

<b>APPLICATION NO:</b>	22/00004/FUL
<b>LOCATION:</b>	Land At Naylor Road, Widnes, WA8 0BS
<b>PROPOSAL:</b>	Proposed development of a two storey special education needs and disability school (SEND) (use class F), as well as hard and soft landscaping, multi-use games area (MUGA) and sports pitches, creation of on-site car parking and creation of new vehicular access.
<b>WARD:</b>	Halton View
<b>PARISH:</b>	N/A
<b>AGENT(S)/ APPLICANT(S):</b>	Miss Georgia Goff, Nexus Planning Ltd/ Bowmer And Kirkland Limited
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005)  Primarily Residential Area  Halton Core Strategy Local Plan (2013)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	Representations have been received from 29 individuals, these comprise of: 16 objections 14 in support A letter of representation has also been received from the opposite nursery school together with a petition of 159 signatures summarised below.
<b>KEY ISSUES:</b>	Principle of development/location, traffic and highway safety, impact on residential amenity and character of the area
<b>RECOMMENDATION:</b>	Approve with conditions
<b>SITE MAP:</b>	



## **APPLICATION SITE**

### The Site and Surroundings

The application site is located off Naylor Road, approximately 2km east of Widnes town centre. The site is boarded to the northwest by Naylor Road and Castle Street. To the southeast the site is bound by Fiddlers Ferry Road (A562). The site comprises 1.79 hectares of open greenspace. The site is allocated in the Delivery and Allocations Local Plan for education purposes (Policy HC10). The wider area to the north and west is primarily residential, whilst across Fiddlers Ferry Road to the south and west is mainly employment uses.

### Planning History

Historically the site provided playing fields associated for the former Warrington Road School which closed in the mid-1990s, before being redeveloped for housing.

Whilst the application site itself does not have any recent relevant planning history, the area of the adjoining nursey car park to the east has the following relevant history:

- Planning permission (Ref 10/00074/HBCFUL) for a proposed extension to existing car park to create 10 No. additional spaces together with the installation of 1 No lighting column, permitted 22/04/2010.
- Planning permission (Ref 04/00903/HBCFUL) Proposed part demolition of existing single storey nursey and construction of new two storey extension for children's centre including nursery, childcare accommodation and associated facilities, together with associated car parking on land opposite, permitted 26/11/2004.

- Planning permission (Ref 04/00901/HBCFUL) for a proposed provision of 2 No. double and 1 No. single classroom units (all single storey) with temporary playground and fencing permitted 24/11/2004.

## **THE APPLICATION**

### Proposal Description

The application seeks permission for a two storey special education needs and disability school (SEND) (use class F), as well as hard and soft landscaping, multi-use games area (MUGA) and sports pitches, creation of on-site car parking and creation of new vehicular access.

### Documentation

The application is accompanied by the necessary application form, plans, planning statement, design and access statement, flood risk assessment, traffic assessment, arboricultural impact assessment, ecological assessment and contaminated land site investigation report, travel plan, energy statement, construction environmental management plan and landscape management and maintenance plan.

## **POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraph 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

### Halton Delivery and Allocations Local Plan 2022 (DALP)

The following DALP policies and policy documents are relevant to this application:

CS(R) 19 - Sustainable Development and Climate Change  
CS(R) 20 - Natural and Historic Environment  
CS(R) 22 - Health and Well Being  
C1 - Transport Network and Accessibility  
C2 - Parking Standards  
GR1 - Design of Development  
GR2 - Amenity  
HC10 - Education  
HE1 - Natural Environment and Nature Conservation  
HE8 - Land Contamination  
HE7 - Pollution and Nuisance  
HE9 - Water Management and Flood Risk

The Joint Merseyside and Halton Waste Local Plan 2013

WM8 - Waste Prevention and Resource Management  
WM9 - Sustainable Waste Management Design and Layout for New Development

#### Supplementary Planning Documents (SPD)

Designing for Community Safety SPD

#### Other Considerations

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

#### Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **CONSULTATIONS**

### HBC Highways

No Objection in principle – see highways section below

### HBC Lead Local Flood Authority (LLFA)

No objection - In Summary the LLFA is generally satisfied that the development would be safe from flooding and would not increase flood risk elsewhere. However, the condition and capacity of the culvert that conveys flow from the ditch downstream needs to be established before the drainage design can be finalised. Therefore, the LLFA would recommend the conditions should the local planning authority be minded to approval on this basis. Full LLFA comments provided in the drainage section below.

### HBC Open Spaces

Further to your consultation I have considered the open space implications and would make the following comments;

The proposed development is not within a conservation area and both the internal and boundary trees are not subject to tree preservation orders.

Arb Impact Assessment (AIA) recommendations should be strictly adhered to during the construction process.

The removal of trees T19, T21, T22 and T24 are acceptable, but would need to be replaced elsewhere on the development in order to enhance and maintain the local ecology. This can be secured by condition.

All trees within the site and on the boundary line are to be protected during construction as recommended in the AIA.

All works should be carried out following the guidance from the Ecological Assessment Survey.

Should the application receive consent, permitted work shall be carried out strictly in accordance with British Standard 3998:2010 "Recommendations for Tree Work" to safeguard the health and visual amenity of the tree.

Work shall not be carried out between April and July if it would result in disturbance to nesting birds to ensure no damage to wildlife.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1) Consult W&C Act 1981 (with amendments) for full details of protection afforded to wildlife

### HBC Environmental Protection

Environmental Health has considered the application in relation to noise and also light pollution. The applicant has provided some noise information stating that the noise from fans etc has been assessed as being 5dB below background at the nearest residential dwellings. The applicant has also committed to the sound barriers to reduce the impact of the outdoor sports areas.

#### Conclusion

Based on the information provided by the applicant I would suggest that any consent includes time restrictions for construction works (07:00-19:00 Monday-Friday, 07:00-13:00 Saturday and no working Sundays or bank holiday).

All lighting on the site should comply with the Institute of Lighting Engineers standard EN01/21 (The Reduction of Obtrusive Light) in line with standards for Environmental Zone E3.

### Contaminated Land Officer

The application is supported by the following documents relevant to assess the potential land contamination impacts of the proposed scheme;

- Phase 1 geo-environmental desk study - Land off Naylor Road, Widnes, WA8 0BS, ref UK19.4781, Issue 1, prepared by EPS Ltd, December 2019
- Phase 2 geo-environmental assessment - Land of Naylor Road, Widnes, ref UK19.4781C, Issue 1 - prepared by EPS Ltd, April 2020

The two reports present a preliminary risk assessment based upon a desk study and site reconnaissance, with a follow on intrusive site investigation and risk assessment. Both reports follow best practice and guidance and present a sound assessment of the ground conditions and land contamination at the site. Limited potential sources of contamination were identified, although I believe that an early, infilled pond (early 1900s) has been missed in the assessment, and the presence of a tennis court whilst noted in the site history, it wasn't flagged a possible source of contaminated made ground (former sports pitches such as tennis courts and bowling greens within the borough have been identified as having an ash/clinker drainage layer under the turf which has given rise to elevated concentrations of some contaminants). I don't think that either of these features were captured by the site investigation.

That said the general assessment is good and the conclusions are that the majority of the site is suitable for the proposed use, with some elevated concentrations of arsenic identified in an area that will be covered by the school building and engineered surfaces of the MUGA (therefore breaking any potential pollutant linkage). As a precaution, the report recommends clean cover soils be provided for landscaping that will be developed adjacent to those areas.

The potential omissions from the overall assessment, with regards to potential contamination sources, should be raised with the applicant and included in the management plan for the construction phase (the report makes recommendation regarding a watching brief for previously encountered contamination during the build).

I have no objection to the proposals with the proviso that the recommendation for a 400mm clean cover layer to landscaped areas be implemented and that a verification report be issued upon completion of those works.

#### Merseyside Environmental Advisory Service

No objections, conditions recommended in relation to CEMP/Reasonable avoidance measures, nesting bird boxes, lighting and invasive plant species.

#### Natural England

Natural England has no comments to make on this application.

#### Sport England

Sport England does not wish to raise an objection to this application as it is considered to broadly meet Exception 4 of Sport England's Playing Fields Policy and paragraph 99(b) of the NPPF. The absence of an objection is subject to conditions being attached to the decision notice in relation to Sport specific ground condition survey and pitch specification for the natural turf pitch and training grids, Technical design and construction for the Multi Use Games Area, and Technical design of the Sports Hall and Changing Rooms.

#### Environment Agency

This application didn't meet our consultation criteria so was screened out - we don't have any objections/comments.

#### United Utilities

No objection

#### Cheshire Police

I have spoken to officers from Widnes Local Policing Unit and they have no concerns apart from additional extra pressure on parking but are hopeful this can be avoided with the additional parking area on Naylor Road and the fact that people from the SEND school are more likely to be collected from the site.

I wish to make the following points for consideration by the applicant:

- It is good to see the strict criteria laid down by the Department of Education in relation to fencing and perimeter control. This will be beneficial to protect the site from unwanted intruders and for safeguarding purposes to prevent pupils leaving the site or unauthorised people gaining access. The robust fencing will help keep intruders off the site and ensure the safety of pupils while they are on site. I would recommend the fencing comply with LPS 1175 A1.
- Gate specification should match the fencing, be lockable, have anti-lift hinges and avoid features that assist climbing
- I note the recessed areas in the building design, I would recommend that they are a maximum of 600mm in depth to maximise natural surveillance and reduce the opportunity for any hiding areas.
- It is good to see the internal layout of the building has allowed for small bends to be added to the internal corridors to improve surveillance.
- While CCTV is not always the panacea that people believe when it comes to crime prevention it can make a big difference when used in conjunction with other mitigations. I anticipate that cameras are due to be positioned to cover the perimeter of the building. If possible I would recommend that the cameras are sited to protect the car park and front entrance area or an additional camera be erected which will cover this area.
- The construction of the canopy area at the front of the building needs to be done so it does not impede natural surveillance or any CCTV coverage. Likewise, the covered dining area at the rear needs to be the same, the only difference being that this is behind a secured perimeter.
- It is recommended that cycle storage for the facility be within a secure structure. The design of the stands within the store should enable the cycle to be secured at two separate parts of the cycle, for example a 'Sheffield Bar'. If external, it should be roofed, and the walls open to surveillance by using materials such as welded mesh, grilles, bars or polycarbonate. I feel the current positioning of the store lacks natural surveillance. While I appreciate the disabled spaces needing to be near the front of the building I feel these could obscure coverage of the cycle stores. It is good to see that there is reference to having a storage locker per cycle space for safely storing equipment.
- I would however recommend that the crown of any trees is above two metres where appropriate and that any shrubs are a maximum of 1 metre high. This will allow a clear line of sight across the development site where appropriate. I appreciate that in some areas the tree coverage will help provide necessary privacy to the school and local residents so there does need to be an appropriate balance.
- I would recommend that all doors comply with LPS 1175 SR 2, PAS 24 2016, LPS 2081, STS 201 or STS 202: Issue 3 BRT or equivalent. I appreciate that the additional cost of installing all doors to SBD standards may have a detrimental effect on the viability of the development however I would recommend that the main entrance doors do comply with these standards if at all possible as there will be less protection for the doors on this elevation. All internal door sets to non-public areas should be of robust construction and incorporate an electronic access control system, so that they can be secured to prevent unauthorised access. Where possible all windows should comply with PAS 24:2016 or equivalent. Fire doors

should be fitted with door contacts programmed into a 24-hour alarm circuit. Audible alarms on opening and/or relayed to security may also be included on fire doors.

- I am a little concerned about this door as it is on the front elevation and does not appear to be behind any additional perimeter security. This door will need to be on an access control system or suitably alarmed.
- Appropriate glazing should be put into internal doors to ensure the safety of staff and pupils, some form of access control system needs to be in place to ensure pupils do not enter unauthorised areas.
- An access control and visitor entry system at the primary entrance into the building is clearly a requirement to give staff control of who does enter the building. This must be followed up with a stringent signing in and out procedure for visitors. Once in the reception area, people should not be able to proceed further into the building through the next set of doors. Again, these would be access controlled and released by way of fob and/or release button in the staff office.
- The design of the building should take into account the need to prevent features which aid scaling or climbing. For example, rainwater downpipes should be either flush fitting (i.e. square profile) or concealed within the cavity so that cannot be used as a climbing aid to get on the roof.
- Telecommunication lines and cables and other services should enter buildings below ground and be protected (to prevent access and damage by unauthorised persons) by secure access covers certificated to a minimum of LPS 1175 Security Rating 2 or STS 202:Issue 3, Burglary Resistance 2.
- For the main entrance reception office, a high, wide reception desk is recommended, this increases the distance between the receptionist and visitor. There may also be consideration for additional protection such as a glazed screen that staff only open when required. It is good to see that there is an airlock system and an appropriate audio-visual intercom proposed at the main access so staff can engage with visitors before letting them in to the building.
- A suitably designed, fit for purpose, monitored intruder alarm should be installed and an audible personal attack alarm should be located at the reception desk so that staff can use it to summon assistance in the event it is required.
- I note the substation (point O) off Naylor Road on the general landscape arrangement; attention needs to be paid to this to ensure it cannot become a climbing aid onto the site.
- While I appreciate that the trees will need to be maintained to provide a boundary between the site and neighbouring properties I would recommend that there is an appropriate balance and a robust maintenance contract is put in place. I would recommend the crown of all trees are maintained above 2 metres in height and any hedging / shrubbery should be a maximum of 1 metre to allow a clear line of sight and improve natural surveillance across the development.

#### General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], - Section 8, paragraph 92b states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; I recommend that all developments be designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued. I would welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

While I appreciate the cost implications of improved security, it is important to give consideration to the carbon cost of crime. Reported crime, and loss and damage associated with crime, in England and Wales equates to a staggering 5.5 million tonnes of CO2 per year with unrecorded crime taking this to over 6.5 million tonnes per year.

I note there is reference to BREEAM throughout the DAS but did not see sight of a Security Needs Assessment (SNA).

Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com).

## **REPRESENTATIONS**

The application has been advertised by way of a press notice, site notice and neighbour notification letters sent on 06.01.2022. The overall consultation period ended on the 03.02.2022.

Representations have been received from 29 individuals as a result of the consultations undertaken. Of these, 16 object to the application, and 14 are in support of the application.

A summary of the issues raised by the 16 objectors are listed below:

- Loss of green space and opportunity for locals to enjoy exercise and outdoor recreation
- Impact on ecology
- Access off Naylor Road, existing parking issues with the nursery, Increased traffic, parking issues and associated highway safety concerns
- Loss of Greenbelt
- Loss of privacy and outlook to occupiers of houses on Naylor Road
- Scale and visual impact of school and substation
- Effect of EMF omissions from substation
- Loss of trees
- Noise, pollution and dust during construction
- Should extend and merge at existing school sites in the area
- Construction materials of car parks should be similar to that installed in the current Nursery car park
- Should discourage use of the car park for anti-social behaviour of out of school hours
- Problems caused by students to residents and their property in the nearby vicinity including vandalism and trespass.

- The siting of such a facility next to a primary school and adjacent to a nursery with regards to the safety and welfare of young children.
- Playing fields should be re-designed to allow continued access by local residents
- Car park extension should be removed
- Parking restrictions and management should be put in place
- The types of vehicles and machinery accessing the site during construction via Naylor Road and Castle Street should be restricted
- Should provide an alternative temporary access to the site via Fiddlers Ferry Road for heavy machinery and construction vehicles
- During construction vehicles movements should be restricted during peak times
- Need to ensure that there is off street car parking for construction workers vehicles

A petition of 159 signatures has also been received, for the following grounds, to protect the green space for community use, and to safeguard children's welfare & road safety due to increased traffic and congestion.

A representation has also been received from the head teacher of Warrington Road Nursery School highlighting that they should not be responsible for the management and maintenance of the extended part of the car park off Naylor Road.

The 14 representation in support of the application relate to the need for a new SEND school in the area.

Material considerations have been addressed in the assessment section of this report.

## **ASSESSMENT**

### **Summary of the Development**

The proposed school would accommodate 64 pupils between the ages of 11 to 16 and provide education for children with special educational needs and disabilities. The school will operate as The Raise Academy and will address the need for SEND provision for children in both Halton and St Helens. The school will operate on behalf of the Department for Education by the Youth Engagement School (YES) Trust.

The school would comprise of a two storey building 2096.5 sq. m of gross internal floor space housing teaching rooms, dining hall and sports hall. Externally would be outdoor sports and recreation area including a multi-use games area (MUGA), and provision of onsite car parking and pupil drop off.

### Principle of Development and loss of Greenspace

The site is allocated in the Delivery and Allocations Local Plan for education purposes (Policy HC10), and is identified on the associated proposal map as site reference EDU2.

The associated justification under Policy HC10 explains that the Local Education Authority (LEA) has been in discussions with St. Helens LEA about the provision of a shared school for pupils with Special Educational Needs. Land at Naylor Road has been identified as the preferred location and is allocated for education use.

### Amenity, Noise and Disturbance

The existing residential properties along Naylor Road currently benefit from a front aspect looking out across the undeveloped areas of the application site. The proposed new school building would be positioned in excess of 30 metres away from the nearest residential dwelling no. 33 Naylor Road. Due to the angled position of the building the interface increases to approximately 40 metres between no. 29. The nearest residential property on Castle Street is in excess of 55 metres away. Furthermore the proposed building would only be two storeys in height.

Taking the above into account the proposed building would not cause any significant overlooking or loss of privacy. Neither would it appear overbearing when viewed from residential properties on Naylor Road or Castle Street.

It is acknowledged that the proposed fencing required to secure the site would alter the visual appearance of the site given that it is currently open to the street. However, the proposed fencing would comprise of 2.4m high black weldmesh fencing along Naylor Road and Castle Street. Such fencing is relatively sensitive as it does allow for a good degree of visibility through the fence panels, and its height would not appear overbearing.

Furthermore, the applicant has noted that there would be a raised berm / landscaped mound located in between the 7 a side pitch and the boundary fence adjacent to Naylor Road to provide a further degree of separation and screening to mitigate the activities within the site. No heights or landscape details have been provided, however this can be controlled through by a levels and landscaping condition. From an operational perspective the proposed school is relative small being only for approximately 64 pupils and provides a relationship with residential properties not dissimilar from many other schools across the borough. The Council's Environmental Health Officer raises no objection

There may be some potential for noise and disturbance during construction, however this would be temporary in nature. And the applicant has provided a Construction Environmental Management Plan that addresses hours of construction, deliveries, dust mitigation measures and locations of site compound. These measures can be secured by planning condition.

Consequently, the proposal would avoid detriment to the living environment of existing residential properties, it would maintain the expected levels of privacy and outlook, and objections on noise and disturbance grounds could be upheld. The

proposal is therefore consistent with Policies GR2 and HE7 of the Delivery and Allocations Local Plan.

### Design, Character and Appearance

With regards to layout, the building has been located to the northeast of the site away from existing trees to Castle Street and Naylor Road. The position of the car park provides a degree of separation from Naylor Road and Castle Street.

The building has a rectangular footprint, approximately 69m in length and 21m in depth. The building would have a uniform appearance, with a flat roof with parapet design, the maximum height of the building would be approximately 9.5m. The form of the new school building has been developed to provide a compact energy efficient building, optimising the use of space and internal arrangement as promoted through the Department of Education's 'Baseline Designs for Schools', this provides for good supervision across floors and efficient circulation.

Externally the large vertically orientated windows have been designed to provide a good degree of natural light into the teaching areas, frames constructed from dark grey aluminium. The elevations are broken up by providing a pattern of contrasting coloured fibre cement cladding panels at the upper level, and buff brick slips to the lower levels of the building, providing a degree of contrast.

The proposed new school would respect the character and appearance of the area, and would be consistent with Policies GR1 and GR2 of the Delivery and Allocations Local Plan.

### Highways, Parking and Accessibility

The Local Highway Authority has been consulted on the application as originally submitted and made the following observations and recommendations:

*We have had an initial review of the information submitted to support the application and would like to take this opportunity to raise some high level comments prior to submitting our formal response to give the applicant an opportunity to address some issues raised during pre-app that have carried forward into the scheme proposals.*

- *In terms of access from Naylor Road the proposed layout includes an error in terms of how the tie in is set out. The inbound lane should enter the site on the correct side of the carriage i.e. line up with the northern kerb line.*
- *Provision should also be made for pedestrians using the northern footway to gain safe access to the site. It cannot be assumed that all pedestrians will utilise the new southern footway.*
- *The cycle storage is welcomed but more thought needs to be made for how the provision is accessed/ circulation space.*
- *The access to Castle Street as detailed in the TA is not considered to be appropriate. The plans show an elongated dropped kerb access crossing where it is*

*considered more appropriate to have a full bell mouth construction with tactile paving etc.*

- Tracking diagrams do not satisfy the points raised at pre-app with regards impact of the new access on existing legal parking patterns. Additional information is required and there is a likelihood that the arrangement will need to be amended.*
- It may be prudent to review walking links to the school as there appears to be no consideration for North/ South pedestrian movements across Castle Street and Naylor Road as there are currently no dropped kerb crossing points to these roads.*

Those concerns have been shared with the applicant and discussions are ongoing with respect to amended plans to address them. No objection is raised in principle subject to resolution of these technical matters. Members will be updated accordingly.

### Ecology and Habitats

The applicant has submitted an Ecological Assessment report in accordance with Core Strategy Local Plan policy CS20 as well as a Construction Environmental Management Plan (CEMP) which includes ecological mitigation measures (i.e. pre-commencement badger inspection and measures to avoid harm to bats, hedgehog and breeding birds).

MEAS have been consulted and have no objections. They have advised that because boundary habitats are potentially suitable for badger and hedgehog, the following additional Reasonable Avoidance Measures (RAMs) should also be put in place to ensure that harm to them is avoided. These include precautions in relation to trenches, excavations, pipes and stored materials so that wildlife does not get stuck in them. The CEMP and these additional measures can be secured by condition.

MEAS also note that the proposed development will result in the loss of bird breeding habitat and Core Strategy Local Plan policy CS20 applies. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be secured by condition.

Habitats adjacent to the site may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the adjacent habitats. This can be secured by a suitably worded planning condition.

According to the submitted CEMP, Japanese knotweed is present in a 'bog area' to the eastern boundary of the application site. This is classified as an invasive species in the Wildlife and Countryside Act. Therefore a condition is required for a method statement outlining the control and management of this.

The applicant has also submitted a shadow Habitats Regulations Assessment (HRA) report in support of the planning application (Habitats Regulations Assessment

Screening Report, Urban Green, February 2020, UG381). This concludes that the proposed development will have no likely significant effects on the Mersey Estuary SPA and Ramsar sites. MEAS have advised that the conclusions of this report are acceptable, therefore the need for a HRA can be screened out.

The attachment of the conditions recommended above would ensure that the proposal from an Ecology perspective is compliant with Policies CS(R) 20 and HE1 of the Delivery and Allocations Local Plan.

### Drainage

The Lead Local Flood Authority (LLFA) has been consulted on the application has made the following observations and recommendations:

- *The site is described as 1.9 ha. It is considered to be a greenfield site in terms of drainage characteristics although it has reportedly been previously developed.*
- *The proposed development would be for educational purposes that would classify as more vulnerable to flood risk as defined within Planning Practice Guidance.*
- *The site is shown to be located within Flood Zone 1*
- *Surface water flood risk is reported to vary from High (> 3.3% AEP) to very low (less than 0.1% AEP). across the site*
- *The Halton SFRA identifies that the site is not located within a critical drainage area*
- *A Flood Risk assessment and Drainage strategy has been prepared in support of the application ref. OTH\_2353 Halton Raise Academy - Flood Risk & Sustainable Drainage Assessment P01.pdf*
- *It is noted that drainage drawings submitted as part of the plans for the proposal ref PLAN\_2353-PAR-ZZ-00-DR-C-08001.pdf have been superseded and do not accurately reflect the proposals. This review therefore focusses on the drawings within Appendix H of the FRA and drainage strategy.*

The LLFAs comments on the Flood Risk Assessment are:

- *The proposed development is for educational purposes which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.*
- *The risk of flooding from the ordinary watercourse at the boundary of the property has not been explicitly assessed, although risk from this source appears to have been inferred using the flood map for surface water.*
- *The more vulnerable elements of the development (buildings) are located within the areas shown to have with a low risk from surface water and ordinary watercourse flooding based on EA mapping with sports pitches located within the areas of higher risk. Therefore, whilst the assessment has not considered the potential impact of climate change or culvert blockage on flood risk, the LLFA*

*accepts the conclusion that flood risk to the development as proposed would be low from Ordinary Watercourses and surface water and that the proposed surface water drainage system would manage the risk from this source effectively.*

*The LLFAs comments on the Drainage Strategy are:*

- *Infiltration drainage confirms that soakaway drainage would not be feasible.*
- *With infiltration drainage confirmed as not feasible, the proposal is to attenuate surface water runoff using a combination of permeable paving and below ground attenuation features prior to discharge into the ditch that runs along the southern boundary of the site.*
- *It is noted that the dimensions and condition of the culvert that conveys the watercourse along the southern boundary is currently not known and that the applicant proposes to undertake a survey to confirm this information. If the culvert condition is found to be poor and the ditch would be unsuitable for discharge of surface water flows, then the UU combined sewer has been identified as a viable alternative*
- *Greenfield runoff rates have been calculated for the 100%, 3.33%, 1% and QBAR events for the proposed site.*
- *A 40% increase in rainfall intensity has been applied within quick storage estimates for attenuation volumes and the calculations confirm that the system would not flood during the 1% AEP +40% rainfall event*
- *Foul Drainage is reported to be via a gravity discharge to the UU public Sewer and this connection would be subject to UU consent. Correspondence provided indicates that consultation with UU is well progressed in this regard.*

*In Summary the LLFA is generally satisfied that the development would be safe from flooding and would not increase flood risk elsewhere. However, the condition and capacity of the culvert that conveys flow from the ditch downstream needs to be established before the drainage design can be finalised. Therefore, the LLFA would recommend the following conditions should the local planning authority be minded to approval on this basis.*

*No Development should commence until*

- *A culvert survey is undertaken to confirm the condition and geometry of the culvert conveying the watercourse to the south of the site. The applicant should liaise with the LLFA regarding the scope of this survey and any necessary approvals for access onto third party land.*
- *A confirmed drainage strategy is issued either confirming that discharge into the ditch is viable, or making alternative arrangements with a discharge to the UU combined sewer.*

*No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings*

*(including off site alterations) and in accordance with best practice has been submitted to and approved by the local planning authority. This shall include:*

- *Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.*
- *An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*
- *Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.*

The LLFA is satisfied that the above could be satisfactorily addressed by conditions. The applicant has been provided these comments, notes that the information could be conditioned, and have contacted the LLFA directly to address what is required.

Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy HE9 of the Delivery and Allocation Local Plan.

#### Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report. Whilst the site itself is relatively open with the majority trees located along the borders of the site. The report identifies four trees (T19, T21, T22 and T24 all category B)) to be removed to facilitate the construction of the access off Naylor Road and the associated parking areas. These comprise of 2 no Ash and 2 no. Sycamore. The group of Ash trees opposite 27-33 Naylor Road would be retained, albeit with some pruning works recommended in the arboricultural assessment.

The Council's Open Spaces Officer has been consulted and has said that the removal of trees are acceptable, subject them being replaced elsewhere on the development.

The tree protection measures can be secured by condition. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

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

Based on the above, the proposal is considered acceptable from a tree perspective and landscaping perspective in compliance with Policies CS(R) 20 and HE1 of the Delivery and Allocations Local Plan.

#### Waste

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the

Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has provided sufficient information in the proposed site plan to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the WLP and the National Planning Policy for Waste (paragraph 8). The proposed site plan can be secured in the approved drawings condition.

### BREAMM Assessment

Policy CS ( R ) 19 (sustainable Development and Climate Change) of the DALP sets out that new non-residential development will encourage a BREEAM 'Very Good' standard to be achieved. The applicant has submitted a BREEAM pre- assessment that demonstrates that the proposed building will achieve the required 'Very Good' standard.

The applicant has also submitted an Energy Strategy report. This outlines measure in relation to energy efficiency and measures to reduce CO2 emissions.

Therefore the development is considered to comply with Policy CS ( R ) 19.

### Anti-Social Behaviour and Fear of Crime

Objections have been raised in relation to potential anti-social behaviour and crime. However, whilst anti-social behaviour and crime are material planning considerations, no evidence or justification has been presented as to why the proposed school would increase such issues in the area, therefore the proposal could not be refused on these grounds.

### Summary and Conclusions

The proposal would provide new SEND school needed to support the educational needs of local children in Halton and St Helens. The overall design and appearance of the school is considered to be acceptable, it would respect the character and appearance of the local area, and is consistent with the high quality design standards required for new development. The sites layout has been carefully designed to ensure that the amenity of existing surrounding occupiers would not be harmed, and would not have an unacceptable impact on highway safety.

Consequently, the proposed development is consistent with Policies GR1, GR2, C1, C2 and HC10 of the Delivery and Allocations Local Plan, and paragraph 95 of the NPPF which recognises the importance of ensuring sufficient choice of school places is available to meet the needs of existing and new communities.

## **RECOMMENDATIONS**

Approve subject to conditions.

## **CONDITIONS**

1. Standard 3 year permission
2. Condition specifying plans (GR1, GR2)
3. Bird nesting boxes scheme (CS(R) 20, HE1)
4. CEMP and additional reasonable avoidance measures (GR2, CS(R) 20, HE1)
5. Lighting scheme (GR2, CS(R) 20, HE1)
6. Implementation of cycle parking provision (C1, C2)
7. Electric Vehicle Charging Points Scheme (C1, C2)
8. Vehicle access and parking to be constructed prior to commencement of use (C1, C2)
9. Method statement for invasive species (CS(R) 20, HE1)
10. Tree report and tree protection measures (CS(R) 20, HE1)
11. Foul and surface water on a separate system (HE9)
12. Drainage condition(s) to include culvert survey, final drainage strategy and validation (HE9)
13. Levels (GR1)
14. Landscaping condition(s) including replacement tree planting (GR1)
15. Waste Audit (WM8)

## **BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

## **SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.