Land Officer does not object to the development, in that it is likely that the site can be demonstrated to be suitable for the proposed use. However, any approval should be conditioned to require the investigation and assessment of the site to fully characterise ground conditions and enable a detailed risk assessment in terms of the foundation requirements, management of arisings and the cover system and potential controlled waters issues.

### **Environment Agency**



The Environment Agency also consider that subject to an appropriate site investigation / remediation strategy / verification being secured by condition, no objection to the proposed development is raised.

### **Open Spaces**

No Open Space implications.

### **United Utilities**

United Utilities considered that they have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. As such they recommend a condition relating to the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme.

### **Public Health**

Public Health object to the proposals due to:

- car idling leading to negative impacts on air quality;
- car emissions impacting on climate change;
- Halton, especially Appleton, adults and children having severe obesity problems;
- A profusion of coffee shops in the area crating an obesogenic environment;
- Drive thru's not only provides poorly balanced food options but creates an environment that supports reduced levels of physical activity.

## **5. REPRESENTATIONS**

5.1 The application was publicised by 211 neighbour notification letters and site notices posted in the vicinity of the site on 21<sup>st</sup> March 2023.

One representation was received which was concerned about the proposal being within an area of the car park that is currently subject to ANPR car parking charges.

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The site is unallocated land in the urban area on the Policies Map accompanying the DALP. Policy CS(N)26 states that on land not coloured on the policies map which is currently in urban use, it is assumed that present uses will continue as this land is not subject to any site specific policies which propose a change of use. Any proposals for changes of use will be judged in accordance with the relevant policies of the Plan. This proposal would result in

the existing car park being used for another use and needs to be considered on its merits.

The key considerations with this application in terms of the principle of development is the suitability of the proposed 'drive-thru' restaurants in this location and also the loss of the existing car parking provision within the town centre.

Firstly considering the use proposed, a drive thru restaurant would operate both as a restaurant where people would eat in and as a drive thru offering takeaway provision. A restaurant would fall within Use Class E, however a hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) is a sui generis use. A Burger King drive thru restaurant is considered to be a mixed use and therefore a sui generis use. A Starbucks coffee shop with drive thru is Use Class E.

As already noted, the site subject of the application is located within the Widnes Town Centre boundary. The National Planning Policy Framework defines Main Town Centre Uses as including drive-through restaurants. This proposal therefore constitutes a Main Town Centre Use in a Town Centre location in line with national and local planning policy (Policy HC1 of the DALP), which looks to ensure the vitality of town centres.

The Council has an adopted Supplementary Planning Document (SPD) relating to Hot Food Takeaways. At the time of adoption, the SPD was clear that it specifically applies to hot food takeaways, designated in planning terms as Use Class A5 under the Town and Country (Use Classes) Order 1987 as amended. More recently, the Council has adopted the DALP which has Policy HC8 relating to food and drink uses.

This proposal is not specifically a hot food takeaway and both units would function as a restaurant where people could eat in and the application of part 2 of Policy HC8 and also the policies in the SPD is not considered to be justified in this instance.

Even if the proposal were to be considered on part 2 of Policy HC8 and the policies contained in the SPD, there is provision for hot food takeaways within a defined Town Centre. In Widnes, the Town Centre is split into North and South with the application site falling within the North. Outside of the Primary Shopping Area (which is the case with this site), there is provision within the policy for up to 10% of the commercial units being hot food takeaways. Currently well below 10% of the commercial units in Widnes Town Centre North are being used as a hot food takeaway so an increase by two units would not result in more than 10% of the commercial units being hot food takeaways in line with the policy requirement.

In relation to part 1 of Policy HC8, it states the following:

Development of food and drink uses including restaurants, late night bars or pubs and Hot Food Takeaways (subject to the additional criteria in part 2

already referenced), will be acceptable provided that they would not harm the character of the area, residential amenity and / or public safety, either individually or cumulatively. The following impacts will be taken into consideration:

- a. noise, fumes, smells, litter and late night activity;
- b. the availability of public transport and parking;
- c. highway safety;
- d. access for servicing;
- e. storage for refuse and recycling;
- f. the appearance of the building, frontage, flues and other installations;
- g. the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs;
- h. potential for crime and anti-social behaviour;
- i. impact on the promotion of healthy lifestyles.

A consideration of the impacts of the proposed development are below:

In relation to noise, fumes, smells, litter and late night activity, the application site is not located in close proximity to residential properties and it is not considered that the proposed development would be to the significant detriment of the locality.

The site is located adjacent to bus stop providing access to public transport along with direct pedestrian links to the town centre. The application site is within an existing town centre car park and therefore there is sufficient parking available within the site and directly adjacent to the proposed drive thru restaurants.

The proposed development would result in the loss of 207 parking spaces, however parking within Widnes Town Centre is well provided for with Albert Square, Morrison's car park and Widnes Shopping Park offering free (or a minimum of 2 hours free) car parking with direct access to the town centre.

Although the Highway Authority have some concerns over the submitted data it can reasonably be considered that a large proportion of the journeys associated with the proposed use could reasonably be assumed to be linked trips associated with town centre journeys and would not likely represent a significant overall impact upon the highway network and no unacceptable highway safety impact would result.

The Highway Officer notes that the applicant's tracking details indicate the some overlapping problems of manoeuvrability for service vehicles to the sites location. The Highway Officer considers that a condition be placed upon delivery servicing times to ensure these take place where the car park is less busy. It is concluded that a suitable servicing arrangement for the proposed development can be achieved through the suggested condition.

It is considered that given the site dimension that there is sufficient space for the storage of refuse and recycling.

In respect of appearance, the units would look use the standard corporate design used by Starbucks and Burger King which is a typical sight in town centres.

With regard to the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs, the proposed location of the drive thru restaurant is fairly typical location for such a use within the town centre boundary. There are other drive thru restaurants in the locality however it is not considered that a refusal based on numbers / over concentration / no demand for the proposal can be sustained.

No evidence has been presented to demonstrate that the proposed development would demonstrably increase the potential for crime and anti-social behaviour in order that a refusal could be sustained on this basis.

In relation to the impact on the promotion of healthy lifestyles, there is no evidence to suggest that the proposal would be unduly detrimental to the promotion of healthy lifestyles to warrant the refusal of the application on this basis. This topic is discussed further in the sections below.

Based on the above, it is considered that the proposal would deliver a Main Town Centre use in a Town Centre location and is compliant with Policy HC8 (1) of the DALP.

## 6.2 Amenity

### *Noise and Odour*

The nearest neighbouring residential properties are located approximately 80m to the east on Pleasant Street. This area is separated from the site by Watkinson Way which is lined either side by a band of mature trees/hedges.

The Environmental Protection Officer assessed the application and does not consider potential noise and odour to have an adverse impact on the nearest properties.

### *Lighting*

Given the proximity of Watkinson Way which is well lit, and the distance of the nearest receptors, it is considered that the additional lighting from the proposal would not give rise to any amenity concerns.

### *Litter*

Many of the objections received referred to a fear of increased litter. The applicant has submitted Litter Management Plans for both Starbucks and Burger King which details patrols spanning 150m from the restaurant if necessary.

Policy GR2 seeks to ensure a good standard of amenity for all existing and future occupants of all types of land and buildings, particularly residential properties. There are no privacy implications due to the location of the proposal. Appropriate storage space for waste and recycling has been demonstrated for both elements of the development.

Given the above, in respect of amenity the proposal is considered to accord with Policies CS23, HC8, HE7 and GR2 of the Halton Delivery and Allocations Local Plan.

### 6.3 Highway Implications

Paragraph 111 of the National Planning Policy Framework states 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. Local Policies C1 and C2 of the DALP are of particular relevance.

As already set out above in the consideration of Policy HC8, the site is located in a sustainable location accessible by a variety of means. The proposal may result in the loss of parking spaces, however the Town Centre is reasonably well provided for in respect of car parking. It is considered that a large proportion of the journeys associated with the proposed use could reasonably be assumed to be linked trips associated with town centre journeys and would not likely represent a significant overall impact upon the highway network and no unacceptable highway safety impact would result. In addition, suitable servicing arrangement can be achieved.

In relation to car parking, the Highway Officer has raised no objection to the amount shown for the proposed use. The implementation of the proposed car parking along with servicing and access provision and its future maintenance should be secured by condition. A condition restricting servicing hours to avoid peak car park usage is also suggested.

Policy C2 of the Halton Delivery and Allocations Local Plan set out an overall need to encourage the use of ultra-low emissions vehicles. It is considered reasonable to secure the provision of 2no electric vehicle charging point by condition.

Provision is shown for cyclists in the form of cycle stands. however precise numbers and details of cycle parking provision can be secured by condition.

Based on all the above subject to the suggested conditions, it is considered that from a highway perspective, the proposal is compliant with Policies C1 and C2 of the DALP and the National Planning Policy Framework.

### 6.4 External Appearance and Site Layout

The drive thru restaurants are laid out to make best use of the site following nationally adopted operational models. The proposed buildings are single

storey in height and sufficiently distant from neighbouring land uses. The elevations shows buildings which use a variety of materials and add interest. The submission of final details and their subsequent implementation should be secured by condition.

The proposed site layout and resultant external appearance is considered acceptable and subject to the attachment of the suggested condition would ensure compliance with Policies CS(R)18, GR1 and HC8 of the DALP.

## 6.5 Public Health

Public Health has submitted a comprehensive objection which can be broken down into two points; air quality and negative health impacts of unhealthy food.

### *Air Quality:*

There is no evidence submitted that demonstrates that cars queuing for a drive thru have a demonstrably more negative effect on air quality than cars in a car park slowly driving whilst looking for a car parking space. Given this lack of evidence and from research into similar schemes that have been dealt with by the Planning Inspectorate it is considered that the proposal would not materially add to air pollution in the locality and in Widnes as a whole. It should be noted that Halton does not have any Air Quality Management Areas and it is considered that a refusal on this basis could not be sustained.

### *Unhealthy Food:*

Public Health have concerns over child obesity, density of outlets and life expectancy. Much of this evidence did inform the preparation of Hot Food Takeaway SPD and Policy HC8 of the DALP and is set out in the supporting text to the policy. As such, it is already inherent with how the policy deals with hot food takeaways. Such evidence does not preclude the proposal.

It is accepted that evidence continues to demonstrate that these areas of public health remain a concern in Halton and that fast food outlets are a contributory factor towards obesity, amongst other factors.

Whilst the end users offers healthier options, customers still have the option of meal choices which may run contrary to the public health agenda. However, the causes of obesity are complex and multifaceted and include numerous social, economic, biological and environmental factors, not just the presence of drive thru restaurants in the town.

The site is within the town centre rather than in the heart of a residential community. From the nearest property (as the crow flies) on Pleasant Street, visitors would have a 12 minute walk which is likely to dissuade people from using the units on a regular daily basis. If driving, residents from this area would have a 4 minute trip. However, these residents also have a 4 minute trip to the existing KFC at Widnes Shopping Park and a 5 minute trip to the McDonalds in Asda.

Similarly, whilst further away (as the crow flies) the next nearest residential area is Denton Street with a 7 minute walk to the site. Closer food options exist in this location. From a map search 6 establishments are closer not including the range of options based in the indoor market.

This proposal would not significantly increase access to unhealthier food options for local residents.

With regard to the density of outlets, Widnes attracts customers from a wide locality and the proposal would commonly be visited as part of linked trips.

Whilst the proposal would increase the total number of food options in the locality, many of the existing options are relatively well dispersed across the various areas of Widnes Town Centre. It is considered that the proposed addition of two further units would not materially compound the existing health challenges of residents in the wider area.

As stated earlier in this report A Burger King drive thru restaurant is considered to be a mixed use and therefore a sui generis use. A Starbucks coffee shop with drive thru is Use Class E. This proposal is not specifically a hot food takeaway and both units would function as a restaurant where people could eat in and the application of part 2 of Policy HC8 and also the policies in the SPD are not considered to be justified in this instance.

The planning system is plan led and policy HC8 sets out a clear path as regards how proposals food and drink are to be dealt with as a result of public health issues. Policy HC8 has been prepared in the context of national policy, namely the Framework (NPPF). This includes with regard to paragraphs 96c) and 97b) which set out to enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, and take into account and support the delivery of local strategies to improve health. The proposal is in compliance with the Framework in this respect.

In taking these factors together, this is not a situation that indicates that a determination should be made other than in accordance with the development plan and it is not considered that a refusal on health and air quality grounds would be sustained at appeal.

## 6.6 Impact on Existing Businesses

Ward Councillors have raised concerns about the adverse impacts the proposal may have on existing businesses in terms of finances and footfall.

However, the preamble to Policy HC8 of the DALP at paragraph 11.33 states:

*“The nature and role of town centres is changing, with retailing declining in relative importance and the role of leisure uses including food and drink increasing. Dwell time, the length of time people spend in a centre per visit is an important contributor to vitality and viability. The food and*

*drink economy is a fundamental part of this, from coffee shops and cafes that allow people to meet and socialise in town, or restaurants that can extend activity in a centre beyond normal trading hours.”*

Policy HC1 of the DALP which concerns Vitality and Viability of Centres states at 2(c);

*Within Halton’s centres, development proposals for retail and other main town centres uses will be supported where they:*

*c. Sustain or enhance diverse town centre uses and customer choice*

No evidence has been presented to support any impact an existing businesses and without any material consideration to indicate otherwise, the primacy of the recently adopted Halton Development and Allocations Local Plan is key to providing certainty for communities and developers, regarding the type and of development that will be permitted in this authority. The application is located within the defined town centre and as such does not conflict with Policy HC8 or Policy HC1.

#### 6.7 Ground Contamination

The Contaminated Land Officer has reviewed the Contaminated Land Phase One Desk Study and considers that it is likely that the site can be demonstrated to be suitable for the proposed use, however, any approval should be conditioned to require the investigation and assessment of the site to fully characterise ground conditions and enable a detailed risk assessment in terms of the foundation requirements, management of arisings and the cover system and potential controlled waters issues.

The Environment Agency also consider that subject to an appropriate site investigation / remediation strategy / verification being secured by condition, no objection to the proposed development is raised.

Subject to a suitably worded condition which covers the points raised by the Contaminated Land Officer and the Environment Agency in relation to ground contamination, the proposal is considered to accord with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

#### 6.7 Flood Risk and Drainage

The site is located within Flood Zone 1 and is also outside of Halton Borough Council’s Critical Drainage Areas as shown in the Strategic Flood Risk Assessment. Based on this and site being 0.53ha, there is no requirement for a Flood Risk Assessment in this instance.

The applicant has designed the proposal and associated access arrangement to avoid any building being in the easement of Bowers Brook (culvert). The Environment Agency have commented that they consider this to be acceptable in principle.



The Lead Local Flood Authority have stated that the applicant will need to carry out some updates to the hydraulic calculations which are likely to impact the volume of attenuation required.

Subject to the suggested condition, in respect of flood risk and drainage, the proposal is considered compliant with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan and the National Planning Policy Framework.

#### 6.8 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. This should be secured by condition.

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

In respect of waste management, subject to the suggested condition, the proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste 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 proposed development includes electric vehicle charging provision in the form of 4no. rapid electric vehicle charging points. The applicant also states that the design would allow for significant future expansion when SP Energy Networks capacity can be viably increased. Such provision demonstrates the regard that the applicant has had to the predicted effects of climate change and the reduction in carbon dioxide emissions through the provision of the infrastructure proposed.

The attachment of a condition securing the submission of a scheme detailing relevant matters in this regard along with their subsequent implementation would ensure compliance with Policy CS(R)19 of the DALP.

### 7. CONCLUSIONS

The proposal accords with the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan.

Considering all the above, the proposal is acceptable and complies with Policies CS23, CS24, C1, C2, GR1, HC1, HC8, HE8 and HE9 of the DALP and Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

## **8. RECOMMENDATION**

Grant planning permission subject to conditions:

1. Time Limit
2. Approved Plans (GR1)
3. Submission of Precise External Facing Materials (GR1)
4. Submission of a Signage Detail Scheme (C1)
5. Implementation and Maintenance of Parking and Servicing Provision – (C1 and C2)
6. Submission, Implementation and Maintenance of Cycle Parking Scheme (C2)
7. Restriction to non-peak times for service/delivery vehicles Scheme (C1)
8. Secure EV charging facilities (CS(R))
9. Submission of a Sustainable Development and Climate Change Scheme (CS(R)19)
10. Submission of drainage calculations and verification reporting (CS23 and HE9)
11. Implementation and Maintenance of a Landscaping Scheme (HE5)
12. Implementation and Maintenance of a Lighting Scheme (HE1 and HE7)
13. Contamination investigation / remediation strategy / verification reporting (HE8)

## **9. BACKGROUND PAPERS**

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

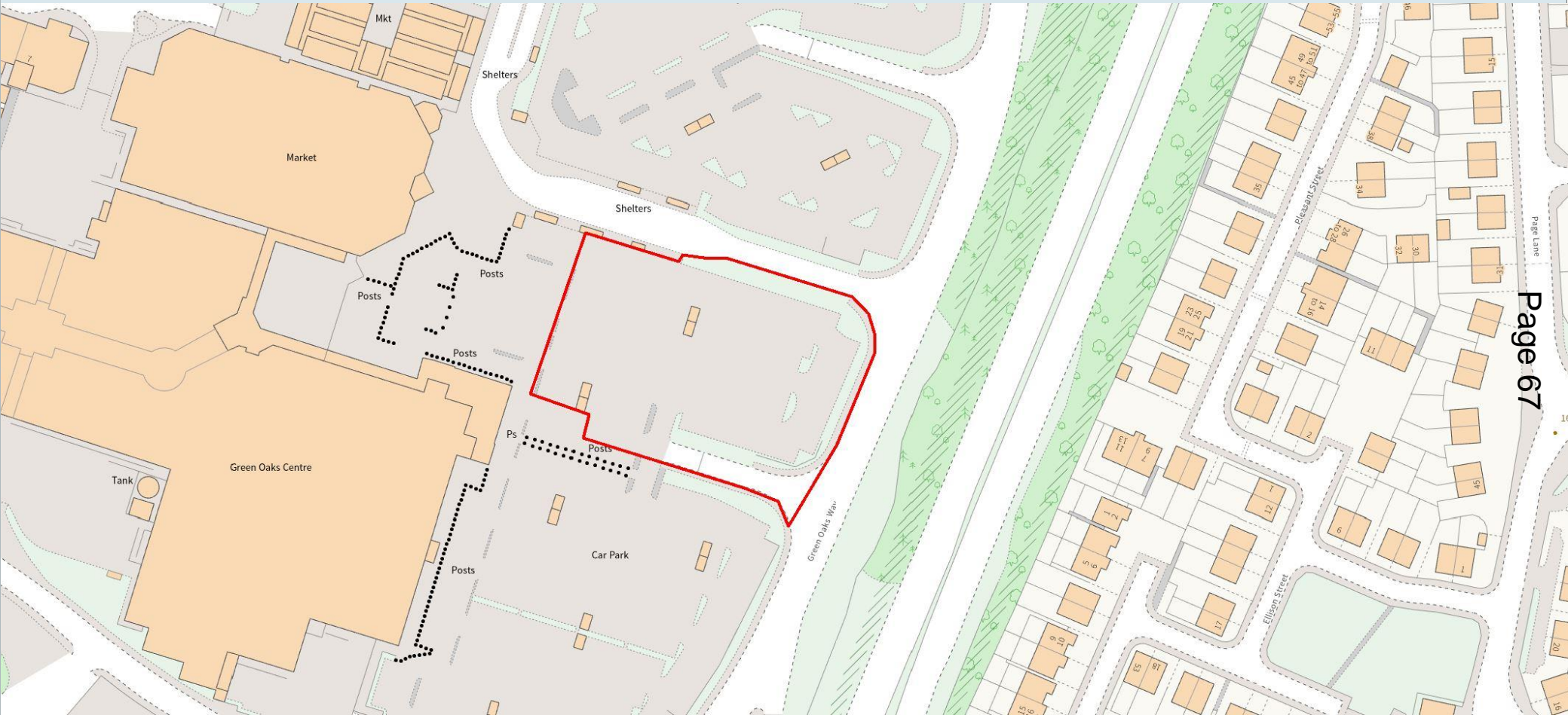
## **10. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2023);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

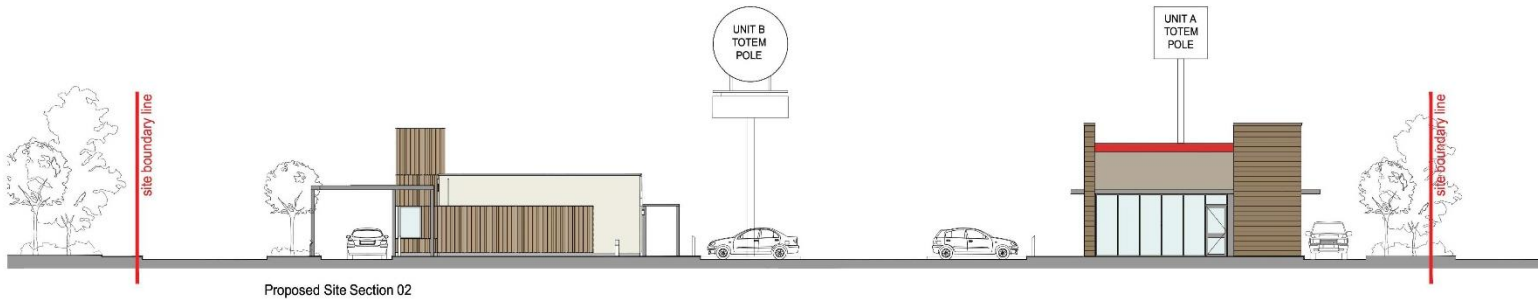
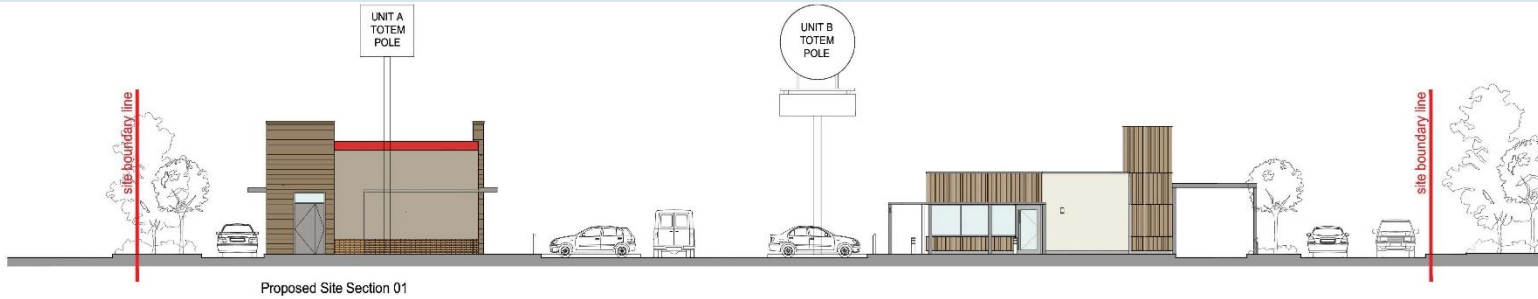
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.











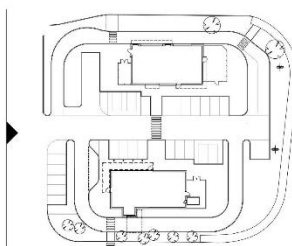
PLANNING

1 2 3 4 5


Rev A 20140221 General update following consultants comments.

PROJECT: Proposed Drive-Through at Green Oaks, Widnes WA8 8UD	DRAWING NO: P23-029 02-04-001A
DRAWING TITLE: Proposed Site Section 01 and 02	
CLIENT: AIM Land Limited	SCALE: 1:1000 DATE: Jun 2024
	DRAWN BY: JAP CHECKED BY: WFO



SITE SECTION 01



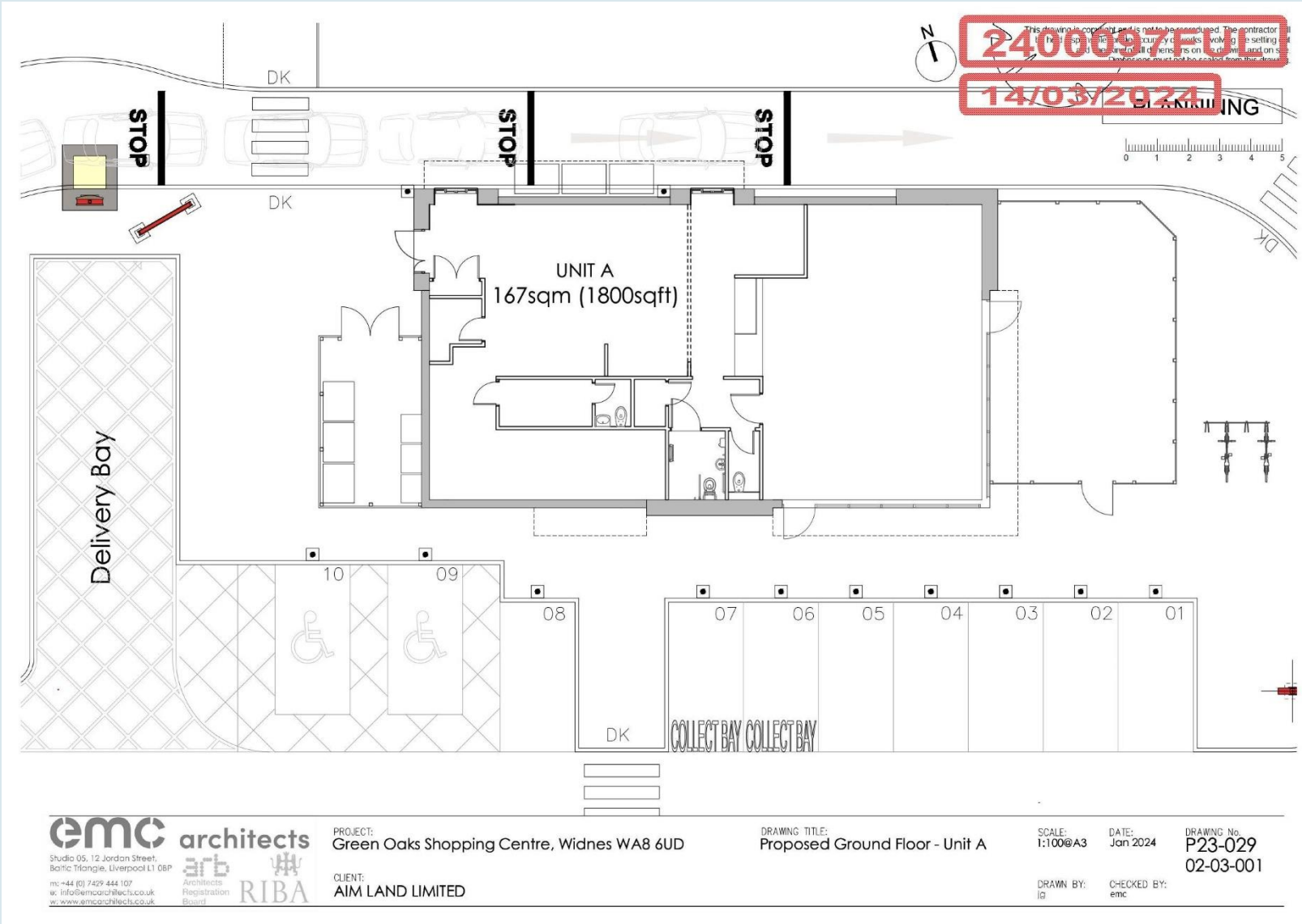
SITE SECTION 02

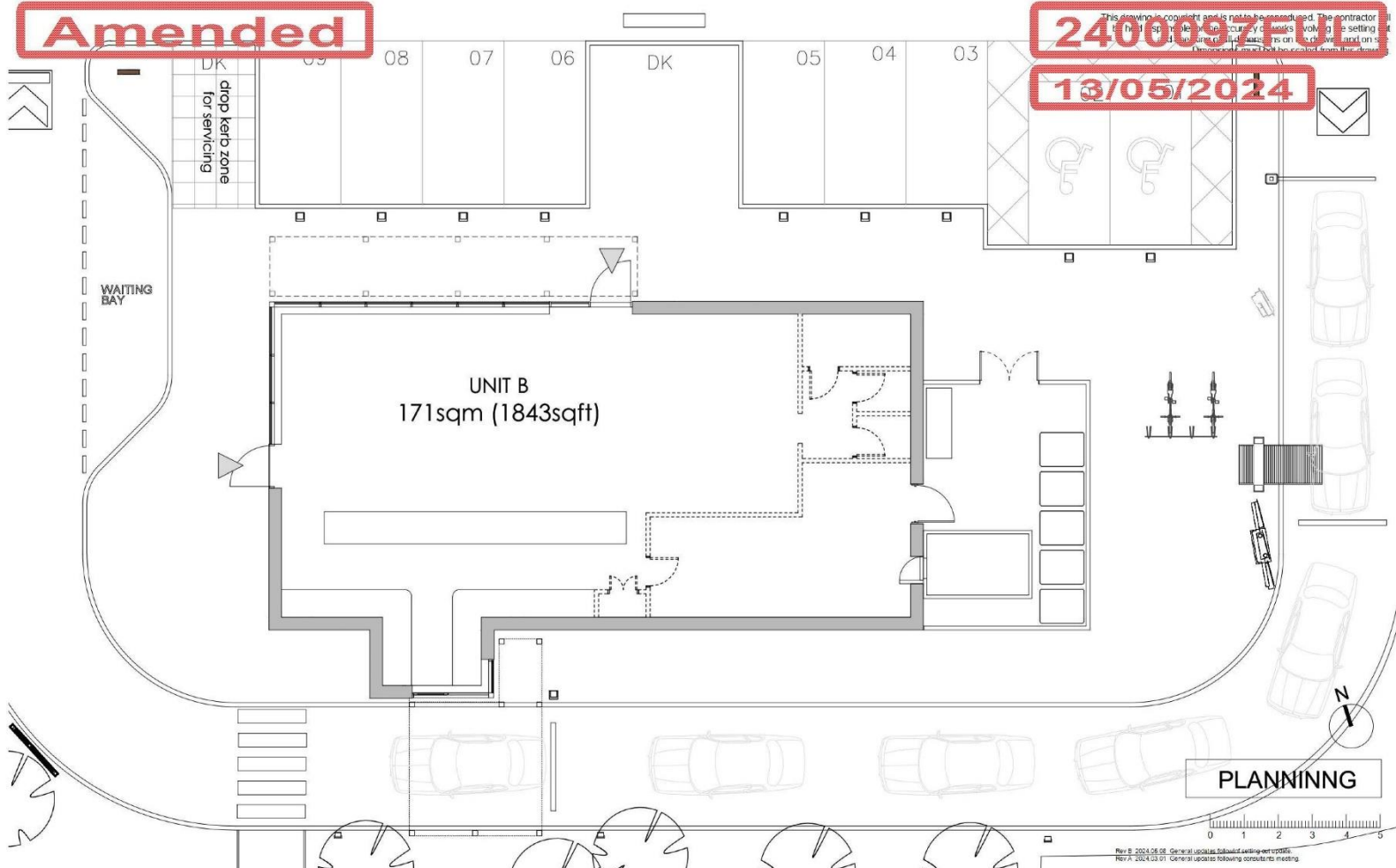


Studio 06, 12 Jordan Street  
Barkic Triangle, Liverpool L1 0MP  
Tel: +44 (0) 7409 444 107  
www.emcarchitects.co.uk







**Amended**

**24/00097/FUL**

**13/05/2024**

**PLANNING**

**emc architects**  
Studio 05, 12 Jordan Street,  
Baltic Triangle, Liverpool L1 0BP  
m: +44 (0) 7429 444 107  
e: info@emcarchitects.co.uk  
w: www.emcarchitects.co.uk

PROJECT: Green Oaks Shopping Centre, Widnes WA8 6UD

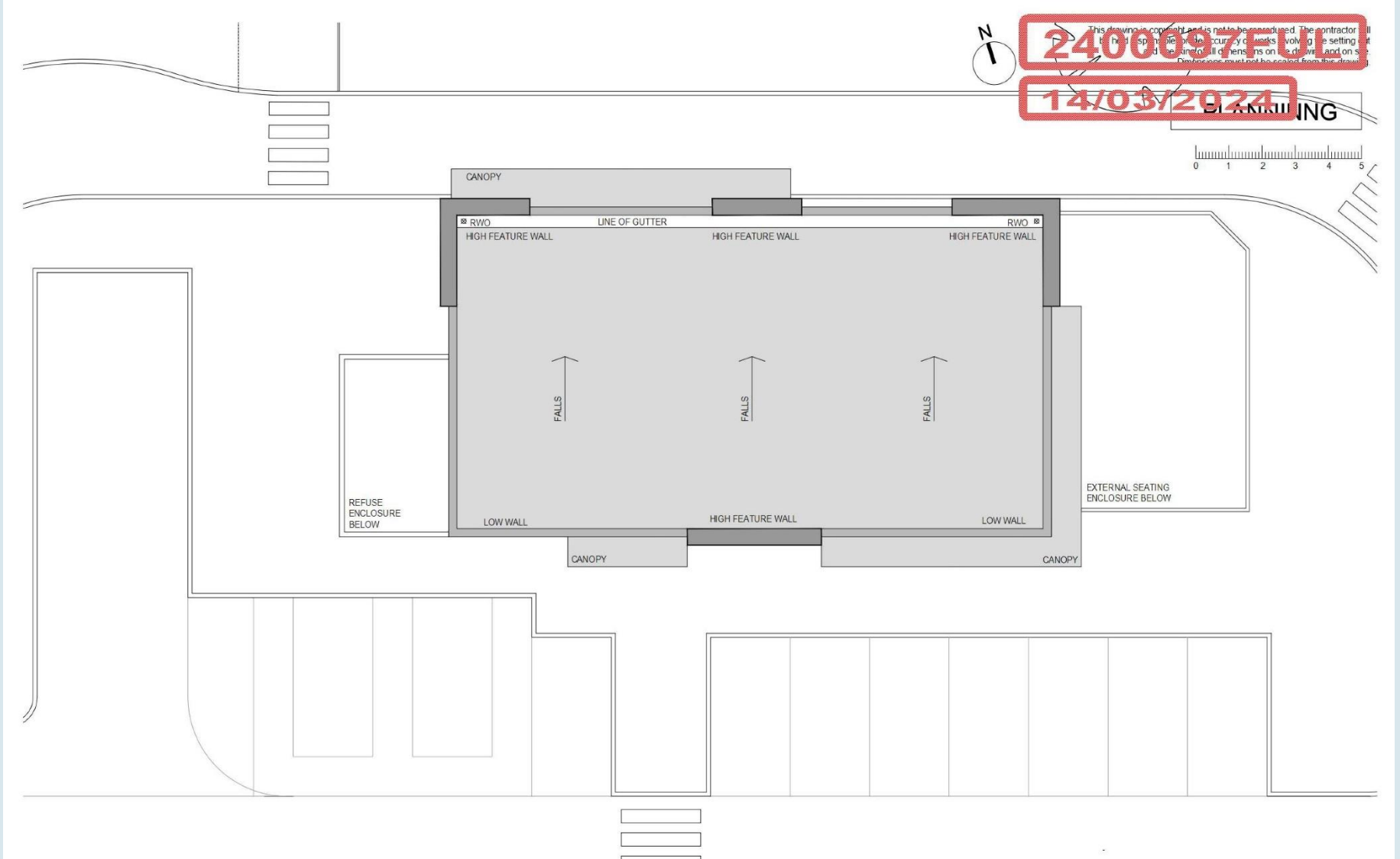
DRAWING TITLE: Proposed Ground Floor - Unit B

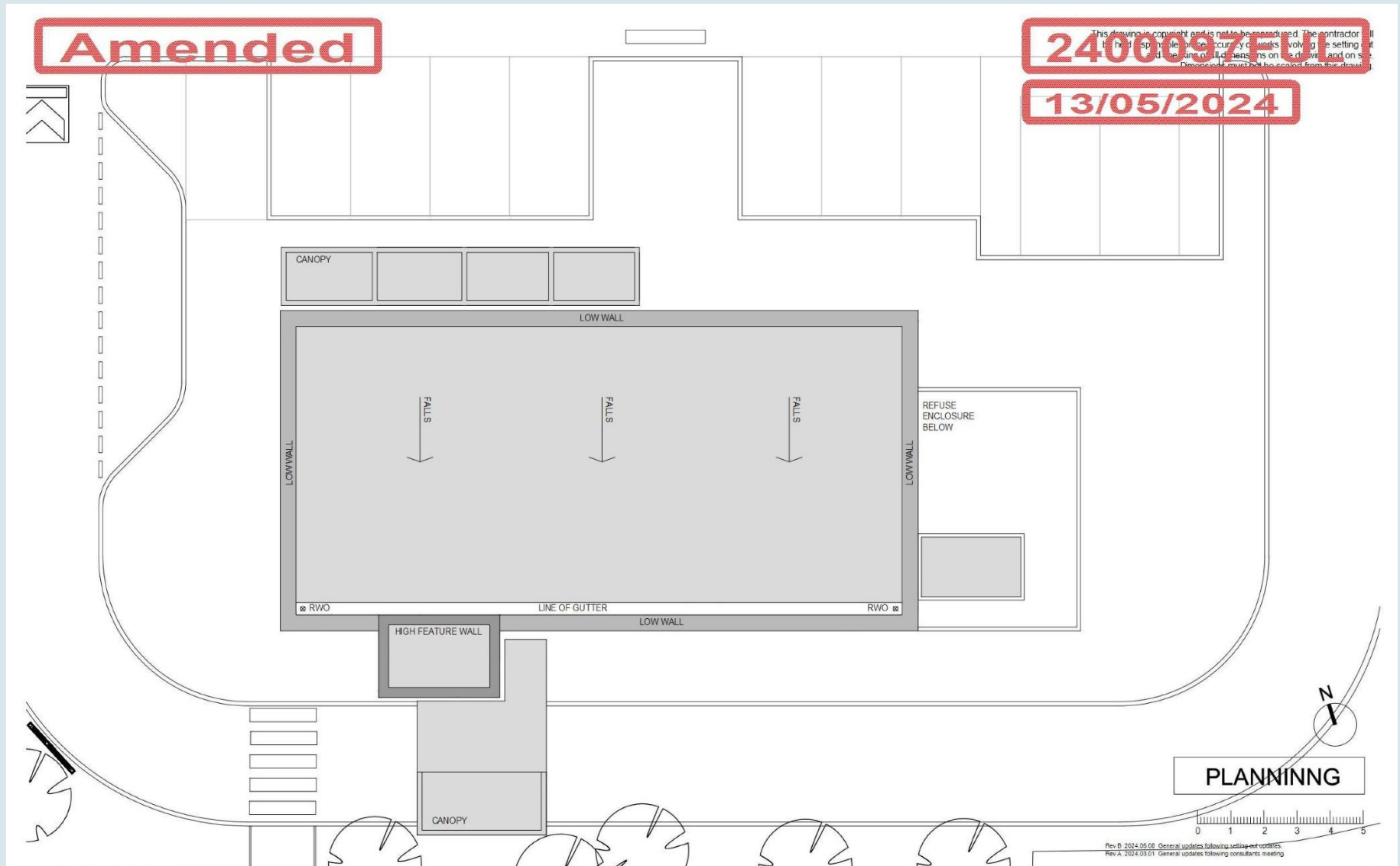
SCALE: 1:100@A3  
DATE: Jan 2024

DRAWING No: P23-029  
02-03-002B

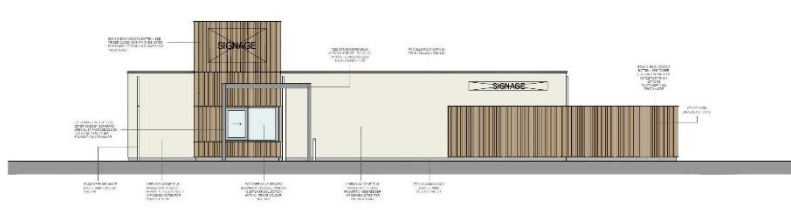
CLIENT: AIM LAND LIMITED

DRAWN BY: lja  
CHECKED BY: emc

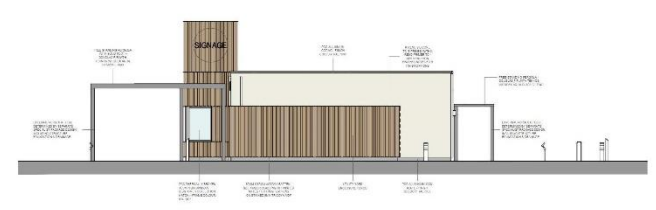








ELEVATION 01



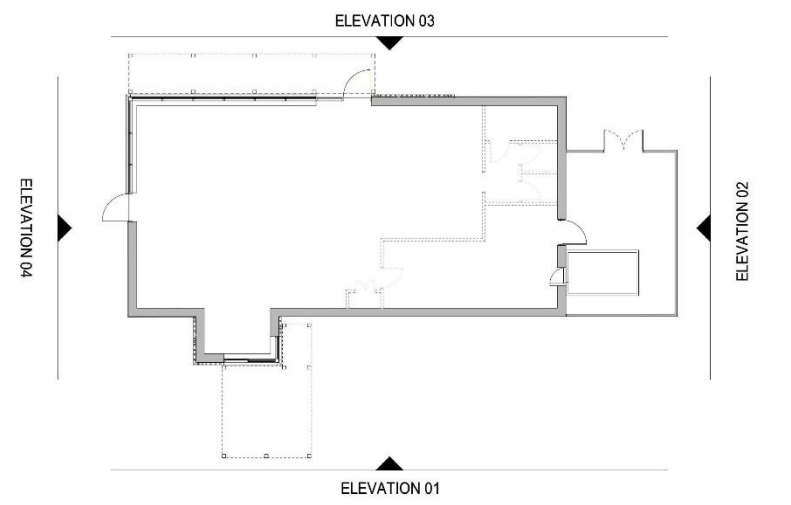
ELEVATION 02

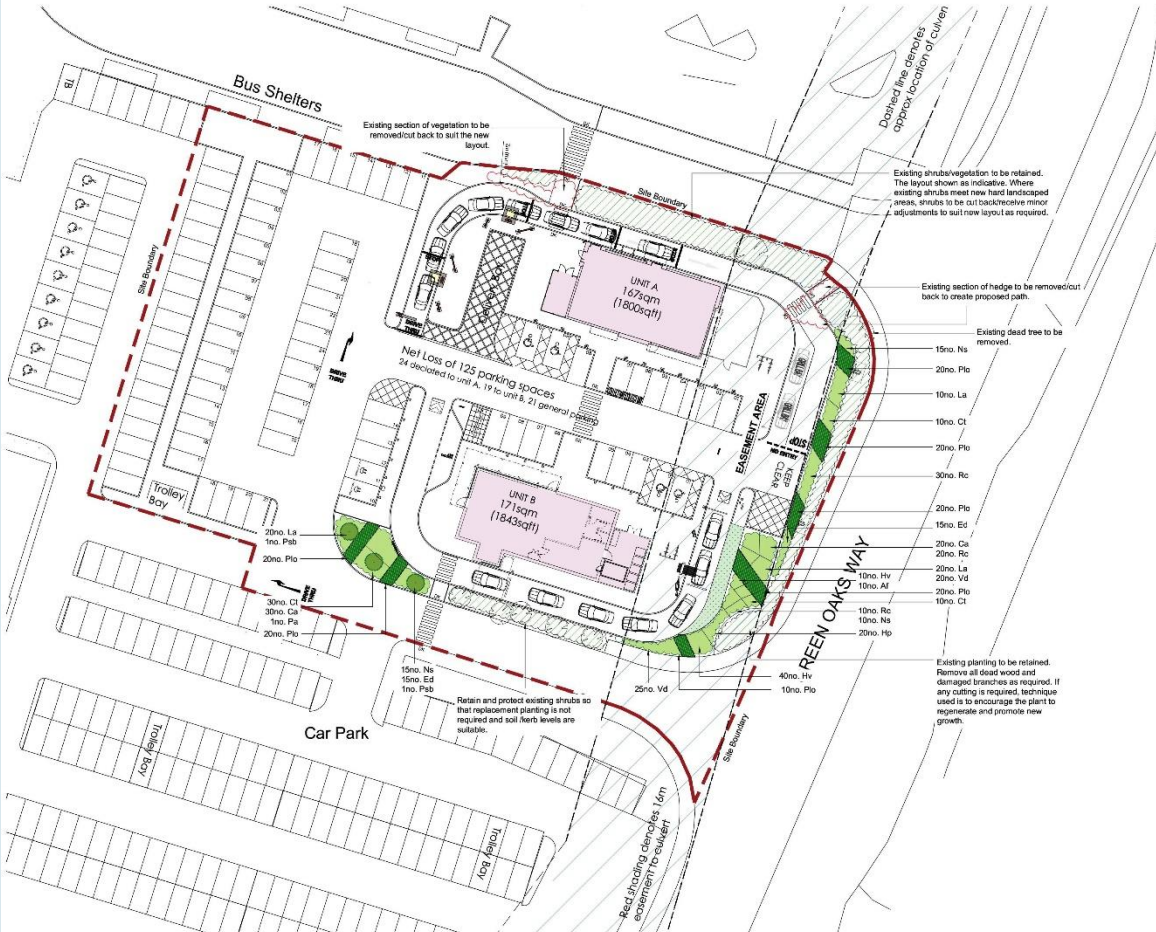


ELEVATION 03



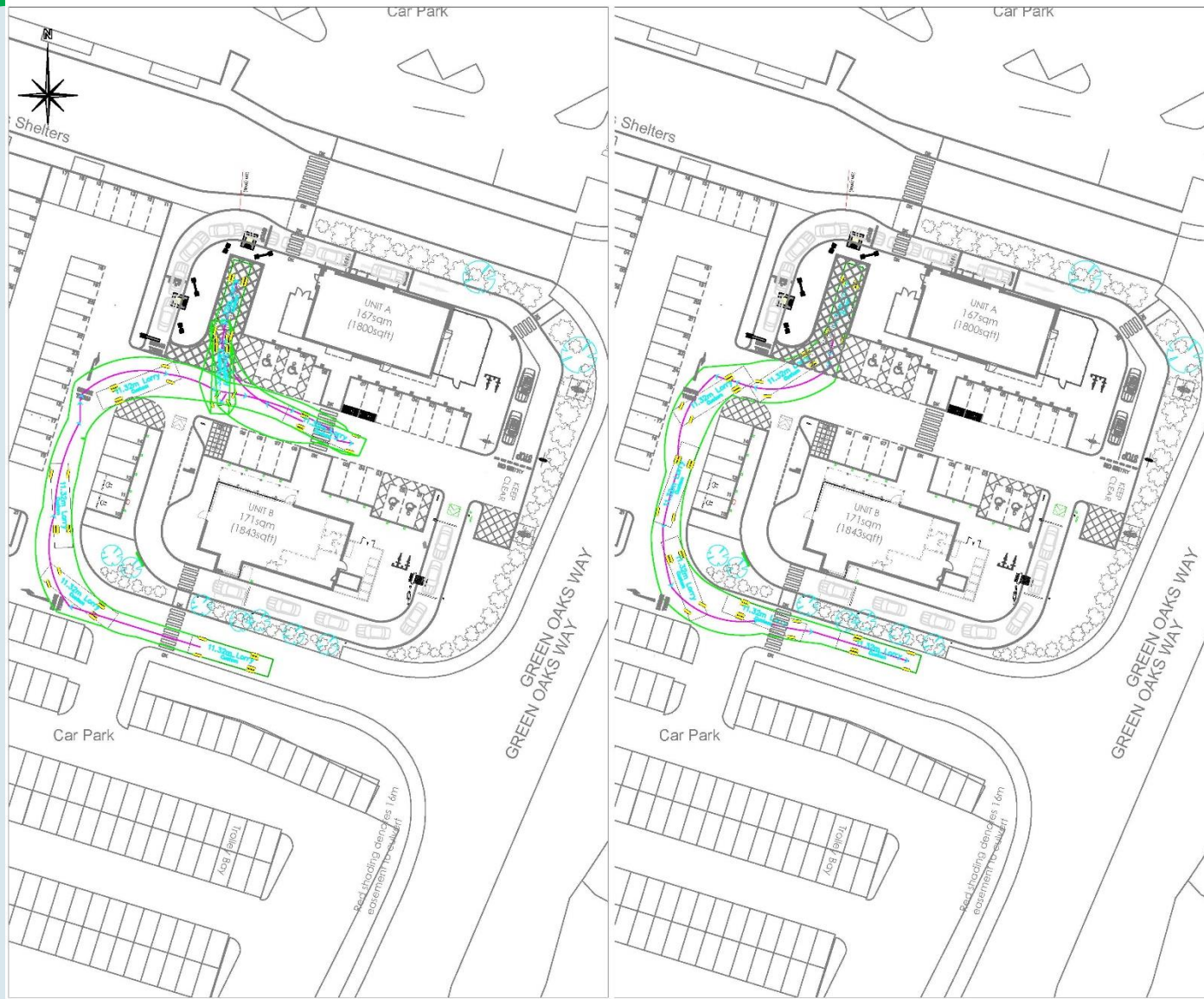
ELEVATION 04





**LANDSCAPE SPECIFICATION:**

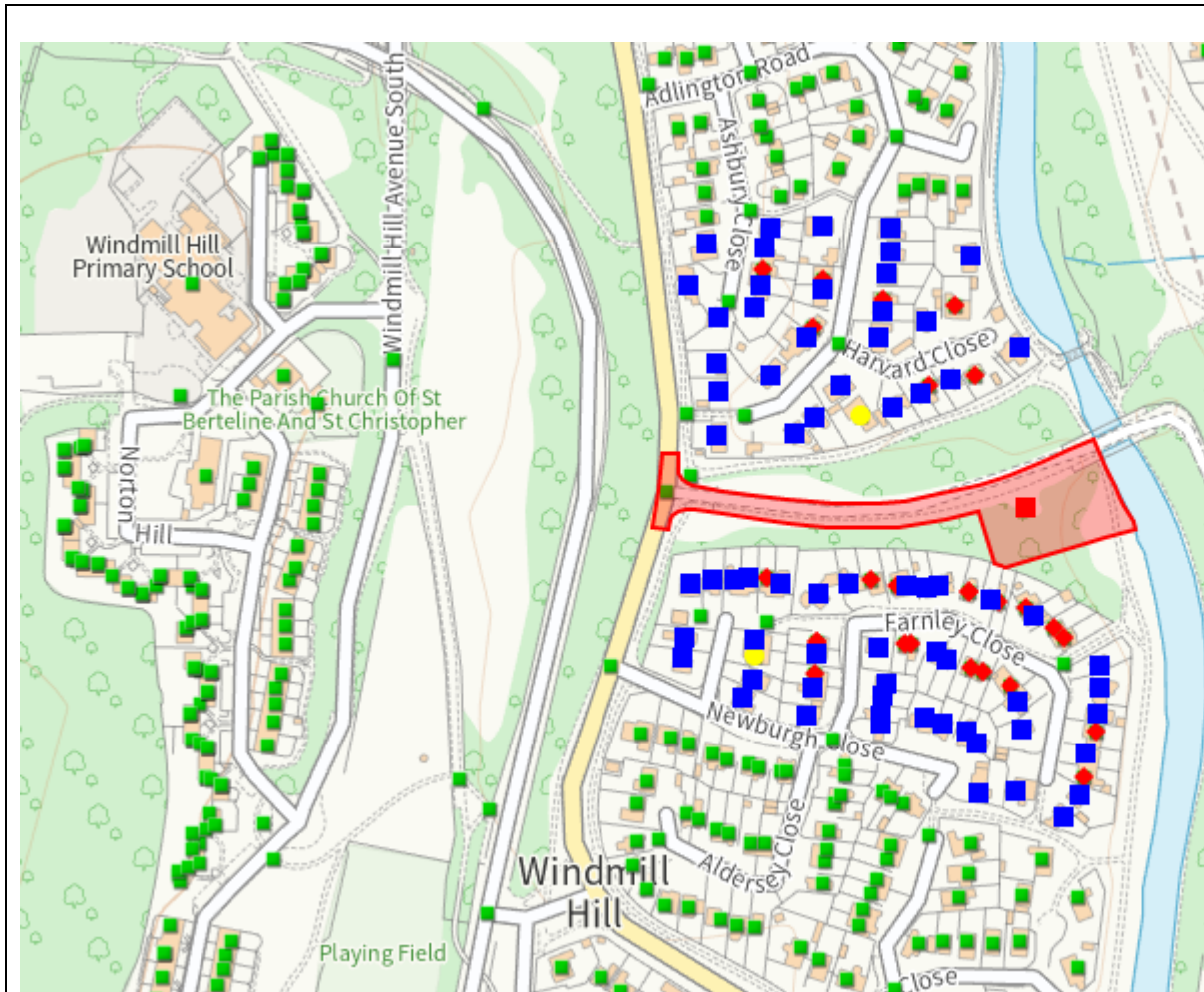
No.	Standard (selected) Trees	% Mix	Species Name	Pot Size	Height	Density	Specification
2	Pso		Prunus 'Sunset Boulevard'	RB	3 - 3.5m	As shown	10 12cm girth, min 3 drks, 1.5m clear stem
11	Pa		Prunus avium	RB	3 - 3.2cm	As shown	10 12cm girth, min 3 drks, 1.5m clear stem
<b>Groundcover Shrubs</b>							
10	Al		Agastache foeniculum	3L	30 - 40cm	4/m2	Bushy, planted in groups of 7-9
20	Hb		Helix 'Purple Heart'	3L	30 - 40cm	4/m2	Bushy, planted in groups of 5-7
50	Hv		Hydrangea serrata	3L	30 - 40cm	4/m2	Bushy, planted in groups of 5-7
50	La		Lavandula angustifolia 'twinklet purple'	3L	30 - 40cm	3/m2	Bushy, planted in groups of 7-9
40	Ns		Negundo x hybrid	3L	30 - 40cm	3/m2	Bushy, planted in groups of 7-9
50	Cl		Chamaecrista	3L	20 - 30cm	3/m2	Bushy, planted to create larger shrub back drop
30	Ed		Eucalyptus comard seedling	3L	20 - 30cm	3/m2	Bushy, planted to create larger shrub back drop
45	Vd		Viburnum davidii	3L	20 - 30cm	3/m2	Bushy, planted to create larger shrub back drop
60	Ce		Cornus coccinea	2L	20 - 30cm	3/m2	Bushy, use spots and care if required
50	Ca		Cornus alba	2L	20 - 30cm	3/m2	Bushy, planted to create larger shrub back drop
130	Po		Prunus laurocerasus 'Oliv Lyonic'	3L	20 - 30cm	3/m2	Bushy, planted in grid formation to create block







<b>APPLICATION NO:</b>	24/00147/FULEIA
<b>LOCATION:</b>	Land Off Windmill Hill Avenue, Runcorn
<b>PROPOSAL:</b>	Proposed erection of an electricity substation with associated plant, along with access, landscaping, means of enclosure, boundary treatments and associated ancillary infrastructure and works
<b>WARD:</b>	Norton North
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Homes England
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2023) Delivery and Allocations Local Plan ('DALP') (March 2022). Merseyside and Halton Joint Waste Local Plan 2013	Greenspace and Core Biodiversity Area (part)
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	35 letters of objection Letters of Objection from Councillors and MP
<b>KEY ISSUES:</b>	Principle of development; visual impact, noise and other amenity issues; ecology and biodiversity, drainage and highway issues
<b>RECOMMENDATION:</b>	Delegate authority to approve, subject to conditions and resolution of outstanding Highways and Drainage matters
<b>SITE MAP</b>	



## **1. THE APPLICATION SITE**

### **1.1 The Site**

Area of approximately 0.405 Ha of green space currently with trees and other vegetation/ grassland. Land off Windmill Avenue, to the south of an existing road which is currently closed to motorised traffic but which will form the northern entry Road to future phases of the Sandymoor residential development. To the east lies New Norton Bridge which crosses the Bridgewater Canal with residential properties on Farnley Close to the South.

### **1.2 Planning History**

Planning permission has previously been approved for substations on the land albeit with a slightly reduced development footprint. The following application history is of relevance:

- 02/00002/FUL – Proposed 33kV substation (Refused)
- 02/00165/FUL – Proposed erection of a 33kV substation (Approved)

- 09/00517/FUL – Proposed erection of an 11KV/33kV electricity substation (Approved)

## **2. THE APPLICATION**

### **2.1 The proposal and Background**

Permission is sought for the proposed erection of a 33Kv substation with associated works with access via Windmill Hill Avenue East. The applicant states that the proposed substation will provide sufficient power to meet the future demand arising from both the Sandymoor South Phase 2 and Wharford Farm sites, both allocated for residential development within the Halton Delivery and Allocations Local Plan (DALP). Outline planning permission was recently approved for Sandymoor South Phase 2 for the erection of up to 250 homes. The proposal includes the following:

- Switch room (6.97m wide x 14.28m long x 4.12m high) of brick construction with concrete roof topped with tensile roofing felt and door colour coated green
- Transformer bund with fire wall 5.6m wide by 4.12m high surrounded by 2.4m Palisade fence containing a single transformer (approx. 3m high) but providing a plinth, futureproofing to accommodate a second transformer as required.
- 2.4m high perimeter mesh security fence with access gates powder coated green
- Access road for maintenance vehicles between the switch room and transformer bund.
- Landscaping to mitigate loss and screen the substation as far as possible within the operational constraints set by the operator.

The proposed substation design and layout has been provided by SP Energy Networks (SPEN) who will be responsible for the construction and operation of the substation.

### **2.2 Documentation**

The applicant has submitted the relevant planning application form, drawings and the following plans/ reports:

Covering letter/ Planning Statement  
Ecological Desk Study  
Ecological Impact Assessment  
Drainage Technical Note  
Arboricultural Impact Assessment  
Noise Assessment  
Environmental Statement Addendum and Appendices  
Detailed Planting Plan

### **3. 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)7 Infrastructure Provision
- 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
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure/
- HE7 Pollution and Nuisance
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- GR3 Boundary Fences and Walls

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

Sandymoor SPD

### **4. MATERIAL CONSIDERATIONS**

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

#### **4.1 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was last updated in December 2023 to set out the Government's planning policies for England and how these should be applied.

#### 4.2 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.

#### 4.3 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.

### **5. CONSULTATIONS SUMMARY**

HSE - Do Not Advise Against

Natural England - No Objection

Environment Agency - No Objection

Cheshire Police – No objection. Suggestion made regarding specific security features which can be provided to the applicant by way of informative

Coal Authority – No Comment

Historic England – No Comment

Network Rail – No Objection

Cadent Gas – No Objection subject to informative

Canal and River Trust – No Requirement to Consult

Sport England – No Requirement to Consult

Forestry Commission – No Comment

National Highways – No Objection

SABIC – No Observations, Proposed works are outside of the current Land Use Planning Consultation Zones and would not therefore affect SABIC pipeline apparatus.

Environmental Health Officer – No Objection subject to conditions

Highways and Transportation Development Control – Original holding objection. Updated response awaited. See Highways section of report.

Lead Local Flood Authority

No objection in principle. Updated response awaited. See Flood Risk and Drainage section of report.

Open Spaces Officer - No objection subject to conditions.

Conservation Advisor (CWAC) – No objection subject to external wall brick type and stretcher bond by condition.

Cheshire Archaeology - Unlikely to disturb significant below ground archaeological deposits and therefore there are no further archaeological recommendations for this current application.

I would recommend that the bricks used are of a type to be used within the wider development. If this can be confirmed by the applicant that would be ideal.

Open Spaces Officer Design & Development Team – No objection. Suggests doors to be in a colour that blends into the surrounding landscape? E.g. dark green. The applicant has agreed to this suggestion to be secured by planning condition.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor - No objection subject to conditions.

## **6. REPRESENTATIONS**

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents, landowners and Moore, Sandymoor and Daresbury Parish Councils have been notified.

35 letters of objection have been received raising the following issues:

- Loss of Greenspace
- Loss of Trees
- Impact on bats and wildlife
- Disruption from construction
- Will not serve Norton South, no benefit to existing residents, should be built at another location near properties it serves
- Location is cost/ profit driven and so not to impact on new houses at Sandymoor
- No sense to build on this side of the canal/ will it require overhead cables
- Loss of property value.
- Impact on existing residents, their mental health and wellbeing, sufferer of misophonia
- Visual impact, unsightly
- Noise impacts
- Health and safety risks, Electric and Magnetic Fields (EMF), electrical hazard, cancer risk
- Traffic and highway risks
- Several smaller substations would be better
- No need for more housing with no infrastructure i.e. schools, Doctors
- Chemicals from weeding
- Time for comment too short

A Ward Councillor has stated as follows:

*I write to you to express my views on the above planning application.*

*“As a resident living in the Norton North Ward.  
I wish to totally oppose this Planning Application.*

*The Council should reject this application, on the grounds that the original plan for this very dangerous Power Station  
Was initially planned to be in Sandymoor, Moor and Daresbury Ward Not Norton North Ward.*



*This Power Station plan has also doubled in size, it's extremely close to the homes of families living in the Waters Edge Estate and young families living in Newburgh Close. None of these residents were ever informed this would happen, and worse still, it will be for New Properties that may or may not ever be built in Sandymoor. The Council are Legally Bound to inform residents of any possible future building, This Power Station is not for those living in the Norton North Ward It was never in the Local Plan, it has doubled in size to accommodate Rich Building Companies to the detriment of Halton residents."*

Cllr Bramwell has written to state she fully supports the points made above with regards to this planning application and that:

*"I can also see no logical reason as to why it is not being located in the area it will serve which is the Sandymoor and Daresbury Ward , as outlined in the original plan?"*

Letters of objection have been received from Councillors Logan, Ryan and Lloyd Jones as follows:

Councillor Logan states:

*"I wish to object to this planning application. It falls within the green corridor/space as designated in the DALP and not within the area designated for development within which there is plenty of space. A site within the development space had previously been agreed and yet it has been moved to within 2 metres of existing properties in another electoral ward. The residents in these properties have in some cases been living there for over 30 years and there was never a plan to develop the area behind their properties. Why is the substation not being proposed to be on the land designated for development amongst the properties it will service?"*

Councillor Ryan states::

*"I am writing to outline my objection to the proposals for the primary substation that has been submitted on 28/03/2024.*

*The sub-station proposed was previously outlined within application 22/00543/OUTEIA for Sandymoor South Phase 2 and, at that time, was indicated within the Sandymoor South redline demise. This was in accordance with the designations proscribed within the Halton Delivery & Allocations Plan (DALP) adopted on 2nd March 2022.*

*The new proposal is for the same primary sub-station and it now proposed to be located outside of the Sandymoor South redline demise, off Windmill Hill Avenue West. The land on which the sub-station is proposed is designated within the DALP as being "greenspace - core bio-diversity area".*

*As such, the proposal 24/00147/FULEIA is not in accordance with the adopted Local Plan and should not be permitted. The developer should be requested to locate the sub-station within the area permitted under 22/00543/OUTEIA, within the Sandymoor South redline demise.*

*This application is the second that I have seen within the past year where an applicant wishes to develop a space that is designated as "greenspace" within the adopted Local Plan.*

*The decisions made with regard to this type of application has implications, in my view, with regard to how we as Halton Borough Council and Elected Members view our Local Plan and how much commitment we have, and demonstrate, to its implementation.*

*Development is always a contentious issue. The adopted Local Plan provides clear guidance and, in effect, a roadmap to the development of the Borough into the future. It is important that we stay true to it. Many areas of land are designated for development within Halton, the land affected by this proposal is not one of them and it should remain as an important green corridor, as outlined within the adopted Local Plan."*

Councillor Lloyd Jones states:

*"I remain puzzled why it is thought appropriate to locate the substation in Norton, and on a site with environmental protection, instead of the original Sandymoor site which was within the housing development area the substation will serve."*

And

*"I suggest the issue as to why the applicant is preferring to locate in Norton is central to meaningful consideration of the application.*

*Surely the applicant should be requested to provide an answer to this issue, with supporting evidence?*

*In the absence of such information, then the only appropriate decision would appear to be rejection of the application and construction of the substation on the already approved site on Sandymoor?"*

One letter of objection has been received from Mike Amesbury MP stating the following:

*"I am writing to express my objection to the proposed plan to build an electricity substation to the rear of properties in Farnley Close, Runcorn, as referenced in planning application 24/00147/FULEIA. This proposal has raised significant concerns among the residents, particularly those directly impacted by the construction, and I share their apprehensions.*

*The proposed substation is intended to serve the new properties being built in the Sandymoor area, yet it is planned to be situated in close proximity to established homes in Farnley Close. This placement is problematic for several reasons:*

- *Lack of Direct Benefit: The substation offers no direct benefit to the residents of Farnley Close, who will bear the brunt of the negative impacts without any of the advantages. It is unjust for the residents of an existing, well-established community to suffer the consequences of a development that serves a different area.*
- *Environmental Impact: The construction of this substation will have a detrimental effect on local wildlife and established trees. The removal of trees and disruption of habitats will not only degrade the local environment but also negatively impact the biodiversity of the area. The replacement of green spaces with a large substation and a 4.2-meter perimeter brick wall is a significant and unwelcome change to the landscape.*
- *Impact on Property Values and Quality of Life: The presence of a large substation and high wall will likely decrease the property values of homes in Farnley Close. Additionally, the aesthetic and noise impacts associated with the substation could significantly diminish the quality of life for the residents, many of whom chose this location for its peace and tranquility.*
- *Alternative Locations: Given that the substation is intended to serve the Sandymoor development, it would be more appropriate and equitable to locate it closer to the new housing area it is designed to support. This would mitigate the adverse effects on the existing residents of Farnley Close and better align the infrastructure with the community it is intended to benefit.*

*While I fully support investment in Runcorn and the development of new housing, it is crucial that such developments are planned and executed in a manner that is fair and considerate to all residents. Placing the substation in a location that significantly impacts existing communities, without providing them any benefits, is neither fair nor acceptable.*

*I urge the planning committee to consider the proposed location of the substation. Exploring alternative sites that do not negatively impact the established residents of Farnley Close should be a priority.*

*Thank you for your attention to this matter. I look forward to your response and to working together to find a solution that respects the needs and well-being of all Runcorn residents.”*

## **7. ASSESSMENT**

### **7.1 Background, Principle of Development and loss of Greenspace and Core Biodiversity Area**

DALP Policy CS(R)3 sets out the provision that will be made for housing supply over the plan period. It identifies Sandymoor (SRL4) and Wharford Farm (SRL3) as two of the nine Strategic Residential Locations whilst Policy RD1 provides further detail in relation to these site allocations.

It is stated that a 33kV substation is to provide the future electricity power needs of these allocated residential sites. The applicant states that, due to the lead in times for installation and operation of the substation equipment, planning permission is required at this early stage to ensure that sufficient power is available to allow occupation of these future homes should Reserved Matters be approved and/ or planning permission be secured as required.

The site is designated within the Halton Delivery and Allocations Local Plan (DALP) as Greenspace and, in part, as a Core Biodiversity Area. Policies HE1 and HE4 are of particular relevance in this regard. A Greenway runs to the east of the site along the Bridgewater canal but is unaffected by the proposals. Whilst land cannot be allocated through a supplementary planning document (SPD), the Councils adopted Sandymoor SPD identifies the site as a potential location for a substation at figure 5.1. The text also refers to the supply of utility services being a potential constraint and threat and that the Masterplan includes a potential location for a proposed new substation adjacent to the new access road from Windmill Hill Avenue.

Policy HE4 states that where development would result in the loss of existing green infrastructure and green space identified on the policy map, development will only be permitted where it can be demonstrated that the green infrastructure and green space is surplus to requirements in accordance with Policy RD4 and CS(R)21 and will not result in a shortfall during the plan period or that *'replacement green infrastructure and green space is provided of 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 and green space.'*

When measured against the Council's Open Space Calculator it is not considered that any argument could be sustained that there is not a surplus of such open space within the area or that the loss of such a relatively small area of open space would result in a shortfall over the plan period. Furthermore, it is not considered arguable that the proposals would detract from the Borough's ability to divert recreational pressure away from sensitive European designated sites or increase recreational pressure on such sites as stipulated by Policy HE4.

The site falls partially within a Core Biodiversity Area under Policy HE1 of the DALP. The applicant has submitted an ecological desk study, impact assessment and technical note which provide further detail on the proposed planting strategy and impact on biodiversity present across the site. The applicant has state the following summary, alongside further analysis and justification of the proposed development having regard to Policies HE1 and HE4 of the DALP.

*"The nature of the existing green infrastructure both within and adjacent to the application site has restricted the establishment of a diverse habitat structure suitable to support a range of flora and fauna. The semi-natural broad-leaved woodland, grassland and dense scrubland present on site are not identifiable as priority habitats and therefore the proposal does not conflict with criterion 2, 3 or 9 of Policy HE1.*

*When proposals may affect designated natural assets, such as Core Biodiversity Areas, the mitigation hierarchy within Policy HE1 requires proposals to demonstrate (in order):*

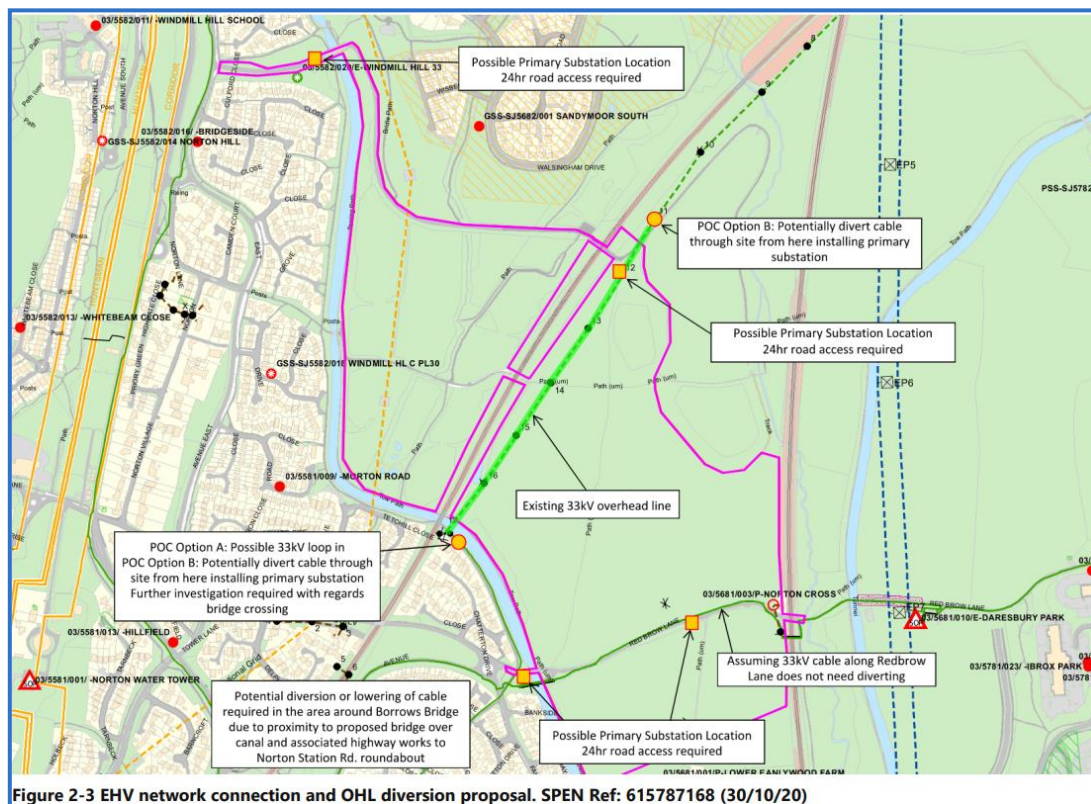
- 1. Avoidance*
- 2. Minimisation*
- 3. Mitigation; and*
- 4. Compensation.*

*The proposed development is considered to adhere to this hierarchy as follows:*

- 1. Avoidance*

*The Utility Report supporting the recently consented outline planning application for Sandymoor South Phase 2 (22/00543/OUTEIA) identified the need for an extra high voltage electricity connection (33 kV) due to existing network capacity constraints.*

Several alternative locations for a substation were considered within this report (Figure 2-3), as shown below:



The substation application and its accompanying ES addendum explore these options in further detail. Several alternative locations for the substation have been discounted due to: the operational requirements of SPEN (i.e. 24/7 access for servicing and emergency); infrastructure requirements and the associated cost of works (i.e. the physical location of the existing 33kV network at Windmill Hill Avenue East); conflicts arising with the delivery of works alongside the proposed residential development of Sandymoor South; and, detailed technical studies undertaken by utility specialists (i.e. network loads and power distribution within the area).

The option to locate a primary substation east of the railway arch at Wharford Farm has been discounted due to the feasibility, scope and cost of works associated with making a 33kV electrical connection beneath the railway line from Windmill Hill Avenue, and due to the limitations of future maintenance and service arrangements beneath the arch, including 24/7 access that would be required to the substation, necessitating a formal highway connection that does not currently exist (to be progressed within a future application for Wharford Farm). Elsewhere, locating the substation along Red Brow Lane has been discounted following confirmation by SPEN that limited capacity exists along the alternative 33kV cable route in this location, in addition to the limitations of vehicular access outlined above. Finally, limited electrical

*capacity within Walsingham Drive and the substantial civil works package that would be required to deliver a 33kV connection from Windmill Hill East over New Norton Bridge into Sandymoor South, likely to further conflict with the delivery of works required to New Norton Bridge under OPA 22/00543/OUT) have led to the preferred location west of New Norton Bridge being selected.*

*In summary, the proposed location: shares none of the operational, logistical or physical constraints presented by the alternative locations originally presented within the Utility Report and Environmental Statement supporting OPA 22/00543/OUT; is further supported as a suitable location by the network operator SPEN who will be responsible for the construction, connection and maintenance in perpetuity; and will ultimately enable the delivery of new homes across the strategic residential allocation at Sandymoor South in a coordinated and timely manner.*

*It is established that construction of a new substation in this location is the optimal, available solution to energise both Sandymoor South Phase 2 and Wharford Farm (which in turn will provide the capacity needed for the neighbourhood as a whole).*

*It should also be noted that in anticipation of a primary substation being delivered off Windmill Hill Avenue East, land that forms part of the current planning application site boundary was transferred by the Commission for New Towns (Homes England's predecessor body) to SPEN in 1991."*

The principle of development for a primary substation and associated works in this location has also been established through two previous planning applications which were approved albeit now lapsed and approved in the context of earlier development plan policies.

Whilst the proposals will result in a net loss of scrub and woodland habitat area within the site, due to the footprint of the substation, given the small site area and future operational requirements associated with a substation use, there is limited ability to provide replacement habitat within the application site boundary. Loss of habitat has been minimised as far as possible. By way of mitigation and compensation, proposed native scrub planting, seeding of amenity grassland in front of the substation and tree planting will be maintained as far as possible and reinforced with additional planting as detailed on the submitted detailed planting plan.

The submitted ecology report states that no evidence of bat use or presence was found at the site. The Council's retained adviser on ecology matters advises that, on that basis, the Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Natural England, the Council's Open Spaces Officer and retained adviser on ecology matters have all raised no objection subject to conditions. The Council's retained

adviser on ecology matters has confirmed that the planting plans, subject to planning condition for maintenance, alongside bat and bird box enhancements are sufficient to determine no net loss from removal of younger and self-seeded trees, bramble scrub and species poor grassland and biodiversity enhancement. Also that no further information is required to demonstrate no net loss to biodiversity. The application is considered to comply with Policies HE1 and HE4 of the Halton Delivery and Allocations Local Plan. Where any argument could be made that there exists an element of non-compliance with the avoidance criteria within policy HE4 it is considered that the benefits of the scheme in contributing to the future homes provision outweigh any harm.

### 7.2 Design and Character

The proposal is to build a 33Kv substation including switch room of brick construction with concrete roof topped with tensile roofing felt, transformer bund including second transformer plinth, with fire wall, fencing and access road for maintenance vehicles. The proposals are utilitarian in nature defined by the functional requirements of the plant required and future maintenance.

The proposed substation is in close proximity to the rear garden fences of houses on Farnley Close. At the nearest, those properties will face the rear blank wall of the brick switch room with the firewall and future transformer sitting further away due to the angle of those properties. The proposal is relatively well screened by existing vegetation which is proposed to be reinforced, including evergreen species, on the remaining land between those properties and the substation development.

The applicant has submitted relevant levels and cross section information showing that the substation will be set at a slightly lower level than the adjoining residential properties. Notwithstanding that the proposed substation is likely to be visible from those nearest properties particularly from first floor rear windows. Any views from ground floor windows and gardens are likely to be limited as the effects have been mitigated as far as possible. Views from the northern entry Road to future phases of the Sandymoor residential development are likely to be in passing only given the extent of tree cover either side of the development. Any residual harm is not considered to justify refusal of planning permission in this case given the benefits of the scheme in terms of securing grid capacity and potential future housing supply.

### 7.3 Amenity Issues and Noise

A number of objections have been made regarding the potential of issues from the development including noise, and other amenity issues.

Policy CS23 'Managing Pollution and Risk' which states, "*Development proposals should not exacerbate and where possible, should minimise, all forms of emissions and odour, water, noise and light pollution.*"



Policy HE7 'Pollution and Nuisance' identifies that where risks for pollution and nuisance are identified, planning permission will be granted for developments providing certain criteria are met. Specifically in relation to noise it notes: "*b. Noise nuisance is not likely to cause a significant increase in ambient noise levels for either day or night time conditions.*"

The application as originally submitted was accompanied by a Noise Assessment. A response from the Council's Environmental Health Officer raised concerns about the predicted noise levels and impact on the amenity of adjoining residents and that additional mitigation against potential noise impact was required.

The applicant has submitted an updated Noise Assessment following consultation with the future operator, plant to be installed and sound power level for the transformer to ensure that noise levels proposed by the Environmental Health Officer can be achieved.

This has resulted in a substantial reduction in the predicted noise levels associated with the proposed development. On this basis the Council's Environmental Health Officer has confirmed that to proposed would be inaudible at the closest residential properties based on predicted noise levels being 5dB(A) below the measured background noise level of 33dB(A).

On that basis the Council's Environmental Health Officer raises no objection subject to conditions requiring that noise levels from fixed plant and equipment on site, measured at the perimeter of the site shall not exceed 27dB(A) and restricting construction hours. It is considered that such conditions would protect residents in future with respect to installation of any second transformer or any future works benefiting from the broad ranging permitted development rights afforded to such operators.

The applicant has further advised that they would accept a planning condition requiring post completion validation testing of the substation sound levels to ensure that the predicted sound level data is being achieved during operation of the substation subject to review of final wording which would add a further layer of assurance in this regard.

One letter of objection has stated that they suffer badly from misophonia (an extreme emotional reaction to certain everyday sounds). Based on the above and in the absence of further evidence it is not considered that refusal of planning permission could be refused on this basis.

It is acknowledged that scope exists for potential dust and other impacts during the construction phase. Given the proximity to residential properties it is considered that a requirement for a Construction Management Plan to minimise such impacts can be justified and secured by suitably worded planning condition. Hours of construction can be controlled by way of suitably worded planning condition.

On that basis it is considered that the proposals accord with Policies CS23 and HE7 of the Halton Delivery and Allocations Local Plan.

#### 7.4 Highway Considerations

Access to the site is from the northern entry road which is proposed to serve future phases of the Sandymoor residential development. The site includes an access road for maintenance vehicles between the switch room and transformer bund.

The Council's Highways Officer, whilst raising no objection in principle, has listed a number of queries and concerns including existing and proposed levels, clarity on impact on amenity path networks, drainage, operation detail relating to access and turning for servicing maintenance vehicles visiting the site, visibility and vehicle tracking and turning to allow access/ egress in a forward gear.

The applicant has responded including additional levels information and confirmation that drainage will be via connection to an existing manhole. They have also advised that vehicle movements associated with accessing the substation for servicing and maintenance are on average expected to occur no more than once a week, with the largest type of service vehicle in attendance being a transit van or similar (c.5m length).

Given this infrequency of vehicular movements to and from the substation site they maintain that any impact on this section of the access road and local highway network will be negligible with no severe impact.

At the time of writing an updated response from the Council's Highways Officer is awaited to demonstrate compliance with DALP Policies C1 and C2. Members will be updated as required.

#### 7.5 Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 1. In accordance with national and local policy the proposed development is therefore considered to be located within an area of low flood risk. The site does not exceed 1Ha so no Flood Risk Assessment (FRA) is required to support the application. A drainage strategy has however been submitted with the application.

The Lead Local Flood Authority has confirmed that the strategy is acceptable in principle but raised some technical queries including in relation to the location and condition of the downstream outfall, discharge rates, prevention of fuel contamination, drainage calculations, maintenance and management.

The applicant has responded including a Drainage Technical Note. This states that, having regard to the drainage hierarchy and limited runoff rates, a connection to an existing surface water sewer adjacent to the site has been determined to be the best outfall option.

The Technical Note concludes that, due to the size of the site and runoff rate calculated it is assumed that all surface water runoff generated on the site can be attenuated within the sewer network proposed up to and including the 1 in 100 year event plus 45% climate change. Further, that the proposed surface water drainage strategy can effectively control all runoff generated within the site and maintain pre-development greenfield runoff rates, without increasing flood risk on or off the site.

At the time of writing updated comments are awaited from the LLFA. Members will be updated orally should any comments be received with respect to flood risk and drainage of the site to demonstrate compliance with Policy HE9 and NPPF.

### 7.6 Health Risks

A number of objections have been made on the grounds of health risks associated with the proposed development.

The applicant has responded that *“the equipment proposed to be installed by SPEN is heavily regulated along with the rest of the UK electricity network, and equipment specifications must accord with the Electric and Magnetic Fields (EMF) public exposure limits in force in the UK.”*

For public exposure, the UK complies with the 1998 ICNIRP Guidelines in the terms of the 1999 EU Recommendation. A voluntary Code of Practice exists between the Energy Networks Association and Government. Among many other details, it sets out how to demonstrate compliance with the public exposure limits.

A Statement of Compliance of Electricity Substations with Public Exposure Limits for Electric and Magnetic Fields has been produced. That statement states that *“this Statement is regarded as sufficient to demonstrate compliance. Further calculations or measurements are not necessary”* and that *“compliance with exposure guidelines for such equipment will be assumed unless evidence is brought to the contrary.”* It also includes confirmation that all underground cables at 132kV and below are compliant.

It is assumed that any chemical weeding will be carried out in accordance with manufacturers instructions and other legislation. The proposed equipment is contained within a building and/ or surrounded by fencing. There is no evidence that the proposed would pose an undue risk of electrical hazard than any other substation. It is not considered that refusal of planning permission could be sustained on these grounds.

On that basis, and in the absence of evidence to the contrary it is not considered that refusal of planning permission could be justified on health grounds.

### 7.7 Environmental Impact Regulations Conformity

The consented residential development at Sandymoor (22/00543/OUTEIA) is an EIA development. The proposed development is an amendment to the original EIA project. An Environmental Statement (ES) addendum has therefore been prepared to assess the likely significant effect on the environment due to the proposed development beyond those assessed in the original ES. In summary this concludes that the Noise Assessment and Environmental Assessment that accompany the planning application have considered all short-term impacts during the construction period and long term impacts post-installation during the operational phase of the development. They have concluded no significant residual environmental effects aside from a negligible adverse visual impact to users of the public right of way along the Bridgewater Canal and a minor adverse visual impact to residents on Farnley Close as a result of the proposed development. In line with the recommendations set out within the various supporting documents, mitigation is proposed in the form of new native scrub and tree planting around the site perimeter as shown on the Detailed Planting Plan that accompanies the planning application. It is considered that this can be used as a basis for determination of the application.

## **8 Summary and Conclusions**

Permission is sought for the proposed erection of a 33Kv substation with associated works with access via Windmill Hill Avenue. The applicant states that the proposed substation will provide sufficient power to meet the future demand arising from both the Sandymoor South Phase 2 and Wharford Farm sites, both allocated for residential development within the Halton Delivery and Allocations Local Plan (DALP).

The proposal will result in the loss of an area of designated greenspace and a smaller area designated as a Core Biodiversity Area. These issues have been addressed earlier in the report. The proposals are utilitarian in nature defined by the functional requirements of the plant required and future maintenance.

The proposed substation is likely to be visible from those nearest properties particularly from first floor rear windows and from the northern entry Road to future phases of the Sandymoor residential development. Any views from ground floor windows and gardens are likely to be limited with the proposed mitigatory planting. Any residual harm is not considered to justify refusal of planning permission in this case given the benefits of the scheme in terms of securing grid capacity and potential future housing supply as allocated through the local plan.

Issues relating to noise, levels, health and detailed planting in particular are considered to have been satisfactorily addressed. At the time of writing, comments remain outstanding from the Council's Highways Officer and Lead Local Flood

Authority in response updates provided by the applicant to queries and concerns raised. Members will be updated orally on those responses.

## **9 RECOMMENDATION**

- a) That authority be delegated to the Director of Planning and Transportation, in consultation with the Chair or Vice Chair, to approve the application subject to satisfactory resolution of the outstanding Highway and drainage matters
- b) subject to conditions relating to the following:
1. Standard 3 year timescale for commencement of development
  2. Specifying approved and amended plans
  3. Materials condition(s) requiring submission and agreement of details
  4. Implementation of a scheme of bat and bird boxes and brash piles in accordance with details to be submitted and approved
  5. Submission and agreement of Tree Protection Plan and Arboricultural Method Statement
  6. Requiring all fencing and switch room doors to be colour coated dark green
  7. Restricting hours of construction
  8. Submission and agreement of a Construction Environmental Plan including RAMs for terrestrial mammals
  9. RAMs for amphibian species
  10. Protecting nesting birds
  11. Securing implementation of landscaping as agreed
  12. Submission and agreement of a Landscape Environmental Management Plan
  13. Controlling external lighting
  14. Drainage Conditions
  15. Requiring noise levels from fixed plant and equipment on site, measured at the perimeter of the site not exceed 27dB(A)
  16. Completion validation testing with respect to noise.
  17. Requiring levels to be carried out as approved.

## **SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework;
  - The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- 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.





