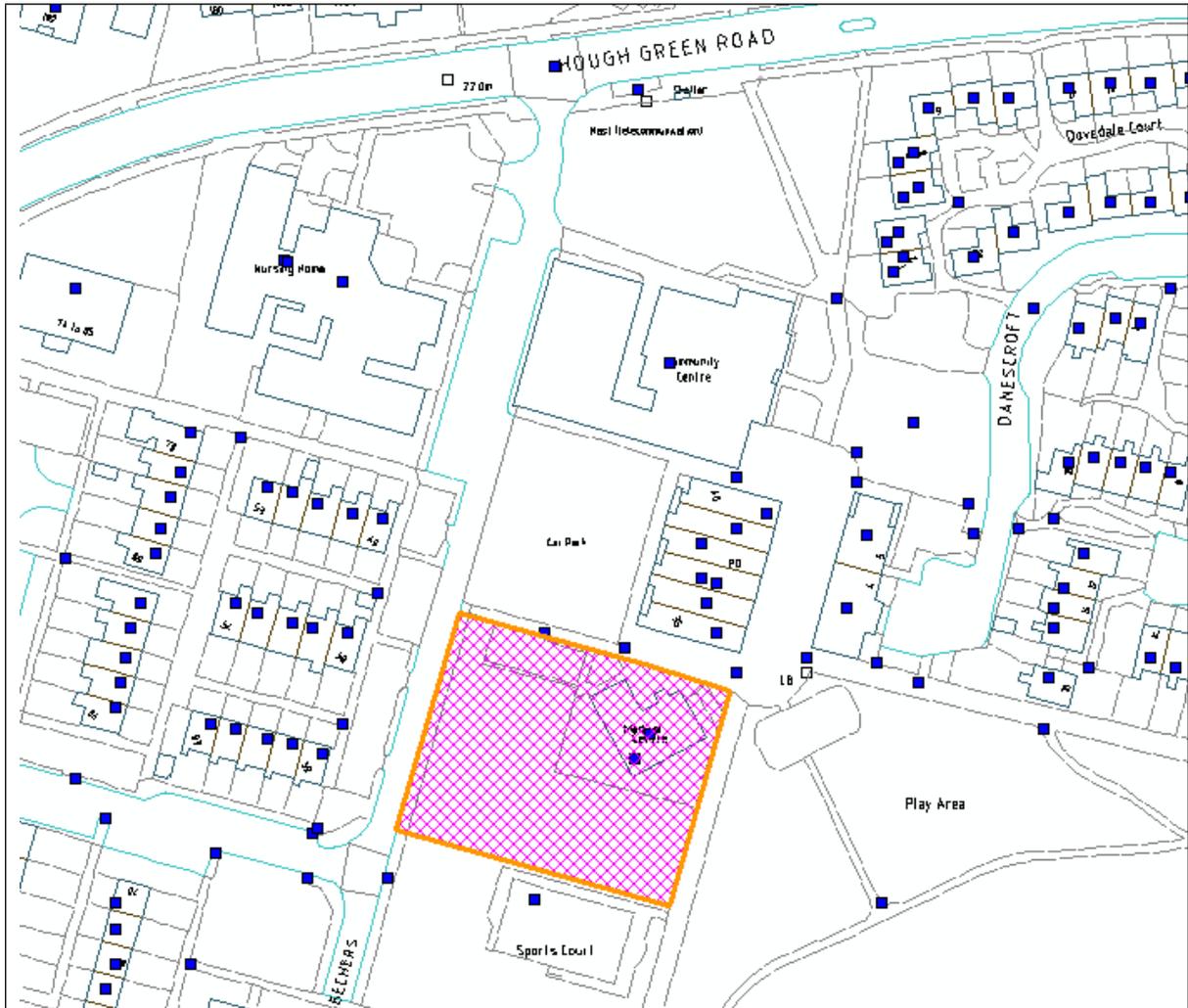


<b>APPLICATION NO:</b>	21/00059/FUL
<b>LOCATION:</b>	Former Upton Medical Centre and Adjacent Land Bechers, Widnes, Cheshire, WA8 4TE
<b>PROPOSAL:</b>	Proposed demolition of existing building and erection of 37 no. over-55 retirement living apartments and associated works including car parking, cycle parking, external bin store area and landscaping
<b>WARD:</b>	Hough Green
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Stuart McHale SEP Land and Development
<b>AGENT:</b>	Mr Steven Grimster Grimster Planning Ltd
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Housing Allocation Ref. 962 and partially designated as Primarily Residential
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	Three representations has been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Habitat Protection.
<b>RECOMMENDATION:</b>	Approve subject to conditions and S106 agreement securing of a commuted sum in lieu of on-site open space provision.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site is 0.23 hectares in area, and comprises a single storey building formally used as Upton Medical Centre and a grassed area to the side and rear. The majority of the site falls mostly within an area of allocated for housing (Ref. 692) with the existing building being within an area designated as primarily residential. To the north of the site is Upton local centre, there is an area of green space to the east, a sports court to the south, and the site is bound by the Bechers to the west. The wider surrounding area is residential.

### 1.2 Planning History

The site has the following planning history:

- 2/9229/P granted 11/20/79 for an outline application for erection of Health centre
- 2/17457/F granted 7/20/84 for a medical centre for use by general practitioners
- 2/27253/F granted 2/18/91 for the erection of metal anti vandal fence

## **2. THE APPLICATION**

### **2.1 The Proposal**

Proposed demolition of existing building and erection of 37 no. over-55 retirement living apartments and associated works including car parking, cycle parking, and external bin store area and landscaping.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a design and access statement, transport statement, phase 1 ground investigation report, drainage strategy, energy statement, bat survey report, and a site waste management plan.

## **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 2005 (UDP)**

The site is allocated for housing 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
- GE21 Species Protection
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle provision as part of new development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safer Travel for All
- H3 Provision of Recreational Green Space

#### **3.2 Halton Core Strategy 2013 (CS)**

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS13 Affordable Housing

- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

### 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 of New Development.

### **MATERIAL CONSIDERATIONS**

Below are 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.

### 3.5 Supplementary Planning Documents (SPD)

The Design of New Residential Development SPD (May 2012); Affordable Housing SPD (January 2014); and Draft Open Space SPD (October 2007).

### 3.6 Other Considerations

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

## 4. **CONSULTATIONS**

### Highways and Transportation Development Control

No objection to the proposed development, condition recommended for Electric Vehicle (EV) charging and securing the implementation and retention of the cycle store.

#### Contaminated Land Officer

No objection subject to condition.

#### Open Spaces

There are no formal tree or Nature Conservation constraints associated with the proposed development plot. The trees situated on the proposed development site are graded predominantly C and U in the supplied Arboricultural Impact Assessment (AIA) which should not be regarded as an obstacle to development. There is one grade B tree however this would not satisfy the criteria for Statutory Protection.

#### Merseyside Environmental Advisory Service – Ecology and Waste Advisor

Further bat surveys required prior to determination of the application (see below), conditions also required in relation to nesting birds, provision of bird boxes, and use of native species in landscaping scheme. There is no pathway that could result in likely significant effects on the European sites, therefore the proposals do not require a Habitats Regulations Assessment.

#### Lead Local Flood Authority (LLFA)

No objections, conditions recommended for a detailed drainage strategy including infiltration tests, that SUDs hierarchy has been followed, existing surface water runoff rates, agreement of proposed discharge rates, management and maintenance details and verification.

#### Designing Out Crime Officer - Cheshire Police

Has provided advice and recommendations relating to boundary treatments, cycle storage, standard of windows and doors, lighting and the use of audio visual door entry systems.

#### United Utilities

No objection subject to a conditions.

#### Natural England

Advise that a screening for Habitat regulations Assessment required.

### **5. REPRESENTATIONS**

Three representation have been received from the publicity given to the application.

- Loss a community building (previously been a religious centre and doctors surgery)
- Loss of green space

- Traffic already excessive in the area
- Additional noise from traffic
- Increased traffic causing additional highways safety risks
- Potential overlooking into nearby gardens

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The application site falls within an area allocated for housing on the Halton Unitary Development Plan Proposals Map (Ref. 962) and partially with an area designated as primarily residential, given that the application seeks a residential use, the proposal is considered to be acceptable in principle.

### **6.2 Design and Amenity**

The proposal is to construct a three storey building with a pitched roof to maximum height of approximately 13.4m. Whilst the pitched roof design provides for a relatively traditional appearance, the elevations would include a contrasting palette of materials (a mix of facing brick, render, and glazing) that would provide for a quality modern finish. It is recommended that approval of final building materials be approved prior to commencement.

Concerns have been raised by neighbouring residents in relation to the potential loss of privacy in their gardens caused by overlooking from the apartments. The nearest residential properties are flats located above the shops in the adjacent local centre, these are also three storey and have a blank gable on the elevation adjacent to the site, due to the orientation of their habitable room windows in relationship to the proposed apartments they would not be overlooked.

The next nearest dwelling houses are on Bechers opposite the site, these have blank gables to the side elevation. In such instances Halton's Design of New Residential Development SPD advises an interface distance of 13m plus an additional 3m as the new building would be three storey. The proposed habitable room windows would be approximately 30m away from the nearest property on Bechers, therefore significantly exceeding the above guidance, similarly the nearest garden would be a similar distance away. Furthermore, in between would be the public highway and parking areas. Therefore the proposal provides for a good standard of privacy to existing surrounding occupiers.

To the south of the application site is an existing Multi Use Games Area (MUGA). The proposed apartments have been designed so that there would be minimal windows on the adjacent gable, serving the communal stairwell and a limited number of kitchen areas. This would help to ensure minimal disruption to future occupiers of the apartments. The MUGA is also surrounded with existing ball stop fencing.

The proposed design and appearance is considered to be acceptable, it would not harm the character and appearance of the area, and would not cause loss of privacy or harm the living conditions of neighbouring occupiers. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

### 6.3 Highways and Access

The application has been submitted with a Transport Statement (TS) to support the proposal, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level. The proposed vehicle and pedestrian access will be taken from Bechers, and the submitted plans demonstrate that this will ensure suitable visibility and safe access for vehicles and pedestrians. A condition is recommended for the approval of final design/construction details.

The level of car parking is considered to be acceptable for the 37 retirement living apartments for the over 55s. However a condition is recommended to restrict the use to that which has been applied for, as open market apartments would present a different proposal that would likely generate a greater demand for parking.

The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are implemented as approved, and for the provision and a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It would not have an unacceptable impact on highway safety, and accords with Policies BE1, TP6, TP7, TP12, TP15, TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan, and the NPPF.

### 6.4 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 1 therefore a flood risk assessment is not necessary. The applicant has provided a drainage strategy that claims to clay ground beneath, the site is not suitable for drainage by infiltration, and there are no nearby water courses to connect to. Therefore the proposal is to connect to the existing surrounding sewer network.

Whilst United Utilities have no objection in principle to the submitted drainage strategy, the LLFA requires further detailed ground surveys and infiltration tests to be conducted before infiltration can be discounted, and to demonstrate that the SUDs hierarchy has been followed. Furthermore, calculations of existing surface water runoff rates are required before a discharge rate can be agreed

for the site. Therefore, the LLFA has recommended conditions for the agreement of such matters and a final drainage scheme.

Based on the above and subject to the relevant conditions 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.

### 6.5 Ground Contamination

The application is accompanied by a phase 1 ground investigation report (Ref. 14-533-R1-3 Feb 2021). This has been reviewed by the Contaminated Land Officer. No objection has been raised subject to a condition being attached which secures a detailed site investigation and, if necessary, a remediation strategy, its implementation and verification reporting to ensure that any ground contamination is dealt with appropriately.

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

### 6.6 Ecology

The applicant has submitted a preliminary bat roost assessment and ecological appraisal (Ref. CW20-066 RPT 001 Feb 2021). The bat assessment found the existing building on site to have low bat roost potential. Even with a low potential, government guidance advises that the presence (or likely absence) of protected species and the extent to which they will be affected should be determined before a planning decision is made.

Therefore, the Council's ecology advisor (MEAS) has been consulted, and has requested an emergence and re-entry or activity bat survey is required, which has to be carried out between the months of May to September. At the time of writing the applicant's ecological consultant had been instructed to carry out the further surveys.

Vegetation on site may have potential to be used as nesting sites by birds. A condition is recommended to ensure their protection. The proposed development will also result in the loss of bird breeding habitat. To mitigate for this loss, a condition is recommended for details and to secure the provision of bird nesting boxes.

MEAS also carried out a screening for Habitat Regulations and have advised that there is no pathway that could result in likely significant effects on the

European sites, therefore the proposals do not require a Habitats Regulations Assessment.

It is recommended that any associated landscaping, especially tree planting, and should be with native species, this can be addressed by planning conditions.

Subject to the applicant satisfying the above survey requirements prior to determination, and the attachment of the conditions suggested above would ensure that 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.

### 6.7 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report which identifies a number of trees within the site including a row of Cypress, Silver Birch, Hawthorne and Alder. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

The majority of trees within the site are graded as low quality (category C/U), with one Silver Birch being graded as good (Category B). Due the location of the tree and the constraints of the site all of the trees would be removed to facilitate the development. The applicant will be providing comprehensive landscaping scheme which includes suitable replacement tree planting to mitigate the loss of the trees and to ensure a quality landscaped finish to the site.

Planning conditions would ensure that a suitable landscaping scheme is secured, implemented and maintained, and that any new tree planting that is lost is replaced within a reasonable time frame.

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

### 6.8 Public and private amenity space

The requirements for the provision of public open space and 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 allotments, in this particular neighbourhood. The deficiencies

generated by the development would be met through a financial contribution in lieu of on-site provision. It is recommended that the financial contribution be secured by Section 106 agreement.

However, the submitted plans do provide for sufficient private amenity space onsite. Planning conditions will ensure that the private amenity space is adequately landscaped and maintained.

Concerns have been raised in relation to the loss of green space, however as explained above the site is allocated for housing and within a primarily residential area, it is not protected green space, and is acceptable in principle.

Based on the above, it is considered that the proposal would meet the local needs of the people living there, with regards to public open space provision and private amenity space. It would also be in compliance with Policy H3 of the Halton Unitary Development Plan.

#### 6.9 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.

In this particular instance the proposal is for 37 retirement living apartments intended. The applicant has stated on the application form that all of the proposed retirement living apartments would be for social, affordable or intermediate rent and has provided a planning and affordable housing statement with the application stating that they would be 100% affordable rented.

For the avoidance of doubt it is recommended that a condition be attached which secures the submission of an affordable housing scheme, its subsequent implementation and maintenance thereafter, in accordance with the Council's adopted Affordable Housing SPD.

Subject to the above condition, the proposal is considered to be compliant with Policy CS13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

#### 6.10 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. The applicant has provided an energy statement which concludes that the best ways for the scheme to achieve a reduction in carbon dioxide emission and save energy would be to achieve high insulating values, use of mechanical ventilation and heat recovery, and

use of solar PV panels. A condition is recommended to secure these measures.

Furthermore, the NPPF seeks to ensure that development proposals are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development. A condition is recommended to secure this.

Based on the above, the proposal is considered consistent with the requirements of Policy CS19 of the Halton Core Strategy Local Plan.

#### 6.11 Waste Management

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. The applicant has submitted sufficient information on site waste management to comply with policy WM8 of the Merseyside and Halton Joint Waste Local Plan (WLP).

The submitted site plan provides sufficient information to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The Proposed Site Plan can be secured as an Approved Drawing by a suitably worded planning condition.

#### 6.12 Designing Out Crime

The designing out crime officer (DOCO) at Cheshire Police has been consulted and has provided guidance and advice on the scheme particularly with regard to the boundary treatments and cycle storage. The applicant has taken these on board and proposes to provide defensible planting around the boundaries of the site, and has provided details of an enclosed cycle store. These can be secured through conditions.

The DOCO has also provided advice and recommendations relating to the standard of windows and doors, lighting and the use of audio visual door entry systems. It is recommended that these comments will be attached to decisions notice as an informative to the applicant.

#### 6.13 Other Matters

Concerns have been raised with regards to the loss of a community building. However, the existing building is no longer used as medical centre, and whilst it has more recently been used for religious purposes, the building is not on

the Council's list of assets of community value. Taking the above into account, and considering the benefits that would arise from the provision of this type of affordable housing, a refusal on these grounds could not be sustained.

## **7. CONCLUSIONS**

In conclusion, the proposed retirement living apartments are acceptable in principle. The overall design and appearance of the apartments is considered to be acceptable, they would respect the character and appearance of the area and fully support the high quality design standards required for new development.

The proposal provides for a good standard of living conditions for future residents, and would ensure that the amenity of existing surrounding occupiers is not harmed.

The proposed vehicle and pedestrian access from Bechers will ensure safe access, and the level of car parking is considered to be acceptable for the 37 retirement living apartments. The provision of secure cycle parking and condition to secure EV charging with provide choice of travel and support low carbon modes of transport.

The proposals are consistent with the Council's standards and complies with the design of New Residential Development SPD and Policies BE1, BE2, GE21, PR14 and H3 of the Halton UDP, as well as Policies CS18 and CS19 of the Halton Core Strategy Local Plan.

## **8. RECOMMENDATION**

That the application is approved subject to the following:

**a) The entering into a legal or other agreement relating to securing financial contributions in lieu of on-site open space provision.**

**b) Conditions relating to the following:**

1. Standard time limits condition (BE1)
2. Approved plans condition (BE1 and TP17)
3. Submission and agreement of a submission of a construction / traffic management plan which will include wheel cleansing details, hours of construction and deliveries (BE1)
4. Existing and proposed site levels ( BE1)
5. External facing materials (BE1 and BE2)
6. Conditions for landscaping, planting, management and maintenance (BE1 and BE22)
7. Breeding birds protection (GE21 and Policy CS20)
8. Bird nesting boxes scheme (GE21 and Policy CS20)
9. Electric Vehicle Charging Points Scheme (CS19)

10. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
11. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23)
12. Drainage strategy condition (PR16 and CS23)
13. Foul and surface water on a separate system (PR16 and CS23)
14. Provision of affordable housing scheme (CS13)
15. Sustainable energy scheme (CS19)
16. Restriction to use as over-55s retirement living apartments (BE1, RP12)

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

## **9. 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

## **10. 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.