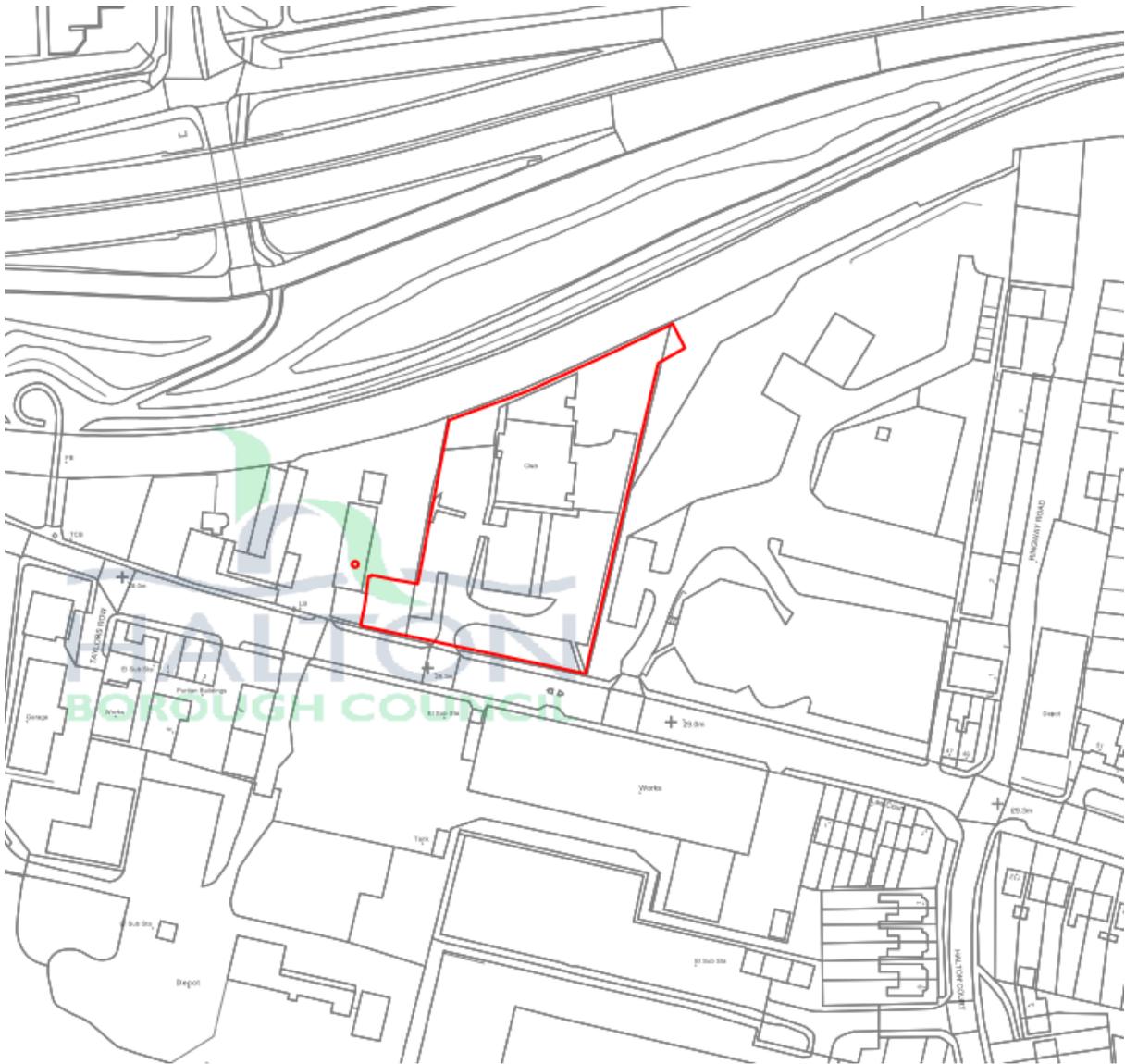


APPLICATION NO:	20/00028/FUL
LOCATION:	Canal Walks Site, Halton Road, Runcorn, WA7 5QS.
PROPOSAL:	Proposed demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development.
WARD:	Halton Brook
PARISH:	None
APPLICANT:	Magenta Living
AGENT:	Mr Greg Milton – B.Y.A. Ltd Architects.
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Primarily Employment Area – HALTON UNITARY DEVELOPMENT PLAN PROPOSALS MAP
DEPARTURE REPRESENTATIONS:	Yes.
KEY ISSUES:	No representations have been received from the publicity given to the application.
RECOMMENDATION:	Principle of Residential Development in a Primarily Employment Area, Noise, Design, Amenity, Affordable Housing, Open Space, Access, Ground Contamination, Relationship with the Bridgewater Canal.
SITE MAP	Grant planning permission subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space.



1. APPLICATION SITE

1.1 The Site

The site subject of the application is the Canal Walks Site located on Halton Road in Runcorn. The application site is 0.59ha in area and is designated as Primarily Employment Area on the Halton Unitary Development Plan Proposals Map.

The site is located on the northern side of Halton Road.

To the west of the site is a Builders Merchant which is currently accessed through the Canal Walks Site. The proposed development would involve the creation of a new access point off Halton Road which would serve the Builders Merchant.

To the east of the site is a large site occupied by a self-storage occupier and a smaller site which has planning permission for the proposed construction and operation of 2 no. 2.5 mw gas fired power plants and associated equipment (application reference 19/00283/FUL).

To the north west of the site is the Bridgewater Canal which designated as a canal on the Halton Unitary Development Plan Proposals Map. A proposed greenway is shown on the opposite side of the canal to the application site.

To the south of the site on the opposite side of Halton Road is an area which is also designated as Primarily Employment Area. On the Halton Road frontage, there is a site of a former industrial unit and a hand car wash site. Further to the south behind these sites is residential development which is currently being built out.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the site as a Mixed Use Area. This is now a material planning consideration, however at this point carries very little weight in the determination of this planning application.

1.2 Planning History

The site has some planning history relating to alterations to the Canal Walks Site, none of which is of particular relevance to this application.

2. **THE APPLICATION**

2.1 The Proposal

Proposed demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement, Ecological Scoping Survey, Bat Emergence Survey, Phase I Desk Study Report, Phase II Geo-environmental Report, Noise Assessment, Arboricultural Implications Assessment, Drainage Statement, Flood Risk Assessment, Employment Land Statement, Housing Land Statement, Interim Travel Plan and a Transport Statement.

3. **POLICY CONTEXT**

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

THE DEVELOPMENT PLAN

3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Primarily Employment Area on the Halton Unitary Development Plan Proposals Map.

Located on the opposite side of the Bridgewater Canal is a Proposed Greenway as shown on the Halton Unitary Development Plan Proposals Map.

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

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE22 Boundary Walls and Fences;
- E3 Primarily Employment Area;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodland;
- GE29 Canals and Rivers;
- H3 Provision of Recreational Greenspace;
- PR1 Air Quality;
- PR8 Noise Sensitive Developments;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP1 Public Transport Provision as Part of New Development;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP9 The Greenway Network;
- TP12 Car Parking.

3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS4 Employment Land Supply and Locational Priorities;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS23 Managing Pollution and Risk.

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

MATERIAL CONSIDERATIONS

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

3.4 Halton Borough Council – Planning for Risk Supplementary Planning Document

1.1 The purpose of this Supplementary Planning Document (SPD) is to:

- complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:

1. deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
2. deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;

- explain in more detail how UDP policies should be interpreted.

1.2 The reduction in the potential for certain land uses (hazardous installations and Liverpool Airport) to create harm through accidents to people or the environment outside the boundary of these land uses is a sustainable objective of this SPD as is the improved potential to create a safe, healthy and prosperous economy, environment and society.

3.5 Halton Borough Council – Design of Residential Development Supplementary Planning Document

3.6 National Planning Policy Framework

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

Achieving Sustainable Development

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

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

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

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

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

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

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

The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Decision-making

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

Determining Applications

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

3.7 Other Considerations

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

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

4.1 Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

4.2 Lead Local Flood Authority

No objection to the proposed development subject to a condition.

4.3 Contaminated Land Officer

No objection to the proposed development subject to a condition.

4.4 Environmental Protection

No objection to the proposed development subject to conditions.

4.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development subject to conditions.

4.6 Natural England

No objection to the proposed development.

4.7 Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site.

4.9 Bridgewater Canal Company

No objection to the proposed development subject to conditions/informatives and a financial contribution towards local towpath improvements.

4.10 Cheshire Police

No objection to the proposed development.

4.11 United Utilities

No objection to the proposed development subject to conditions.

5. REPRESENTATIONS

5.1 ORIGINAL CONSULTATION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 05/02/2020, a site notice posted on Halton Road on 03/02/2020 and thirty-three neighbour notification letters sent on 30/01/2020.

5.2 FURTHER CONSULTATION ON AMENDED SUBMISSION - The application was advertised by a press advert in the Widnes and Runcorn Weekly News on 13/08/2020, a site notice posted on Halton Road on 06/08/2020 and thirty-three neighbour notification letters sent on 31/07/2020.

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

6. ASSESSMENT

6.1 Residential Development in a Primarily Employment Area

The site is allocated in the Halton Unitary Development Plan as a Primarily Employment Area in which development falling within Use Classes B1, B2, B8 and Sui Generis industrial uses will be permitted. This proposal for residential development in this location is a departure from the development and has been advertised as such.

In order to address Policy CS4 of the Halton Core Strategy Local Plan, the applicant has produced an Employment Land Statement. This examines the wider employment land situation in the Borough as well as the suitability of this site for employment uses and relationship to other uses.

The report concludes that the loss of employment land resulting from the application proposal is negligible in relation to the overall supply of employment land in the Borough and that the proposed residential development provides a more suitable and sustainable use of the site than for employment uses which are shown to be no longer viable through marketing due to the location of the site and the changing character of the surrounding area.

It is acknowledged that whilst the site is allocated as part of the local employment area, it is now peripheral to and divorced from the main section of the employment area at Astmoor. The area has now become more residential in character by virtue of the recent permissions for residential development which are being implemented.

The content of the Employment Land Statement is acknowledged and is considered to form a justification for the development of the site for residential purposes in compliance with Policy CS4 of the Halton Core Strategy Local Plan.

6.2 Housing Supply and Locational Priorities

Policy CS3 of the Halton Core Strategy Local Plan states that a minimum of 9,930 new additional homes should be provided between 2010 and 2018 to ensure an adequate supply of suitable housing for the Borough's existing communities and to accommodate projected growth in the Borough's population.

This proposal would deliver new dwellings on a previously developed site in a sustainable location.

The proposal would be in compliance with Policy CS3 of the Halton Core Strategy Local Plan.

6.3 Principle of Residential Development

Based on the market not considering the site suitable for employment uses, the character of the area becoming more residential in nature given recent permissions in the locality, it is generally considered that the proposed residential use would be sympathetic to surrounding land uses.

The proposal would make a contribution towards attempting to ensure that there is an adequate supply of suitable housing for the Borough's existing communities and to accommodate projected growth in the Borough's population.

Issues in terms of relationships to existing commercial operations will be considered in more detail later in the report to ascertain if residential amenity would be unduly compromised.

The principle of residential development on this site is considered to be acceptable.

6.4 Relationship with the Bridgewater Canal and the Proposed Greenway

The site is directly adjacent to the Bridgewater Canal and the proposed development is orientated as to provide a frontage which would represent an enhancement over the current development on the site. There no towpath on the side of the canal on which the proposed development is located.

A representation has been received from the Bridgewater Canal Company Limited (BCCL) who own and operate the Bridgewater Canal. They have requested detail regarding the development's relationship with the canal and they note that this can be secured by condition/informatives.

BCCL consider that the applicant should make appropriate contributions to local towpath improvements. They note that this type of approach is endorsed in the Council's 2014 Infrastructure Plan. Policy CS7 'Infrastructure Provision' of the Halton Core Strategy Local Plan is relevant.

It is acknowledged that the Council's 2014 Infrastructure Plan makes reference to "Improvements to the Bridgewater Canal at West Runcorn" and that this could be secured by Section 106 contributions from development / Community Infrastructure Levy. In respect of Community Infrastructure Levy, the Council has not introduced a charging schedule, however the use of Section 106 contributions remains an option where it is justified. In this particular case, it is not considered that the proposed development would create or exacerbate deficiencies in infrastructure which would warrant the applicant making a commuted sum in this instance.

The site is located in relative close proximity to a Proposed Greenway as shown on the Halton Unitary Development Plan Proposals Map. This would run on adjacent to the Bridgewater Canal on the opposite side of the canal to the application site. It is not considered that the proposed development would prejudice the future implementation of the Proposed Greenway shown on the Halton Unitary Development Plan Proposals Map which fall outside the

application site. The proposal is therefore considered to be compliant with Policy TP9 and GE29 of the Halton Unitary Development Plan and Policy CS7 of the Halton Core Strategy Local Plan.

6.5 Highways, Transportation and Accessibility

The Highway Officer has noted that in general terms, the principle of a residential development on the site is acceptable. The Transport Statement submitted in support of the application is considered suitable in terms of impact of the residential proposal.

The latest layout has addressed previous concerns with regards to loss of existing parking for the adjacent business by including a new car parking area and direct access from Halton Road. The implementation of the access prior to commencement of works associated with the housing including groundworks should be secured by condition.

The site is considered to have good access to sustainable modes of travel and is within walking distance of local amenities.

The Highway Officer has expressed some concerns over the amount of development and the internal layout, however does not object to the development as there is no severe Highway Safety or Capacity Impact generated by the development. The concerns expressed by the Highway Officer are noted and the scheme could be improved if the amount of development were to be reduced, however it is not considered that a refusal could be sustained based on the concerns raised and the applicant is aware of the observations that have been made.

In terms of car parking, each property would have the requisite number of car parking spaces in accordance with the Council standards.

No cycle parking is proposed, however there is sufficient space within the curtilage of each property to provide such provision if the occupier of the houses requires this. It is however considered that provision should be made for the occupiers of 6no. apartments who would not have dedicated garden areas and this should be secured by condition.

The Highway Officer has requested that a condition be attached securing the submission of a construction management plan. This is an issue for the applicant to manage accordingly and it is considered reasonable to deal with this by way of an informative relating to the Considerate Contractors Scheme. Based on all the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies BE1, TP1, TP6, TP7, TP9 and TP12 of the Halton Unitary Development Plan.

6.6 Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority. The issues raised in the first

consultation response have now been addressed and no further information is being sought by the Lead Local Flood Authority.

The implementation of the submitted drainage strategy should be secured by condition.

Based on the above, the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.7 Noise

The application is accompanied by a Noise Assessment which assesses the potential impact of the below noise sources on the proposed residential units gardens and internal noise levels and compared them to the standards in BS8233:2014.

- Traffic on Halton Road
- Traffic on the Expressway
- The energy plant that has planning permission, adjacent the development (application reference 19/00283/FUL)

Firstly considering traffic on Halton Road, the proposed a 1.8m acoustic fence would reduce the daytime levels in the habitable areas so that they are in line with BS8233:2014 standards, with the windows open.

Secondly considering traffic noise from the Expressway, the standards in BS8233:2014 cannot be met in the bedrooms, although the exceedance of the standard is minimal, trickle vents should be fitted to the double glazed units to ensure that residents have the option to keep windows closed, should they choose, to ensure a suitable noise environment can be achieved.

Thirdly considering the energy plant, this benefits from planning permission and noise from the plant will however be audible at the properties proposed by this development during operating hours which were restricted to 07:00-23:00 hours, therefore it will not impact the proposed housing development at night.

In order to deal with the daytime noise, the acoustic consultant has proposed a 3m barrier along the eastern boundary which will reduce the daytime noise levels from the noise sources at a low level. It cannot however mitigate noise from the stack, which is significantly taller than the barrier. The acoustic consultant has demonstrated that although the noise will be audible to future residents in their gardens and with windows open the levels should still fall within the BS8233:2014 standards for habitable rooms and gardens.

The Environmental Health Officer did have concerns regarding the impact of the potential future use of the adjacent site as an energy plant on the proposed housing development, however the acoustic report demonstrates that this impact can be reduced to an acceptable level with the inclusion of the referenced mitigation measures. These should be secured by condition.

Based on the above, the proposal is considered acceptable from a noise perspective in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.8 Ground Contamination

The application is accompanied by a Phase I Desk Study Report and a Phase II Geo-environmental Report.

These have been reviewed by the Contaminated Land Officer and they are satisfied that the site has been adequately investigated and characterised in terms of risks posed by contamination. A condition covering unexpected contamination encountered during the development phase, a remedial strategy and verification reporting is suggested.

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

6.9 Ecology

The application is accompanied by an Ecological Scoping Survey and Bat Emergence Survey.

Firstly considering Protected European Sites, the Council's Ecological Advisor has stated that due to the development's potential pathways and impacts on the European Protected sites as detailed in the consultation response at Appendix 1, this proposal requires Habitats Regulations Assessment for likely significant effects. The Council's Ecological Advisor has undertaken a Habitats Regulations Assessment report (located in Appendix 1) which concludes that there are no likely significant effects. Natural England have been consulted on this. They note that the homeowner packs should be secured by condition and are satisfied with the conclusions of the report. Their observation on closer access points is noted.

Secondly considering Protected National Sites as set out in the Ecological Advisor's observations in Appendix 1, these are assessed in the Habitats Regulations Assessment and the conclusions made above in relation to

European Protected Sites again are applicable in that no likely significant effects would result.

Thirdly considering Protected Species, the Bat Emergence Survey states that no evidence of bats was recorded within the building. Our Ecological Advisor has stated that the Council does not need to consider the proposals against the three tests (Habitats Regulations).

Conditions securing protection for breeding birds, the removal by hand of potential bat roost features and the implementation of a suitable bat and bird boxes scheme are suggested.

Fifthly considering Invasive Species, it is noted that Japanese Knotweed and Cotoneaster are present within the site boundary. A method statement securing the information outlined in the Council's Ecological Advisor's observation in Appendix 1 should be secured by condition along with a condition which secures the submission of a validation report.

The proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.10 Trees

The application is accompanied by an Arboricultural Implications Assessment.

There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area.

The proposal would result in the loss of the existing trees located on the site, however it is considered that a replacement planting scheme would mitigate for their loss. An indicative scheme is shown on the site plan, however the submission of a detailed scheme, its implementation and maintenance should be secured by condition.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.11 Layout

The proposed site layout is considered to provide active frontages, appropriate relationships between the proposed dwellings and sufficient parking provision.

The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document. The applicant has included some secondary openings in habitable rooms in the side elevations which are not considered to be particularly desirable from a privacy perspective, however in terms of overlooking driveways, this benefit is noted. Whilst not being particularly desirable, it is not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application.

Proposed site level details have been provided which are considered to be acceptable having regard for the site's topography. Implementation in accordance with the submitted details should be secured by condition.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit with properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit. The private outdoor space for the proposed houses generally accords with the guidance and is considered to be acceptable.

For apartments, the Design of Residential Development Supplementary Planning Document requires usable private outdoor space for flats/ apartments, to be appropriate to the size of the development scheme and as a guide, 50sqm per residential unit should be used. The proposed apartments would have communal garden areas adjacent to the canal which are considered to be acceptable.

It is noted that the scheme generally comprises of semi-detached houses with parking provision located to the sides of properties which allows space for soft landscaping to the front of properties which improves the overall appearance of the scheme.

The site plan details an appropriate range of boundary treatments according to their location within the scheme. A condition is suggested which secures the implementation and subsequent maintenance.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 1, 2 and 3 bedroom homes. In terms of tenure, all units would be social rented units. There is considered to be properties to meet a variety of needs on site.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing

Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

6.12 Scale

The proposed buildings are two storey in height and would not be dissimilar in height to the many of the existing residential properties in the surrounding area and are considered acceptable in respect of scale.

The proposal is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

6.13 Appearance

The elevations show that buildings proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. The submission of precise external facing materials should be secured by condition along with implementation in accordance with the approved details.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.14 Affordable Housing

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

The proposed scheme would be 100% affordable which is in excess of the 25% policy requirement.

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

6.15 Open Space

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

The Open Space Requirement Calculator has identified that there is a deficit of Parks & Gardens, Amenity Greenspace, Provision for Children and Young Persons and Formal Playing Fields in this particular neighbourhood.

As the open space requirements are not being proposed to be met on site, the policy indicates that a commuted sum in lieu of on-site provision is required. This has been sought from the applicant.

The applicant has agreed to making this commuted sum and this would be secured by legal agreement to ensure compliance with Policy H3 of the Halton Unitary Development Plan.

6.16 Risk

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

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

The justification for the above policy indicates that the accidental risk level from the COMAH site is not considered to be significant where an individual accidental risk level does not exceed 10 chances per million in a year.

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

On this basis, the likely individual accidental risk would not be considered significant.

During the processing of the application, the proposed dwellings adjacent to Halton Road have been repositioned further into the site to ensure the building proximity distance to the high pressure gas main in Halton Road is met. This has resulted in the following response from the Health and Safety Executive.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites / pipelines. Their assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE does not advise, on safety grounds, against the granting of planning permission in this case.

In terms of risk, for the reasons outlined above, it is considered that the proposal is in compliance with the Council's adopted policies in Policy PR12 of the Halton

Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and also the Council's Planning for Risk Supplementary Planning Document.

6.17 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

NPPF states that to further enhance the opportunities for sustainable development any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles can be realistically achieved for residential development and the applicant is proposing to introduce such provision for the majority of the properties on the proposal. It is suggested that a condition is attached securing the precise details of the scheme, its implementation and maintenance.

One of the principles referred to in the policy is Code for Sustainable Homes. Whilst it is desirable to meet such a standard, given links with Sustainable Development and Climate Change, following the Government's Written Ministerial Statement in March 2015, it is no longer for Local Authorities to secure the implementation of a particular level of Code for Sustainable Homes by planning condition.

The proposal is compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.18 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. The submission of a waste audit should be secured by condition.

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

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

6.19 Planning Balance

Based on the above assessment, it is considered that the proposed scheme would not have an adverse impact that would outweigh its benefits through the delivery of affordable homes in a manner which would be sympathetic to surrounding land uses.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF and Policy CS2 of the Halton Core Strategy Local Plan carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Development Plan subject to appropriate planning conditions / obligations.

7. CONCLUSIONS

In conclusion, the proposal would deliver affordable homes for which there is requirement for over the plan period. It is acknowledged that the proposal would result in the loss of an employment site, however the Employment Land Statement provided indicates that there are better quality locations for the delivery of employment opportunities which would be more attractive to the market than this particular site which is evident from the marketing undertaken.

The character of the area is becoming more residential in nature and the proposed residential use would be acceptable on this site from an amenity perspective as a result of the implementation of the suggested noise mitigation measures.

An appropriate access point to site from Halton Road would be achieved as well as an appropriate level of car parking.

The residential layout proposed demonstrates sufficient separation for both light and privacy and each property would have an appropriate amount of private amenity space.

The proposal is considered to be of an appropriate design with active frontages provided to Halton Road and also within the scheme. The elevations indicate a mix of materials to add interest and result in well-designed properties.

The application is recommended for approval subject to conditions.

8. RECOMMENDATION

Grant planning permission subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space:

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Implementation of Proposed Site Levels (Policy BE1)
4. Submission of Facing Materials (Policies BE1 and BE2)
5. Submission of Soft Landscaping Scheme and subsequent maintenance (Policy BE1)
6. Implementation of Submitted Boundary Treatments Scheme and subsequent maintenance (Policy BE1)
7. Breeding Birds Protection – (Policy GE21 and Policy CS20)
8. Submission of a Bat and Bird Boxes Scheme – (Policy GE21 and Policy CS20)
9. Removal by hand of potential bat roosts – (Policy GE21 and Policy CS20)
10. Submission of an Information Leaflet for new residents regarding access to natural greenspace – (Policy GE21 and Policy CS20)
11. Submission of Method Statement – Invasive Species – (Policy GE21 and Policy CS20)
12. Submission of Validation – Invasive Species – (Policy GE21 and Policy CS20)
13. Hours of Construction – (Policy BE1)
14. Electric Vehicle Charging Points Scheme (Policy CS19)
15. Implementation of Noise Mitigation Measures – (Policy PR8)
16. Ground Contamination - (Policy PR14 and Policy CS23)
17. Off Site Highway Works – (Policy BE1)
18. Provision & Retention of Parking and Servicing for Residential Development – (Policy BE1 and TP12)
19. Submission of a Cycle Parking Scheme for the Apartments – (Policy BE1 and TP6)
20. Implementation of Submitted Drainage Strategy – (Policy PR16 and Policy CS23)
21. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
22. Waste Audit (Policy WM8)

Informatives

1. Considerate Constructor Scheme Informative.
2. Cadent Gas Informative.
3. Bridgewater Canal Company Informative.

10. BACKGROUND PAPERS

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway,

Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

11. SUSTAINABILITY STATEMENT

As required by:

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

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

Appendix 1 – Full Consultation Responses.

1.1 Highways and Transportation Development Control

In general terms the principle of a residential development on the site is acceptable.

The transport statement submitted in support of the application is considered suitable in terms of impact of the residential proposal. We would question the trip generation in that we consider it to be low but, for a development of this scale the discrepancy is not consider large enough to result in a negative impact on the capacity of the existing junction.

The applicant has now addressed the Highway Officers previous concerns with regards loss of existing parking that is linked to the adjacent business by including a new car parking area and access to the business on the latest plans. These provisions should be constructed and available for use prior to commencement of works associated with the housing including groundworks.

The site is considered to have good access to sustainable modes of travel and is within walking distance of local amenities.

For clarity layout the Highway Officers comments are based on drawing number 1902-25 E.

Although the majority of the Highway Officers previous observations have been addressed within the latest plans there are still some concerns with regards to layout of driveways that could result in issues during the Highway Adoption process. These issues mainly sit around between proposed Highway and demised properties, and concern levels at the interface and need to meet building regulations.

With regards to the North of the site it is considered to represent over intensification with, in the Highway Officers opinion, too many residents utilising the private driveway and parking court.

These points however do not result in a Highway Objection as there is no severe Highway Safety or Capacity impact generated by the development.

Provision should be made to encourage the use of electric vehicles has been made to an acceptable number of dwellings which is welcomed. Submission and approval of detail for type of equipment should be a pre-occupation condition.

Halton Road is a busy classified road and therefore we would recommend that a full construction management plan should be submitted prior to commencement of works. All construction related vehicle parking should be accommodated on site and deliveries to site be suitably managed. Wheelwash facilities and a road sweeper regime should be provided as appropriate, with winter management/gritting plan. Details of how underground services will be dealt with should also be included.

1.2 Lead Local Flood Authority

OBSERVATIONS RECEIVED 09/03/2020

After reviewing 20/00028/FUL planning application the LLFA has found the following:

- The site is 0.56ha, it is a mixed use brownfield site occupied by The Canal Walks, a club and function rooms and its associated car parking
- The proposed development is for demolition of existing building and development comprising 28 no. dwellings with associated access and ancillary development. This is considered 'More Vulnerable' development by PPG. The development would increase the hardstanding area currently on site.
- The applicant has provided the following documents as a Flood Risk assessment for the site 'OTH_halton_road_fra_redacted.pdf' and 'OTH_flood risk map for planning.pdf'. These show the site lies within Fluvial Flood Zone 1.
- The documents show the closest watercourse to the site is the Bridgewater Canal which extends along the northern site boundary. The document 'OTH_halton_road_fra_redacted.pdf' states the risk of onsite flooding associated with these features is very low.
- The document 'OTH_halton_road_fra_redacted.pdf' states there are no areas nearby which are utilised for flood storage or defence within 250m of the site, the site has a limited potential for groundwater at surface level and the site is not located in in a Source Protection Zone.
- The document 'OTH_halton_road_fra_redacted.pdf' presents a Groundsure report which shows a low to significant risk of Surface Water Flooding affecting the study site. The document does not reference the Environment Agency Long Term Flood Risk Maps which show the site to have a medium to low Surface Water Flood Risk.

- The document 'OTH_halton_road_fra_redacted.pdf' does not consider treatment of current and future Surface Water Flood Risk with relation to the proposed development as recommended by the LLFA in the pre-application advice dated 15/10/2019.
- The document 'OTH_halton_road_fra_redacted.pdf' shows the proposed development to increase the hard standing on site by approximately 1000m², effectively reducing the permeable area on site by half and increasing the percentage run-off on site from 54% to 69%.
- Surface water run-off rates have been calculated for pre-development, post-development, post-development minus 20% flow and Greenfield scenarios for a variety of return periods. It is unclear from the flood risk assessment what value % increase is being used for Climate Change return period within the runoff calculations provided.
- The applicant has provided a Drainage Strategy documents for the site 'OTH_DRAINAGE STATEMENT.pdf' and 'PLAN_D100 Main Plan Prelim drainage layout.pdf'.
- The document 'OTH_DRAINAGE STATEMENT.pdf' indicates the applicant plans to discharge foul drainage from the site to the existing 225mm diameter foul sewer from the site that connects to the existing adopted 450mm diameter combined sewer to the north east of the site. The drainage statement states United Utilities have confirmed the foul drainage can be discharged at an unrestricted rate at this location and the new foul sewers on site will be covered by a section 104 agreement. Evidence of this correspondence has not been provided to the LLFA.
- The document 'OTH_DRAINAGE STATEMENT.pdf' states the following with regard to the drainage hierarchy being applied on site:
 - o Soakaways/ Infiltration – Soakaways tests have been carried out on site and are reported in document 'OTH_halton_road_pii_report_redacted.pdf'. The conclusion does '*not recommend soakaways due the ground conditions being unsuitable*'.
 - o Watercourse / Ditches – '*There are no watercourses or ditches adjacent to the site.*' The LLFA disagrees with this statement as the flood risk assessment clearly details the Bridgewater Canal extends along the northern site boundary.
 - o Surface Water / Combined Sewers – '*The site was previously occupied by "The Canal Walk Social Club", the existing on site drainage system is combined and directly discharges to the adopted combined 450mm diameter sewer... There are no surface water sewers or watercourses or ditches abutting the site*'.

Based on the above the LLFA considers the applicant has not adequately assessed the site with regards to the drainage hierarchy.

- The Drainage Statement states '*the site should be restricted to a pass forward rate of 39.04l/s. The extra over discharge ... to be stored on site in oversized pipes, with the discharge being controlled by use of a hydrobrake in the last manhole, before connecting into the existing combined drainage system. It is proposed that the, on site, surface water system is covered by a section 104 agreement with United Utilities.*' As mentioned in the pre-application advice dated 15/10/2019 by the LLFA, detailed consideration of the hierarchy will need to be demonstrated in supporting documentation and it should be noted that United Utilities also apply this strictly. The LLFA do not consider consideration

of the hierarchy has been adequately demonstrated and would note United Utilities is unlikely to enter into a Section 104 agreement without the applicant doing so.

- With regard to the 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided the LLFA would like to comment the current layout shows development is proposed within 8m of a watercourse, this would require consultation with the LLFA as detailed in the pre-application advice dated 15/10/2019 by the LLFA. This has not been undertaken.
- The 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided shows the diameter of the main foul drain through the site as 150mm. The LLFA would request the applicant to consider if this is suitable to service the proposed 28 properties and provide evidence that it has been sized appropriately.
- The 'PLAN_D100 Main Plan Prelim drainage layout.pdf' provided shows a council drain with easement extending along the eastern site boundary. The LLFA holds no details of this drain, the flood risk assessment nor does the drainage statement make reference to the drain. Therefore the LLFA requests the applicant provide further detail regarding this drain.

The applicant has not provided sufficient evidence for the LLFA to consider the hierarchy has been adequately considered. The applicant has not followed LLFA advice dated 15/10/2019 regarding the drainage hierarchy, development within 8m of watercourse and consideration and treatment of current and future Surface Water Flood Risk with relation to the proposed development. The LLFA would therefore object to the application as proposed and would recommend the applicant review the documents submitted with regard to the LLFA comments above and address them.

OBSERVATIONS RECEIVED 01/09/2020

After looking at the updated drawings, I'm happy that I don't need anything further.

1.3 Contaminated Land Officer

I've reviewed the submitted preliminary risk assessment, site investigation and detailed risk assessment documents.

- Phase 1 desk study report for land off Halton Road, ref CCG-C-10-11257, CC Geotechnical Ltd, September 2019
- Phase II geoenvironmental report for land off Halton Road, ref CCG-C-19-11258, CC Geotechnical Ltd, October 2019

Broadly, I am satisfied that the site has been adequately investigated and characterised in terms of risks posed by contamination. Site remediation is recommended to address the contamination identified in the near surface soils, by use of a soil cover system, and ground gas protection measures are also recommended. I suspect that a reconsideration of the ground gas data could reduce the risk rating and minimise the protection measures (but this would need to be a recommendation from the applicant's consultant).

Therefore, I don't have any objection to the application, but would require a condition covering unexpected contamination encountered during the development phase, a remedial strategy and verification reporting.

1.4 Environmental Protection

Environmental Health has considered this application in relation to noise. There are 3 noise sources that could potentially cause disturbance to future residents:

- 1- Traffic on Halton Road
- 2- Traffic on the Expressway
- 3- The energy plant that has planning permission, adjacent the development.

The applicant has employed the services of a noise consultant to assess the potential impact of the above on the proposed residential units. The consultant has calculated the gardens and internal noise levels across the site and compared them to the standards in BS8233:2014.

Traffic on Halton Road.

The consultant has proposed a 1.8m acoustic fence which will reduce the daytime levels in the habitable areas so that they are in line with BS8233:2014 standards, with the windows open.

Traffic noise from the Expressway

The standards in BS8233:2014 cannot be met in the bedrooms. Although the exceedance of the standard is minimal, trickle vents should be fitted to the double glazed units to ensure that residents have the option to keep windows closed, should they choose, to ensure a suitable noise environment can be achieved.

Energy Plant

The energy plant has planning consent on the plot of the land to the east of the site, although no construction has started on this site to date. There is noise associated with this type of plant and some mitigation was achieved during the planning process for the development. Noise from the plant will however be audible at the properties proposed by this development.

To mitigate against the noise impact from the plant its operating hours have been restricted to 07:00-23:00 hours, therefore it will not impact the housing development at night. This is a material consideration in determining the current application.

Noise during the day will impact this residential development. The acoustic consultant has proposed a 3m barrier along the eastern boundary which will reduce the daytime noise levels from the noise sources at a low level. It cannot however mitigate noise from the stack, which is significantly taller than the barrier. The acoustic consultant has demonstrated that although the noise will be audible to future residents in their gardens and with windows open the levels should still fall within the BS8233:2014 standards for habitable rooms and gardens.

The acoustic consultant further points out that the energy plant is only intended for peak hour energy usage, and therefore the hours of use will be restricted to peak day and evening times. The initial calculations were based on the plant operating for 16 hours from 07:00-23:00 hours, and so are based on a worst case scenario. The reality is that the plant is unlikely to operate for this length of time. By reducing the number of hours for which it operates the acoustic average over 16 hours also reduces, further reducing the internal levels.

Conclusion

Whilst Environmental Health has had concerns regarding the impact of the potential future use of the adjacent site on the proposed housing development, the acoustic report demonstrates that this impact can be reduced to an acceptable level with the inclusion of the proposed mitigation measures.

Therefore Environmental Health would have no objection to the application subject to the conditions included in any planning consent granted that achieve the following:

- 1- A 1.8m close boarded fence to be constructed adjacent the properties closest to Halton Road.
- 2- The bedrooms to the 6 apartments shall be provided with standard double glazed units and trickle vents to allow adequate ventilation with windows closed.
- 3- A 3 metre acoustic barrier to be constructed along the eastern boundary of the site adjacent the site.
- 4- I would ask that the applicant provide the details of points 1-3 prior to commencement of the development.

1.5 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

OBSERVATIONS RECEIVED 07/02/2020

Having reviewed the application and supporting documentation, our advice is set out below in two parts.

- Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
- Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
- Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 16, while Part Two comprises paragraphs 17 to 19.

Part One

Habitats Regulations

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

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

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

- The development site is within walking distance of the Mersey Estuary. Evidence shows that approximately 3-3.5km is a standard requirement for dog walking. At 1.7km from the European sites, the development site is within the 5km ZoI (Liley *et al* 2017¹) from where the majority of recreational pressure occurs. However, the estuary is largely inaccessible from the Runcorn area due to the Manchester Ship Canal;
- SANG at Bridgewater canal, Wigg Island and Stenhills Open Space LWS are both closer and more accessible than the coast for regular walkers and dog walkers living at the development;
- Runcorn Sands and Astmoor Saltmarsh WeBS core count area is located 350m north along the southern banks of the estuary and forms functionally linked land for the Mersey Estuary European sites. Other than potential informal access at limited places on Wigg Island, the estuary is not accessible to the public due to the Manchester Ship Canal.

Ecological Information

The applicant has submitted an Ecological Scoping Survey report in accordance with Local Plan policy CS20 (*Ecological Scoping Survey- Land at Halton Road, Runcorn, Mulberry, 10th December 2019*) which meets BS 42020:2013. I advise the report is accepted.

Designated Sites

The development site is close to the following designated sites and Core Strategy policy CS20 applies:

- Stenhills Open Space LWS;
- Wigg Island LNR & LWS;

¹ Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) *Recreational Activity and Interactions with Birds within the SSSIs on the North-West Coast of England*. Footprint Ecology / Natural England.

- Upper Mersey Estuary Intertidal Areas LWS;

On this occasion, the development is unlikely to harm the features for which the sites have been designated:

- Stenhills Open Space LWS is located across Halton Road and beyond an active residential construction site. These barriers mean construction impacts from this development will not be significant;
- The remaining LWSs are at least 450m to the north and separated by Astmoor Industrial Estate and the Daresbury Expressway. I do not therefore anticipate any connectivity or construction impacts from the proposal;
- Residents from the proposed development are likely to recreationally use Stenhills Open Space and Wigg Island LNR and LWS sites. These sites are already subject to regular human recreational disturbance but the proposal of 28 dwellings will not lead to a significant increase in recreational use of these sites alone;
- Wigg Island LWS is already subject to regular recreational disturbance, with formal pathways aimed at limiting trampling of on-site habitats. There is no formal access to the intertidal zone and saltmarsh and estuary habitats for walker and dog walkers and the site contains a visitor centre and has a strong volunteer presence on hand to maintain the site. Bridgewater canal is immediately adjacent to the development site and provides direct recreational access via a footbridge along Halton Road. This will reduce the frequency of visitation of other SANG and I advise the proposal can be discounted from in-combination recreational pressure impacts.

Bats

Emergence and re-entry bat survey is required **prior to determination**. Bats are protected species and Core Strategy policy CS20 applies. Protected Species are a material consideration.

The survey and report are essential to determine if bats are present. If present the Local Planning Authority is required to assess the proposals against the three tests (Habitats Regulations) and determine whether an EPS licence is likely to be granted. Surveys must follow Standing Advice and best practice guidance². Any deviation from these guidelines must be fully justified. The applicant should note that timing for this survey is May to August inclusive.

Breeding birds

Vegetation on site may provide nesting opportunities for breeding birds, which are protected and Core Strategy policy CS20 applies. The following planning condition is required, which can be included as part of a CEMP.

CONDITION

² Collins J (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, Bat Conservation Trust ISBN-13: 978-1-872745-96-1

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

Invasive species

Japanese knotweed and cotoneaster are present within the site boundary. These plant species are listed on Schedule 9 of the Wildlife and Countryside Act and national Planning Policy Guidance applies³. The applicant should submit a method statement, prepared by a competent person, which includes the following information:

- A plan showing the extent of the plants;
- The methods that will be used to prevent the plant/s spreading further, including demarcation;
- The methods of control that will be used, including details of post-control monitoring; and
- How the plants will be disposed of after treatment/removal.

The method statement should be submitted for approval to the Local Planning Authority prior to commencement of any works on site. The method statement can be secured by a suitably worded planning condition.

For Japanese knotweed only

A validation report is then required confirming the remediation treatment carried out and that the site has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a suitably worded planning condition.

Waste

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

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition. The details required within the waste audit or similar mechanism is provided in Part Two paragraph 18.

Information to comply with policy WM8 could be integrated into a Construction Environment Management Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of

³ <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

construction on-site to improve resource efficiency and minimise environmental impacts. Any protection measures to the Bridgewater canal can also be included within the CEMP.

Part Two

Waste Local Plan policy WM8

A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (nPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
- <https://www.gov.uk/guidance/waste>
- <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8983

Biodiversity Enhancements

In line with paragraph 4.2 of the submitted Ecological Scoping Survey report, Core Strategy policy CS20, NPPF paragraph 175 and the NERC biodiversity duty I advise that of integral bat and bird nesting boxes affixed to new dwellings should be provided on site and that landscaping should incorporate native tree and shrub species.

OBSERVATIONS RECEIVED 22/05/2020

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this planning application. This advice relates to ecological appraisal submitted by the applicant (bats) and response to consultation with Natural England regarding Habitats Regulations Assessment (recreational pressure).

2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
 - Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.
 - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in Part One with regards to Habitats Regulations Assessment.

In this case Part One comprises paragraphs 3 to 12.

Part One

Habitats Regulations

3. The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 and Core Strategy policy CS20 applies:
 - Mersey Narrows and North Wirral Foreshore SPA;
 - Mersey Narrows and North Wirral Foreshore Ramsar site;
 - Dee Estuary SAC;
 - Dee Estuary SPA;
 - Dee Estuary Ramsar site;
 - Mersey Estuary SPA;
 - Mersey Estuary Ramsar site;
 - Liverpool Bay SPA
4. Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy policy CS20 applies. I attach a Habitats Regulations Assessment report (Table 1 of Appendix) which concludes that there are no likely significant effects. The outcome of the Habitats Regulations Assessment report must be included within the Planning Committee/Delegated Report to show how the Council has engaged with the requirements of the Habitats Directive.
5. However, as a measure of good practice, and as a precaution only, the applicant should produce an information leaflet for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace

(SANG) away from the coast. This can be secured by a suitably worded planning condition.

SSSIs

6. Impacts to the Dee Estuary, Mersey Estuary and Mersey Narrows SSSIs have been included within the assessment in Table 1 of the Appendix as the qualifying features for the SSSIs and their corresponding European sites are essentially the same or are not significantly different to require separate assessment.

Bats

7. The applicant has submitted a letter containing the results of a single bat emergence survey (Richard Roe (Mulberry Ltd), letter to Dave (surname unspecified), 6th May 2020- *Bat Emergence Survey- Canal Walk Clubhouse, Halton Road, Runcorn, WA7 5QS*). The letter and survey are accepted.
8. The Bat Emergence Survey letter states that no evidence of bat use, or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).
9. The letter recommends careful removal by hand of potential roost features and I agree due to the location adjacent to the suitable bat habitat along the canal and frequent bat activity observed during survey. This can be secured by a suitably worded planning condition accompanied by the following informative comment:
10. **The applicant, their advisers and contractors should be made aware that if any bats are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.**

Bat boxes

11. The report categorises the clubhouse building as having low suitability for roosting bats and this habitat will be lost to facilitate development. To compensate for this loss, I advise details of bat boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site be provided to the Local Planning Authority for agreement. This is in line with recommendations in the Bat Emergence Report letter commissioned by the applicant and can be secured by the following planning condition:

CONDITION

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

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Daniel Finegan
Ecologist

**Appendix: Habitats Regulations Assessment
(Source-Pathway-Receptor table)
20/00028/FUL
Canal Walks Site Halton Road Runcorn WA7 5QS**

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

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

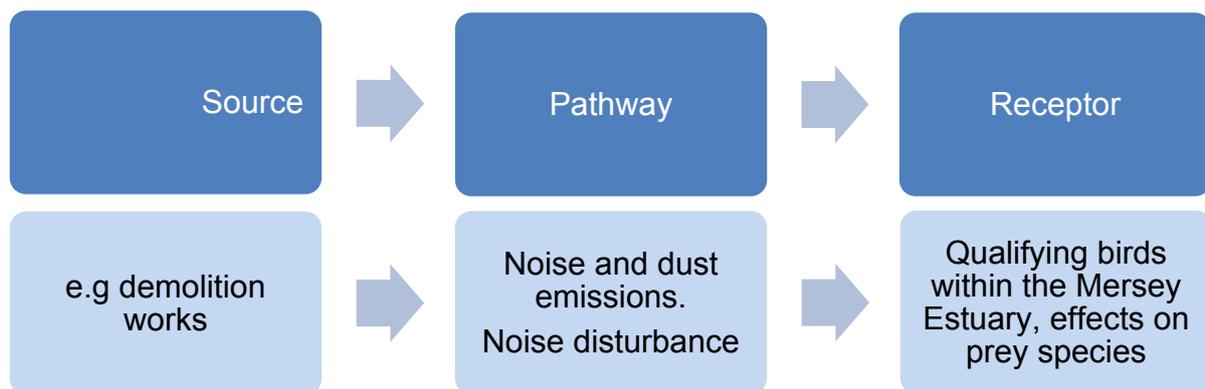


Figure 1 – Source-Pathway-Receptor Model

Source	Pathway	Receptor	Likely Significant Effects?
Site construction	Loss and degradation of habitat through direct land	Qualifying habitats and species of the	The proposals are situated

<p>- habitat loss</p>	<p>take.</p>	<p>Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>approximately 1.7km from the Mersey Estuary SPA and Ramsar sites, as the nearest European sites. The proposal will not result in direct land take. The application site is not functionally-linked to the European sites, the nearest suitable habitat being coastal mudflats 500m north of the site, with a WeBS⁴ core count area established at around that location. However, the development site and coast are separated by barriers in the form of the Bridgewater canal, Bridgewater Expressway, Manchester ship canal and Wigg Island. The proposals will not, therefore, result in direct loss of functionally linked land. No likely significant effects</p>
<p>Site construction - noise and visual disturbance</p>	<p>Noise and visual disturbance to qualifying species from construction related activities such as piling works, diesel vehicle noise and human movement.</p>	<p>Qualifying species of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>Construction-related noise and visual disturbance (e.g. earth works, piling and foundations) can affect qualifying species. Runcorn Sands and Astmoor Saltmarsh WeBS core count area is located 350m north along the southern banks of the estuary and forms functionally linked land for the Mersey Estuary European sites. The development will be</p>

⁴ Wetland Bird Survey- <https://www.bto.org/>

			<p>subject to a Construction and Environmental Management Plan (CEMP) which contains embedded mitigation measures designed to construction-related reduce noise pollution. In addition, the development site and coast are separated by barriers in the form of Bridgewater canal, Bridgewater Expressway, industrial premises and tall tree lines along Astmoor Road, the Manchester ship canal and Wigg Island which are likely to greatly reduce impacts and the proposals will not, therefore, result in significant noise and visual disturbance of qualifying bird species on functionally linked land. No likely significant effects.</p>
<p>Site construction - transfer of construction related pollutants</p>	<p>Transfer of dust and construction-related pollutants</p>	<p>Qualifying habitats and species (and functionally-linked land) of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>The development will be subject to a Construction and Environmental Management Plan (CEMP) which contains embedded mitigation measures designed to construction-related pollution. This will ensure construction-related pollutants do not travel a significant distance beyond the site boundary.</p> <p>The Bridgewater</p>

			<p>canal, which is located at the northern boundary, lacks hydrological connectivity with the European sites. Measures to prevent pollution into the canal are included within the project design.</p> <p>Due to the distance which separates the application site from the European sites, and barriers in the form of two canals, a busy Expressway and industrial large industrial premises, the transfer of construction-related pollutants into the designated areas or functionally-linked land during the works is highly unlikely. No likely significant effects</p>
<p>Operational phase - recreational pressure</p>	<p>Loss and degradation of habitats and displacement of qualifying species due to increased visitor numbers</p>	<p>Qualifying habitats and species (and functionally-linked land) of the Dee Estuary SAC, Liverpool Bay SPA and Dee Estuary, Mersey Estuary and Mersey Narrows and North Wirral Foreshore SPA and Ramsar sites.</p>	<p>The development for 28 houses is not a significant increase upon the baseline in Runcorn or areas surrounding the European sites. Recreational pressure impacts from the development alone can be determined as contributing no likely significant effects.</p> <p>The HRA of the Core Strategy has identified the potential for in-combination recreational pressure effects on European sites. The</p>

			<p>development site is within walking distance of the Mersey Estuary. Evidence shows that approximately 3-3.5km is a standard requirement for dog walking. At 1.7km from the Mersey Estuary, the development site is within the 5km Zol (Liley <i>et al</i> 2017⁵) from where most recreational pressure occurs. However, the estuary is almost entirely inaccessible from the Runcorn area due to the Manchester Ship Canal. More accessible areas of the Mersey Estuary exist north of the river, such as Lighthouse Road (8km by car) in Hale, provide informal access but are unlikely to be frequently visited by residents in Runcorn due to the toll bridge and travel distance.</p> <p>The development is located over 20km from Dee Estuary, Liverpool Bay and Mersey Narrows & North Wirral Foreshore European sites, even more so when driving distances are considered. Liley states that developments located over 10km from the</p>
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⁵ Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) *Recreational Activity and Interactions with Birds in the Mersey Estuary on the North-West Coast of England*. Footprint Ecology / Natural England.

			<p>coast are not significant due to the infrequency of visitation. As a result, I advise that the development can be discounted from in-combination recreational pressure impacts due to the unique location and the lack of coastal access or distance to European sites. No likely significant effects</p>
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Conclusion of Test of Likely Significant Effects

The test of likely significant effects in Table 1 demonstrates that the proposed development would be unlikely to have significant effects on European sites and Appropriate Assessment is therefore not required.

However, as a measure of good practice, and as a precaution only, the applicant will produce an information leaflet for inclusion within the sales pack for new residents. This will include information on the nearby Mersey Estuary European sites, responsible user guidelines for walkers/dog walkers when accessing coastal areas and will highlight local suitable alternative natural greenspace (SANG) away from the coast. This can be secured by a suitably worded planning condition.

1.6 Natural England

OBSERVATIONS RECEIVED 04/02/2020

Habitat Regulations Assessment (HRA) Screening required

For residential development in this area, proportionate assessment of recreational disturbance impacts on the coastal designated sites resulting from the development is required via the Screening stage of the Habitats Regulations Assessment, as required under the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations').

Under Regulation 63 of the Habitat Regulations the determination of likely significant effect is for the competent authority, in this case the Local Planning Authority. If your authority can be satisfied that the proposal can conclude no likely significant effects there is no further need to consult Natural England.

Where the HRA Screening cannot rule out a likely significant effect on the coastal designated sites then an Appropriate Assessment is required, of which Natural England is a statutory consultee, please consult us again at this stage.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of further comment from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

OBSERVATIONS RECEIVED 10/06/2020

Many thanks for the HRA. Having reviewed the document and noting that homeowner packs are to be secured by a planning condition we are satisfied with the conclusions on this occasion. We do however question the reference to Lighthouse Road, Hale as there are closer access points e.g. Pickering Pasture so would advise that this is referenced within the HRA for additional clarity.

1.7 Health and Safety Executive

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013]

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

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

1.8 Cadent Gas

They have advised on the constraints that exist in the vicinity of the application site. Their observations should be attached as an informative.

1.9 Bridgewater Canal Company

Thank you for consulting the Bridgewater Canal Company Limited (hereafter 'BCC') in relation to the above application. As you are aware, BCC is part of the Peel Group and owns and operates the historic Bridgewater Canal and its towpath. BCC is a Statutory Undertaker and has statutory obligations relating the repair, maintenance, operation and navigation of the Canal and its components.

Following a review of the further information, noted below, submitted to the Council by the applicant;

- 1902-023C Site Cross Sections
- D100D New Layout & D101C

BCC are now in a position to be satisfied that the proposals, as outlined on the submitted information, will have no foreseeable impact on the integrity of the Canal.

BCC notes that the removal of tree T5 is proposed as part of this submission. As outlined within our earlier representations, trees and vegetation play an important role in the ensuring the stability and longevity of the Canal. Whilst it is understood that tree T5 is located outside of the puddle stank area, we request that due care and attention be paid by the applicant when removing this tree – as covered below, BCC reserves the right to inspect any of the works within the proximity of the Canal, this is to ensure the long term protection of this historic asset.

BCC hereby removes our holding objection of 20th August 2020 and have no objection in principle to the submitted application.

Please note that the removal of our holding objection relates to the submitted information and we request that the BCC is kept informed and are able to review, comment and approve any works which may impact the integrity of the Canal before they take place. In particular, it is essential that we are consulted upon and are able to approve both the detail and methodology statements proposed for the delivery of:

- Any ground level changes and
- Any new above or below ground structures to be built and
- The use of plant and equipment within 5 metres of the canal bank

It is also imperative that the scheme maintains a 2m maintenance zone which includes the Canal's Puddle Stank and that no development will take place within 5m of the Canal. The applicant should be aware that BCC may wish to inspect any works as they take place. BCC may require restrictions on the use of any machinery, plant or additional ground loadings in proximity to the Canal.

The applicant has confirmed the provision of the method statements for BCC approval once a contractor has been appointed. We would ask that BCC's requirements be recorded as conditions or an informative on any consent that may be issued – this is to ensure that BCC is fully consulted on any further submissions made in relation to this application and any relevant condition discharge submissions. The applicant should note that BCC may wish to use their own consulting engineers to consider the detail of the proposals and to be able to recover the costs of doing so from the applicant / developer.

The Canal Setting – Bridgewater Way

Whilst we note the charitable status of the applicant, the applicant should recognise the importance of the historic Canal and its corridor, and the intention to ensure high quality urban design alongside waterfront environments; taking opportunities to increase leisure and recreational potential, while integrating with and improving the canal corridor are all objectives within the adopted Core Strategy (CS). In line with the aspirations set out in the CS and the objectives which underpin shared initiatives such as The Bridgewater Way, BCC hopes that the Council will continue to seek to ensure that new developments in the vicinity of the Canal always make the most of potential interfaces with the Canal.

New development in the locality of the Canal benefits from this asset and if planning consent is to be granted we reiterate our position that the Council should give consideration to the potential for the applicant / developer to make a contribution towards local towpath improvements. CS Policy C21 – Green Infrastructure includes reference to "... using developer contributions to facilitate improvements to the quality, connectivity and multifunctionality of the Borough's green infrastructure network." This type of approach is also endorsed in the Council's Infrastructure Plan – 2014 Review, which includes reference to securing 'Improvements to the Bridgewater Way for Leisure Use' funded by 'Section 106 contributions / Community Infrastructure Levy' in the context of 'Borough Wide Infrastructure' (table on page 97).

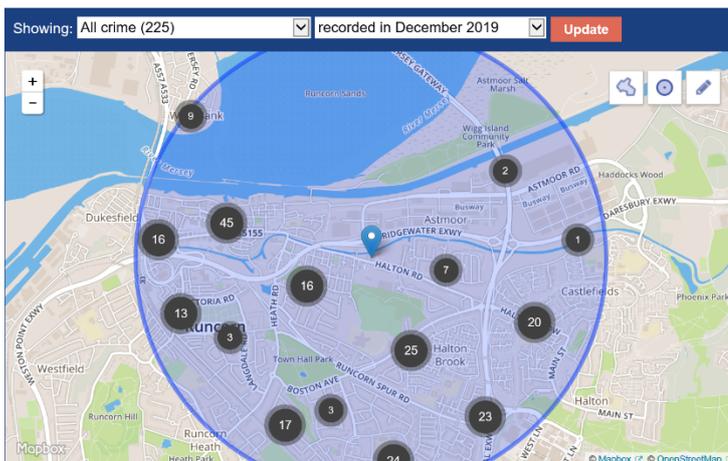
In Conclusion

Having completed our review of the submitted information, BCC has **no objection** to the principle of the development on this site. To ensure the development does not inadvertently affect the integrity of the Canal, we ask that the matters detailed above which relate to the physical relationship between the site, its development proposals and the Canal are recorded as either planning conditions or informative on any planning consent that may be granted.

BCC also suggests that the Council gives consideration to the potential to secure an appropriate and proportionate financial contribution from the applicant / developer towards the future maintenance and management of the Canal and its corridor, in line with local planning policy objectives.

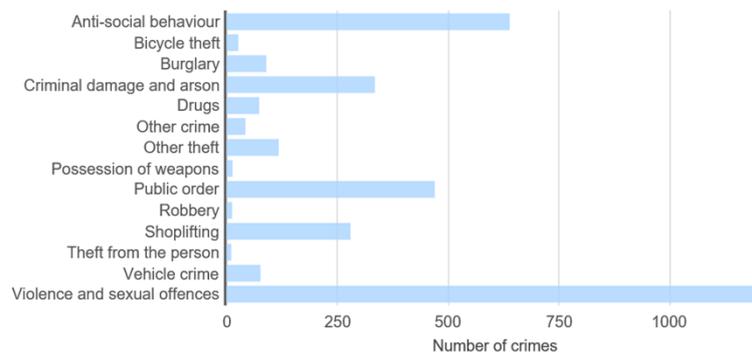
1.10 Cheshire Police

I have shown some crime statistics below:-



Crime types in the wider ward area are shown below for the previous 12 month period.

Comparison of crime types in this area between January 2019 and December 2019



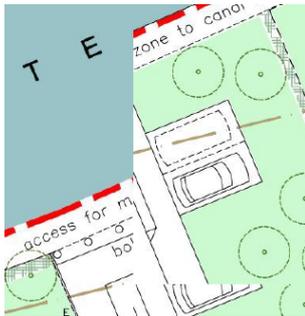
I have listed a few observations below:-

- It is good to see Secured by Design is being discussed, having previously worked with the developer I am aware they have made Secured by Design applications for similar developments. There is a slightly confusing reference in the Design and Access statement regarding doors, doors and windows should both comply to PAS 24:2016
- I appreciate the need for the bollards to access the canal bank but this does potentially mean an easy access from this area with limited natural surveillance.
- It is good to see a large number of the properties have gable windows to maximise surveillance of the in curtilage parking areas.
- The shrubbery on site needs to be well maintained to maximise natural surveillance and must allow a clear line of sight across the development.
- The lighting must comply to BS 4589-1:2013 and provide a constant uniform level of light without creating any pools or shadows.
- Care needs to be taken to ensure the staggered nature of the apartments (property type C in below section) does not limit the natural surveillance. Clarification needs to be provided as to the boundary treatment in the ambiguous green space at the front of these developments.



- It looks as if the ambiguous green space is going to be contained with low shrubbery, some form of demarcation in this area is strongly advised otherwise

the parking area (indicated in the section of plans below) could be informally expanded.



OBSERVATIONS RECEIVED 18/08/2020.

Comments for this previously sent to you on the 10/2/20 and I have since liaised directly with the architect regarding some tweaks for securing Secured by Design.

1.11 United Utilities

No objection to the proposed development subject to the attachment of conditions relating to surface water and foul water. Their full observations should be attached as an informative.