

**REPORT TO:** Development Management Committee

**DATE:** 7 June 2021

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

**SUBJECT:** Planning Applications to be Determined by the Committee – AB Update List

**WARD(S):** Boroughwide

PAGE NO.	LIST A*	LIST B**	Updated Information
5	0/00544/FUL		<p><b>FURTHER LEAD LOCAL FLOOD AUTHORITY OBSERVATIONS</b></p> <p><i>After reviewing 20/00544/FUL planning application the LLFA has found the following:</i></p> <ul style="list-style-type: none"> <li>- <i>The site is approximately 0.4ha and is a brownfield site.</i></li> <li>- <i>The proposed development is for the extension and conversion of the existing depot. The land use vulnerability classification defined in Planning Practice Guidance would not change and would remain ‘Less Vulnerable’.</i></li> <li>- <i>The site is currently almost entirely impermeable and therefore the development would not increase the impermeable area of the site.</i></li> <li>- <i>The applicant has provided two drawings which show the existing and proposed drainage for the site ‘PLAN_4180 - SK05 - Existing Drainage Plan.pdf’ and ‘PLAN_4180 - SK08 - Proposed Drainage Plan.pdf’.</i> <ul style="list-style-type: none"> <li>• <i>No Assessment is made of flood risk to the proposed development.</i></li> <li>• <i>There are no proposals to reduce the runoff rate from the site or</i></li> </ul> </li> </ul>

			<p><i>divert runoff away from the public sewer.</i></p> <ul style="list-style-type: none"><li><i>• The drainage strategy does not include calculations of runoff rates or attenuation storage requirements.</i></li><li><i>• No details of correspondence with United Utilities is included.</i></li></ul> <p><i>- The LLFAs comments on the drainage strategy information provided are:</i></p> <ul style="list-style-type: none"><li><i>• The LLFA notes that the development would be classified as 'Less Vulnerable and that the location of the development within Flood Zone 1 is consistent with the NPPF.</i></li><li><i>• Evidence of infiltration testing is required before discharge to watercourse would be consented. It is noted that United Utilities will apply this strictly.</i></li><li><i>• Calculations to confirm the existing and proposed runoff rates have not been presented.</i></li></ul> <p><i>As the development is considered to be appropriate in terms of flood risk and the applicant has a clear strategy for the disposal of surface water from the site, the LLFA would recommend the following conditions should the planning authority be minded to approve on this basis:</i></p> <p><i>- No development shall take place until details of the implementation, maintenance and management of a SUDS scheme for the disposal of surface water in accordance with the SUDS hierarchy have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:</i></p> <ul style="list-style-type: none"><li><i>• Confirmation that the proposed development does not impermeable surfaces. If it does, then calculations would be required to demonstrate that the</i></li></ul>
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			<p><i>proposals would not increase surface water runoff from the site.</i></p> <ul style="list-style-type: none"> <li>• <i>Infiltration testing, to demonstrate whether soakaway drainage is feasible</i></li> <li>• <i>Justification of why more sustainable drainage cannot be included to reduce the runoff from this site is required.</i></li> <li>• <i>A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.</i></li> </ul> <p><i>- No development shall be occupied until a verification report confirming that the SUDS system and treatment system has been constructed in accordance with the approved design drawings and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:</i></p> <ul style="list-style-type: none"> <li>• <i>Evidence that the treatment plant and SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners &amp; maintainers plus information that SuDS are entered into the land deeds of the property.</i></li> <li>• <i>An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the treatment plant and the SuDS will be adopted by third party.</i></li> <li>• <i>Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.</i></li> </ul>
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			<p>Based on the observations made by the Lead Local Flood Authority, one additional condition is suggested to those set out in the report:</p> <p>16. Verification of Drainage Scheme – (Policies PR16 and CS23).</p>
22		20/00607/FUL	
34	21/00038/FUL		<p><b>The recommendation has been amended to the following:</b></p> <p>Delegated authority is requested to issue the approval subject to conditions, in consultation with the Chair and/or Vice Chair of the committee.</p> <p>This is because the applicant would like to provide further technical details with regards to contaminated land, with the aim of reducing down the information required by conditions. Officers would need to consult with the Environment Agency and the Contaminated Land Officer on such information prior to finalising the relevant conditions.</p> <p><b>Since writing the report the following consultee response has been received from the contaminated land officer:</b></p> <p><i>The application is supported by the following documents;</i></p> <ul style="list-style-type: none"> <li>• <i>Phase I Geo-Environmental Desk Study and Preliminary Risk Assessment. Devenish Nutrition. Earle Road. Widnes. Prepared by RPS. Report Ref: JER8934. Draft. V0. Date: 21st January 2021.</i></li> <li>• <i>Generic Quantitative Risk Assessment report. Devenish Nutrition Ltd. Prepared by RPS. Report Ref: IBR0645/Reports. Date: 12th November 2014</i></li> </ul> <p><i>The reports document a long and complex site history that involves and series of heavy chemical manufacturing</i></p>

			<p><i>processes, this includes the production of alkali (sodium carbonate), carbon disulphide, bleaching powders and phosphate products. The area has also been extensively tipped upon with the various waste-products of the on-site industries.</i></p> <p><i>The report references previous investigations that have identified significant contamination concentrations in both soil and groundwater, although actual data presented is limited. The preliminary risk assessment states that there are a number of possible pollutant linkages that could adversely impact the development and the wider environment, e.g. groundwater and the adjacent Bowers Brook.</i></p> <p><i>The reporting concludes that further investigation and assessment works are required to better characterise the site, to determine the level of risk posed and to formulate a suitable remediation strategy to support the development.</i></p> <p><i>Whilst there the site history and available information does suggest a significant sources of contamination are likely to be present on site, the relatively small scale and low sensitivity of the development would suggest that an acceptable remediation scheme is feasible. Therefore I do not object to the development, provided that any approval should be conditioned to require the development of a remediation strategy via further investigation and assessment. I understand that the Environment Agency have made similar comment and that they have suggested appropriate wording for a condition.</i></p>
44		21/00059/FUL	<p><b>Since writing the report comments have been received from the three Ward Councillors, these are summarised below:</b></p> <ul style="list-style-type: none"> <li>• <b>Cllr Sandra Baker</b> – objects on the grounds of loss of green space. If it can't be objected to under existing UDP</li> </ul>

policy then it must have binding conditions which restricts its use to over 55 retirement living not allowing care or other residential use.

- **Cllr Kevan Wainwright** – has raised concerns that the proposed development is in the wrong area, and that it may be subject to a change of use in the future, and no longer be just for over 55 residents. Note that there are existing problems with flats in the area.

- **Cllr Phil Harris** - Since 2019 the open grassed area within the site has been shown as designated greenspace (HE4) and the former surgery building as a community facility (HC5) in the submission Draft Delivery and Allocations Local Plan (DALP). The proposal does not accord with these policies.

He notes that he has made numerous submissions in response to the DALP consultation exercises, and that he has tried to protect this land from development by supporting its inclusion in the DALP as designated greenspace and the building as a community facility.

Cllr Harris understood that the proposal to re-designate the site from a housing allocation was because it was no longer needed to meet housing land supply, and followed an extensive evaluation of all possible sites to minimise the need to amend the green belt.

He also has concerns that if the proposed retirement living apartments for the over 55s become unviable, that they would be used as a general open market apartments, or possibly a residential care home. Therefore, would like there to be a condition that the use be restricted to retirement living apartments for the over 55s, and the submission of a scheme to identify how they would be delivered as 100% affordable.

The proposed development has shown

no regard for the open space needs of an area with high indices of deprivation and ill health. Also, the proximity to the multi-use games area, Balls are likely to go over the fence and end up in the car parking or landscaped areas of the proposed development. It is also intended to add flood lighting to this MUGA in the future.

Cllr Harris has noted that there may be a strip of land to the west of the site that may impede access.

**In response to the above comments from Ward Councillors:**

The DALP is currently still going through the examination in public, and whilst it has taken several years of preparation and consultation to get to this stage, unfortunately it still not at a sufficiently advanced stage, and it is given little weight for decision making purposes. Whereas, the adopted UDP and the sites associated status a housing allocation and primarily residential designation has to be given full weight.

The matters relating to the use for over 55s and affordable housing has been addressed in the committee report, and recommended condition 14 is for the provision of affordable housing scheme, and condition 16 is to restrict the use as over-55s retirement living apartments.

Whilst there may be some potential for balls from the adjacent MUGA to land in the site, and the proposed flood lighting is noted, the apartments themselves have been designed so that there would be minimal windows on the gable adjacent to the MUGA, to ensure minimal disruption to future occupiers. It is considered a refusal on these grounds could not be upheld.

The strip of land to the west of the site is a footway forms part of a wider network of footpaths and highway in the area. Although it has not been through any formal adoption process, because it

was constructed and is maintained by the Local Highway Authority, it is considered as adopted. This is a principle that has been established in the court of appeal case Gulliksen v Pembrokeshire County. Therefore, the applicant will not be able to construct or use any access without first obtaining formal consent from the Local Highway Authority.

**Since writing the report the following further consultee responses have been received:**

- Environmental Protection have confirmed they have no comments.

- Natural England queried the approach taken by MEAS in respect of the need for a HRA assessment having regard to the Mersey Estuary SPA/Ramsar.

- In response to the above, MEAS have updated their comments and provided an HRA Appropriate Assessment. This concluded that subject to a condition for information packs being provided to new occupiers, the proposal would not have any significant effects on the Mersey Estuary SPA/Ramsar.

MEAS have also considered, and are satisfied with the findings of the bat emergence survey report provided by the applicant, which found no evidence of bat use or presence. Therefore, the Council does not need to consider the proposals against the three tests contained in the Habitats Regulations. A condition is recommended for the provision of bat boxes.

**The following additional conditions are recommended to be added to the list contained in the officer report.**

17. Provision of information in sales/rental packs for new occupants, informing residents of the importance of the European sites, and responsible user code and the location of Suitable

			Alternative Natural Greenspaces (GE21 and Policy CS20)
			18. The provision of bat boxes (GE21 and Policy CS20)

**\* LIST A items are those items that are not considered to raise significant issues that require further explanation. Members have a full report and these items are not anticipated to initiate further discussion. List A items are considered at the start of the meeting unless a Member specifically requests that an item be moved to List B.**

**\*\* LIST B items are those items which are considered to raise more potentially significant issues, that may warrant further update, explanation, discussion or other announcement. List B items may also have speakers registered who wish to address the committee.**

### **Note:- Background Papers**

With respect to all applications to be determined by the Committee, the submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection by contacting [Dev.control@halton.gov.uk](mailto:Dev.control@halton.gov.uk) in accordance with Section 100D of the Local Government Act 1972.