

REPORT TO: Development Control Committee

DATE: 6 December 2010

REPORTING OFFICER: Strategic Director, Environment & Economy

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

PLAN NUMBER: 10/00254/FUL

APPLICANT: Opus Land (North) Ltd, 35 Brook Street, Leeds, LS29 8AG

PROPOSAL: Redevelopment of site for the erection of an A1 food store (1710sqm GEA), 2no. A1 non-food retail units (1784 sqm GEA) and an A4 Family Pub/Restaurant (697 sqm GEA), with associated parking, reconfigured vehicular site and pedestrian access and landscaping

ADDRESS OF SITE: Vestric House, West Lane, Halton Lea, Runcorn, WA7 2PE

WARD: Halton Castle

SUMMARY RECOMMENDATION:

Refuse

CONSULTATION AND REPRESENTATION:

The application was advertised in the local press and by a site notice displayed near to the site as development not according with the development plan. The nearest affected occupiers of the adjacent residential properties were notified by letter. As too were Asda, Millbank House and the management of both Halton Lea and Trident Retail Park. The Environment Agency, United Utilities, the Council's Highway Engineers, Open Spaces Officers, Environmental Health Officers and nature conservation consultant have all been consulted.

The Environment Agency has raised no objection but has recommended a planning condition relating to further detail and implementation of the Flood Risk Assessment recommendations with the inclusion of the proposed sustainable urban drainage techniques.

United Utilities raise no objections provided that the surface water is not discharged to the foul/combined sewer; consultation is undertaken with United Utilities in relation to all statutory water requirements; a 10m access strip is maintained for the trunk main across the south east of the site.

There is no objection in relation to nature conservation on the basis that development is carried out under the terms of the recommendations of the Extended Phase 1 Habitat Survey (May 2010) which, was submitted as part of the application.

There is no objection in relation to the ground conditions on site following review of the submitted Site Investigation report (Dec 2009).

At the time of writing the report one local resident has written to object to the proposal in relation to potential anti social behaviour resulting from the public house and its overspill on the public right of way in The Calvers; noise; additional traffic; HGV movement causing disturbance. Another comment has been received from a resident of the borough in support of the application in relation to the potential for local employment opportunities, the positive effect that the development would have for Halton Lea and the introduction of a family pub in the area.

An objection has been received from representatives of the owner of Halton Lea on the basis of the following summary:-

As part of this correspondence we have set out the reasons for the objection to the proposed development by the acting owner of the Shopping Centre. The objection is based on the proposed development's departure from the development plan and it being contrary to both local and national development control policies.

1. The application site is allocated for employment uses within the Adopted Unitary Development Plan and emerging local policy documents;
2. There are sequentially preferable sites within Halton Lea town centre that can accommodate all or individual parts of the proposed development; and
3. There will be a significant adverse impact on Halton Lea town centre. The proposed development will:

- a. Divert trade from existing anchor tenants within the town centre (the proposal replicates the existing retail provision);
- b. Reduce the number of customers within the town centre which will affect its overall vitality and viability affecting existing businesses;
- c. Provide retail floorspace which competes directly with existing premises within the town centre (which is particularly harmful given the existing number and level of vacancies); and
- d. Adversely affect the potential for securing investment within the centre which will restrict its ability to grow and improve by attracting existing and/or potential tenants and consuming any potential surplus retail expenditure.

As the proposed development does not have any significant benefits which outweigh the non-compliance with the sequential approach or the assessment of impact, we conclude the application should be refused in accordance with Policy EC17.1 of PPS 4.

An objection has been received from representatives of Asda Stores Limited on the basis of the following summary;- failure to provide sufficient material to assess the impact of the development in relation to potential loss of trade from the existing town centre; could use existing units within the town centre; submitted evidence does not meet the criteria in policy EC10.2 (a); design fails to take the opportunities available to improve the character of the area; proposal makes no meaningful contribution to the regeneration of the area; is a self contained site depending on car use and not integrated to the town centre; as it fails policy tests the Council should refuse the application.

An objection has been received from representatives of Aldi Stores Ltd on the basis of the following summary;- proposal does not accord with an up to date development plan; lack of compromise in the consideration of alternative sites within the town centre in accordance with PPS4; a full assessment of the potential of the East Lane site has not been taken into consideration; contrary to the HRLS, Aldi (Asda and Tesco) are not overtrading and therefore reduces the capacity for additional floorspace in the proposal; the applicant has not demonstrated compliance with the requirements of the sequential test, nor is there clear evidence that the proposal is not likely to lead to significant adverse impacts, taking into account recent permissions.

Lidl have submitted a 50 signature petition in support of the proposed development. This includes address in Widnes, Runcorn, St Helens, Warrington, Stockport, Frodsham and Liverpool.

All further comments from neighbours or consultees will be reported orally to Members.

SITE/LOCATION:

The site is a prominent island site at the junction of West Lane, Halton Link Road and Central Expressway (A533), 2 miles north of Junction 12 of the M56 Motorway. The existing site is approx 1.49ha and is bounded by West Lane to the east, Halton Link Road to the north and west and the Busway to the south and west.

RELEVANT HISTORY:

The site, now vacant, was recently occupied by an office building known as Vestric House. It is believed that Vestric House was developed around the late 1970s early 1980s. Vestric House has previously been occupied by both Brakes Food and AAH Pharmaceuticals.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

PPS1 Delivering sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

Designing for Community Safety Supplementary Planning Document

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
E3 Primarily Employment Uses
TC2 Retail Development to the Edge of Designated Shopping Centres
PR8 Noise Sensitive Developments
PR14 Contaminated Land
TP6 Cycling Provision as part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP17 Safe Travel for All

OBSERVATIONS AND ISSUES:

The Proposal

Full planning permission is sought for the erection of an A1 foodstore (1,710 sqm), 2 No. A1 non-food retail units (1,784 sqm) and an A3/A4 Family Pub/Restaurant (697 sqm) with associated parking, reconfigured vehicular site and pedestrian access and landscaping.

The application site comprises the former Vestric House office accommodation site built some time in the 1980's; which was vacant and on the market for in excess of 6 years until the clients acquired the freehold of the site in January 2010. The building has been recently demolished and the site cleared, ready for redevelopment. Up until recently the site comprised a two storey U-shaped office building at the eastern boundary of the site with a net internal floorspace area of 1,787 sqm, and a large open area of 148 car parking spaces on the western half of the site, with landscaping wrapping around the boundary's perimeter. The office building presented no demonstrable architectural value either in the materials used or its form, massing and scale.

The proposal seeks permission to create 3 distinct development plots. The main elements identified as follows:

- New entrance from West Lane and Halton Link Road.
- New central estate road linking the new entrances.

- New food store located on the Southern plot adjacent to the busway – 1710 sqm.
- New pub development on the Northern plot adjacent to the junction of West Lane and Halton Link Road – 697 sqm.
- 2 no. new retail units to the rear of the site along the Western boundary with rear mezzanine floors – 1784 sqm.
- New landscaping scheme to compliment the new development.
- New pedestrian routes across and around the site connecting the existing pedestrian routes with the adjacent areas.
- Use of dedicated footpaths and crossing ways.

The site is designated as Primarily Employment within the Halton Unitary Development Plan.

The main issues arising as a result of the proposal are as follows: redevelopment of employment land for a non employment (B1, B2, B8) use; Impact on the existing town centre; Design and layout; highway safety; amenity of existing residents.

The applicant has submitted statements and reports in relation to the location of the designation of the site as follows: - Retail Planning Statement (June 2010) and Addendum (Aug 2010); Planning Statement (June 2010); Office Market Report (May 2010) and Addendum (Oct 2010).

The application site is on the edge of the defined Primary Shopping Area of Halton Lea Town Centre and is covered by the Primarily Employment Area notation. As such the principle of the proposed change of use falls to be considered under Policies E3 (Primarily Employment Uses) and TC2 (Retail Development on the Edge of Designated Shopping Centres) of the Halton Unitary Development Plan.

In addition, provisions of Planning Policy Statement 4; Planning for Economic Growth are also relevant, particularly

- EC10: Determining planning applications for economic development
- EC14: Supporting evidence for planning applications for main town centre uses
- EC15: The consideration of sequential assessments for planning applications for main town centre uses that are not in accordance with an up to date development plan.
- EC16: The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan
- EC17: The consideration of planning applications for main town centre uses not in a centre and not in accordance with an up to date development plan.

There is significant overlap between policy TC2 and PPS4 each covering need, the sequential test and impact.

Use of Employment Land

The site is identified within a primarily employment area and as such, Policy E3 would apply. Policy E3 seeks to retain identified employment areas in an appropriate employment use, and as such the application is contrary to this policy.

The application is supported by information detailing that the site was marketed unsuccessfully for a number of years (primarily for the in-situ office block) and that the applicant's commercial agents advise that redevelopment for office uses would not be viable at this time. In addition the applicant asserts that with the new PPS4 incorporating Retail and Employment uses, that UDP policy E3 is out of date and a retail use should therefore not be considered contrary to this policy. This argument is not accepted, and in addition it should be noted that Policy E3 does not contain specific provision to allow alternative uses where a site has been marketed unsuccessfully for a period of time, though this may be taken to be a material consideration.

Impact on Existing Town Centre

Policy TC2 seeks to approve retail developments on the edge of the defined Primary Shopping Area (PSA) where 3 criterion relating to (a) need and application of the sequential approach, (b) the development would form a 'natural and complementary' extension to the PAS, and (c) that the development would not individually or in combination undermine or damage the prospects of enhancing the vitality and viability of the town centres through diversion of trade, deterrence of investment or other effects on carrying out the Council's regeneration objectives.

Again the applicant asserts that this policy is out of date, particularly that the new PPS4 has removed the requirement for applicants to demonstrate the 'need' for their proposal and that the definition of the PSA in the adopted UDP does not accord with the new PPS. The latter point is of relevance in the application of the sequential approach and on the issue of trade diversion and retail impact.

It is accepted that PPS4 removes the requirement to demonstrate the need for the development and as such this part of Policy TC2 (a) should be disregarded. TC2(a) also requires a sequential approach to site selection whilst PPS4 practice guide, relevant to policy EC15, sets out eight detailed 'tests' for the conduct of a sequential assessment:-

- 1) What is the scale and form of the development needed?
- 2) Is the need 'location specific' or even 'site specific', or is it more generalised.
- 3) Are the PSA (Primary Shopping Area) and wider town centre properly defined in the development plan?
- 4) How should the site / proposal in question be defined? Is it 'in centre', 'edge of centre' or 'out of centre'?
- 5) Have all the more central opportunities been considered / identified?

- 6) Have they been thoroughly tested, having regard to their suitability, viability and availability having regard to the identified need/demand and timescale over which it arises?
- 7) Has the assessment adopted a sufficiently flexible approach?
- 8) Has the potential to overcome any obstacles to the availability of more central sites been discussed with the LPA?

Against **Test 1** the applicant asserts that there is a qualitative need for an improved convenience offer in the Runcorn area and that the introduction of Lidl will improve convenience goods offer and greatly improve competition between retailers and enhance customer choice in the town centre. This is predicated on the food unit being occupied by Lidl and the classification of Asda and Trident Retail Park as falling outside the Primary Shopping Area, contrary to the adopted UDP. As these locations are both classed as within the PSA, the edge-of-centre proposal actually competes directly with and will draw 80% of its trade from the town centre.

Against **Test 2** the applicant states that there is a qualitative need for an improved convenience offer in the Runcorn area that should be met at Halton Lea meaning the need is 'location specific'. Against this, the convenience element seems likely to be occupied by Lidl and as such will replicate and directly compete with the existing 'discounter' and not significantly extend the range of the retail offer around Halton Lea. No regard has been had to the potential to meet any implied quantitative need within Runcorn Old Town Centre, however, the Council considers that the main consideration for this proposal is its impact on the shopping areas of Halton Lea town centre and the applicant was not asked to undertake an assessment of impact on Runcorn Old Town Centre.

With regard to **Test 3**, both the applicant and the objectors agree that the Primary Shopping Area (PSA) and wider town centre are not properly defined in the adopted UDP, with all parties agreeing that the proposal site is 'edge of centre'. The PSA boundary is of relevance in regard to sequential testing and impact assessment. Of prime concern (and dispute) is the status of Trident Retail Park and whether the previous unimplemented permission on the rear car park is sequentially preferable to the application site and whether retail impact on Trident is 'material' or simply 'competition'. The definition of the PSA has not been reconsidered by Council since the UDP, though the Halton Retail Study makes recommendations as to a contracted boundary. This is due to be revisited in the Allocations and Development Management DPD.

Test 4 simply relates to how the application site should be categorised and all parties are in agreement the site is clearly 'edge of centre' **Test 5** considers whether all alternative sites have been identified and properly appraised, whilst **Test 6** covers whether they have been thoroughly tested, having regard to their suitability, viability and availability having regard to the identified need/demand and timescale over which it arises.

Given the proposals location as an edge-of-centre site the sequential test effectively needs only to consider sites within the PSA, namely within the

Halton Lea shopping centre or on infill opportunities on Trident (the latter point contested by the applicant). It is accepted that Bulky Goods retailers would, by their nature have difficulty trading successfully from a shopping mall location and as such this element of the development, if satisfactorily controlled by conditions satisfies the sequential test.

With regard to the food store (intended to be LIDL), the applicant asserts that there are no alternative units available (or likely to be available within a reasonable timeframe) within Halton Lea capable of accommodating the unit, and have provided a schedule of leases and lets to substantiate this position. The applicant also questions the deliverability of the outstanding East Lane development planning consent and notes that there is an alternative scheme being worked up to provide improvements to the current Tesco's store. In addition LIDL have provided a letter confirming that they have looked previously at Halton Lea and the centre does not comply with their trading format.

Against this, Savills (Halton Lea) contend that they believe they can accommodate Lidl's requirements by rearranging units (potentially around River Walk), as recently done to accommodate Wilkinson's and being considered for Bridge Walk. In addition, there would appear to be scope to accommodate the family pub element of the development within the PSA on the rear car park adjacent to Cineworld on Trident Retail Park which has previous retail consent. The applicant asserts that this site should not be classed as falling within the PSA and therefore is sequentially inferior to their site. As covered in regard to Test 3 the PSA boundary has not been formally reviewed by the Council since the UDP which remains the adopted development plan.

Test 7 asks whether the assessment adopted a sufficiently flexible approach while the last test, **Test 8** considers whether the potential to overcome any obstacles to the availability of more central sites been discussed with the LPA. In promoting the food unit for a particular discount operator with very specific store format requirements, rejecting Halton Lea mall the applicant has failed to show flexibility in regard to the A1 unit. In addition, the applicant has themselves provided evidence of the Council's willingness to overcome contractual obstructions to the reconfiguration within the existing centre, yet pay no regard to this in the appliance of the sequential test.

Criterion **TC2 (b)** sets out that development should form a 'natural and complementary' extension to the PSA. The site is located adjacent to the PSA as currently defined, however using the applicants preferred interpretation of the PSA, it is located approximately 180m from the nearest primary frontage within Halton Lea, down a corridor, through 2 sets of doors, past the car park and across the elevated footway bridge. Whilst this is a segregated and relatively flat route, the development is likely to act principally as a stand-alone development and as such it is questionable whether it can be considered to form a 'natural and complementary' extension to the centre.

TC2(c) requires that edge-of-centre development should not individually or in combination undermine or damage the prospects of enhancing the vitality and viability of the town centres through diversion of trade, deterrence of investment or other effects on carrying out the Council's regeneration objectives.

The application proposal is expected to turnover £3.1m food and £3.4m bulky goods.

The food store is forecast to derive £2.5m, 80% of its expenditure from existing outlets within the currently defined PSA; £0.9m from Asda; £0.8m from Aldi and Tesco Metro representing impacts of around 2%, 12% and 8% respectively. As the applicant challenges the PSA they challenge the relevance of these figures (competition between retailers on competing edge-of-centre sites not being material). The applicant states that the development (LIDL) will extend choice to customers, whilst objections contend that the development will directly compete with existing town centre provision (drawing 25% of its trade from Aldi) also stating that Aldi is not 'overtrading' as estimated in the retail study, meaning the impact will be proportionately higher.

The applicant has not provided any estimates of the trade draw characteristics for the bulky goods element of their proposal, however the Halton Retail and Leisure Study 2009 concludes that Runcorn only retains 20% of bulky goods expenditure, so it may be reasonable to assume that 'clawback' of expenditure currently leaking to centres elsewhere may account for a large proportion. Halton Lea currently trades around £10.3m bulky goods, of which £4.8m is captured by Trident.

Lastly, Savills (Halton Lea) express concern that the development of a competing retail development in the periphery of the centre will affect the attractiveness of the main shopping mall, divert trade by competing directly with existing provision (most notably Aldi) and have the potential to 'poach' traders currently located within the centre. They further feel it will impact their ability to secure new traders to the centre which currently has 25% of the floorspace vacant, may affect the ability to secure new development (East Lane or Bridge Walk) and impact on the vitality and viability of the centre.

The applicant has submitted a Planning & Sustainability Report (June 2010) which outlines the response to the policy requirement to address climate change in the building design and usage. This could be further consolidated through the requirement of specific details of construction and waste and water recycling by planning condition.

PPS4 policies EC10, EC14, EC15, EC16 and EC17 cover the issues of sequential testing, impact and level of detail required to support applications. Given the above the applicant has failed to demonstrate compliance with the requirements for the sequential approach as set out in Policy EC17 off PPS 4.

In conclusion, the application is contrary to policy E3 and TC2 of the adopted Halton UDP as outlined in the conclusion and reason for refusal below.

Highway safety

The applicant supported the application with a transport statement for the examination of, in particular, the relocation of the accesses into and out of the proposed development. On balance there is no objection to the proposal on highway safety grounds and suitable conditions and 106 agreement can be attached to overcome any potential adverse impact that the proposal could result in.

Discussions have taken place with both our traffic section and Police and although there are reservations about the proximity of the new access being closer to the roundabout, there is little guidance to suggest that this is not permissible and would lead to unsafe conditions. The applicant has provided an example of a similar layout in Manchester, which they claim operates safely. The Council's Highway Engineer has also consulted Warrington Borough Council who has a similar arrangement at a distribution centre at Gemini Retail Park, which would appear to operate safely.

The transport assessment supplied with the application does show some issue with the capacity at the roundabout, however, it is felt that these worst case scenarios shown could be over pessimistic and that actual future flows would not be significantly higher than those at present when the permitted development of the site for office use is taken into consideration. An example of this is the applicant stating a 70 % new trip generation on the network adjacent to the store; however, the retail impact assessment suggests 20%. In real terms this is a reduction of 22 vehicles leaving the site in the p.m. peak, compared with the currently permitted development.

The Highway Authority had initial concerns with the relation of the exit with the roundabout and the potential conflict and confusion of vehicle entering and exiting the retail park and those turning onto Halton Link road; this appears to have been improved with the provision of the left slip into the park. In addition vehicles exiting the car park and being able to get across to the right hand lane to make a U turn appeared to problematic. The proposal now shows an unorthodox manoeuvre of vehicles U turning from both roundabout lanes and room on the roundabout for two cars to make this manoeuvre. Whilst this is acceptable, the development would be monitored following occupation and any future signing and lining will be installed where necessary and at the expense of the applicant/developer.

A wider scheme is proposed by the applicant involving the reduction of West Lane from dual carriageway to single carriageway working. Although is inline with Council aspirations for the Halton lea area in the longer term, it is considered inappropriate to implement the scheme at this time as it would have a detrimental impact on traffic capacity. On this basis the Council would wish the applicant to revise the current plans to show a reversion to the current dual lane layout. However, a scheme of section 278 works would still be required on West Lane and Halton link road to enable the proposed access.

Other mitigation measures include improved pedestrian permeability in and around Halton Lea and these are in line with the Draft SPD for the area. However, a more comprehensive scheme is required, involving an extension of pedestrian facilities along 2nd and 3rd Avenue towards East lane. This would be the subject of a section 106 contribution and be implemented separately from the site access. A Section 106 agreement is recommended to fund further measures beyond those included in the planning conditions to improve sustainable transport links to and around Halton Lea. It is felt that some of the improvements proposed, such as the pedestrian crossing of West lane, cannot be done in isolation as they are crossing pedestrians onto a hard strip that is unofficially used as a footway, and make this strip into a DDA compliant footway will require reallocation of carriageway new kerb lines and the provision of new level footway. The levelling of the footway could prove very problematic with the level differences in the area of West Lane. Therefore further investigation would be required to create appropriate levels and widths of footway, swept path of vehicles, position of signage and utilities, need for pedestrian guardrail. These improvements will be part of the wider strategy of measures being formulated to regenerate the Halton lea area.

The applicant has provided tracking details of a HGV exiting the site onto West Lane, which concludes that this proposed exit creates similar conflict to that of the vehicle leaving the other service area on West Lane, which was found to be acceptable on earlier approvals.

Parking levels proposed are below the UDP maximum standard, however, this is a maximum level and the reduction is in line with national policy. To support this reduction a condition should be attached that the applicant/developers sign up to the Councils proposed parking partnership group, which would incorporate the applicant/developer gaining the Councils permission before making any changes to the parking management on the site

A condition will need to be attached that the mitigation measures proposed are fully drawn up and approved by the Highway Authority and they are also subject to a series of road safety audits. The developer will be responsible for the cost of the highway measures including any further recommendations of the safety audit.

Conditions have been recommended as follows: - Cycle parking; Disabled parking spaces; Safety Audits and calculations for Retaining walls; Travel plan; 278 agreement for works inc. carriageway reconstruction following Utility connections; construction management plan to include phasing; wheel wash facility during construction; on site parking during construction.

Design

Given that the site represents an island within the main highway and access network, it is important to achieve the optimum quality of design on most of the main elevations of the buildings.

Foodstore: The foodstore elevations are based on the standard elevation requirements of the foodstore operator. The proposed building is single storey with a mono-pitched roof rising from the rear of the store. The main customer entrance is pulled forward from the main retailing and is accentuated with full height glazing and aluminium Brise Soliel. The remainder of the food store elevations are broken down into equal bays of brickwork and aluminium cladding with brickwork columns. The building sits elevated on a brickwork plinth and has high level horizontal strip glazing to the front elevation.

Retail Units: Both units have been combined together in terms of their elevation treatment. To the front the units have equally spaced entrances demarked by full height curtain walling and central totem archways for signage, framing the entrance area. The elevations have been divided into equal bays to form a symmetrical rhythm across the main, front elevation, repeated around the other elevations. To give definition to the elevations, a horizontal split has been designed. The lower portion of the elevations comprises brickwork. The upper section of the elevations will comprise of cladding panels. The units have a mono-pitched roof, with additional signage to the side elevations.

Family Pub: The initial design of the pub has been amended to achieve a simpler finish and remove problematic flat roof areas and expanses of screen walling visible from the main car park. The amended plans show a design of family pub based on a traditional English architectural style, featuring a predominance of brickwork, sill and lintel brick finishes and a pitched tiled roof. The design is broken up with two main ridge heights and window features on all elevations. The serving yard to the rear of the pub is screened with short length of timber panelling.

A landscaping proposal has been submitted with the scheme which introduces tree and shrub planting within the car parking entrance areas and around the perimeter of the site. It is considered that significant improvements could be made to this scheme to enhance overall appearance of the site around the perimeter in particular and if the application were to be approved this would have been the subject of a planning condition for a more detailed and robust scheme to be agreed post decision.

Criticism has been raised in relation to the connectivity of the site to the existing town centre and retail uses to the east and south. In addition to the existing footway connection to the north and the residential area, the proposal includes a footway connection between the site and the existing footway to Asda and across the footbridge to the Shopping Centre. Whilst this does not significantly improve the existing linkages, the utilization of the existing links is acceptable and will offer a pedestrian route from the Shopping Centre and Asda to the site.

It is considered that in terms of building design and layout that the scheme achieves a good standard of finish, which respects the surrounding modern town centre buildings whilst realizing the end user requirements. In this regard

the proposal is acceptable and complies with Policies BE1 and BE2 of the Halton Unitary Development Plan.

Amenity of Existing Residents

The nearest residential occupiers directly affected by the proposed development are those at the lower, western end of Lodge Lane, located across the Halton Link Road, main access into the town centre from the north. The nearest property is 35m from the northern boundary of the site. Given the significant landscaping and main link road which lies between the proposed development and these properties, it is considered that the proposal would not result in additional harm to amenity that way already permissible under the existing use of the site.

The objection from a resident of The Calvers concerns noise, disturbance from vehicle movements at the development site and anti social behaviour from the pedestrian routes to the public house. Firstly, it is considered that given the distance and intervening road network, that the noise from the proposed uses is insufficient to result in detrimental harm to the nearest residential occupiers amenity. Secondly, whilst the pedestrian route to the site does run via the residential estates and in some cases adjacent to dwellings, these footpath routes are split to access the wider local area, splitting westerly, to serve the Halton Brook area across the Expressway and northerly, to serve Halton Village and The Brow. It is considered that the level of increased nuisance which would have a direct impact on residential occupiers would not be significantly and insufficient to warrant refusal of the application.

Conclusion

It is considered that the proposal deals sufficiently with the design and layout of the buildings and car parking, subject to further work to produce a robust landscaping scheme, particularly to the perimeter of the site.

In terms of highway safety matters, a balanced view has been reached on the basis of the information provided by the applicant and the likely trip generation scenario post development. It is considered that the access arrangements, car parking and serving provision will not result in a significant adverse impact on highway safety, sufficient to warrant refusal of the application.

In relation to the loss of a site identified for employment use in the UDP it is considered that on balance the benefits and more importantly the risks associated with the proposed development do not warrant approval contrary to Policy E3.

In relation to the impact of the proposal on the existing Primary Shopping Area as defined in the UDP, it is considered that the bulky goods retail units comply with the sequential approach to site selection, however, the food store and class A4 pub use could be accommodated on sites within the PSA. The applicant has failed to show sufficient flexibility in the application of the

sequential test, the development will not form a natural extension to the centre and will trade as a stand alone development that will compete with, rather than complement the existing retail offer. The proposal has the potential to undermine or damage the prospects of enhancing the vitality and viability of the town centre through diversion of trade, competing for potential traders and act as a potential deterrence to investment in the retail core.

RECOMMENDATION

Refuse for the following reasons:-

1. The proposed development is not for a use falling within Use Class B1, B2 or B8, is contrary to Policy E3 of the Unitary Development Plan and will result in the loss of employment land which is not out weighed by other material considerations.

Elements of the proposal fail the sequential test for site selection and are contrary to Policy TC2 (a) of the Unitary Development Plan.

2. The proposed development is likely to act as a stand alone development and will not form a complementary extension to the town centre contrary to TC2 (b). As a result, the proposed development is likely to harm the vitality and viability of the centre by way of diversion of trade, potential competition for traders and deterrence of investment in the retail core contrary to TC2(c) of the Halton Unitary Development Plan. Furthermore the proposal fails Policy EC17 a) and b).
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DEFERRED ITEM FROM NOVEMBER MEETING

PLAN NUMBER:	10/00366/COU
APPLICANT:	Mr M Say, Finerose Properties Ltd, 23 Wharf House, Preston Brook, Warrington WA7 3AH
PROPOSAL:	Proposed conversion & alterations to form 6 No. one and two bedroom apartments
ADDRESS OF SITE:	The Tunnel Top Public House, Northwich Road, Runcorn, W7 6PE
WARD:	Daresbury

SUMMARY RECOMMENDATION:

Approve subject to conditions

CONSULTATION AND REPRESENTATION:

The application was advertised by a site notice displayed near to the site. The nearest affected occupiers of the adjacent residential properties were notified by letter. United Utilities, The Health & Safety Executive, Shell UK, British Waterways, Cheshire West & Chester, the Council's Highway Engineers and Environmental Health Officers have all been consulted. The Council's Conservation Consultant has raised no objections to the proposal and its impact on the nearby Grade II listed building of the tunnel on the Preston Brook stretch of the Trent and Mersey Canal. However, it is recommended that views of the development be broken up with additional landscaping. This can be the subject of a landscaping planning condition.

The Council's Highway Engineers have raised no objection to the proposal. However, the access to the development is within the boundary of Cheshire West & Chester and as such the applicant has submitted a planning application to that Authority, which is currently under consideration. Members will be updated on the progress of that application. The Council's Environmental Health Officer has suggested a precautionary standard planning condition relating to ground conditions. The Health & Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

Shell UK has no comment to make on the application.

At the time of writing the report an objection has been received from Graham Evans the MP for Weaver Vale on the basis that the proposal would see the removal of a 'core part of the centre' of the community; it is popular with dedicated regulars; the pub has experienced success in 2010 receiving awards for its produce; the pub is financially viable and popular.

The Council has received 69 objections to the proposal including one from CAMRA (Campaign for Real Ale). The objections raised are as follows:-

- Loss of a vital public house
- Loss of a community facility in walking distance from Preston Brook
- Impact on the green belt – inappropriate development with no special circumstances given
- Pub has been in the community a long time
- Visual impact on the green belt from walls
- Loss of jobs – Currently stated as 3 full time and 8 part time excluding the landlady
- Loss of home for current landlord/lady
- Allowing this would set a precedent for other 'greedy developers' within Preston Brook Parish
- Lack of pre-application neighbour consultation
- Too many car parking spaces
- Loss of trees not stated
- Loss of staff not stated

- Access to the Council website for application and UDP information was poor
- Misleading address on application details
- Parish Council's and MP not notified
- Poor location of site notice
- Loss of centre for community activities related to the public house;- pool and darts teams; meeting place for local meetings; event venue
- Visual impact of walls on existing area character
- Loss of recipient of local services from Weaverham, Frodsham and other local farms and a north Cheshire small brewery
- Irreplaceable loss of public house facility
- Tourist facility accessing canals and used by ramblers and cyclists – loss would be a loss of income in the Borough
- CAMRA Public House Viability Test should be used to confirm the viability of the business
- Impact on quality of life of residents of Dutton and other users of the public house
- Also requiring planning permission from Cheshire West & Chester Council
- Neighbour consultation period too short
- Lack of information on planning application not compliant with the Council's Statement of Community Involvement
- Potentially contaminated land
- Application should have indicated that the landlord/landlady live on the site
- Halton's population is falling therefore there will be less demand for housing in the borough
- Application should have identified that it is also a restaurant as well has pub
- Will encourage future occupiers to be car based
- Halton does not have a policy to protect the 'last pub in the village' and approving this would be contrary to PPS7
- The Institute for Public Policy Research in its report "Pubs and Places – The social value of community pubs" states that pubs promote community cohesion between groups of people from different walks of life
- CAMRA survey found that 84% of respondents through that a pub was as essential to village life as a shop or post office
- The Tunnel Top is an economically viable public house
- Popular public house
- CAMRA's sole entry into the prestigious Champion Pub of Cheshire competition – offering a well kept cask beer that is brewed within a defined local area
- Will force people to travel further to find a public house
- Apartments not viable in this area
- Nonexistent public transport system and reduced blood/alcohol limits with motorists being encouraged not to drink and drive, it does not make sense to close another pub which the local residents can walk to
- Sponsors a kids football team
- Pub where parents can watch children play whilst using the facilities

- Loss of community hub and place for people to meet
- misleading information within the submitted Design & Access Statement in relation to the regularity of bus service and value of its proximity to the village;
- Bowling Pavilion is used as a venue hire and a 'sports bar'; no liaison with the local community to find ways to protect the future use of the public house;
- is a viable business; increase in traffic; issues/difficulties with viewing application information;
- loss of a valuable stopping point by boaters;
- loss of public house within walking distance of Preston Brook;
- impact on Apec Taxi Association which cites that public house generates £10,000 pa of business for them each year and access to the Borough periphery for work; loss of another public house in Runcorn area which generates income for this firm.

Objections have been received from Dutton and Preston Brook Parish Councils. Dutton Parish Council have raised an objection on the basis that the public house should be preserved as a valuable community resource; used by ramblers using canals and cyclists; opposed to more living accommodation within the village, particularly on this part of the road; resulting increase in vehicles on the road; position of the proposed entrance. Preston Brook on the basis that this would be a loss of a pub facility within Dutton.

A letter of support has been received from a resident of Redacre Close asserting that the change would reduce noise and levels of traffic in the area.

Any further comments to be reported orally to Committee.

SITE/LOCATION:

The site is located in the area of Dutton, at the edge of the Borough. The public house is situated on the main A533 Northwich Road and is within the small residential community of Dutton and adjacent to the Whitehouse Employment Area. The site and surrounding properties are within the green belt. The site is currently occupied by two main buildings, one the Tunnel Top Public House, which is still open and to the rear a separate large building named the Pavilion which has been used for ancillary uses with the public house. The site currently has car parking, access is direct from Northwich Road and there is a large ancillary play area to the side of the public house. The site is relatively isolated with dwellings to the west and south.

RELEVANT HISTORY:

Previous approved planning applications 94/00385/FUL – approved single storey extension to kitchen; 05/00502/FUL – refused demolition of bowling pavilion and erection of two storey extension to rear; 05/00852/FUL - approved demolition of bowling pavilion and erection of two storey extension to rear.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following national guidance/statements and Council Unitary Development Plan policies and policy documents are relevant to this application:-
New Residential Development Supplementary Planning Guidance
Designing for Community Safety Supplementary Planning Document

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
GE1 Control Over Development in the Green Belt
GE4 Re-Use of buildings in the Green Belt
GE23 Area of Special Landscape Value
PR14 Contaminated Land
TP6 Cycling Provision as part of New Development
TP7 Pedestrian Provision as Part of New Development
TP12 Car Parking
TP17 Safe Travel for All
LCT5 Protection of Community Facilities
LCT8 Protection of Tourist Attractions
LCT10 Water-Based Recreation

Planning Policy Guidance 2 – Green Belts
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 7 – Sustainable Development in Rural Areas

OBSERVATIONS AND ISSUES:

The Proposal

Full planning permission is sought for the change of use of an existing public house building to form 6 apartments with associated car parking and landscaping, with access from Northwich road. The main issues arising as a result of the proposal are; impact on the surrounding green belt; loss of a public house; highway safety; impact on existing residents.

Impact on Green Belt

As the site lies within the green belt, the proposal has been assessed against the Halton Unitary Development Plan policies GE1 and GE4 in this regard and Planning Policy Guidance 2 – Green Belts (PPG2).

PPG2 states that the re-use of an existing building within the green belt is appropriate development and does not conflict with the purposes of including land in the green belt and in principle is acceptable.

Halton UDP policies GE1 and GE4 provide criteria to be met for development

proposal to re-use buildings in the green belt. The main thrust of these criteria is to ensure that the building is appropriate for re-use without resort to significant re-building; any extensions would not be significant or alter its Appearance; and that there is adequate control over the ancillary requirements associated with the use, e.g. garden areas, car parking areas. Policies GE1 and GE4 have been designed to deal with redundant agricultural buildings in the main and it is clear from the current buildings use that it is in a well maintained and robust condition. However, the applicant has provided a written statement to express the buildings suitability for conversion and has submitted a Structural Report examining the health and capacity of the building in order for its conversion without significant demolition and rebuild. The report concludes that the property was considered to be structurally sound and suitable for conversion and therefore complies with the requirements of Policy GE4 of the Halton UDP.

The applicant has provided amended plans to reduce the size of the car parking area to 15 spaces, to allow for compliance with car parking standards and extra visitor spaces, given that the road on which it sits is not suitable for on street car parking.

The plans show some areas of landscaping around the car park. This will be the subject of a planning condition and will need to consist of a hawthorn mix so that the surrounding land designation as an Area of Special Landscape Value is not compromised. The application was submitted with the required tree survey and tree loss will be the subject of replacement planting to be incorporated within the landscaping scheme.

In built form there will be no significant differences resulting from the proposed small single storey extension to the side, substantially smaller than the previously approved public house extensions. The building to the rear, identified as the 'pavilion', is proposed to be retained for future use by the residents of the apartments. In order to control the use of this building and any future impact on the surrounding green belt, the association of the building with the use of the apartments as dwellings will be the subject of a planning condition.

The proposal provides more than sufficient on site private amenity space for use by the future occupiers and refuse storage. A planning condition will require details of cycle storage areas but there is scope for this to be provided on site.

The overall character of the building will remain the same as it appears at present and although the car parking area is relocated to where the current public house play space is, the overall impact is unchanged. On this basis it is considered that the proposal does not conflict with green belt policy and as such, complies with PPG2 and Policies BE1, BE2, GE1, GE4, GE23 and TP12 of the Halton Unitary Development plans and is acceptable on this basis.

Loss of Public House

Several objectors have referred to the CAMRA (Campaign for Real Ale) groups 'Sustainability Guide for Public Houses' in support of their view, which is the overwhelming views of the objectors to the proposal, that the facility should be retained. This is neither a national or locally recognised planning appraisal and has no status in the current framework of planning policies. However, given that it has been referred to, an assessment of the current status of the public house using the CAMRA document has been undertaken.

The CAMRA assessment is a very rudimentary exercise in identifying the current status of a public house. CAMRA is not a statutory consultee and is an independent, voluntary, consumer organization, whose main aims are promoting real ale, real cider and the traditional British pub. It is now the largest single-issue consumer group in the UK. In terms of the 'Viability Test', it is apparent from some of the findings in this case that the assessment is unhelpful. For example if it is accepted that the site is within a rural area, the test suggest that the site has a potential catchment area which includes St Helens, Lymm, Halewood and Speke, which cannot reasonably be accepted as the natural catchment for this public house. The test establishes a moment in time for this site in terms of how it is managed, its characteristics and its customer potential. However, there appears to be no scientific basis for the format of the survey and its use and findings should be applied with caution.

The relevant national policy guidance in relation to the potential loss of public houses are contained in Planning Policy Statement 4 – Planning for Sustainable Economic Growth (PPS4) and Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7). The relevant local policies, specifically in relation to this issue and this site are BE1 General Requirements for Development, LCT5 Protection of Community Facilities, LCT8 Protection of Tourist Attractions and LCT10 Water-Based Recreation. In relation to the latter, it should be noted that the current public house management restricts car parking on site to that for patrons of the public house alone.

At Novembers Committee clarification was sort in relation to Policy. The following is provided as an update:

The section of PPS 7 previously quoted has been replaced by the policies set out in PPS 4.

Policy EC12 of PPS 4 states that the re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. This policy is specifically for determining planning applications for economic development in rural areas and as such is not of relevance.

PPS4, Policy EC13 states that when assessing planning applications affecting shops, leisure uses including public houses or services in local centres and villages, local planning authorities should:

- a) take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use
- b) refuse planning applications which fail to protect existing facilities, which provide for people's day-to-day needs
- c) respond positively to planning applications for the conversion or extension of shops, which are designed to improve their viability
- d) respond positively to planning applications for farm shops, which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping.

Policy Chapter 7 of the Halton UDP deals with indoor leisure and tourism; and community facilities. Whilst these policies deal with how to control these types of facilities within the borough, protection of public houses specifically is not included in its aims and objectives. Of this set of policies LTC5 – Protection of Community Facilities, policies LTC8 - Protection of Tourist Attractions and LTC10 – Water-Based Recreation can have relevance, although it is considered that the site has limited credentials as a tourist facility or centre for water-based recreation and as defined above the public house is a leisure use and not a community use within PPS4.

In taking Policy EC13 off PPS4 Members should be aware of the role this public house now has, as the sole service remaining in this area, given that the petrol station has recently closed. Members should attach weight to this proportionate to the type of community use that the public house offers. In this case, the public house serves, as a drinking and eating hostelry with no other service attached to the facility e.g. a post office or shop and as such does not provide a day to day need as set out in PPS4 policy EC 13. Therefore members must take into account the importance of this leisure facility as set out in EC13 a). It is considered that the public house currently serves a narrow community requirement as a result and as such it is not considered that a refusal could be sustained.

Highway safety

There are no objections to the proposal on the basis of highway safety, however, it should be noted that the access to the site lies within the Borough of Cheshire West & Cheshire who act as the planning authority for this aspect of the scheme. An application is currently being dealt with by Cheshire West & Cheshire and Members will be updated orally on progress of that application.

Amenity of Existing Residents

The nearest residential occupiers directly affected by the proposed development are those of No.1 Tunnel Top cottages, Northwich Road, which is adjacent to the site across the Tunnel Top North access and 'Belmont' and 'Tall Trees' two residential properties on Northwich Road facing opposite the site, No's 1 and 2 Vale Court are opposite the site across Northwich Road but

have side and rear elevations facing the site. It is considered that given that the current use of the site as a public house that the re-development of 6 apartments is likely to result in a reduced impact on the nearest occupiers by virtue of noise, late night disturbance, traffic movements and potential antisocial behaviour. On this basis the proposal meets the requirements of Policy BE1 of the Halton Unitary Development Plan and is acceptable.

Conclusion

The proposal has been considered in relation to the impact of the proposed development on the surrounding green belt and Area of Special Landscape Value. The proposal will not result in significant additional harm to the openness and visual amenity of either the green belt or landscape character, over and above the current use of the site. The Council can sufficiently control the future uses of the site to this end. The applicant has provided evidence that the public house has made a net loss of over £40,000 in the year ending 2009 and from the responses to the CAMRA 'test' is of the view that its future as a public house is unviable. In terms of the impact of the loss of the public house use, it is clear that a section of the surrounding community and other users of the public house have valid concerns that this will remove a valuable facility, which they currently use. UDP Policy LTC5 is not specific in including public house uses in its protection of community facilities, which 'serve an important local need'.

The current public house service is that of a drinking and eating hostelry with little further wider community provision and it would be unreasonable to apply the protection that PPS4 affords to this particular site. On this basis the proposal is recommended for approval.

RECOMMENDATION

The application be approved subject to S.106 Agreement for the provision of off-site public open space financial contribution and the following conditions:

- 1 Time limit for development (BE1)
- 2 Amended Plans (BE1, GE4, TP12)
- 3 Boundary Treatment (BE22)
- 4 Materials Submission (BE2)
- 5 Bin Store Details (BE1, BE2)
- 6 Cycle Store Details (TP6)
- 7 Landscaping Scheme (including tree replacement) (BE1, GE4)
- 8 Landscaping Implementation (BE1, GE4)
- 9 Wheelwash (BE1)
- 10 Hours of construction and deliveries (BE1)
- 11 Restricted use of the 'Pavilion' building to purposes ancillary to the enjoyment of the dwellings (BE1, GE1, GE4)
- 12 Restriction in erection of sheds and other buildings/structures external to the apartment and pavilion buildings (BE2, GE1, GE4, GE23)

13 Details of the management company to be submitted for the maintenance of the car park, amenity space and on site public open space (BE1)

PLAN NUMBER: 10/00369/FUL

APPLICANT: Rowland Homes

PROPOSAL: Proposed demolition of existing dwellings and erection of 12 No. detached dwellings with associated infrastructure at

ADDRESS OF SITE: 177-181 Heath Road, Runcorn.

WARD: Heath

SUMMARY RECOMMENDATION:

Approve subject to conditions and section 106 agreement

CONSULTATION AND REPRESENTATION:

The application was advertised by way of a site notice, a press notice and the neighbouring properties and Ward Councillors were also consulted.

At the time of writing this report 7 letters of objection had been received. The issues raised in these objections are regarding the following:

- Loss of Character to the area - Properties and grounds of 175-181 significantly contribute to the character of the area, through their quality, size, the building line and the large front gardens onto Heath Road
- Potential loss of hedge between 175 and 177, this forms the boundary and can therefore not be removed without the permission of 175. Potential damage to retaining wall and need for an additional one.
- Loss of privacy to existing neighbours
- Proximity of new housing to existing
- The removal of trees on site and along Heath Road.
- The new road and number of houses would increase the number of traffic onto an existing busy road causing highways problems
- Proximity of the new road to the traffic lights on the junction of Heath Road and Clifton Road

The local MP has commented on the proposal stating that he agrees with the objections the owners of no. 10 Penrhyn Crescent in that properties will be overlooked, loss of wildlife habitat and that increased traffic would cause road safety issues.

United Utilities have been consulted and have no objection subject to a condition relating to surface water not being allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.

The Council's Highways Engineer, Environmental Health Officer, Open Spaces Officer, and the Health and Safety Executive have also been consulted and any issues raised will be discussed in the Observations and Issues section of this report.

SITE/LOCATION:

The site consists of three existing dwellings number 177-181 Heath Road each of set with extensive gardens, off Heath Road, Runcorn. Each of these existing properties is accessed from their private drives off Heath Road.

RELEVANT HISTORY:

Planning permission was granted on appeal for the construction of 6 additional dwellings to the rear of number 177 and 181(05/00874/OUT). Furthermore planning permission 07/00616/FUL was granted for the demolition of the existing dwellings and the construction of 15 detached dwellings, this permission is extant.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as within a residential area in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

H2: Design and Density of New Residential Development
H3: Provision of Recreational Greenspace
BE1: General Requirements for Development
BE2: Quality of Design
TP12: Car Parking

The Council's New Residential Development Guidance Note, and Draft Design of New Residential Development SPD and Planning Policy Statement 3 (PPS3): Housing is also of relevance.

OBSERVATIONS AND ISSUES:

The application is for 12 detached dwellings, a mix of 4 and 5 bedroom dwellings. The new dwellings would be constructed on the site of three existing dwellings numbers 177 to 181 Heath Road, Runcorn, each of these houses have significant sized grounds. The total site area is 0.65 hectares.

Design

The proposed development consists of four 4-bed dwellings and eight 5-bed dwellings. Eight of the properties would be 2.5 storeys; the remaining would be two storeys. Each of the properties is designed to have ample private garden space that meets the Council's standards (90 square metres for 4+ bedrooms). All properties would have garages a mix of integral and detached. The proposed houses are of a high quality traditional design, with generous garden sizes for a modern residential development. All houses would be detached and there would be a mix of three styles (Alhambra, Lausanne and Montreux), including gabled roofs, bay windows, small dormer windows with pitched roofs, attached and detached garages. The buildings would be predominantly constructed of a brick construction, with tiled roofs. The colour style and type of these materials would be subject to a condition, should the proposal be approved in line with the recommendation.

Following concerns in relation to the design of some of the plots and objections from local residents' amendments have been made to the house types in plots 1, 3, 5 and 9.

Plot one has been altered to have a single storey attached garage with a hipped roof, and the ridge height on the main dwelling reduced by 0.4m. This provides for a much improved street scene where the heights of the buildings steep up more gradually from the bungalow at no. 175. Secondly, the Alhambra house types in plots 3, 5 and 9 have been amended to lower the eaves heights on the rear/side elevations of the buildings to minimise visual impact on neighbours, and improve the aesthetics of the proposed new street scene.

All of the new properties would be accessed via a new road constructed to adoptable standards.

Residential and Visual Amenity

Objections from numbers 10 and 12 Penrhyn Crescent relating to loss of light and privacy have been received. The plans show that the relevant standard interface distances would be retained between the rear elevations of proposed dwellings and the rear of the existing properties on Penrhyn Crescent. Loss of light and privacy to those properties is therefore, not considered to be unduly affected.

The owner of 175 Heath Road is concerned that in bringing the building line forward the side elevation of plot 1 would affect their visual amenity. Given that the distance between 175 Heath Road and the proposed dwellings, that the building line would not pass the 45-degree line when taken from the centre front habitable room window, this is not considered a significant issue to justify a refusal. Furthermore, the applicant has amended the house type to minimise impact as explained above.

Concerns have been raised in relation to the loss of existing boundary hedges and walls. And that the proposed front boundary wall is inappropriate. In order to retain the character of the area a condition is recommended to retain as much of the existing boundary treatments as possible.

Density

The proposed development shows a density of 18 dwellings per hectare (dph). The Unitary Development Plan recommends a density of at least 30 dph. However, national planning policy statement 3 'Housing' has recently been amended removing the requirement for minimum housing standards. Furthermore, lower densities are considered to be more in keeping with the area.

Open Space and Landscaping

The existing gardens of 177-181 Heath Road contain a significant amount of mature landscaping, including shrubs, hedges and trees. The site is not protected by any local, regional or national designations. A number of the trees in these gardens are fruit trees or ornamental and not of significant value. However, there are a number of mature trees that are of significant value in the northeast corner of the site, the applicant has demonstrated these trees can be satisfactorily protected.

There are a number of large poplar trees to be removed, due to their age and size, their loss is considered acceptable. Conditions are recommended in relation to landscaping schemes. Furthermore, the neighbour has raised concerns that the loss of the trees will affect the run-off of water. Drainage details would be subject of a condition to ensure that this matter is addressed.

There are a number of existing trees along Heath Road; two of these trees would need to be removed to allow for the new access road and highway visibility (see Highways section below). Although these trees are not protected by a TPO, they are of a significant value and form part of the character of the local area. A S106 Agreement is recommended in order to compensate for their loss.

The existing boundary treatment has a significant amount of mature hedges so a condition is recommended to retain as much these hedges as possible to retain the character and appearance of the area.

The proposed private gardens sizes range in size from approximately 90 square metres to in excess of 320 square metres. These are above the minimum standard of 80 square metres per dwelling in suburban areas and comply with the standards in the Supplementary Planning Guidance.

The proposal does not include any informal public open space within its layout. A financial contribution for off-site open space would be required and an additional sum to compensate for the loss of the tree on Heath Road is also recommended.

Health, Safety & Contaminated Land

The Council's Environmental Health Officers have commented that the proposal is particularly sensitive to contamination, and as recommended in PPS23 the possibility of contamination should be assumed. These issues will be dealt with by way of conditions.

The site is located within the middle of the Ineos Fluor and Ineos Chlor COMAH zones. The Health and Safety Executive have been consulted and have concluded that they do not advise against the proposal.

Highways Issues

The proposed new road would be located approximately 70m from the centre of the junction of Heath Road and Clifton Street, and 24m from the junction of Heath Road and the centre of Bellingham Drive. This is approximately the same location as that which has been previously approved by application 07/00616/FUL. Although residential, Heath Road is characteristic of a minor distributor road, and the above distances would comply with the latest national highway standards set out in the Manual for Streets one and Manual For Streets two, and are therefore acceptable. Furthermore the removal of the middle tree of 3 to the east would compensate and give similar visibility splays to those previous allowed on appeal.

It should also be noted that in an appeal decision issued by the Planning Inspectorate for a different scheme, the Inspector did not consider the restriction to be significant or serious, as Heath Road is wide and straight allowing for good forward visibility for oncoming vehicles.

Finally, the plans would reduce the overall number of access points from 3 to 1 therefore reducing the number of potential conflict points along Heath Road.

The Council's Highway Engineer has recommended a number of conditions relating to highway safety.

Conclusion

The proposed new housing development is considered to be acceptable. The design of the new dwellings is of a high quality generally, and the proposed buildings are of a scale, character and quality considered being in keeping with surrounding residential area. The retention of the boundary treatments and trees along the Heath Road elevation will help preserve the character and appearance of Heath Road. The application is recommended for approval.

RECOMMENDATION:

Approve subject to the following conditions: -

- A) The applicant entering into a legal agreement in relation to the payment of a commuted sum for the provision and improvement of off-site open space, replacement tree planting.
- B) Conditions relating to the following;
- 1) Standard commencement condition.
 - 2) Condition listing approved plans and amended plans
 - 3) Prior to commencement details of materials to be submitted for approval (BE2)
 - 4) Condition restricting hours of construction and deliveries (BE1).
 - 5) Prior to commencement details of wheel cleansing facilities to be submitted and approved in writing. (BE1)
 - 6) Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
 - 7) Appropriate visibility splays to be retained (BE1)
 - 8) No conversion of garages (TP12)
 - 9) Prior to commencement details of boundary treatments to be submitted and approved in writing. (BE2)
 - 10) Prior to commencement detailed site investigation, including mitigation to be submitted and approved in writing. (PR14)
 - 11) Condition(s) for landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2)
 - 12) Conditions relating to tree protection during construction and lifetime of development (BE1)
 - 13) Condition replacement tree planting of any of those shown to be retained if lost during construction
 - 14) Prior to commencement a method statement shall be submitted for working methods around those trees to be retained at the access on Heath Road (BE1).
 - 15) Condition replacement planting if lost within first five years (BE1).
 - 16) Drainage condition, requiring the submission and approval of drainage (BE1)
 - 17) Submission and agreement of finished floor and site levels. (BE1)
 - 18) Condition removing permitted development rights for classes A, B and E (BE1 and BE2)
 - 19) Condition preventing fences and wall being erection between the dwellings and the new highway (BE1)
- C) That if the legal agreement is not executed within a reasonable period of time authority is delegated to the Operational Director- Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman to refuse the application on the grounds that it fails to comply with UDP Policy S25 Planning Obligations.
-

PLAN NUMBER: 10/00400/FUL

APPLICANT: Halton Autistic Family Support (HAFS)

PROPOSAL: Proposed two storey Community Centre and Centre for Excellence for Autism, associated access and car parking

ADDRESS OF SITE: Land at Hallwood Park Avenue, Runcorn.

WARD: Halton Lea

SUMMARY RECOMMENDATION:

Approve subject to conditions

CONSULTATION AND REPRESENTATION:

Adjoining properties have been consulted and the application advertised by way of site and press notices. The Council's Highways Engineer and Open Spaces Officer have been consulted as have United Utilities.

United Utilities have confirmed that no objections are raised subject to the developer securing satisfactory diversion and other agreements.

One letter of objection has been received raising issues regarding security, attraction of the facility for youth disturbance and antisocial behaviour.

Any further comments not covered within the body of this report will be reported orally to Members of the Committee.

SITE/LOCATION:

Site of former district heating boiler house for the now demolished Southgate housing estate. The site is now vacant land adjoining the entrance to Hallwood Park with heavily wooded embankments in parts.

RELEVANT HISTORY:

None directly relevant. Site of former district heating boiler house for the now demolished Southgate housing estate.

UDP PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is identified as falling entirely within a Primarily Residential Area in the Halton Unitary Development Plan Policy H8 Non Dwelling House Uses, BE1 General Requirements for Development, BE2 Quality of Design, TP12 Car Parking are considered to be of particular relevance. The SPD: Designing for Community Safety is also considered of relevance.

OBSERVATIONS AND ISSUES:

Background

Planning permission is sought for a two storey combined Community Centre and Centre for Excellence for Autism with associated access and car parking. The site is the now vacant site of a former district heating boiler house for the demolished former Southgate housing estate and adjoins the entrance to Hallwood Park estate. The site is quite heavily wooded on embankments in parts. The principle of the proposed use is considered appropriate to its setting on the edge of the existing residential area and could sit appropriately with adjoining residential properties.

The scheme is split into two distinct elements but under one roof. These comprise a community centre aimed at residents of Hallwood Park and a Centre of Excellence for the Autism charity HAFS. The community centre incorporates large and small function rooms with kitchen, bar and office. The Centre of Excellence is a meeting place and community facility for young people with autism and their families. This part of the building includes indoor play areas, therapy facilities, family lounge and dining with kitchen, a respite facility with 5 bedrooms and staff accommodation, conference and IT facilities and outdoor playground and sensory garden.

Design and Character

The scheme proposes a single building block of predominantly two storeys but with first floor mezzanine to create a single storey appearance with high roof from the principle elevation but two storeys to the rear. The building as currently proposed provides approximately 1300sq.m of floor space and incorporates a slated/ tiled pitched roof with facing brick external walls. Coloured render cubes provide therapy space internally and are intended to enliven the principle elevation and create a sense that this is a “fun non-institutional building”. The internal arrangement of the varying spaces are grouped around an internal double height naturally lit ‘street’ with the respite and conference facilities at first floor mezzanine level. A part covered outdoor play space is located at the southern end of the building. The building is proposed to utilize a number of environmental features including passive solar collection, photovoltaic panels to the roof and air and ground source heat pumps. The design has emerged through an extensive “inclusive” process including future users, local residents and representatives from John Moores University School of Architecture and the NHS.

The building is generally considered of a scale and character in keeping the site and wider area. The proposed building does however have a relatively large footprint in relation to the available development site. Given the inward looking arrangement resulting from the internal street arrangement and the functional nature of many of the internal spaces, limited scope exists for fenestration on external walls. Whilst efforts have been made to enliven the frontage using colour and relief with the render cubes, the building is considered to offer little in the way of security by natural surveillance and the

blank areas of brickwork are considered extensive to key elevations. Methods of improving surveillance by adding windows were possible and of breaking up elevations through variation in the choice of materials are being considered and discussions are ongoing in these regards. Members will be updated accordingly.

Highways and Parking

The current scheme proposes 36 parking spaces to the building frontage. The applicant has suggested that the number of parking spaces has been limited by the available site area and that overspill parking can be accommodated within the nearby multi-storey car parks at Halton Lea. The proposals include a complicated mix of uses which limit scope for realistic assumptions regarding likely parking demand. Use of adjoining multi-storey car parks which are outside of the control of the applicant and the Council is also considered unlikely and real concern exists that the proposals could result in significant on-street parking within the surrounding residential streets. The internal arrangements indicate quite substantial conference, eating, therapy and leisure facilities which, it is considered, have the potential to attract significant traffic volumes especially if the centre becomes successful as intended. Whilst the proposals include a community centre element which could be argued to attract more pedestrian traffic from the local area, this could create parking demand through functions such as christenings etc and is considered relatively small in proportion to the Autism Centre which is considered more likely to attract visitors and staff from further afield. Further information has been requested from the applicant regarding the exact nature of the proposed uses in an effort to determine more realistic expected parking demand. Potential issues have also been identified with levels at the proposed access given the relative raised level of the existing pedestrian footways to the front of the site. Additional engineers' information has been requested to demonstrate that this can be achieved. Members will be updated accordingly with regards to these issues.

Loss of Trees

The proposals will result in the loss of a significant number of trees from the site. It is considered that potential to retain the majority of trees within the central area of the site will be further substantially reduced by a need to alter ground levels to provide a development platform. The current layout shows a bank of woodland tree planting to be retained along the boundary of the site to Hallwood Link Road and retention of a limited number of the prominent trees to the building frontage. Despite revisions to the scheme, information regarding existing and proposed levels remains limited and there appear to be a number of inaccuracies in the submitted detail. This limits the scope for detailed assessment of the proposals in terms of numbers of trees to be lost and those which can be practically retained. Whilst it is considered that the loss of areas at the woodland edge and individual trees may be acceptable to facilitate this scheme, it is considered that insufficient information currently exists to make that detailed judgement. Additional information has been requested from the applicant and members will be updated accordingly.

Summary and Conclusion

Despite preliminary discussions a number of substantive issues remain outstanding. It is considered, however, that these may be capable of being resolved through additional information and amendment to the scheme. The applicant has, however, indicated that there is an urgency to obtain planning permission due to timescales for applications for external funding. Whilst it is considered that the application can not be supported in its current form, the proposals are considered acceptable in principle. They also represent a significant opportunity to bring an area of vacant land back into beneficial use by providing a quality development and fulfilling a reported local need offering facilities for the local community and for young people with autism and their families. In order to avoid undue delay in meeting future Committee dates the application is therefore recommended subject to resolution of these outstanding issues.

RECOMMENDATION:

Delegated Authority be given to the Operational Director Environment and Regulatory Services, in consultation with the Chair or Vice Chair, to take into consideration additional information and/ or amendments to the scheme and to approve subject to conditions (including the need to add conditions as required) relating to the following:

1. Amended plans condition (BE1)
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Landscaping conditions, requiring the submission of both hard and soft landscaping and replacement tree planting. (BE2)
4. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
5. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
7. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
8. Agreement and implementation of cycle parking, bin store details (TP6)
9. Submission and agreement of site and finished floor levels (BE1)
10. Requiring submission and agreement of Travel Plan (TP16)
11. Restricting external lighting (PR4)
12. Conditions relating to protection of trees and woodland management (BE1)

PLAN NUMBER: 10/00407/FUL

APPLICANT: Mr Edward Williams, 181 Heath Road, Runcorn

PROPOSAL: Demolition of existing bungalow and the construction of 1. No replacement dwelling

ADDRESS OF SITE: 14 Beaufort Close, Runcorn

WARD: Heath

SUMMARY RECOMMENDATION:

Approve subject to conditions

CONSULTATION AND REPRESENTATION:

The application was advertised by a site notice displayed near to the site. The nearest affected occupiers of the adjacent residential properties were notified by letter. United Utilities, the Health & Safety Executive, the Council's Highway Engineers and Environmental Health Officers have all been consulted.

At the time of writing the report the Council has received no objections to the proposal.

The Council's Environmental Health Officer has recommended a precautionary condition in relation to ground conditions.

Any further comments from neighbours or consultees will be reported orally to Members of the Committee.

SITE/LOCATION:

The site is an existing residential bungalow situated at the bottom corner of what is an 'L' shaped cul de sac. With residential properties both side and the playing field of The Heath School to the rear.

RELEVANT HISTORY:

The site has a history of several applications which need to be considered in the context of this current planning application. Ref: 07/00181/ful – extensions to site and rear was refused on the basis that the proportions and appearance were out of character with the existing and street scene. A later application Ref: 07/00458/ful – rear/side extensions, loft conversion and modified roof line, was approved. A further application 08/00152/ful – demolition of the existing dwelling and replacement with a two storey dwelling was approved.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application:-

New Residential Development – Supplementary Planning Guidance
BE1 General Requirements for Development
BE2 Quality of Design
TP12 Car Parking

OBSERVATIONS AND ISSUES:

The Proposal

Full planning permission is sought for the demolition of the existing bungalow dwelling at No.16 Beaufort Close, Runcorn and to replace it with a new dwelling on the same site.

Design and Character

The main consideration for this proposal is its impact on the street scene and character of the area. The general design is similar to the previous submission for both extensions and for a new dwelling. This current proposal should be compared with the previous approved and refused applications for a new dwelling to establish the differences and where this current scale of development lies in this context.

This current scheme is an additional 20cm at the ridge, 5cm at the eaves with the greatest difference in the width where it is now proposed 1.217m wider than the previous approval. The length is virtually the same. In comparison to the earlier refused scheme, the ridge height of the current proposal is 65cm lower. The design aims to, by widening the property, be able to lower the ridge in comparison to the refused design.

The applicant states in the submitted Design & Access Statement that the existing footprint of the dwelling and garage is 106 square metres and the proposed new dwelling footprint is 201 square metres. Whilst this shows that the proposal doubles the size of the existing footprint, it should be considered in the context of the street scene and the previous approval. The previous approval for extensions Ref: 07/00458/ful and the approval for the new dwelling 08/00152/ful had a resulting footprint of 178.6 square metres. This is an additional 22.4 square metres.

In establishing how this re-design affects the street scene, the existing layout and property types need to be considered. The majority of the dwellings are bungalows, similar to the existing building. However, on the opposite side the property types differ and there are two dormer style two storey dwellings.

The land fall of Beaufort Close runs downhill from south to north and the location of the application site is set slightly lower than that of No.15 to its immediate south. The site is also set back in its own corner of the cul de sac. It is for these reasons that, although the property type differs from those either side of it, the scale, in its location did not result in any significant harm to the surrounding area character or street scene.

As this current scheme is only marginally larger than the previous approval, it's considered that it too will not result in any significant harm to the street scene. And on this basis, complies with Policies BE1 and BE2 of the Halton Unitary Development Plan and the New Residential SPG.

Highway safety

The proposal includes an integral garage and does not have any significant impact on the current provision of two off street car parking spaces. On this basis the proposal complies with the Council's requirements for two off street vehicle spaces, and is acceptable.

Amenity of Existing Residents

The nearest residential occupiers directly affected by the proposed development are those of No. 13 (to the north) and No.15 (to the south) Beaufort Close. There are four velux windows proposed on each roof plane, facing these properties and given the limited internal height of the upper floor rooms, it is recommended that a condition be added to ensure that the velux windows are fixed closed. There are windows at ground floor to the side, but given the side boundary treatments and distance from the adjacent buildings themselves, it is considered that the ground floor windows to not pose any concerns relating privacy.

To the rear, at first floor the proposal includes a double door and glazed panelling facing out over the playing field of The Heath School. Given that the proposed dwelling is set further back in its plot in relation to the adjacent properties, the balcony will not have any significant impact on the amenity of the occupiers of the two adjacent properties.

On this basis the proposal is acceptable and complies with Policy BE1 and the New Residential Development SPG.

Conclusion

The site has benefited from previous approved schemes for a new dwelling and extensions for a resulting building of similar proportions. This current proposal being only marginally larger than the previous approval is considered to have no significant additional impact on the amenity of the adjacent occupiers nor the surrounding street scene and area character and it is recommended that member approval the application.

RECOMMENDATION

Approve subject to conditions:

- 1 Time limit for permission (BE1)
- 2 Amended plans (BE2)
- 3 Materials submission (BE2)
- 4 Ground Investigation (PR12)

- 5 Velux windows (RW1 - 8) to be fixed closed (BE1)
 - 6 A minimum of 2 off street car parking spaces to be provided throughout lifetime (BE1)
 - 7 Restricted hours of construction and deliveries (BE1)
 - 8 Wheelwash (BE1)
-

PLAN NUMBER: 10/00419/OUT

APPLICANT: Morbaine Limited

PROPOSAL: Outline application for a proposed Class A1 foodstore, petrol filling station and associated parking and servicing facilities.

ADDRESS OF SITE: Ashley Retail Park, Lugsdale Road, Widnes

WARD: Appleton/Riverside

SUMMARY RECOMMENDATION:

Approve subject to conditions and legal agreement

CONSULTATION AND REPRESENTATION:

The application has been advertised by way of press and site notices. Neighbouring residential and business properties have been consulted.

The Council's Highways, Open Spaces and Environmental Health Officers have been consulted, as have The Environment Agency, United Utilities, Cheshire Fire Authority, Neighbouring Local Authorities and 4NorthWest.

The Council's Open Spaces Officer has no objection to the proposal. Given the prominence of the site the landscaping needs to be of a high standard and therefore appropriate conditions are recommended.

The Environment Agency raises no objection in principle and recommends conditions relating to flood risk and site investigations.

United Utilities have no objections and English Heritage have no comments to make on the application

St Helens Council has stated that the small increase in floor space is unlikely to create any additional harm to the vitality and viability of St Helens.

One objection has been received from a local business objecting to the impact on local businesses and traffic congestion.

SITE/LOCATION:

Ashley Retail Park is located between Lugsdale Road and Ashley Way adjacent to the town centre. The site is currently accessed from Lugsdale Road.

RELEVANT HISTORY:

Application 09/00101/OUT outline application for A1 food store and application 10/00222/REM reserved matters application relating to outline application.

Application 06/00466/REM reserved matters application relating to outline application No. 00/00517/OUT for a proposed extension of existing retail park and realignment of highway, 1988 permissions for erection of non food retail development and an application for 30,000sq.ft non retail development (Phase 2). There are older, permissions which are not thought to be of particular relevance.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as a Primarily Employment Area in the Unitary Development Plan. The key policies of relevance are:

E3 Primarily Employment Area
S17 Retail Developments
S25 Planning Obligations
BE1 General Requirements for Development
BE2 Quality of Design
BE10 Protecting the Setting of Listed Buildings
PR1 Air Quality
PR2 Noise Nuisance
PR14 Contaminated Land
TP1 Public Transport Provision as Part of New Development
TP12 Car Parking
TC2 Retail Development to the Edge of Designated Shopping Centres
TC5 Design of Retail Development

PPS4 must be taken into consideration.

OBSERVATIONS AND ISSUES

The application seeks permission for outline consent with landscape matters reserved for a proposed food store, petrol filling station, associated parking and servicing facilities on the site of Ashley Retail Park. This application includes minor alterations from the previous permission. These alterations include an increase in the floor area from 10,885sq.m to 11,182sqm (an increase of 297sqm). As the floor space was included in the description of development the minor amendments could not be dealt with as a variation to the previous permission.

Alterations from previous approval

The store design has developed and changed from the original approval following design reviews with the intended operator. The following is a list of modifications:

- Relocation of recycling centre - This has moved from its original position in order that it is located immediately on the main access route into the store.
- Altered Car Parking Layout – car parking layout and alignment of access road into store area have been re-organised in order to improve traffic flow into and around the site.
- Motorcycle Bays – These have now been incorporated into the layouts.
- Petrol Filling Station – The forecourt has increased in length to avoid risk of queuing of cars onto the main access road.
- Car and Jet Wash – These have now been provided to the rear of the petrol filling station kiosk.
- Service Yard Access – the kerb radius to the service yard entrance has been increased to allow for two vehicles to pass safely. The location of the substation has been revised accordingly.
- Service Yard Layout – minor alteration to the internal layout of the service yard.
- Cycle Parking – Cycle Parking has been relocated.
- Parking Numbers – Total parking numbers have been reduced from 604 to 577 as a result of alterations to the car parking and road alignments. This constitutes a total loss of 27 spaces.

Store Alterations

- Altered curve to front
- Altered extent of atrium footprint
- Lifts relocated
- Stair position relocated within the atrium
- Travelators relocated
- Alteration to the void area.
- Bulk store has been reorganised internally
- Mezzanine area altered and split into two areas
- Plant well has been relocated due to internal alterations
- Car park ventilation has been increased

The above results in a gross internal floor area of the store increasing by 297 sq.m

Policy Considerations

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan; however, the site has been in retail use for non food retail for many years. The development aims to regenerate the existing retail park that has been largely vacant since B&Q's relocation to their new site.

Ashley Retail Park currently consists of a number of retail units facing onto the car parking for the units and then Ashley Way. The units range in size the largest of 2,787 SqM (30,000sqFt) to smallest of 372 SqM (4,000 SqFt) comprising a total retail area of 6,062 SqM (65,246 SqFt). The site also has planning permission to expand the existing development to create a total retail floor area of 7,757 SqM (83,500SqFt).

As mentioned above the site is shown in the Unitary Development Plan, as a Primary Employment Area. However, given the existing use of the site, the proposed use of the site for retail is considered acceptable in principle.

The development is located on the edge of the designated shopping centre, as such; Policy TC2 of the Unitary Development Plan is applicable. TC2 allows for the retail development on the edge of a Primary Shopping Area providing that it is demonstrated that there is a need for the development, that a sequential approach has been applied, that the development is complementary and within easy walking distance of the Primary Shopping Area and that it would not undermine or damage the prospects of enhancing the vitality and viability of the town centres.

The applicant has provided a report detailing how the development takes account of the criteria for assessing retail proposals set out in PPS4

The previous approval granted on the 30th March 2010 is a material consideration. Given that the changes do not significantly alter the floor space it is considered that there is no need, given the recent approval of previous permission for a similar floor space, to reconsider the sequential test or the need for this proposal.

Scheme Design and Quality

The external appearance of the store has not changed significantly and still provides for a prominent modern building that can be seen on the approach to the town centre from Ashley Way. The location of the main store entrance will provide a landmark feature when viewed from Ashley Way.

The landscaping of this proposed development will need to be of a high quality given the sites prominence and views from Ashley Way and the existing Town Centre; however, this matter is reserved and would be subject to a further application.

Highways

No alterations off site are proposed other than the improvements to the service access are proposed as such there is no objection to the proposal. Minor alterations have been requested to the internal layout. Given that the changes do not significantly alter the floor space it is considered that there is no need to re assess the traffic impact of the proposal.

Summary and Conclusions

As the proposal does not significantly alter the previous approval it is not considered to raise issues that have not been dealt with through the previous approval. The proposal is considered to offer a high quality development that is compatible and complementary to its surroundings and provide a modern landmark building at the entrance to the town centre. Therefore the application is recommended for approval subject to conditions and a legal agreement relating to town centre and regeneration initiatives, highway and public transport improvements and provision of a local employment scheme.

RECOMMENDATION:

Delegated Authority is given to the Operational Director Environment and Regulatory Services, in consultation with the Chair or Vice Chair, to approve subject to conditions and legal agreement and the application not being called in by the Secretary Of State.

Approve subject to conditions relating to the following:

1. Outline time limits
2. Submission of reserved matters
3. Wheel cleansing facilities to be submitted and approved in writing and used during construction.
4. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use.
5. Requiring implementation of Travel Plan
6. External lighting
7. Conditions relating to drainage details including oil interceptor
8. Submission and implementation of landscaping details
9. Details of carbon reduction measures for the store and delivery vehicles.
10. Modifications to the Lugsdale Road / Greenoaks Way roundabout
11. Cycle, motorcycle, disabled parking and taxi rank provision
12. Travel Plan
13. Parking management plan including commitment to Parking Partnership
14. Monitoring and alteration to service access if appropriate
15. Induction loops to signal approach outside of highway boundary
16. Retaining walls
17. Submission of a construction management plan
18. Construction and delivery traffic to access routes to be agreed
19. Details of materials
20. Amended plans condition
21. Boundary treatment details to be submitted
22. Highway works and parking area to be provided prior to opening of the store.
23. Condition the net sales area
24. Opening hours and hours of delivery
25. Noise conditions

- 26. Submission of piling works
 - 27. Site investigation and remediation plan
 - 28. Flood risk assessment
-

PLAN NUMBER: 10/00446/EIA and 10/00305/FUL

APPLICANT: New Earth Biossence Ltd

PROPOSAL: Proposed development and operation of Waste Resource Park to enable the recycling and sorting of municipal, commercial and industrial waste materials (maximum throughput of 200,000 tonnes per annum), including the production of compost and the production of refuse derived fuel at

Proposed use of private road and construction of new road to provide access to land at the former ICI Pilkington works site at

ADDRESS OF SITE: Widnes Waterfront, South of Moss Bank Road, Widnes.

WARD: Halton View

SUMMARY RECOMMENDATION:

Approval subject to conditions and section 106 agreement

CONSULTATION AND REPRESENTATION:

Adjoining properties have been consulted. The application has been advertised by way of site and press notice.

The Council's Highways, Open spaces, Nature Conservation Advisor (Cheshire Wildlife Trust), Environmental Health, and Contaminated Land officers have been consulted, as have the Council's Major Projects Department. All comments received as a consequence have been included in the main observations section of this report.

The Environment Agency, Natural England, English Heritage, Northwest Regional Development Agency, The Coal Authority, United Utilities, British Waterways, National Grid, Sabic UK Petrochemicals, Network Rail, Cheshire Constabulary and the Fire Service, neighbouring authorities and the Merseyside Waste Planning Authorities have also been consulted. Responses received have been summarised below:

The Environment Agency: No comments yet received see observations

Natural England: No comments received see observations

English Heritage: No comments received

Northwest Regional Development Agency: No comments received

The Coal Authority: Has no observations or specific comments.

United Utilities: No comments received see observations

British Waterways: No comments received

National Grid: The site has a high-pressure gas main crossing it; the applicant is advised to contact National Grid to discuss the proposal, safe working practices, any restrictions and regulations.

Sabic UK Petrochemicals: Will not be affected by this work

Network Rail: Have no objection to the proposed development subject to a number of conditions and informatives in relation to construction methodology for development in close proximity to the operation railway, development within 2m of their land, retention of fencing. Also noted that any soakaways as a means of and surface water drainage shall not be within 20m of network rails land boundary.

Cheshire Constabulary: No comments received

Fire Service: No comments received

Sefton Council: No comments received

Knowsley Council: No comments received

One letter of objection have been received from a local Ward Councillor, which raises concerns over the information on the application forms, consultation, traffic movements, contamination, air quality, the site was not included in the preferred options report for waste sites on Mersey side.

Any further representations received will be reported at the Committee meeting orally.

SITE/LOCATION:

The site is located, approximately 1.5km south east of Widnes town centre, within the Tan House Lane Industrial Estate. The site is situated on the Widnes Waterfront with vehicular access gained via an existing private road off Tan House Lane to the west of the site.

The application boundary covers an area of 6.6 ha, although the development area only extends to approximately 5.05 ha (12.5 acres). The site was part of

the former ICI Pilkington Sullivan Works, which has a long history of chemical processing from the mid 19th Century through to the end of the 20th Century.

RELEVANT HISTORY:

Planning application 06/00694/OUT Outline application for business centre and Technology Park consisting of B1, B2 & B8 use was submitted in September 2009, and has not been determined due to lack of information.

This application is a re-submission of planning application 09/00358/EIA which was refused by the Development Control Committee back in June 2010. The scheme has been amended reducing the throughput from 400,000tpa to 200,000tpa. The access to the site has also be relocated 90m north up Tan House Lane. There is currently also a separate planning application for this access 10/00305/FUL, which is to be considered with this report.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The following National and Unitary Development Plan policies and policy documents are relevant to this application: -

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Guidance Note 14: Development on Unstable Land

Unitary Development Plan Policy

Policy S6 – Re-use and remediation of previously used or contaminated
Policy S7 – Minerals and Waste
Policy S8 – Sustainable Waste Management Facilities
Policy MW1 – All Minerals and Waste Management Developments
Policy MW7 – Waste Recycling and Collection facilities
Policy MW3 – Requirements for all waste management applications
Policy MW8 – Aerobic Composting Facilities
Policy MW9 – Anaerobic Digestion Facilities
Policy RG3 – Widnes Waterfront Regeneration Area
Policy E3 – Primarily Employment
Policy TP7 – Pedestrian Provision as part of new development
Policy TP12 – Car Parking
Policy TP16 – Green Travel Plan

The Draft Joint Merseyside Waste Development Plan Document

Widnes Waterfront Supplementary Planning Document
Design of new industrial and commercial buildings Supplementary Planning Document

THE PROPOSED DEVELOPMENT

This proposal is to build a Waste Resource Park. This would comprise of a residual waste processing facility that would receive solid municipal waste from black bags and wheelie bins, and a source segregated garden and kitchen waste composting facility. The site would also have the potential to receive commercial and industrial waste. The facility as a whole would have the capacity to treat 200,000 tonnes per annum (tpa) of waste. This differs from the previous application 09/00358/EIA, which was for 400,000tpa. The facility would, if approved, be built in two phases, so as to allow the company to react to demand for waste treatment.

The proposal forms part of a wider initiative known as Mersey Green Solutions, being promoted by the Company. This consists of an Energy from Waste facility at Hooton Park on The Wirral, as well as the proposed Widnes Waterfront Waste Park proposal. The energy from waste facility at Hooton on The Wirral has already been granted planning permission by Wirral Council. The proposed facility on the Wirral is designed to receive 400,000 of waste per annum, and is capable of receiving and processing solid municipal waste on-site, as well as receiving already processed refuse derived fuel (RDF) from the proposed Widnes site. This would involve the RDF generated at the Widnes site being transported from the Widnes site to the Hooton site by road.

The proposal will require the construction of the following buildings and infrastructure:

- Mechanical Sorting and Fuel Production Building (15m high) totalling a gross floor space 12,150m²
- Composting Building (15m high) totalling 10,920Sq.m
- Final Preparation and Storage Building (11m high) with total gross floor space 2,520sq.m
- Workshop, equipment store and site power/utilities control building to be 640sq.m, 10 m high and adjacent generator compound
- Biofilter/Emissions Treatment Plant
- Mechanical Sorting and RDF Production Buildings Emissions Treatment Plant
- Water Storage/Sprinkler Tanks
- Weighbridge and Operator Kiosk
- Phase 1 Administration and Operator Welfare Facilities
- Indicative Location of Package Groundwater Treatment Plant
- Phase 2 Administration Centre consisting of 219sq.m. building
- Staff and Visitor Parking

Once constructed it is envisaged that the site would operate 24 hours a day and over three shifts employ 40 full time staff.

The process

The site would provide what is known as a Mechanical and Biological Treatment (MBT) facility. Essentially this is a two stage process in dealing with waste, firstly by mechanical treatment, and secondly composting of biodegradable wastes.

The residual waste processing facility will comprise of a fully enclosed mechanical treatment. Waste would be tipped from delivery vehicles entering through doors into the reception hall within the building. These doors would be kept closed except when a waste delivery is taking place. From the reception hall the waste is loaded by mobile plant into a shredder and subsequently passed through a series of industrial machines including trammel screens, magnets, air separators, and optical sorting to remove materials such as metals and plastics for recycling and sort different sized fractions of the biodegradable waste portion. The reception building also provides buffering capacity equivalent to 2 days inputs to temporarily store waste materials during peak delivery periods or in the event of plant maintenance. Plastics and metals will be bulked up and dispatched off site for reuse. The remaining processed and sorted wastes will be used to make refuse derived fuel (RDF) and suitable biodegradable fraction transferred to the composting facility described below.

The composting facility would comprise a fully enclosed automated system with controlled aeration and irrigation to produce compost for agricultural and landscaping uses. The facility will have two lines processing the two different waste streams. One line will accept only source segregated biodegradable waste such as kitchen, garden, paper and card wastes to produce compost suitable for agricultural, horticultural and landscaping applications. The second line will take the biodegradable portion from the residual waste mechanical sorting process and compost this material to produce a soil conditioner suitable for land restoration, forestry and landscaping projects. The biodegradable fraction would be transferred from the mechanical treatment hall to the composting halls via enclosed trailer.

In both processes the biodegradable material is built into windrows over aeration channels in the floor and a steady supply of air is pulled through the windrow, which, in addition to irrigation of the windrows, ensures that optimum conditions are maintained for composting.

The temperature of the windrows is monitored continuously and they are turned at regular intervals using a bespoke compost turner to ensure that all of the windrowed material has reached the temperatures required by the ABPR Regulations.

Before the compost or soil conditioner is ready for dispatch it is subjected to further mechanical treatment involving screening to ensure that any oversized material or contamination such as plastics and metals that were not removed in the initial mechanical sorting process are removed before use in the relevant application.

OBSERVATIONS AND ISSUES:

The development falls within Schedule 2 of the EIA Regulations 1991, under Part 11 (b) 'Installations for the Disposal of Waste Disposal'. The application has been submitted with an Environmental Statement covering air quality, noise and vibration, landscape and visual impact, ecology, soils, geology and contamination, and flood risk and hydrology, the application is also accompanied with a traffic assessment a framework environmental management plan, framework waste management plan and sustainability statement.

Planning Policy

Planning Policy Statement 1 'Delivering Sustainable Development' sets the objective for effective protection and enhancement of the environment, and the prudent use of natural resources. Planning Policy Statement 10 'Planning for Sustainable Waste Management' states that we should deliver sustainable development by driving waste management up through the waste hierarchy. An example of this would be by moving away from landfill and choosing recovery, composting and reuse options instead.

The proposed development will provide the enabling action to remediate contaminated land, remove derelict land by new built development and by facilitating the treatment of waste higher up the waste hierarchy reduce reliance on landfill and make beneficial use of waste materials created from natural resources. In this respect the proposal is considered to comply with PPS1 and PPS10.

The Joint Merseyside Waste Development Plan Document (Waste DPD) is currently being prepared by Merseyside Environmental Advisory Service (MEAS) on behalf of Liverpool, Halton, Knowsley, St Helens, Sefton and Wirral Councils. The Waste DPD is a planning document concerned with the scale, location and type of facilities required to manage all types of waste in Merseyside. It will eventually become the statutory Development Plan Document that will be used to guide future development of waste management and treatment facilities across the sub-region. The Waste DPD is not only concerned with treatment and disposal but also encourages the beneficial re-use, recycling and reprocessing of waste into valuable resources.

Policy MW7 'Waste Recycling and Collection Facilities', specifically states that such facilities should be located within 'Primarily Employment' areas (identified in Policy E3 of the UDP). The application site is allocated not as a Primarily Employment Area but as a Regeneration area and, as such, Policy RG3 of the Halton Unitary Development Plan would be of relevance.

Policy MW7 does state that within Action Areas, action plans and other planning documents would be used to control development and accord with the general policies for land uses in the Regeneration Chapter. The Regeneration Policy lists the variety of use classes that are considered to be acceptable within the area, this includes B2 uses.

The proposed use, which involves the sorting and processing of waste materials and the production of an end product in the form of compost and refuse derived fuel, is considered to be a B2 use and as such acceptable in principle.

Design and Appearance

The application includes the provision of three main buildings including a mechanical sorting and fuel production building, a composting building, a final product preparation and storage building, all to be constructed in two phases.

The main buildings will be steel clad portal framed buildings, constructed on reinforced concrete floor slabs designed in order to prevent emissions to land and groundwater.

The original submitted drawings are for relatively basic clad buildings with minimal attention to the design of the elevations. A further elevational study has been submitted to demonstrate that with a better mix of materials on the external elevations the appearance can be greatly improved, so as to be acceptable.

The proposed administrative building would provide a gross floor space of 219 Sq.m, be constructed with traditional brick elevations, the applicant has also stated that the building would be constructed to high level of sustainable design, and would have a green roof system.

Should the application be approved, a condition is recommended for the approval of all facing materials to ensure a quality of finish and appearance.

Regeneration Area

The site is located within the Widnes Waterfront Action Area. The proposal therefore needs to be considered in the context of Widnes Waterfront and against Policies S1, RG3 and MW7 of the Halton Unitary Development Plan, the adopted Widnes Waterfront Supplementary Planning Document, and the most recent revised Waterfront Masterplan.

The proposed B2 use is one of the acceptable uses listed in Policy RG3. Secondly, the proposal is considered to stimulate economic development by reclaiming derelict and contaminated land, bringing it back into beneficial use and creating local jobs. In this respect it is considered to comply with the above policies. In addition, the applicant has agreed to enter a legal agreement to provide an annual financial benefit towards an environmental fund which will be used to support the wider Waterfront regeneration activities.

Air Quality and Odour

Objections have been received in relation to air quality. The environmental statement submitted with the application includes an air quality assessment. This includes a study of the existing sources of pollution and background

concentrations within the vicinity of the site, potential effects on air quality during site remediation and construction and during the site's operational stage.

All processing and mechanical operations would be carried out within a building, as would all of the composting. The report concludes that the changes in concentrations of background emissions will be negligible, and that the use of air filters and scrubbers will mitigate against odour.

The Council's Environmental Health concurs with these statements providing operating conditions are properly managed, and notes that the site will be licensed and monitored by the Environment Agency.

The main area of concern that Environmental Health have is that the material has the potential to be odorous. The applicant stated their intention that all storage and treatment of waste material shall be carried out within the building structure, with doors closed. If the application were to be approved the Environmental Health Officer have recommended conditions be attached that all materials be stored and processed within the buildings and that the building is kept under negative pressure. And secondly that it be conditioned that doors remain closed at all times except for access and egress of the building.

Noise and Vibration

The nearest existing residential property is approximately 700metres away from the site. All the mechanical processing and sorting would be carried out within the proposed buildings.

The applicant has carried out a noise assessment (in accordance with BS4142). The impact of noise and vibration has been assessed taking into account the remediation and construction phases, including piling, operational noise and vibration impacts have been assessed. Taking into account the distance to sensitive properties there would be no impact.

The Councils Environmental Health Officers have been consulted and based on the noise assessment carried out they recommend that a scheme of attenuation is provided to demonstrate that noise levels from the proposed development can achieve 10dB(A) below background at the 'Routledge' site. A suitably worded condition has been recommended if the application were to be approved.

Ground Conditions and Contamination

The site is a former chemical works and has a long industrial history. Site investigations have identified significant levels of contamination. The Council's Contaminated Land Officer and the Environment Agency have been consulted. Both the Contaminated Land Officer and the Environment Agency have no objections, subject to conditions relating to further investigations and a remediation strategy.

Transport and Highways

Objections have been received from local owners and occupiers of business on the grounds that the proposed waste park would increase the number of vehicles to the detriment of the local road network.

The application has been submitted with an updated traffic assessment and a framework travel plan. The updated figures state that the site would generate 138 Heavy Goods Vehicle (HGV) movements (i.e. 69 going in and out of the site) a day between the hours of 07:00 and 23:00 hours. This equates to approximately 8.5 an hour. The highways department are satisfied that the number of vehicles would not have a detrimental impact on the highway network and the proposed

The site is located adjacent to a branch off the West Coast Mainline, and therefore has some potential to be linked by rail. The Highway Authority previously requested detail on why a rail link has not been considered as part of this scheme. The applicant has explained that there are issues with levels and that a rail link is something they may consider in future. The Highway Authority is satisfied with the justification provided. Furthermore it should be noted that Network Rail have been consulted and have no objections.

It is recognised that the site is poorly located in terms of sustainability and pedestrian access, the nearest bus stop being some 700m away from the site; this is because the proposal is to have a 500m access road to Tanhouse Lane. On the previous application the applicant has proposed that if the development were allowed it would enter into a legal agreement to provide its own bus service to the site for employees. In consultation with The Highway Authority this is considered to be acceptable and should be included in the section 106.

Landscape and Visual Impact Assessment

The application has been accompanied by an assessment of the impact on the proposed development would have on the landscape character and visual amenities of the area. The buildings have a large footprint, and the highest would have a ridge height of approximately 15m. The built development would have minimal impact when viewed from vantage points at a distance. The scale of the appearance would only really be of significance when viewed in relative close proximity for example from the Trans-Pennine Trail.

In consideration, the scale and height of the buildings are similar to that of many other modern industrial buildings, the use of appropriate facing materials and an appropriate planting scheme along the southern boundary of the site would minimise any visual impact to an acceptable level.

Ecology and Nature Conservation

The Environmental Statement has been accompanied with a habitats survey. The site is currently derelict, with no buildings and minimal value to nature.

Natural England have been consulted but as of yet have not responded this resubmission. It should be noted they were consulted on the previous application (09/00358/EIA) and were satisfied that the proposal would not materially or significantly affect the Mersey Estuary RAMSAR / SPA or SSSI, nor would it impact on their other interests including protected species, national trails, access land, and areas of search for new national landscape designations.

Hydrology, Hydrogeology & FRA and Ground Contamination

The site is over 1 hectare in size and the southeastern corner of the site falls within a flood risk zone 3. In accordance with PP25 the application has been accompanied with a flood risk assessment. The Environment Agency has been consulted but at the time of writing no comments have been received. It should be noted on the previous application (10/00358/EIA) the Flood Risk Assessment issues were satisfactory addressed and the Agency had no objection subject to conditions, a similar response is expected. Members will be updated at committee.

Electricity and Water supplies

There are recognised issues with electricity provision in Widnes Waterfront, and there is the need for a new substation in the area to support further development. The applicant has included provision on site for three 1MW diesel generators on-site.

Furthermore, it should be noted that on the previous application United Utilities commented that they could not agree to the application because the existing water network could not support all the new development in the Widnes Waterfront, unless a condition is attached that the buildings are not occupied until summer 2011.

Residential Amenity

There is an extant planning permission (05/00109/EIAOUT) for a mixed use scheme on the Routledge site on the opposite side of Tan House Lane, this would include A1 retail, B1 Business uses and up to 624 C3 dwellings. The previous application raised concerns in that had an access to the proposed waste resource park that would have been right opposite the main access to this Routledge site. This new application has re-sited the access so that it would join Tan House Lane approximately 90m north to a more acceptable location. The introduction and agreement with the applicant of a traffic management plan to ensure that traffic to and from this site does not conflict with residential and the nearby town or the traffic streams, will also re-enforce this improvement.

Summary and Conclusions

The proposed development facilitate the remediation of a contaminated site, allowing for the redevelopment of derelict land to a B2 use, providing for

additional jobs in the Widnes Waterfront are. This would also facilitate the treatment of waste in supporting to national policy of moving higher up the waste hierarchy reducing reliance on landfill and make beneficial use of waste materials created from natural resources.

The proposed traffic generation and revised site access arrangements as shown in both applications 10/00446/EIA and 09/00358/EIA are considered to be acceptable. Taking into account the revised site access, the reduction in the amount of material to be processed per year, and the corresponding reduction in vehicle movements, an objection on the impact on the mixed use development on the Routledge site can not be upheld.

Furthermore the Environmental Statement and supplementary information demonstrates that the development would be acceptable in terms of potential flood risk, ecology, ground contamination, noise, air quality and landscape and visual impact, and that any potential impact can be satisfactory mitigated and controlled through planning conditions.

The proposal is considered to comply with national planning policy PPS1, PPS10, and unitary development plan policies S6, S8, MW1, MW3, MW7, MW8, MW9, RG3, BE1, BE2, TP12 and TP16, and is recommended for approval.

RECOMMENDATIONS:

10/00446/EIA

APPROVE: Subject to:-

(a) The entering into a Legal Agreement for the provision of a financial contribution towards Environmental Improvements, and the provision of a bus service to the site for employees.

(b) The following conditions,

- 1 Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990)
- 2 List of approved plans and documents (BE1, BE2)
- 3 Prior to the commencement of development submission and approval of materials (BE2)
- 4 Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved; (BE1)
- 5 Conditions for prior to commencement approval of detailed landscaping scheme including hard and soft landscaping and planting and cultivation (BE1 and GE27)
- 6 Condition that any planting lost within the first five years following completion be replaces.
- 7 Prior to commencement approval of fencing and boundary treatment details (BE22)

- 8 Condition(s) in relation to the submission of a ground investigations and remediation strategy to be submitted to and approved by contaminated land and environment agency. This shall include the monitoring maintenance and any contingency final report demonstrating that all long- term site remediation criteria.
- 9 No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels; (BE1)
- 10 Prior to the commencement final construction details of the access road and the point of access onto Tan House Lane to be submitted for approval (BE1)
- 11 Prior to occupation of the buildings laying out of approved vehicle access, service and parking areas and to be retained as such (BE1)
- 12 Condition limiting the throughput of material to 200,000tpa
- 13 Prior to commencement condition relating to the disposal of foul and surface water (PR5)
- 14 Condition relating to installation of oil and petrol separators (PR5)
- 15 Condition relating to the installation of trapped gullies (PR5)
- 16 Condition relating to the installation of roof drainage-sealed at ground level
- 17 The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed within; (BE1 and PR16)
- 18 Prior to commencement provision of a surface water regulation scheme to be submitted and approved; (BE1)
- 19 Prior to the commencement of development details of secure cycle parking (TP16).
- 20 Prior to the occupation of the buildings a framework travel plan shall be submitted for approval
- 21 Condition restricting no external storage of materials (BE1 and RG3)
- 22 Condition preventing the unloading, loading or handling of waste associated with the facility shall take place outside the building (BE1, PR1 and PR3).
- 23 Condition ensuring the doors to the facility building shall be kept closed at all times except for essential access and egress to and from the building (PR1 and PR3).
- 24 The waste reception hall, processing and composting buildings shall be held under negative pressure during operating hours (PR1 and PR3).
- 25 Prior to commencement a scheme of noise attenuation is provided to demonstrate that noise levels from the proposed development can achieve 10dB(A) below background at the 'Routledge' site (PR2 and PR28).
- 26 Prior to the commencement of development details of lighting shall be submitted to and approved in writing. This should

include details Lux levels and light spill diagrams (BE1 and PR4).

- 27 Prior to the commencement of development, details shall be provided to demonstrate how at least 10% of the proportion of the developments energy requirements can be secured through the provision of renewable, decentralised or low carbon sources. For implementation prior to occupation and operation of the development lifetime (RSS – EM18)
- 28 Use restriction that the building shall only be used for B2 'General Industrial (BE1 and RG3)
- 29 Traffic Management Plan.

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environment & Regulatory Services in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

10/00305/FUL

APPROVE: Subject to the following condition(s):-

1. Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990)
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