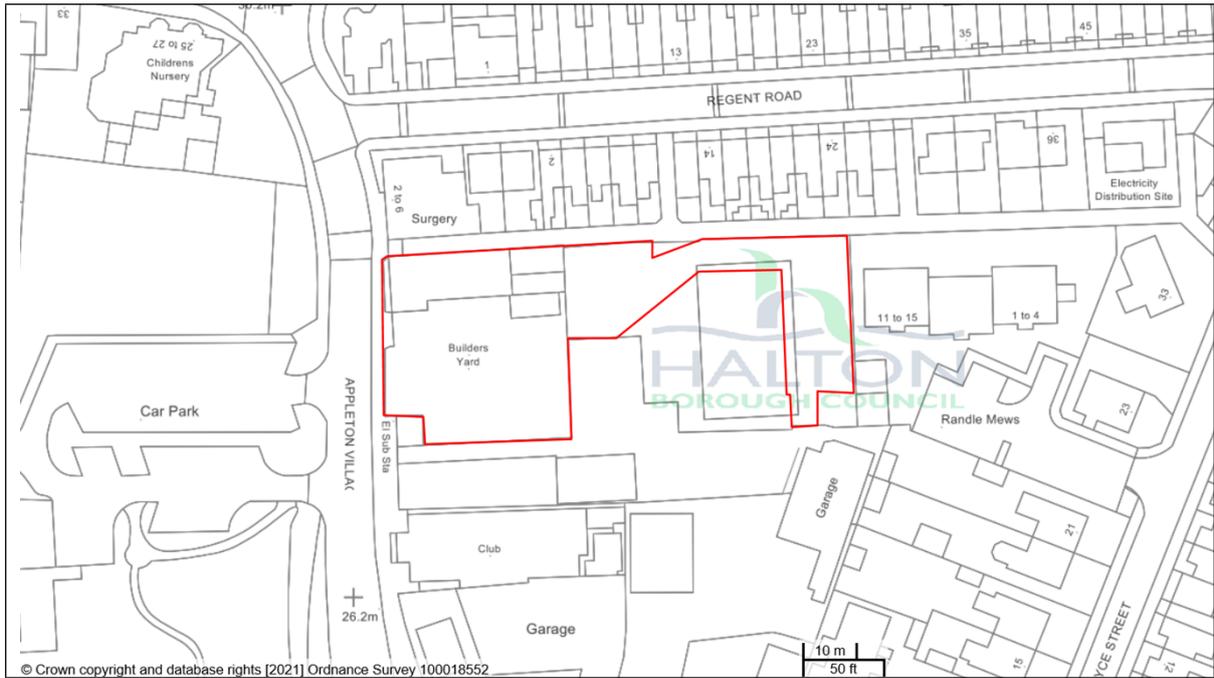


APPLICATION NO:	20/00594/FUL
LOCATION:	Appleton Village Pharmacy, Appleton Village, Widnes, Cheshire.
PROPOSAL:	Proposed demolition of existing pharmacy and construction of residential development comprising 12no. two bedroom apartments; cycle and bin storage at ground floor and commercial unit (Use Class E) at ground floor, with associated parking, landscaping and ancillary works
WARD:	Appleton
PARISH:	None
AGENT(S) / APPLICANT(S):	Constructive Thinking Studio Ltd. Mr Nasr, Appleton Village Pharmacy.
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential Area
National Planning Policy Framework (2012)	
Halton Unitary Development Plan (2005)	
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No.
REPRESENTATIONS:	One representation received from the publicity given to the application.
KEY ISSUES:	Design, Amenity, Affordable Housing, Open Space, Drainage, Access, Ground Contamination, Parking and Highway Issues.
RECOMMENDATION:	That the application is approved subject to satisfactory receipt of the outstanding Bat report and amended parking plans subject to conditions and the securing of a commuted sum in lieu of on-site open space provision and affordable housing provision.



1. APPLICATION SITE

1.1 The Site

Site of approximately 0.152 Ha in area currently occupied by Appleton Village Pharmacy and associated car parking which is located at Appleton Village, Widnes.

Land to the north and east of the site is predominantly residential development including an apartment block of 24 apartments currently nearing completion, approved by permission 17/00389/FUL, by the same developer. The application site also includes land associated with that development to allow for amendments to parking and servicing. That development will be accessed through the current application site,

Located to the west of the site is a Council car park with St Bede's Church and St Bede's RC Infant and Junior School located beyond this.

Located to the south of the site is a mix commercial buildings and uses accessed from Appleton Village and Deacon Road.

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan.

2. THE APPLICATION

2.1 The Proposal

The application proposes the demolition of an existing pharmacy building and the construction of 12no. two bedroom apartments with a commercial unit at ground floor together with associated parking, landscaping and ancillary works. The proposals also include provision for the reconfiguration of parking and associated servicing of a previously approved residential scheme to the rear of the site to maximise parking provision across both schemes. The proposed ground floor retail unit is identified as a replacement for the existing pharmacy being demolished. Whilst the application is for a commercial unit the applicant has agreed to a condition to be attached to any planning permission to restrict the use to a pharmacy and limit the area of retail floor space, open to the public, to that shown on the submitted plans. Whilst this will allow the planning authority a degree of control over the future use, it does not preclude future changes of uses being considered acceptable on their merits.

Members should also note that when the application was originally submitted, permission was sought for 13no. apartments. However, during the processing of the application, the amount of development sought has reduced in an effort to overcome officer concerns regarding design parking and servicing.

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement;
- Noise Report;
- Transport Statement;
- Site Investigation/ Remediation Reports;
- Drainage Strategy
- Tree Survey
- Bat Emergence Survey

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Primarily Residential Area in the Halton Unitary Development Plan. 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;
- GE21 Species Protection
- GE27 Protection of Trees and Woodland
- PR7 Development Near to Established Pollution Sources;
- 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 Safe Travel For All;
- TC5 Design of Retail Development;
- TC6 Out of Centre Retail Development;
- H3 Provision of Recreational Greenspace;
- H8 Non Dwelling House Uses

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS5 A Network of Centres
- CS12 Housing Mix;
- 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

3.4 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.

3.5 Supplementary Planning Documents (SPD)

- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

4. **CONSULTATIONS**

The application was advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents and landowners were notified by letter.

The following organisations were consulted and any comments received have been summarised below in the assessment section of the report:

External Consultees:

Cheshire Constabulary - Designing Out Crime Officer
Natural England

Council Services:

Highways
Lead Local Flood Authority
Contaminated Land Officer
Environmental Health Officer
Merseyside Environmental Advisory Service
Open Spaces Officer

5. **REPRESENTATIONS**

5.1 One representation from neighbours has been received from the publicity given to the application. A summary of the issues raised is below:

- Highway safety and conflict with existing school/ nursery uses
- Parking and overflow to surrounding streets

6. **ASSESSMENT**

6.1 Principle of Residential Development

The site is located within the Primarily Residential Area as designated by the Halton Unitary Development Plan. Residential development is therefore considered acceptable in principle. It is also noted that an earlier phase of development was previously approved for residential development on the rear

portion of the site (ref. 17/00389/FUL) which is nearing completion. The proposals also include provision of a commercial unit (use class A1) at ground floor following demolition of an existing pharmacy on the site. That existing pharmacy was previously approved by planning permission 13/00381/COU to “retain change of use from offices (Use class B1) to a chemist/pharmacy and new shop”. Whilst the principle of such use on the site has previously been established, that planning permission was subject to a condition restricting retail floor space to 136m². In order to secure a similar level of control it is considered reasonable to restrict the use and available retail floor space open to members of the visiting public and customers to the area currently identified on the submitted plans as detailed above.

On that basis the principle of development is considered to have been established and is acceptable in principle.

6.2 Highway Considerations

The application is accompanied by a Transport Statement. The Council’s Highways Officer has advised of the concerns/objections these are set out in full in the Committee report (July 2020 application 19/00534/FUL) on the previous application for the same development. This application was refused by the Committee on the basis of parking/ highway safety concerns.

This decision was appealed and an inspector set out the following highways considerations for the development.

“Parking provision

5. The adopted parking standards are maximum numbers of spaces and do not represent the minimum that should be achieved. Although they provide a reference for the upper number of spaces that could be expected to be required, Policy TP12 of the Halton Unitary Development Plan 2005 (UDP) advises that the appropriate level of car parking required as part of a new development will be dependent on the circumstances of that development.
6. There are three elements which affect the parking requirements in this instance, these being those associated with the proposed 12 apartments, those with the proposed new pharmacy and those with the existing 24 apartment block whose parking is interlinked with the overall parking requirements. In total, based on the amended proposal and the ratios set out by the Highway Authority, 52 spaces would be required for these three elements, whereas it is proposed that 37 spaces would be provided in total.
7. The appeal site is located within an urban area and within reasonable walking and cycling distance to both Widnes railway station and its bus interchange. This offers good connectivity not only to local destinations but also to those further afield such as Liverpool, Warrington and Manchester. There are also services and facilities in the immediate vicinity of the appeal site which could be easily accessed by means other than private motor vehicle, along with those found in Widnes town centre, which too is within a reasonable walking and cycling distance.

8. Car ownership levels in the area are shown to be 53%. Whilst the census data used in the Transport Statement is now 9 years old, I have not been made aware of any material circumstances which may lend weight to a likelihood that car ownership has significantly increased over that period. This suggests that car ownership in relation to the proposed development may not be high. Furthermore, the future occupants of the proposed apartments would be aware of the number of parking spaces available to them and would accordingly anticipate this upon purchase or lease of a property.

9. There is limited parking on the public highway close to the site but there is a public car park located on the opposite side of Appleton Village which provides some parking capacity that could be utilised by the proposed pharmacy, in addition to the fact that the appeal site is easily accessible on foot and by cycle. My attention has been drawn to the proposed reconfiguration of Appleton Village to provide a cycle route which would reduce parking capacity on the road and reduce the carriageway width. However, for the reasons I have outlined, the parking provision proposed on-site would be adequate to serve the proposed development, in the circumstances of the case.

10. Overall, given the location of the appeal site and in particular its good access to Widnes town centre, to services and facilities and to an extensive transport network, there are convenient and practical alternatives to the use of a private motor car. I also give weight to the fact that future occupants would not only be 'buying into' a development that had reduced parking availability, but that in this instance this would be adequately compensated for by the location of the site and its access to services, facilities and public transport. These factors justify a parking provision of the level that is proposed and mean that the development would not cause a conflict with the safe and efficient use of the public highway.

11. For these reasons, I conclude that the proposed development would provide an adequate parking provision and that this would not cause harm to the surrounding highway network or to highway safety. The proposal therefore accords with Policies BE1, TP12 and TP17 of the UDP where they seek to safeguard the public highway and highway safety. There would also be no conflict with the National Planning Policy Framework where it seeks to achieve the same objective."

The scheme was originally re-submitted providing provision for only 24 parking spaces. This resulted in a renewed objection from the Council's Highways Officer. The applicant has agreed to submit further amended plans to demonstrate the 37 spaces original subject of the appeal inspectors comments above. Subject to receipt of those amended plans and on the basis of the appeal inspectors comments above, it is not considered that refusal of planning permission could be sustained and therefore the proposal accords with the development plan. Members will be updated orally in this regard.

6.3 Layout

The proposed site and internal building layout has been amended in line with officer advice. The building is now considered to be appropriately located within

the site having regard to securing appropriate access and providing an active frontage to Appleton Village and the internal access road. The reduction in number of apartments and removal of ground floor apartments has resolved issues relating to providing a satisfactory outlook for future residents of the proposed building. More appropriate provision is now made within the scheme for servicing and refuse storage and collection as well as cycle storage. Appropriate separation distances are considered to be provided to existing surrounding uses securing appropriate levels of amenity for existing and future residents and uses.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that flats/apartments are required to ensure that there is a private outdoor space appropriate to the size of the development and as a guide, 50sqm per residential unit should be used. The previous phase of residential apartments to the rear of the site was designed to include a shared garden area which was deemed acceptable for use by residents of that building. It is not known whether future occupiers will be allowed use of that garden area which is in the same land ownership. Notwithstanding that, the proposed is within easy walking distance of Victoria Park and it is not considered that refusal of planning permission could be justified with respect to any shortfall in amenity space.

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.

Scale

The area is on the edge of a relatively high density residential area and there are a number of other three storey developments in this area. This includes the recently completed apartment development at St Bede's View as well as the recently constructed apartment block to the rear of the site. There is a variety of property types and styles in the locality and it is not considered that the proposed three-storey apartment block would be out of character with the area.

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

6.4 Appearance

The scheme results in a active frontage to Appleton Village including better detailing and fenestration at the upper floors. The proposed building is considered to be of a character suited to the site and wider area and will result in a significant enhancement that this part of the site contributes to the area

compared with the existing. The submission of precise external facing materials and their subsequent implementation should be secured by condition.

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.

6.5 Landscaping & Trees

There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area. There is currently no landscaping of merit on the site.

Indicative landscaping and boundary treatments details are shown on the site plan which accompanies the application. The scheme has been amended in line with officer advice to maximise the limited opportunities for planting within the scheme including to the frontage with Appleton Village.

Conditions securing the submission of a detailed landscaping scheme, including tree planting, subsequent implementation and maintenance thereafter and securing the submission of a detailed boundary treatment scheme is considered reasonable.

This would ensure compliance with Policies BE1, BE22 and GE27 of the Halton Unitary Development Plan.

6.6 Designing Out Crime

Cheshire Constabulary Designing Out Crime Officer has provided a number of comments and recommendations with the aim of improvement in terms of a secured by design perspective. The key points of that advice can be summarised as follows:

- Need for landscape maintenance
- Need for quality access control to secure areas
- Need for adequate boundary treatments

Landscape maintenance and access control are matters for the owner, boundary treatments will be secured by planning condition and security issues associated with the porch and side areas are considered to have been improved as a result of amendments to the scheme. The comments of Cheshire Constabulary can be attached to any planning permission by means of informative. The proposals do not include any detail of proposed roller shutters or other such security. It is considered that this can be restricted by condition.

6.7 Site Levels

Based on the site's topography, it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation.

This would ensure compliance with Policy BE 1 of the Halton Unitary Development Plan.

6.8 Noise

The application is accompanied by an Environmental Noise Assessment due to the proposed apartments being in a mixed use area with noise sources such as a commercial garage to the south and road traffic to the west.

The report identifies that mitigation measures are required in the form of glazing and ventilation to the windows located in living rooms and bedrooms. The Council's Environmental Health Officer has considered the application in respect of noise to future residents. They confirm that internal environment to the apartments has been appropriately assessed, taking into account the existing noise environment and that this clearly demonstrates that internal noise levels compliant with BS8233:2014 can be achieved with the windows closed, but also indicates that acceptable noise levels can be achieved with the windows open.

The proposed use has not been specified and no details of refrigeration or air conditioning units that may be associated with such uses have been provided. It is considered that such installations can be restricted by appropriately worded planning condition. The Council's Environmental Health Officer has confirmed that no objections are raised to the proposed development.

The attachment of conditions securing the implementation of the recommended noise mitigation measures and restricting external mechanical plant is considered reasonable. On this basis the proposals are considered to be compliant with Policy PR7 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.

The applicant has yet to provide a scheme which demonstrates compliance with the Council's affordable housing policy however they are prepared to accept a condition attached to a subsequent planning permission which secures such provision. It considered reasonable to enter into a legal

agreement which secures the submission of a scheme, its subsequent implementation and maintenance thereafter.

Subject to a legal agreement 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.

6.10 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.

It has been identified that there are open space deficiencies within the area across a number of open space typologies and no open space provision is proposed on-site. In the absence of any form of viability appraisal, a commuted sum in lieu of on-site provision is appropriate which can be secured by way of upfront payment or be secured by a S106 agreement.

Subject to such payment of a commuted sum in lieu of on-site provision / securing of such provision by S106 agreement, it is considered that the proposal would provide sufficient residential greenspace to meet the local needs of the people living there in compliance with Policy H3 of the Halton Unitary Development Plan.

6.11 Ecology

The Council's ecology advisor has reviewed the submitted documentation and undertaken a Habitats Regulation Assessment and an Appropriate Assessment in relation to the European sites. They have advised that a condition needs to be attached to secure the provision of a leaflet for residents to include information on nearby European Sites, responsible user guidelines for walkers/ dog walkers and highlight suitable alternative natural greenspace (SANG) away from the coast.. Natural England, who have recommended the same condition, also supports this.

The ecology advisor has also highlighted that the existing buildings on site may provide potential roost features for bats. The previous surveys are over three years old and the building's potential for roosting bats may have changed during this time. Bats are protected species and a material consideration. Local Plan policies GE21 and CS20 apply. Therefore, the applicants have been asked to provide further details to support their application in this regard. Members will be updated orally.

6.12 Ground Contamination

The application as originally submitted was accompanied by a Phase I Desk Study Report and Phase II Ground Investigation Report.

The Council's Contaminated Land Officer has reviewed these submitted documents. Whilst no objection is raised in principle, a pre-commencement condition is required to cover the submission of a remediation strategy, setting how the recommendations of the risk assessment are to be implemented as part of the scheme, and a methodology for dealing with unexpected contamination if encountered during the development. A condition requiring the pre-occupation submission of a verification report (demonstrating that the objectives of the remedial strategy have been met) will also be necessary.

The applicant has submitted a remediation strategy document, which is currently being reviewed. It is considered that any outstanding remediation strategy and/ or appropriate validation to ensure any ground contamination is dealt with appropriately can be properly secured by condition attached to any planning permission to ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

6.13 Flood Risk and Drainage

The application site is located in Flood Zone 1 but within a Critical Drainage Area a Flood Risk Assessment would be required for this development. The LLFA has advised that treatment of the current and future surface water risk will need to be considered through a drainage strategy including threshold levels/ compensatory storage etc and that consideration should also be given to any river (fluvial) risk. The drainage strategy should also demonstrate compliance with the SUDS hierarchy and appropriate discharge rates calculated for 1, 30 and 100yr flood events for use in the drainage design. In line with NPPF it is advised that this should be attenuated to greenfield rates for greenfield sites/site area, and as close as possible to greenfield rates for brownfield areas (Halton BC SFRA requires minimum 50% reduction from existing in Critical Drainage Areas, which this site lies in) with allowance made for climate change.

United Utilities have made a representation to attached a number of conditions relation to Surface Water/Foul water and SUDS.

The applicant has submitted a drainage strategy and plan which is being reviewed by the LLFA. No objection is raised in principle and it is considered that outstanding issues can be addressed through amendment to the drainage strategy and/ or plan or secured by appropriate planning condition in consultation with the LLFA to demonstrate compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.14 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan 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 can be secured by condition.

In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

7. CONCLUSIONS

In conclusion, the proposal would deliver further residential development within the Primarily Residential Area. The principle of the pharmacy element is considered to have been previously established by the earlier grant of planning permission.

An appropriate access point to the site from Appleton Village is achieved. The site is in a sustainable location and the benefits of the scheme in terms of housing provision and visual improvement are considered to weigh in favour of the scheme.

Amendments have been secured to the scheme which it is considered will result in a quality of development which will make a positive addition to the area and securing appropriate levels of amenity for existing and future occupiers.

The Proposal is compliant with the development plan subject to the receipt of an acceptable report in relation to Bats.

The securing of affordable housing and open space contribution are both considered necessary and required to make the development acceptable and would meet the CIL tests.

Members will be updated orally with respect to the outstanding Bat report and amended parking plans

8. RECOMMENDATIONS

That the application is approved subject to satisfactory receipt of the outstanding Bat report and amended parking plans and to the following:

- a) The entering into a legal or other agreement relating to securing of a commuted sum in lieu of on-site open space provision and affordable housing.
- b) Conditions relating to the following:
 1. Time Limit – Full Permission.

2. Approved Plans.
3. Existing and Proposed Site Levels (Policy BE1)
4. External Facing Materials (Policies BE1 and BE2)
5. Soft Landscaping Scheme (Policy BE1)
6. Boundary Treatments Scheme (Policy BE1)
7. Hours of Construction – (Policy BE1)
8. Electric Vehicle Charging Points Scheme (Policy CS19)
9. Provision & Retention of Parking (Policy BE1)
10. Provision and retention of cycle parking
11. Implementation of Noise Mitigation Measures – (Policy PR2)
12. Ground Contamination - (Policy PR14)
13. Drainage Strategy/ conditions – (Policy PR16)
14. Bat mitigation (if needed)
15. Provision of a leaflet in relation to European sites.
16. Waste Audit
17. Restricting use of commercial unit to pharmacy use and retail floor space
18. Submission and agreement of mechanical plant
19. Restricting external shutters

c) That if the satisfactory bat survey, amended plans and/ or 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, such as consultee responses and the decision of the Planning Inspectorate, are open to inspection by contacting dev.control@halton.gov.uk