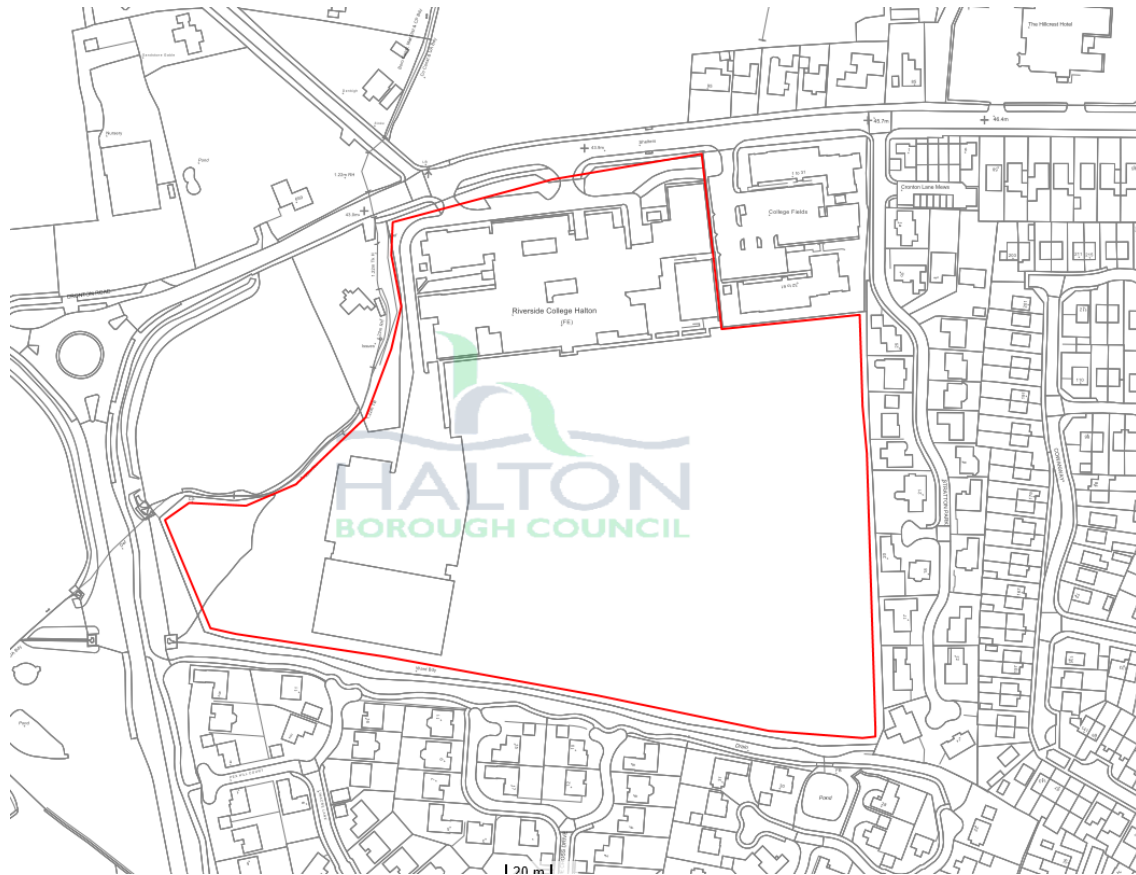


<b>APPLICATION NO:</b>	20/00488/FUL
<b>LOCATION:</b>	Widnes Sixth Form College, Cronton Lane, Widnes, Cheshire, WA8 5WA.
<b>PROPOSAL:</b>	Retrospective application for erection of a temporary two storey Portakabin building to be used as classroom accommodation. The classroom block will have linked on toilet facilities, a stair-pod for main access to the first floor and an emergency exit staircase. The development will also include a linked on Portakabin modular gym and a stand-alone music block. The application seeks a 3 year temporary planning permission.
<b>WARD:</b>	Farnworth
<b>PARISH:</b>	None
<b>AGENT (S):</b>	Mr Tom Myers, Portakabin Limited, Leeds Hire Centre, Gelderd Road, Leeds, LS12 6LZ.
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Greenspace (School Playing Fields) – Unitary Development Plan Proposals Map.
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	Representations from two contributors have been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Parking and Accessibility, External Appearance.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions.
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application is the Widnes Sixth Form College located on Cronton Lane in Widnes. The site is 5.95ha in area. The playing fields are located on the southern and eastern parts of the site. The complex of College buildings and associated parking areas are located on the northern and western parts of the site.

The site is bounded by residential development to the east and south of the site with the land to the north and west being more open in nature. The land to the north of the site on the opposite side of Cronton Lane is located within the Green Belt as designated by the Halton Unitary Development Plan. The majority of the western boundary of the site is the borough boundary with Knowsley.

The site is designated as Greenspace (School Playing Fields) on the Halton Unitary Development Plan Proposals Map.

### **1.2 Planning History**

The site has a lengthy planning history with the more recent applications being as follows:

- 13/00258/FUL - Proposed installation of two storey modular building to replace existing two storey modular building used for teaching space – Granted 16/09/2013.
- 15/00231/FUL - Proposed science laboratory extension – Granted 17/06/2015.
- 15/00583/FUL - Proposed development of 1300 square metre laboratory building and additional car parking facilities within the existing college grounds – Granted 11/02/2016.
- 17/00291/FUL - Proposed partial demolition and development of a three storey theatre building, with extension to existing brasserie, situated in the rear elevation of the building – Granted 21/08/2017.
- 20/00039/FUL - Proposed demolition, refurbishment and extension to two areas to provide 24 no. class rooms, 1no. tutorial room, 3 no. staff rooms, general store, male and female changing facilities, student WC's, staff WC and shower room, remodelled circulation spaces including new stairs and lifts and enhancements to external elevations including replacement of windows and doors – Granted 03/09/2020.

## **2. THE APPLICATION**

### **2.1 The Proposal**

Retrospective application for erection of a temporary two storey Portakabin building to be used as classroom accommodation. The classroom block will have linked on toilet facilities, a stair-pod for main access to the first floor and an emergency exit staircase. The development will also include a linked on Portakabin modular gym and a stand-alone music block. The application seeks a 3 year temporary planning permission.

### **2.2 Documentation**

The application is accompanied by a Design and Access Statement along with the planning drawings.

## **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 Greenspace (School Playing Fields) 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;
- BE18 Access to New Buildings Used by the Public;
- BE23 Temporary Buildings
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP15 Accessibility to New Development;
- TP16 Green Travel Plans;
- TP17 Safe Travel For All.

### 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;
- CS7 Infrastructure Provision;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS21 Green Infrastructure;
- CS23 Managing Pollution and Risk.

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

#### **MATERIAL CONSIDERATIONS**

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

### 3.4 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.*

## 3.5 Other Considerations

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

## **4. CONSULTATIONS**

### 4.1 Highways and Transportation Development Control

The application seeks permission for 16 new classrooms, three music rooms and gymnasium however the application states that no additional staff to be employed in conjunction with the proposal. Given the size of the temporary accommodation the Highway Authority would like some clarification of this is the case.

Following discussions earlier this year in regard to the application number 20/00039/FUL it has been agreed that a Travel Plan be prepared and assessed over a period of time with the Highway Authority. This temporary college space would be assessed within the structure of this Travel Plan. Its impact and effectiveness can be assessed in line with the aims of the plan to reduce car borne travel specifically for students living within the immediate vicinity and those for whom sustainable travel is a very real option. As such the Highway Authority are minded to approve the temporary instillation based on the capacity to assess its impact over the specified period.

No Objection subject to further clarity on staff numbers.

IT IS CLARIFIED IN THE APPLICATION FORM THAT THERE WOULD BE NO INCREASE OR DECREASE IN STAFF NUMBERS AS A RESULT OF THE PROPOSED DEVELOPMENT.

#### 4.2 Sport England

**Summary:** Sport England raises **no objection** to this application which is considered to meet Exception E4 of our adopted Playing Fields Policy, **subject to a condition requiring reinstatement** of the tennis/netball courts once the temporary permission expires.

An assessment of the proposal and wording of the condition is set out below.

#### **Sport England - Statutory Role and Policy**

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

#### **The Proposal and Impact on Playing Field**

The proposal is for the construction of portacabins for a temporary period of 3 years on the site of the tennis/netball courts. As the sports courts are immediately adjacent to the functional playing field they fall within the "whole of a site" definition of playing field set out in SI No.595. It is understood the permission is retrospective.



## **Assessment against Sport England Policy/NPPF**

Although the information describes the sports courts as disused and a car park the loss has not been justified against the exceptions contained within Sport England's Playing Fields Policy or paragraph 97 of the NPPF. As no evidence has been put forward the courts are surplus to requirements, to the local community not the current user, then Sport England Policy Exception E4 (replacement) must be applied:

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

Sport England do not object to the temporary loss of functional playing field and sports facilities as long as they are reinstated once the temporary permission expires and within 3 months of the removal of the portacabins. The reinstatement must be to a condition fit for purpose as sports courts. For that reason a reinstatement condition is required, wording set out below.

## **Conclusion**

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet Exception E4 of its Playing Fields Policy and paragraph 97(b) of the NPPF. The absence of an objection is subject



to the following condition and informative being attached to the decision notice should the local planning authority be minded to approve the application:

*Within 3 months of the date planning approval has been granted [insert date] a scheme for the removal of the portacabins and associated structures, reinstatement of the sports courts and any natural turf playing field affected by the development, and timescales for reinstatement has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The portacabin and associated structures must be removed from the site within 3 months of the expiration date of the planning approval [insert date] and reinstatement implemented in accordance with the scheme.*

*Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy [insert relevant local plan policy] and paragraph 97 of the NPPF.*

*Informative: It is recommended that a restoration scheme for playing field land is undertaken by a specialist sports construction consultant. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) and "Artificial Surfaces for Outdoor Sports" (2013).*

If you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

If your Council decides not to attach the above condition, Sport England would wish to raise an objection to this application.

**Should the local planning authority be minded to approve this application without the above condition, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.**

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any committee agendas and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

#### 4.3 Knowsley Council

##### **Highways:**

Knowsley Councils Highway's Department have no objection to the proposed development as it is anticipated that any potential issues of parking and/or by vehicles associated with the development will lie within the Halton Borough.

**Neighbour notification:**

Cronton Parish Council have also been consulted on the application and have no comments.

To summarise, Knowsley Metropolitan Borough Council raise no objection to this planning application.

## **5. REPRESENTATIONS**

5.1 The application was publicised by three site notices posted adjacent to the site on 17<sup>th</sup> September 2020, one hundred and seventeen neighbour notification letters sent on 17<sup>th</sup> September 2020 and a press advert in the Widnes and Runcorn Weekly News on 24<sup>th</sup> September 2020.

5.2 Representations from two contributors have been received from the publicity given to the application. A summary of the issues raised are below:

- These buildings are already in place and residents have not been informed;
- More traffic;
- Impact on wildlife in the adjacent woodland area;
- Removal of existing car parking at the site;
- The buildings by virtue of their length and height are not sympathetic to the character and appearance of the area;
- The Design and Access Statement is inaccurate and the reality is the loss of more parking spaces at a time where the use of public transport is not encouraged due to COVID-19;
- How many parking spaces would be lost?
- It is understood that the college do not intend to reopen a small rear gate by the tennis courts. Can this be conditioned to avoid antisocial behaviour on the Ridings estate? Any new pedestrian access should be restricted to the Queensbury Way option;
- An external staircase results in views of adjacent properties and noise pollution with the banging of the door. Measures should be put in place to ensure the quiet closing of the door. It is shown as an emergency fire exit and should be conditioned as such;
- The 3 year temporary period should commence from the date construction started rather than the date approval is given because they should have obtained planning permission before commencing the project;
- The structures should be removed completely in their entirety at the end of the 3 year period.

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The whole of the Widnes Sixth Form College site is designated as a Greenspace (School Playing Fields) in the Halton Unitary Development Plan.

Policy GE6 indicates that development will not be permitted unless it is ancillary to the enjoyment of the Greenspace or in the case of designated Greenspace in educational use, it specifically required for educational purposes, in compliance with Policy GE8.

Policy GE8 (2) states that development specifically for educational purposes will be permitted on designated greenspace in educational use provided that it would not conflict with Policy GE12.

Policy GE12 relates to the protection of outdoor playing space for formal sport and recreation. The proposed development would be within the existing complex of College buildings / existing hardstanding and would not result in the loss of outdoor playing space which is currently available to southern and eastern part of the site. Sport England have raised no objection to the proposed development subject to the implementation of a suitable reinstatement scheme following the removal of the temporary structures from the site which should be secured by condition.

It is considered that the proposed development would be ancillary to the enjoyment of the designated greenspace in education use and would not result in the loss of outdoor playing space at the College in compliance with policies GE6, GE8 and GE12 of the Halton Unitary Development Plan. The principle of having temporary accommodation at the site to coincide with the implementation of extensions and alterations which have been previously granted are considered to be acceptable in principle and would be of assistance in the enhancement of the educational offer at the College. Any harm as a result of the temporary loss of greenspace or sporting facilities is considered temporary and justified.

## 6.2 Amenity

The Widnes Sixth Form College has been operational at this site for many years and there has been residential development adjacent to the site more recently.

The temporary accommodation is sufficiently distant from the adjacent residential development with the nearest property being over 25m away. It is also noted that the temporary accommodation and the nearest residential property do not have main windows facing each other and there is a well landscaped buffer between the two. In terms of scale, the temporary buildings would be a maximum of two stories in height and their siting would ensure that residential amenity in terms of light and privacy would not be unduly compromised.

An issue regarding the use of an external staircase has been raised in the representations. It is acknowledged that the likely intention regarding its use is as a fire exit given there is also a covered staircase, however to implement

social distancing measures during the COVID-19 pandemic, like many other educational establishments, the College may have implemented a one way system hence the use of the external staircase. In any case, given the degrees of separation, relative aspects of the properties, intervening soft landscaping and the temporary nature of the development it is not considered that the use of the external staircase is so detrimental to residential amenity to justify refusal nor could a condition be attached stating that it can only be used for this purpose.

In respect of amenity, the proposal is considered to accord with Policy BE1 of the Halton Unitary Development Plan.

### 6.3 Highway Implications

The implementation of the recently granted proposed extensions at the site (application reference 20/00039/FUL) increases movement to and from the site through the creation of additional classrooms would increase the student capacity of the college by 225 students and necessitates the requirement for an additional 10 members of staff. The applicant's proposal not to add any additional parking was considered positive in the context of influencing a modal change in travel towards more sustainable choices.

The earlier application was accompanied by a Travel Plan which sought to formalise the commitments of the College to lower its carbon footprint and minimise its environmental impact. The existing investment into bus passes for students is noted as is the proposed mitigation as set out in the key deliverables in the Travel Plan which included the following:

- No new parking spaces;
- Construct two new full enclosed, access controlled & CCTV monitored cycle stores;
- All existing cycle stores to be monitored by CCTV to provide comfort for students;
- Install 5no. new electric car parking points with flexibility to install a further 5no. as demand increases as part of the Travel Plan monitoring process;
- Install new shower and changing facilities within the new sports block to encourage cycling;
- Car park pass scheme for students over 2km walk distance.

The attachment of a travel plan condition to that application ensures that the College can successfully make positive changes to the way students travel to and from the campus and that over the next five years and that these changes can be assessed through annual reporting.

The temporary college space proposed by this application would also be assessed within the structure of the Travel Plan. Its impact and effectiveness can be assessed in line with the aims of the plan to reduce car borne travel specifically for students living within the immediate vicinity and those for whom sustainable travel is a very real option. As such the Highway Officer whilst

noting the reduction in existing car parking provision that results from having the temporary accommodation located at the site is minded to raise no objection to the proposal. It is noted that this application for temporary accommodation does not look to increase the capacity of the college further and therefore should not result in additional traffic. The implementation of the Travel Plan should in fact result in less traffic through the encouragement of travel by sustainable modes. Any loss of car parking will be temporary and can be justified having regard to the wider background of the scheme.

In conclusion, the proposal is acceptable from a highway perspective in compliance with Policies BE1, TP6, TP12, TP15, TP16 and TP17 of the Halton Unitary Development Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

#### 6.4 External Appearance and Site Layout

The temporary college accommodation for which permission is sought is considered to be located in logical position within the site.

In terms of external appearance, the buildings are designed to be used for a temporary period and could be described as being functional in appearance. They are considered to be acceptable for the temporary three year period for which permission is sought. It is not considered that they appear wholly out of character with the area which would warrant the refusal of the application and are often found at educational establishments where improvements / redevelopment is taking place.

The proposed site layout is considered to be logical and allows for functionality and accessibility for all whilst also being of an appropriate design for temporary structures.

The proposal is considered to accord with Policies BE1, BE2 and BE23 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

#### 6.5 Landscaping and Trees

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

The location of the temporary accommodation on existing areas of hardstanding is not considered to be seriously detrimental to the existing trees located adjacent on the boundary of the college with the residential development to the south.

The proposal is considered to accord with Policy GE27 of the Halton Unitary Development Plan.

## 6.6 Ecology

The proposal does not have any significant ecological constraints nor is unacceptable harm to species of flora or fauna protected under national or international legislation or its habitat occurring.

The proposal is considered to be compliant with Policy GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

## 6.7 Additional issues raised in representations not addressed above

This is a retrospective application so it was not possible for the Council to have notified residents prior to the temporary buildings being sited. This retrospective application has to be considered on its merits.

It is stated that the Design and Access Statement is inaccurate and the reality is the loss of more parking spaces. The buildings exist on site and the plans accompanying the application are clear. The Highway Officer considers the impact of the proposal in terms of car parking to be acceptable. Where inaccuracies do exist they are considered minor and not to inhibit the proper consideration and determination of the application.

An adjacent resident understands that the college do not intend to reopen a small rear gate by the tennis courts and asks whether this be conditioned? The access point is established and is something that is managed by the College. It is not considered reasonable to attach a planning condition which restricts its usage as it would not meet the tests required. With regard to a new pedestrian access to Queensbury Way, improved pedestrian linkages were secured by condition on application 20/00039/FUL with the detail to be submitted.

The application seeks a 3 year temporary planning permission and needs to be determined on this basis. The granting of the application would result in a temporary 3 year time period from the point of determination. Whilst it is noted that the siting of the temporary buildings on the site without the benefit of planning permission is by no means desirable, this application would regularise the breach of planning control and they are considered acceptable for the duration sought as set out in the above assessment.

## 7. CONCLUSIONS

In conclusion, the proposal provides temporary accommodation to allow the provision of continued education at the site whilst the extensions and alterations previously granted by the Council are implemented ancillary to the enjoyment of the designated greenspace. The temporary accommodation is functional in appearance, sited in a position which is not seriously detrimental to residential amenity and does not result in any severe highway impact which would warrant the refusal of the application as concluded by Highway Officers at both Halton and Knowsley.

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

The application is recommended for approval subject to conditions.

## **8. RECOMMENDATION**

Grant planning permission subject to conditions.

## **9. CONDITIONS**

1. Time Limit – Temporary Period of 3 years.
2. Scheme for the reinstatement of the site following the expiry of the 3 year period.

## **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.