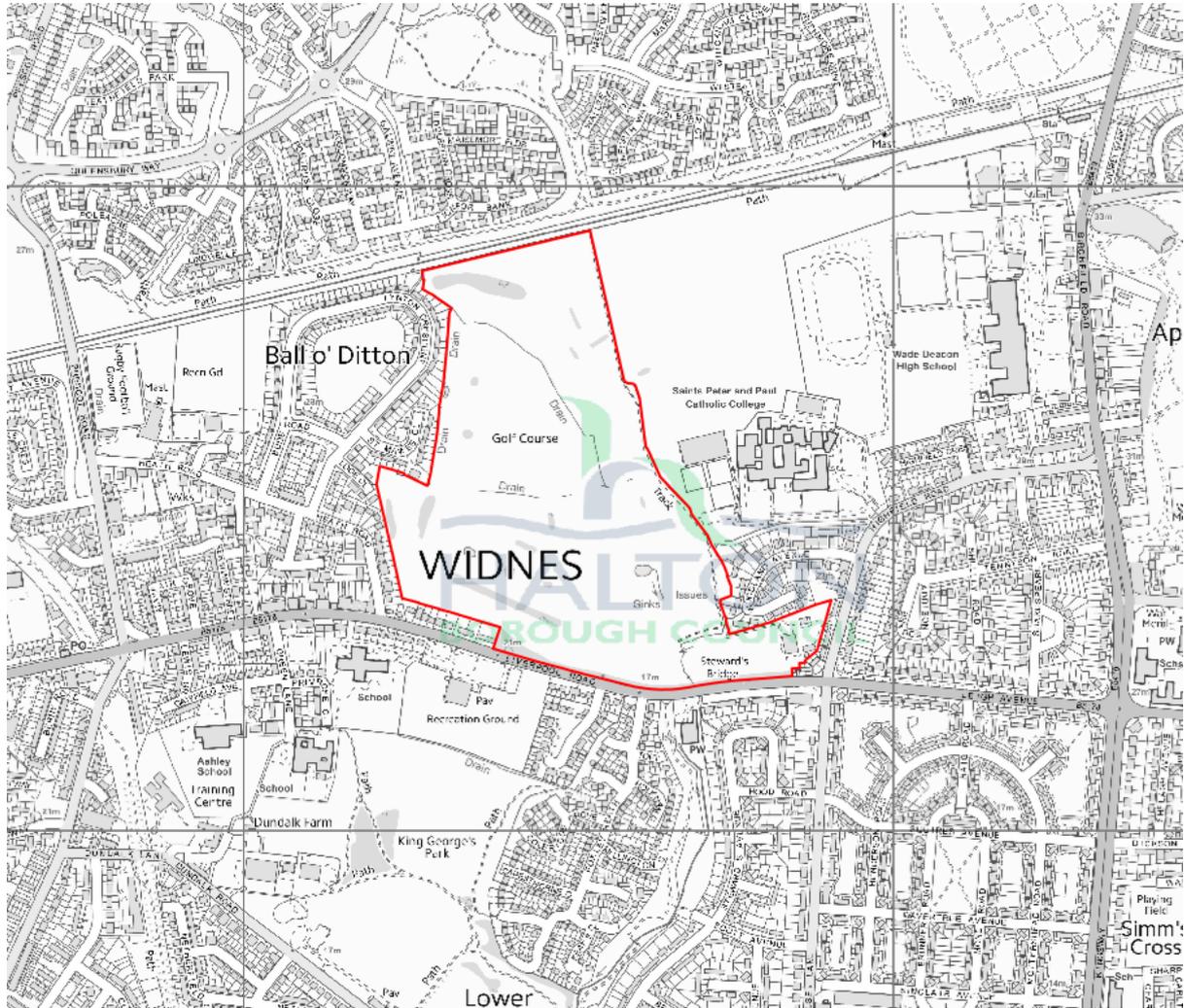


<b>APPLICATION NO:</b>	21/00471/FUL
<b>LOCATION:</b>	Widnes Golf Club, Highfield Road, Widnes, WA8 7DT.
<b>PROPOSAL:</b>	Proposed development comprising 233 dwellings, reconfiguration of Golf Course, demolition of existing club house and associated buildings and erection of new club house and green keepers store, creation of new vehicular accesses, roads, car parking, green footpath link and ancillary development.
<b>WARD:</b>	Highfield
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Anwyl Homes Lancashire & Widnes Golf Club.
<b>AGENT:</b>	Barton Willmore, Tower 12, Bridge Street, Spinningfields, Manchester, M3 3BZ.
<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 (Golf Course) and Potential Greenway – Unitary Development Plan Proposals Map.
<b>DEPARTURE</b>	Yes.
<b>REPRESENTATIONS:</b>	Four hundred and six contributors have made representations on the application with four hundred and one being in objection to the proposed development.
<b>KEY ISSUES:</b>	Development on Greenspace / Strategic Greenspace, Highways and Transportation, Flood Risk and Drainage, Trees, Landscaping and Landscape Impacts, Health and Well-being.
<b>RECOMMENDATION:</b>	<b>Application has been appealed. Members are considering how</b> <ol style="list-style-type: none"> <li><b>1) the Council would have determined the matter, the officer recommendation is a refusal</b></li> </ol> <b>And That</b> <ol style="list-style-type: none"> <li><b>2) the Council's position as set out in the report be defended at appeal</b></li> </ol>

## SITE MAP



**THIS REPORT IS BEING PRESENTED TO COMMITTEE AS THE APPLICANT HAS APPEALED THIS SECOND APPLICATION TO THE PLANNING INSPECTORATE RATHER THAN AWAIT A COUNCIL DECISION.**

### **1. APPLICATION SITE**

#### **1.1 The Site**

The site subject of the application is Widnes Golf Course, located on Highfield Road in Widnes. The site is 25.04ha in area. Vehicular and pedestrian access to the site is from Highfield Road. The associated clubhouse buildings are located adjacent to the site entrance from Highfield Road.

The site is bounded by Liverpool Road and residential development to the south, by residential development to the west, by a railway line to the north and a secondary school and residential development to the east.

The site currently operates as an 18 hole golf course.

Located on the site are 50 individual trees, 106 groups of trees, 1 woodland component and 7 hedgerows. There are also 3 mapped ponds however, one has been completely dry for a number of years.

Liverpool Road is a main route through Widnes served by a number of bus routes. The nearest local centre is Liverpool Road (Widnes) Local Centre, which is approximately 300m from the site at its closest point. Widnes Town Centre is less than 1km from the site at its closest point.

The site is designated as Greenspace (Golf Course) on the Halton Unitary Development Plan Proposals Map. A Potential Greenway, which would be primarily along the eastern boundary of the application site, is also shown on the Halton Unitary Development Plan Proposals Map.

The Halton Core Strategy Local Plan has a Key Diagram, which shows the application site as being part of a Strategic Greenspace running through Widnes.

The Council submitted the Submission Delivery and Allocations Local Plan to the Planning Inspectorate (DALP) for independent examination on 5th March 2020. This will replace the existing Unitary Development Plan Proposals Map in due course. This proposes to designate the area occupied by the golf course as Greenspace (Golf Course) with the remainder of the application site which forms the clubhouse and parking area adjacent to Highfield Road as being unallocated. This is now a material planning consideration, however at this point carries very little weight in the determination of planning applications.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application proposed development comprising 233 dwellings, reconfiguration of Golf Course, demolition of existing club house and associated buildings and erection of new club house and green keepers store, creation of new vehicular accesses, roads, car parking, green footpath link and ancillary development.

### **2.2 Relevant Dates**

The application was confirmed valid by the Council on 29<sup>th</sup> July 2021 and had a 13-week target date for determination of 28<sup>th</sup> October 2021.

## **3. RELEVANT PLANNING HISTORY**

### **3.1 Planning History**

Members will note that the Committee agreed the recommendation to refuse planning permission for the previous application (Application Reference 20/00153/FUL) at this site on 2<sup>nd</sup> March 2021.

Application 20/00153/FUL at the point of determination proposed development comprising 249 dwellings, reconfiguration of golf course, demolition of existing clubhouse and associated buildings and erection of new clubhouse and greenkeepers store, creation of new vehicular accesses, roads, car parking and ancillary development.

Application 20/00153/FUL was refused by the Council on 3<sup>rd</sup> March 2021 for the following four reasons:

- 1. The proposed development would compromise many of the amenity values of this designated Greenspace and would segregate the inter-connecting Greenspaces forming part of the wider Strategic Greenspace identified on the Halton Core Strategy Local Plan Key Diagram.**

**The applicant's golf needs assessment does not demonstrate that the existing 18-hole golf course is surplus to requirements. The proposed development would not result in replacement provision which is equivalent or better in terms of quantity and quality nor does the development provide alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. The proposed improvements at the Widnes Golf Course site including the building of a new purpose-built clubhouse and ancillary building forming a greenkeepers store do not go anywhere near raising the overall amenity value of the greenspace to justify the 11ha of residential development being sought by this application nor would it enhance and expand the green infrastructure network.**

**Whilst the proposed residential development would create an environment for future residents that would be both of a high quality, a healthy environment and would provide diversity in housing typologies, the proposed development would have a negative impact on the wider population in terms of impact on both local green-infrastructure, designated green space and golfing provision in the locality.**

**To allow the proposed development is therefore considered to be contrary to the provisions of Policies GE6 and GE10 of the Halton Unitary Development Plan, Policies CS1, CS21 and CS22 of the Halton Core Strategy Local Plan and Paragraph 97 of the NPPF.**

- 2. The proposed development would result in a significant and unacceptable residual cumulative impact on the operational capacity of the adopted highway network in the area due to the increased number of vehicle movements generated by the proposal particularly at the traffic signals junctions to the east and west of the site.**

**The proposed residential layout along the frontage of Liverpool Road would also create significant road safety issues and is therefore considered to be unacceptable.**

**To allow the proposed development is therefore considered to be contrary to the provisions of Policies BE1, TP14, TP15 and TP17 of the Halton Unitary Development Plan and Paragraphs 108 and 109 of the NPPF.**

- 3. The applicant has demonstrated through the hydraulic assessment and modelling the site is at risk of flooding from Moss Brook during events with the same or greater magnitude to the 1% Annual Exceedance Probability (AEP) event. Paragraph 033 of the Environment Agency (EA) Flood Risk and Coastal Change Guidance (Reference ID: 7-033-20140306) and Paragraph 155 to 158 of the NPPF indicate that although the Sequential and Exceptions tests would not normally be necessary to applied to development proposals in Flood Zone 1, however they should if other more recent information, indicates there may be flooding issues now or in the future. Therefore a sequential test should have been applied.**

**The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding and inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 of the NPPF goes on to state 'Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk'. The proposed development of 'More Vulnerable' infrastructure within the modelled flood extent of Moss Brook shown in Annex E of the Flood Risk Assessment (FRA) is not considered to be acceptable, particularly when there is a significant area of the site which does not lie within the modelled flood extents and would be more suitable for development of residential dwellings.**

**No compensatory storage analysis has been provided along with the proposal to raise land levels. The site is 25ha, with the majority of the site in fluvial flood zone 1 and outside of the modelled 1 in 1000 year flood outline for the ordinary watercourse, therefore the residential development, as the most vulnerable infrastructure, should have been placed in the area of lowest risk and should not require a raised platform.**

**The proposed development would result in an increased flood risk for properties on Woodland Avenue which is unacceptable and clearly does not follow NPPF or EA guidance by the proposed development increasing flood risk elsewhere.**

**With regard to alterations to the watercourse, the site is 25ha and there is clearly sufficient land to otherwise place the development and provide the space for a 1 in 3 slope for the watercourse.**

**The 'Surface Water Drainage Strategy' plan shows development is proposed within 8m of a watercourse which is against standard drainage bylaws and not considered to be acceptable.**

**The applicant has not applied the Drainage Hierarchy adequately as there have been no site specific infiltration testing been undertaken prior to discarding infiltration.**

**No detail has been provided as to how riparian responsibilities would work as dwellings are proposed above a culverted watercourse.**

**In respect of flood risk and drainage, to allow the proposal would be contrary to the provisions of Policy PR16 of the Halton Unitary Development Plan, Policy CS23 of the Halton Core Strategy Local Plan and the National Planning Policy Framework.**

- 4. The proposed development would destroy many trees including some of those forming part of the recently made Tree Preservation Order which provide significant amenity value as well as other individual trees and tree groups covering a significant area of the site. The proposed development also has the potential to impact existing trees which would remain and therefore compromise tree cover further. The proposed replacement planting scheme would have a negative residual effect in respect of tree cover and the proposal is not considered to reflect the essential character of this designated Greenspace.**

The site forms part of the Mersey Forest with the focus being on landscape improvements. This proposed development would result in the loss of a significant amount of trees with the proposed replacement planting scheme having a negative residual effect in respect of tree cover thus not representing a landscape improvement.

The proposal also fails to enhance and restore the Ball O'Ditton Parkland Character Area by virtue of the amount of residential development proposed on the existing golf course as well as the loss of the key woodland belts which are key characteristics.

In respect of trees, landscaping and landscape impacts, the proposed development is considered to be contrary to the provisions of Policies BE1, GE27 and GE28 of the Halton Unitary Development Plan, Policy CS20 of the Halton Core Strategy Local Plan and Paragraph 170 of the National Planning Policy Framework.

#### **4. APPEAL AGAINST THE REFUSAL OF APPLICATION 20/00153/FUL (the 1<sup>st</sup> application)**

4.1 The applicant made clear their intention to appeal against the refusal of application 20/00153/FUL at the same time as submitting a further planning application (application 21/00471/FUL subject of this report).

4.2 The appeal was lodged with the Planning Inspectorate on 11<sup>th</sup> August 2021. The Planning Inspectorate confirmed the appeal valid on 31<sup>st</sup> August 2021 and set out the procedure to be suitable for the determination of the appeal, which in this case was an Inquiry and the associated timetable.

4.3 The Inquiry was due to open on Monday 6<sup>th</sup> December 2021 and was scheduled for five sitting days.

4.4 On receipt of the letter confirming that the appeal was valid, Officers have been working towards the associated deadlines including the drafting of proofs of evidence which were due to be submitted on 8<sup>th</sup> November 2021.

#### **5. THE CONSIDERATION OF APPLICATION 21/00471/FUL**

5.1 Members will note the challenges that the determination of a major planning application within the 13-week target date poses especially where the applicant has not engaged in detailed pre application discussions.

5.2 Officers endeavour to work with applicants in pro-active manner where possible to secure developments that will improve the economic, social and environmental conditions of the area as advocated by NPPF. Local Planning Authorities should also approach decisions on proposed developments in a positive and creative way. Adopting such an approach can sometimes mean

that planning applications (particularly complex major planning applications), can take longer to process than the target dates for determination. In this instance, there is provision to agree an extension to the time period for the determination of the application with the applicant.

5.3 Noting the numerous deadlines on the planning appeal for this site against the refusal of application 20/00153/FUL, these have had to be prioritised ahead of the consideration of application 21/00471/FUL. This has unfortunately affected the speed at which the application could be processed.

5.4 Ahead of the target date for determination, Officers set out realistic expectations for the consideration of the application and sought to agree a proposed time extension to work together in a pro-active manner to address matters where possible to limit reasons for refusal.

5.5 The applicant did not respond to this request for a time extension and appealed to the Planning Inspectorate on 29<sup>th</sup> October 2021 (one day after the target date for determination) against the non-determination of the application by the Council.

5.6 Members should also note that on 25<sup>th</sup> October 2021 (four days before appealing against the non-determination of the application), the applicant made further submissions to accompany the application. There was no time to undertake the required consultation / further publicity on these submissions and these will ultimately now need to be considered as part of the appeal consultation process.

## **6. CONJOINING OF APPEALS RELATING TO APPLICATIONS 20/00153/FUL & 21/00471/FUL**

6.1 The now Appellant made clear their intention to attempt to conjoin appeals should application 21/00471/FUL not be determined favourably.

6.2 At the time of appealing against the non-determination, the Appellant expressed their view to the Planning Inspectorate that the appeals should be conjoined.

6.3 In response to the Appellant's request, Officers set out that conjoining the appeals would cause major procedural difficulties and it would cause serious problems in terms of the preparation of the Council's evidence noting that the Council's witnesses have already drafted their proofs in respect of the appeal against the refusal of application 20/00153/FUL. Officers also expressed their disappointment of the Applicant's actions in their very late submission of further information and the fact that they have not taken up the opportunity to work together in a pro-active manner to address matters where possible to limit reasons for refusal.

6.4 The Planning Inspectorates response on 2<sup>nd</sup> November 2021 was that there is insufficient time to carry out the statutory timetable to co-join the new appeal with the inquiry relating to application 20/00153/FUL.

6.5 They quoted Paragraph 2.2.1 of their guidance, which explains “Our usual practice is to resist postponements and adjournments in view of the delay and disruption this causes. Appellants should therefore not make their appeal until they are ready to proceed to the decision.”

<https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england#general-matters>

6.6 They considered that the submission of a new appeal was not an exceptional circumstance to warrant not following that guidance. In addition postponing the event would be contrary to the timescales recommended in the Rosewell review which could be seen to set a precedent, which other appellants may then seek to follow, which would likely lead to an increase in appeal end to end times.

6.7 The Planning Inspectorate chose not to delay the Inquiry relating to application 20/00153/FUL due to open on 6<sup>th</sup> December 2021 in order to link the case to the new appeal relating to application 21/00471/FUL. They advised that the new appeal will run separately, as an inquiry, although the procedure will be kept under review.

6.8 They also stated that if the Appellant wishes to focus solely on the new appeal relating to application 21/00471/FUL, then as Officers suggested to the Appellant, it would be open to them to withdraw the original appeal.

6.9 On 5<sup>th</sup> November 2021, the Appellant confirmed their intention to withdraw the appeal relating to the refusal of application 20/00153/FUL.

6.10 The start letter confirming the appeal regarding the non-determination of application 21/00471/FUL and the associated timetable was received on 16<sup>th</sup> November 2021.

## **7. THE COUNCIL'S STATEMENT OF CASE FOR APPLICATION 21/00471/FUL**

7.1 The start letter referred to in paragraph 6.10 sets out a deadline of 21<sup>st</sup> December 2021 by which the Council will have to submit a statement of case on the appeal relating to the non-determination of application 21/00471/FUL.

7.2 As set out at paragraph 5.6, further submissions to accompany the application were made four days before the applicant chose to appeal against non-determination of the application. The required consultation to inform the Council's Statement of Case will now need to be done as part of the appeal consultation process.

7.3 In the Appellant's Statement of Case, the state that they believed that very similar reasons for refusal would have been brought against this application (21/00471/FUL) as were brought against the original (20/00153/FUL) as set out in full in paragraph 3.1. The Appellant considered this to be the case despite application 21/00471/FUL providing additional information and adding additional benefits in an attempt to overcome previous reasons for refusal. Officers consider it a reasonable approach to provide Members with a commentary regarding the position with each of the previously cited reasons for refusal (at paragraph 3.1) at the time of writing this report.

## **8. POTENTIAL REASON FOR REFUSAL 1 - THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT OF PART OF A GOLF COURSE**

8.1 Officers consider that this ground for refusal can again be substantiated at the appeal. A detailed case as set out in the assessment for application 20/00153/FUL will be presented.

## **9. POTENTIAL REASON FOR REFUSAL 2 - IMPACT ON HIGHWAY CAPACITY AND HIGHWAY SAFETY**

9.1 The previous highway reason for refusal has two key elements to it. The first element is the impact on highway capacity and the second element is highway safety. The highway assessment below is based on the original submissions made to accompany application 21/00471/FUL and do not reflect the further submissions made to accompany the application just four days before the applicant chose to appeal against non-determination of the application.

### **IMPACT ON HIGHWAY CAPACITY**

9.2 The Highway Officer has made the following observations:

9.3 The applicant's consultants submitted a revised Transport Assessment to support the resubmission in response to the Highway Authority's concerns with regards impact of the proposed development on the existing network.

9.4 All trips associated with the development would need pass through one, or the other, of the Liverpool Road traffic signal junctions adjoining the site and therefore there will be a direct impact on the operation of these signal installations due to the proposed increase in movements.

9.5 For clarity the Highway Officer will refer to concerns raised as part of considerations for 20/00153/FUL and comment on how the current application, 21/00471/FUL, addresses these issues.

*The applicant's consultants previously proposed amendments to the signal phasing at the Liverpool Road/ Prescott Road/ Hale Road and Liverpool Road/ Highfield Road/ Lower House Lane junctions in an attempt to mitigate against the impact of trips associated with the proposed development.*

*It was the Highway Officers considered opinion that the proposed changes resulted in a severe concerns with regards to road safety.*

*“The primary concern in terms of road safety is that the proposed phasing results in a risk of conflict between turning vehicles for example drivers who frequently drive through the junction will sometimes be unopposed (Stage 3) and other times opposed (Stage 6). The risk is that the driver will assume opposing traffic will be held on red, a proceed to turn right as the opposing traffic receives a green signal. The was just one of the issues raised by the audit team and is considered to illustrate a severe impact in terms of road safety and therefore the proposed changes to the signal cannot be supported.”*

*This flawed mitigation methodology along with various input issues including lack of consideration for pedestrians crossing within the model also resulted in significant impacts on the operational capacity of both junctions and therefore the proposal were considered to be unacceptable.*

- 9.6 In terms of the current application, 21/00471/FUL, the applicant’s consultant has removed the additional phases from the junction configuration, corrected some data input discrepancies and provide more detailed pedestrian call information.
- 9.7 As expected the proposed development does have a negative impact on the operational capacity of the junctions but the more accurate models does demonstrate a lower increase to the degree of saturation (DoS) percentage in comparison to the original proposal.
- 9.8 The Highway Officer is confident that maintaining the existing junction phasing removes the Road Safety Aspect for both junctions as they would both continue to operate as they do currently.
- 9.9 For consistency, the Highway Authority again commissioned a third party specialist consultant to undertake a full audit for both revised models including both the baseline and proposed Linsig models.
- 9.10 The exercise carried out by the commissioned audit team demonstrates that the proposed mitigation is acceptable.
- 9.11 The audit teams report confirmed that the applicant’s consultants had addressed the previous errors and on the whole the models including input and output were considered to be accurate. Some minor points were raised during the audit but these were few and considered not to be significant enough to invalidate the model.
- 9.12 As previously agreed, when allowing for an accepted growth factor, by 2026 the junction exceeds 90% DoS on some approaches which results in both junctions operating over capacity and unstable.

9.13 For clarity degrees of saturation below 100% are within theoretical capacity (i.e. demand flow does not exceed capacity), however variations in traffic arrivals through the peak hour may result in shorter time periods where the degree of saturation exceeds 100%. Therefore, an arm is generally considered to be over capacity once the degree of saturation exceeds 90%.

9.14 The Highway Officer will summarise the model outputs for each junction to clear set out the impacts and considerations.

**9.15 Liverpool Road/ Prescott Road/ Hale Road**

As expected the revised model still demonstrated that in the 2026 base scenario all arms of the junction would have either reached or surpassed 90% therefore the junction becomes unstable.

The proposed development trips result in approximately 1% worsening above the 2026 baseline in the AM peak and 6% in the in PM peak.

**9.16 Liverpool Road/ Highfield Road/ Lower House Lane junctions**

The applicant carries over some minor changes to lane development from the previous application to provide two short lanes on the Highfield Road arm. These minor white lining changes which is an acceptable mitigation measure although it only acts to formalise existing driver behaviour.

In the 2026 baseline only the Highfield Road and Leigh Avenue arms are unstable with DoS above 90%. These arms see a percentage increase of around 7%.

When the development flows are added the Left/ Ahead Liverpool Road West increases above 90% to 91.7%.

All other arms of this are shown to operate within capacity in the 2026 with the development scenario.

**9.17 IMPACT ON HIGHWAY CAPACITY SUMMARY**

Although there is a measurable impact on the junctions due to the proposed development shown in the model outputs the Highway Officer cannot consider it to be severe enough to sustain an objection on the grounds of impact on Highway Capacity.

9.18 The applicant has also offered to provide MOVA at both junctions (Microprocessor Optimised Vehicle Actuation). MOVA is a traffic control strategy that is specifically designed to maximise the operational efficiency of a junction/crossing and although no fixed percentage improvements can be forecast it is, in the opinion of the Highway Officer and the commissioned audit team, that some benefit and no worsening would be experienced.

9.19 The Highway Officer would request that the proposal to implement MOVA at both the Liverpool Road/ Prescott Road/ Hale Road and Liverpool

Road/ Highfield Road/ Lower House Lane junctions be conditioned appropriately should the appeal be allowed.

### **IMPACT ON HIGHWAY SAFETY**

9.20 The Highway Officer has made the following observations:

9.21 Within the Transport Assessment a breakdown of road traffic accidents over the last 5 years has been provided. The information represents that there have been 57 accidents in the area with 31 of these occurring between the signal controlled junctions to the East and West of the site and the connecting length of Liverpool Road.

9.22 Section 7.3 of the Transport Assessment gives the view that the local roads do not have an unduly poor safety record nor will the development significantly worsen the situation.

9.23 The Highway Officer considers that the number of road traffic accidents is significant and as demonstrated by the presence of permanent speed cameras to the frontage road safety is already a concern in the area.

9.24 This said the applicant has removed the previously tabled phasing changes to the signals and a series of Road Safety Audits is followed as part of the S278 and S38 agreement process. As part of this process additional measures may be identified as necessary mitigation which would consider both existing and new highway.

9.25 The applicant has attempted to address two specific road safety concerns raised by the Highway Authority that resulted in an objection under TP17 and BE1.

9.26 These points centred around a direct access from Liverpool Road into a private driveway and a conflict between the new access point and an existing bus stop.

9.27 With regards to the unacceptable private access this has now been deleted from the scheme.

9.28 The later point, conflict with existing bus stop, has been addressed by moving the secondary access point to the East away from the provision.

9.29 Although this has removed the conflict the new access location creates a conflict with an existing private driveway to the South. This is a similar situation to the previous proposal in that there is an unacceptable road safety issue due to a conflict with an opposing junction.

### **9.30 IMPACT ON HIGHWAY SAFETY SUMMARY**

The conflict generated by the inclusion of the new access onto Liverpool Road opposite the private driveway serving 57-65 Liverpool Road is considered to be unacceptable in terms of highway safety and therefore the Highway Officer would object strongly on Policy TP 17 Safe travel for all, or failure to meet standards and BE1 (3) General requirements for development, Accessibility of the UDP.

### **9.31 HIGHWAY CONCLUSION**

For the reasons outlined due to the further submissions made by the applicant in respect of impact on highway capacity, the Highway Officer no longer considers the impact to be severe. Impact on highway capacity will not form part of the Council's case in the appeal process.

The recent further submissions in terms of impact on highway safety will be considered by Officers and this will remain part of the Council's case should the issues raised have not been addressed.

## **10. POTENTIAL REASON FOR REFUSAL 3 - FLOODING RISK AND DRAINAGE MATTERS**

10.1 The Lead Local Flood Authority (LLFA) observations below are based on the original submissions made to accompany application 21/00471/FUL and do not reflect the further submissions made to accompany the application just four days before the applicant chose to appeal against non-determination of the application.

10.2 After reviewing 21/00471/FUL planning application the LLFA has found the following:

10.3 The site area is approximately 25.04ha and currently is occupied by the existing Widnes Golf Club with the club house, professional shop and car parks situated in the east of the site and accessed directly from Highfield Road.

10.4 The proposed development is for 233 dwellings, reconfiguration of Golf Course, demolition of existing club house and associated buildings and erection of new club house and green keepers store, creation of new vehicular accesses, roads, car parking, green footpath link and ancillary development at Widnes Golf Club. The land use vulnerability classification defined in Planning Practice Guidance increase to be 'More Vulnerable'.

10.5 The development would increase the impermeable area of the site.

10.6 Current watercourses noted on site are as follows:

- Moss Brook, originates from a headwall with a 900mm dia. pipe on the eastern boundary, immediately to the north of the houses. It runs south along the rear boundaries of the adjacent houses before reaching a

footbridge where it turns to the west for a distance of approximately 60m before entering a triple, 450mm dia. piped culvert which turns the watercourse south towards Liverpool Road. There is a 60m stretch of open watercourse crossing a fairway before it passes under an ornamental footbridge and reaches the 1150mm high and 1880mm wide stone arch culvert under Liverpool Road known as Stewards Bridge.

- A shallow ditch runs south from the north-west corner of the site on the western boundary to the mid-point where it enters a pipe that runs across the fairway to the east and discharges to an open section through a wooded area before entering another pipe which runs south to an existing pond.
- A significant ditch, through the centre of the golf course, provides drainage for the adjacent fairways, which outfalls into the existing pond.
- The existing pond has a vertical pipe to regulate the level and the flows out which run to a shallow ditch for a distance of approximately 40m before entering a pipe; the downstream end of the pipe is at the downstream end of the triple pipe culvert on Moss Brook.

10.7 The applicant has provided a flood risk assessment (FRA) and drainage strategy as one document (OTH\_30444 FRA 210716 RED.pdf).

10.8 The FRA identifies that with regards to fluvial flood risk the EA Flood Map for Planning shows the vast majority of the site, including the area for the proposed residential development, is located in Flood Zone 1 with an annual chance of flooding of less than 0.1% (or 1 in 1000). There is a small area, immediately adjacent to Stewards Bridge that is in Flood Zone 2 with an annual chance of flooding between 1% (1 in 100) and 0.1% (or 1 in 1000); immediately over the line of Moss Brook there is a very small area in Flood Zone 3 with a chance of flooding of greater than 1% (or 1 in 100).

10.9 The FRA goes on to state there is an ordinary watercourse, Moss Brook, that runs through the site. Due to its designation as an ordinary watercourse, the Environment Agency has no modelled flood data to compare against the ground levels on the site to determine the extent of any potential flooding on the site. Therefore a modelling exercise has been undertaken to determine the flows in Moss Brook and the potential flood levels within the development site.

10.10 Details of the Hydraulic Modelling Study by Weetwood are supplied in the document '2021-07-15 4926 TN Final v2.0.pdf'. The document presents updated site specific hydraulic modelling of Moss Brook and summarises the package of measures proposed to appropriately mitigate flood risk.

10.11 It's also mentioned that the document also responds to the matters of objection raised by the lead local flood authority in respect of the 20/00153/FUL application. The LLFA will only be reviewing the content of the report related to the current application 21/00471/FUL.

- 10.12 The baseline hydraulic model developed of Moss Brook is a 1D/2D, ESTRY-TUFLOW model, with the watercourse and culverts represented in 1D using ESTRY and the floodplain represented in 2D using TUFLOW.
- 10.13 The extent of the Moss Brook catchment and associated catchment descriptors are taken from the Flood Estimation Handbook (FEH) Web Service and updated with reference to EA LiDAR data. Ordnance Survey (OS) mapping and aerial photography have been used to undertake a detailed assessment of the urban areas within the catchment.
- 10.14 The report indicates peak flows had been calculated using the FEH Statistical and ReFH2 methods, with the FEH Statistical giving a slightly higher peak flow than that calculated using ReFH2 ( for the 1 in 100year event FEH = 2.53 m<sup>3</sup>s<sup>-1</sup>, ReFH = 2.20 m<sup>3</sup>s<sup>-1</sup>). The report indicates the pooling group was not considered to be suitably homogenous or representative of the Moss Brook catchment and therefore the ReFH2 flows have been taken forward for use in the hydraulic model.
- 10.15 Baseline flood depths and extents for the 1%, 0.1% and 1% AEP event plus 30%, 35% & 70% allowance for climate change have been provided in Appendix B of the modelling report. The 1% and 0.1% AEP event extents can therefore be used to determine the Flood Zones 3 & 2 respectively on the site.
- 10.16 From the modelled extents flooding is shown to occur along the eastern boundary of the site behind the property boundaries on Woodland Avenue and following Moss Brook to the Liverpool Road culvert in the site in the present day 1 in 100 AEP event, more significant flood depths occur when the capacity of the Liverpool Road culvert is exceeded and floodwater begins to pond along the northern edge of Liverpool Road in the 1 in 100 AEP event plus 70% climate change and present day 1 in 1,000 AEP events.
- 10.17 The FRA states the following regarding the need for sequential and exception test for the site: 'based on the location of the development on the site in Flood Zone 1 as detailed on the Environment Agency Flood Map for Planning, all development (including 'More Vulnerable') is deemed appropriate according to NPPF and NPPG, the residential development is therefore appropriately situated and the Sequential Test is not required.' and ' NPPF classifies the residential development as 'More Vulnerable', however as the development on the site is located within Flood Zone 1 the Exception Test is not required.'
- 10.18 The LLFA would disagree with this statement, the baseline flood model extents within the modelling report clearly show the site to be at risk of flooding from Moss Brook with the 1% AEP extent indicating Flood Zone 3 and 0.1% AEP extent indicating Flood Zone 2 on site. Therefore there would be a need for the sequential and exceptions test to be applied to the site.
- 10.19 This being said when comparing the proposed layout to the baseline modelling, there are approximately 17 residential properties and the clubhouse

which would lie within Flood Zone 2 or 3. This shows efforts have been made to ensure the majority of the 'More Vulnerable' development would be located out of the flood zone, with the exception of the 17 properties to the right of the spine road between the clubhouse and the open section of Moss Brook.

- 10.20 The LLFA would also note in general space has been provided surrounding the open sections of Moss Brook where flood depths would be greatest on site.
- 10.21 Modelling of the proposed scenario has also been undertaken and flood outlines provided.
- 10.22 The modelling report indicates to facilitate the proposed development, it is proposed to divert the open channel of Moss Brook upstream of the development platform into the existing pond, which will be upgraded to provide flood storage. The existing pond outlet culverts will be replaced by a single 525 mm diameter culvert connecting to the diverted channel.
- 10.23 The existing 600 x 600 mm footbridge in the location of the proposed public footpath will be upgraded to provide a clear span bridge and the existing triple barrel 450 mm diameter culverts will be replaced by a 1800 x 1200 mm box culvert in the location of the proposed access road.
- 10.24 The open channel upstream of the public footpath will remain as existing. The remainder of the open channel will be constructed with a 1.5 m bed width to maintain existing low flow regimes and 1 in 3 side slopes where possible. Where insufficient land is available to provide 1 in 3 side slopes, appropriate access arrangements should be put in place and fencing should be erected to discourage entry to the channel.
- 10.25 The LLFA would note these works would require a Watercourse Consent approved by the LLFA and the replacement / development of new structures would require discussion with the structures team within HBC to determine if they would need an AIP to be agreed. Early engagement with these teams would help to ensure smooth delivery of the proposal.
- 10.26 The modelling report indicates online flood storage areas have been incorporated directly upstream of School Road and adjacent to the eastern edge of the residential development platform. A raised bund with a crest level of 17.7 m AOD is provided along the southern edge of the northernmost flood storage area to prevent flooding of Woodland Avenue in up to the 1 in 100 AEP event plus 35% climate change.
- 10.27 The LLFA would suggest these sections be reviewed as the flood storage area mentioned above does not seem to exist on the proposed layouts, or if it is it has not been clearly labelled. The LLFA would also comment the creation of the raised bund would mean there is a residual risk of flooding to the properties on Woodland Avenue and therefore detail of the risk should the bund fail would need to be provided as part of this application.

- 10.28 It is proposed to raise the residential development platform to prevent flooding in the worst-case scenario (present day 1 in 1,000 AEP) event. The hydraulic model has been used to assess the impact of culvert blockage on the risk of flooding at the site and to inform proposed finished floor levels. The model reports states 'Based upon the modelling, the finished floor levels of the residential dwellings should be raised a minimum of 150 mm above the finished development platform levels. The finished floor levels of the new Club House and ancillary building should be a minimum 18.54 m AOD and 18.61 m AOD respectively to prevent flooding'.
- 10.29 The LLFA would note the EA guidance should be applied to the Finished Floor Levels which states 'floor levels should be a minimum of whichever is higher of: 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level'. Therefore confirmation that this has been applied would be required to approve the FFL.
- 10.30 The model outputs indicate that off-site flood risk either reduces or does not change in up to the 1 in 100 AEP event plus 35% climate change.
- 10.31 The LLFA would note the change in flood risk during the 0.1% AEP event has not been provided. Are the above findings still true for the 0.1% AEP event?
- 10.32 With regards to surface water flooding the FRA indicates the EA Surface Water Return depth map shows areas within the site to be affected by surface water run-off in the 1 in 1000-year return period event. The mapping indicates the area around the culvert inlet at Liverpool Road to have flood depths of greater than 1.2m.
- 10.33 The FRA mentions the lowest areas of the site will need to be raised to enable gravity connections to discharge surface water to the watercourse, this would also ensure the residential area will be protected against surface water flooding. Therefore with the inclusion of the land raising and cut-off drain between the residential area and golf course, the site is not considered to be at significant risk of surface water flooding from surrounding areas.
- 10.34 In principle the LLFA would accept this approach, calculations and storage volumes would be required to ensure the cut off drain and attenuation provided as part of the drainage system are appropriately sized prior to planning approval being given.
- 10.35 The FRA indicates the site is not considered to be at risk of flooding from groundwater, sewers or artificial sources.
- 10.36 The drainage strategy for the site is detailed in Section 6 of the FRA. With relation to the drainage hierarchy the strategy indicates, infiltration is not considered suitable for the drainage of the proposed development, based on the clay present under the site. Therefore, the Moss Brook is considered the most practical location for the discharge of surface water from the site in

accordance with the hierarchy and that the watercourse is at levels that will enable a surface water connection to be made.

10.37 The drainage strategy indicates the existing golf clubhouse and car park are connected to the existing 225mm dia. combined sewer in Liverpool Road and the remainder of the site is currently a golf course.

10.38 The site is therefore considered greenfield the run-off from the development site have been calculated as 2.8l/s, 5.4l/s and 6.6l/s for the 1, 30 and 100 year return period events for the new clubhouse and car park site and 48.8l/s, 95.2l/s and 116.8l/s for the 1, 30 and 100 year return period events for the residential site.

10.39 The drainage strategy states 'flows from the development will be limited to the existing rates'.

10.40 The LLFA would agree to these rates being used.

10.41 The drainage layout for the proposed development is divided into two distinct systems: one for the residential development and one for the proposed clubhouse and car park.

10.42 Within the residential area, attenuation will be provided in the form of surface attenuation basins – both on and off-line, together with underground attenuation in the form of oversized pipes. The underground elements would be offered for adoption under a S104 Agreement with United Utilities; the surface swales and basins will be maintained by the management company responsible for the open spaces within the development. The drainage strategy indicates a full maintenance schedule, in accordance with CIRIA report C753 – The SuDS Manual, will be prepared when the detailed design of the drainage system is undertaken.

10.43 The indicative drainage layout for the golf clubhouse and car park will include attenuation in the form of underground cellular storage with a flow control to restrict the discharge to Moss Brook. The system will be private and will be maintained by the golf club during the normal maintenance of the golf course.

10.44 The drainage strategy indicates attenuation will be included in the system with flow controls introduced to limit the flows in all events up to and including the 100 year +40% climate change allowance event to the equivalent greenfield rates above. The hydraulic calculations are included in Appendix I of the report and indicate the following:

- Residential Development
  - West: 39.7l/s, 65l/s and 103.1l/s for the 1, 30 and 100 year + 40% CC.

- East: 7.2l/s, 9.2l/s and 12.8l/s for the 1, 30 and 100 year + 40% CC.
  - Total: 46.9l/s, 74.2l/s and 115.9l/s (Existing flows 48.8l/s, 95.2l/s, 116.8l/s)
- Golf Clubhouse and Car Park
    - 3.6l/s, 4.7l/s and 5.0l/s for the 1, 30 and 100 year + 40% CC. (Existing flows 2.8l/s, 5.4l/s, 6.6l/s)

10.45 In principle the LLFA does not foresee any issues with the current proposal however would request the attenuation volumes and storage areas required to achieve these rate be clearly stated either on the drainage layout plans or in the main body of the report prior to approval of the application to ensure the system would be appropriately sized and there is enough space given for attenuation

10.46 With regards to any further mitigation measures the proposal would require, the FRA notes 'Proposed levels on the residential development are set to ensure gravity surface water drainage connections can be made to Moss Brook and to ensure the minimum 600mm freeboard is provided to the 100 year + 35% CC event. Between Liverpool Road and the highway access culvert, the maximum flood level is approximately 16.17m (100 year + 35% CC event) and 17.20m (1000year event with culvert blockage). This would ensure a freeboard of approximately 1.73m to FFL and 0.83m to finished road level in the 100 year event + 35% CC event. Further upstream, the flood levels in the retained pond on the golf course are 17.79m and 18.42m respectively; resulting in freeboard of 0.81m to properties and 0.57m and 0.71m to the road levels.

10.47 The LLFA would find this approach acceptable and would request the modelled flood levels be provided prior to approval of the application to ensure these calculations have been reviewed by the LLFA.

#### **10.48 FLOOD RISK AND DRAINAGE SUMMARY**

In summary, the LLFA would request the following questions be addressed and information submitted so that the LLFA would be required to review prior to producing formal comments and the application be determined. This information includes:

10.49 The baseline flood model extents within the modelling report clearly show the site to be at risk of flooding from Moss Brook with the 1% AEP extent indicating Flood Zone 3 and 0.1% AEP extent indicating Flood Zone 2 on site. Therefore there would be a need for the sequential and exceptions test to be applied to the site.

- 10.50 The LLFA would suggest the sections referring to flood storage areas be reviewed as the flood storage area mentioned above does not seem to exist on the proposed layouts, or if it is it has not been clearly labelled.
- 10.51 Creation of the raised bund would mean there is a residual risk of flooding to the properties on Woodland Avenue and therefore if this approach is to be taken, the LLFA would require detail of the residual risk to the surrounding properties should the bund fail as part of this application.
- 10.52 EA guidance should be applied to the Finished Floor Levels which states 'floor levels should be a minimum of whichever is higher of: 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level'. Therefore confirmation that this has been applied would be required to approve the FFL.
- 10.53 It would be beneficial for the applicant to provide several cross sections through Moss Brook with the 1% AEP and the 1% AEP +CC levels indicated for the pre and post development scenario to understand the changes to profile of the Brook and surrounding areas.
- 10.54 The change in flood risk during the 0.1% AEP event has not been provided. Are the above findings still true for the 0.1% AEP event?
- 10.55 Calculations and storage volumes would be required to ensure the cut off drain and attenuation provided as part of the drainage system are appropriately sized prior to planning approval being given.
- 10.56 Attenuation volumes and storage areas required to achieve these rate be clearly stated either on the drainage layout plans or in the main body of the report.

#### **10.57 FLOOD RISK AND DRAINAGE CONCLUSION**

The recent further submissions in terms of impact on flood risk and drainage will be considered by Officers and this will remain part of the Council's case should the issues raised have not been addressed.

#### **11. POTENTIAL REASON FOR REFUSAL 4 - ARBORICULTURE AND LANDSCAPE MATTERS**

- 11.1 The arboriculture and landscape matters are yet to be assessed. This review is currently ongoing and Officers will set out the Council's position on these matters in the statement of case on the appeal relating to the non-determination of application 21/00471/FUL in due course. The previously cited reason for refusal on application 20/00153/FUL will remain part of the Council's case should the issues raised have not been addressed in the latest submission.

## **12. OVERALL CONCLUSION ON THE COUNCIL'S POSITION ON APPLICATION 21/00471/FUL**

12.1 Members should note that as set out at paragraph 8.1, Officers consider that in respect of the principle of residential development on part of the golf course (Reason for Refusal 1), a refusal can be substantiated at the appeal and a detailed case as set out in the assessment for application 20/00153/FUL previously determined by the Committee will be presented.

12.2 Potential Reasons for Refusal 2, 3, and 4 all relate to technical matters which are currently being considered by Officers as set out in the report. Officers will only include grounds, which they consider can be substantiated at appeal in the Council's Statement of Case.

## **13. RECOMMENDATION**

That

- Members agree the content of this report.
- Members support the case for refusal.
- Officers make submissions on the appeal and defend the Council's position for refusal.