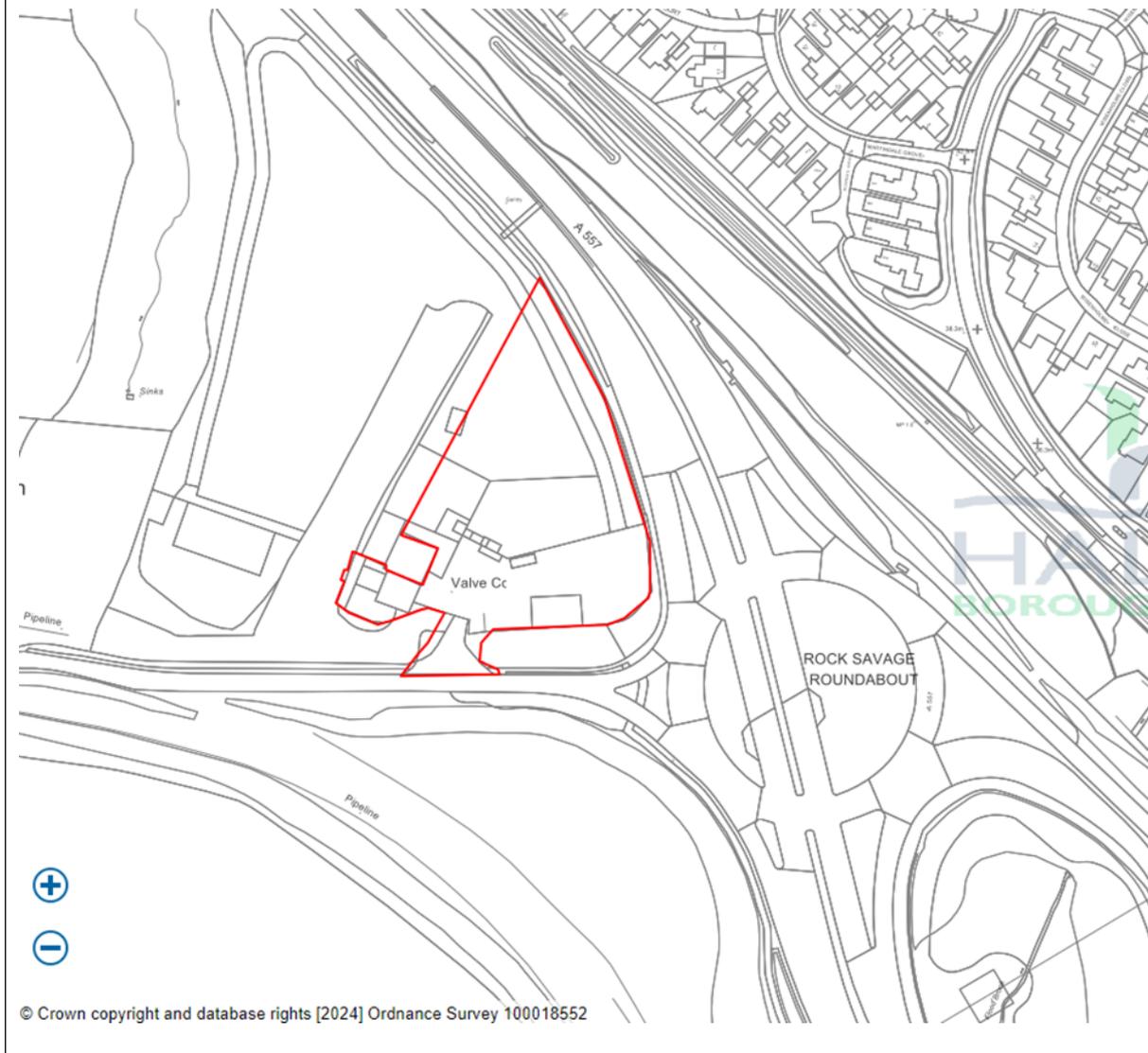


APPLICATION NO:	23/00018/FUL
LOCATION:	The Woodyard, Weaver View, Clifton, Runcorn, WA7 4XU
PROPOSAL:	Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works
WARD:	Beechwood and Heath
PARISH:	None
APPLICANT:	David Williams - Impero (Development Management) Ltd
AGENT:	None.
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Employment Allocation (E30) – ED1 Materials Safeguarding Area – HE10 Core Biodiversity Area – HE1 Greenway – C1, HE4
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	A total of 33 representations have been received (10 in support of the proposals and 23 in objection).
KEY ISSUES:	Development on an Employment Allocation, Amenity, Accessibility, Appearance and Risk.
RECOMMENDATION:	Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.

SITE MAP



THE APPLICATION IS BEING CONSIDERED BY THE DEVELOPMENT MANAGEMENT COMMITTEE FOLLOWING AGREEMENT BY THE CHAIR FOLLOWING A REQUEST RECEIVED FROM WARD COUNCILLOR MARGARET RATCLIFFE.

1. APPLICATION SITE

1.1 The Site

The site subject of the application is south of Runcorn in the north west corner of the Rocksavage Roundabout junction of Western Point Expressway and Weaver View, adjacent to Junction 12 of the M56.

The site is 0.94ha and was partly developed as a woodyard (now vacant) and outside storage facility, grazing land. There is an area of hardstanding and a track running across the site.

Within the site there is a valve compound managed by SABIC. SABIC and United Utilities also have pipeline easements which will be further discussed later in the report.

The site rises from Weaver View to its northern tip by 10m, the adjacent Expressway is partly at a lower level with a retaining structure. This slope together with the restrictions on materially altering the levels on the easement areas have been a major consideration in the design of the proposal which will be discussed later in the report.

The site is a designated Employment Allocation (E30) and lies within a Materials Safeguarding Area on the Halton Delivery and Allocations Local Plan Proposals Map. Parts of the site are identified as being Core Biodiversity Areas. These areas correspond with the location of trees on the site. There is also a Greenway running along the southern and eastern boundaries of the site.

1.2 Planning History

The site has a limited planning history, relating only to its use as a horse riding centre in 1976 (7603936f) and a retrospective application for a portal framed barn in 2021 (21/00403/FUL).

There are no previous applications relevant to this proposal.

2. The Application

2.1 The Proposal

Proposed filling station with ancillary convenience store (325 sq m GIA), forecourt with 4, 2 sided, pump islands, canopy, electric vehicle charging points and associated car parking, a drive thru fast food restaurant (349 sq m GIA)(Use Class E(b)/sui generis hot food takeaway use) with associated car parking, new site access road, new electricity substation, firewall to valve compound and associated works.

The filling station, ATM and EV charging points will operate 24 hours a day. The drive thru is proposed to be a McDonalds and will have a double order point and two window pay and pick up system. There will also be a patio area for external seating and ancillary parking. The McDonalds is also proposed to operate 24 hours a day.

Overall the scheme proposes 54 car parking spaces including 6 accessible spaces and 4 rapid EV charging spaces, 7 spaces for motorcycles and 12 for bicycles.

2.2 Documentation

The application is accompanied by the associated plans in addition to:

Design and Access Statement
Flood Risk and Drainage Strategy
Transport Assessment
Site Investigation Reports Phase 1 &2
Ecology Appraisal & Ecology/Tree Survey Addendum
Ethylene Pipeline & Valve Compound Risk Assessment
Refuse Storage and Recycling Plan
Litter Patrol Plan
EV Charging Equipment Specification
Fuel Strategy and Engineering Proposal
Minerals Safeguarding Assessment

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)1 – Halton’s Spatial Strategy
- CS(R)4 – Employment Land Supply
- CS(R)15 – Sustainable Transport
- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- CS(R)20 – Natural and Historic Environment
- CS(R)21 – Green Infrastructure
- CS23 – Managing Pollution and Risk
- ED1 – Employment Allocations
- ED2 – Employment Development
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking
- HC1 – Vital and Viable Centres
- HC8 – Food and Drink
- HE1 – Natural Environment and Nature Conservation
- HE4 – Greenspace and Green Infrastructure
- HE5 – Trees and Landscaping
- HE7 – Pollution and Nuisance
- HE8 – Land Contamination

- HE9 – Water Management and Flood Risk
- HE10 – Minerals Safeguarding Area

3.2 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

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

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.34 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 states so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:

The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

Paragraph 47 states that planning law requires for planning permission to 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.

3.5 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.

4. CONSULTATIONS

Full consultation responses are included in the appendices:

Appendix 1	Archaeology – Cheshire West and Chester Council
Appendix 2 Appendix 2a	Highways
Appendix 3	LLFA
Appendix 4	Environmental Protection
Appendix 5 Appendix 5a	Open Spaces
Appendix 6 Appendix 6a Appendix 6b Appendix 6c	National Highways
Appendix 7 Appendix 7a	Merseyside Environmental Advisory Service (MEAS)
Appendix 8 Appendix 8a	HSE

Appendix 9	Network Rail
Appendix 10	SABIC UK Petrochemicals
Appendix 11	Scottish Power
Appendix 12 Appendix 12a	United Utilities

The consultation responses are summarised below:

Archaeology

The application is unlikely to impact any significant below ground remains and there are no archaeological requirements for this application.

Beechwood and Heath Councillors

Councillor Margaret Ratcliffe:

Highways Safety - the proposal to steer off from a major, busy roundabout and entry into the planned site is a major concern. The frequent number of accidents on the adjacent roads cause major tailbacks. I do not feel that the number of parking spaces allocated will suffice for the number of visitors to this site, therefore resulting in on street parking.

The report does not have any emergency response plan detailed in the event of an accident.

The Health and Safety Executive (HSE) has already voiced its concerns over the feasibility of the proposed scheme and will be making an objection.

SABIC - who has responsibility for the pipelines running through this land will need to make comments.

Highways

No highway objections subject to conditions relating to off-site highway improvements and a S278 agreement and the submission of a signage detail scheme.

Lead Local Flood Authority

The LLFA agrees with the submitted flood risk assessment and considers the drainage strategy to be clear. No LLFA objection subject to conditions relating to the submission of an updated drainage strategy and verification report.

Environmental Protection

The application was assessed for potential noise and odour impacts. The officer did not find reason for concern and does not object.

Contaminated Land

No observations received at the time of writing this report.

Environment Agency

No observations received at the time of writing this report.

Open Spaces

No objection subject to conditions relating to British Standard 3998:2010 “Recommendations for Tree Work” and nesting birds.

National Highways

National Highways offers no objection. National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

Merseyside Environmental Advisory Service (MEAS)

MEAS has no objection to the proposal subject to conditions relating to breeding birds, bird nesting boxes, the protection of Clough Lagoon LWS, and a waste audit.

HSE

The assessment indicates that the risk of harm to people at the proposed development site is such that HSE’s advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Network Rail

Network Rail has no objections.

SABIC UK Petrochemicals

Due to the location of the pipelines in relation to the proposed development, SABIC object to the application.

Scottish Power

Scottish Power have no objection to the proposals but would like an informative added about working safely around assets added to any forthcoming approval.

United Utilities

No objection subject to a condition relating to the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme.

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33									

6. ASSESSMENT

6.1 Principle of Development

Employment Allocation

The site is designated as an Employment Allocation (E30) and a Minerals Safeguarding Area in the Halton Delivery and Allocations Local Plan. There are also two small areas designated as Core Biodiversity Area to the south of the site. The red line site boundary mostly avoids these areas but there is a small portion of the site overlapping with this allocation. There is also a Greenway running along the east and south boundaries of the site.

The whole site has an employment allocation and therefore, regardless of the other allocations which overlap it, the principle of developing the site for employment uses, provided the other constraints can be satisfactorily dealt with, is acceptable.

Therefore the crux to establish principle is whether the proposed use is appropriate to be considered an employment use or a use suitable within an allocated employment area.

Historically the site was allocated for Employment use in the previous Unitary Development Plan (site 252) and under the old Policy E1, roadside uses such as petrol station, restaurant and hotel were considered acceptable for this site.

The application site, Employment Allocation E30, is now allocated for office, research and development, light industrial and storage and distribution in Policy ED1 of the DALP.

In terms of the rationale for the Council not continuing with the roadside uses in the DALP is likely due to the restaurant and hotel being considered as main town centre uses. Paragraph 8.7. of the Justification for Policy ED1 states that the Government amended the Use Class Order on the 1st September 2020 merging former B1 (Office, Research & Development, Light Industrial) with A1 (Retail), A2 (Professional Services), A3 (Café / Restaurant) , some D1 (Non-residential institutions) and some D2 (Indoor Leisure) use classes into a combined Use Class E (Commercial Business and Service Uses). This change was introduced after the public consultation on this Plan and represents a major shift in national policy with potentially significant ramifications for the Local Plan strategy. As such it was not appropriate to seek to address the new E use class in this Plan. It will be addressed in the subsequent Plan or Plan Review which may be guided by the anticipated revision to the National Planning Policy Framework. This has also impacted what is now written in the Proposed Use Classes column in Table E2.1 in the DALP.

There is therefore no specific reference for either of the proposed uses in the Employment Allocation in DALP with a petrol filling station being Sui Generis and the drive thru restaurant being a mixed use between Class E(b) and a sui generis hot food takeaway use.

The purpose of the Employment Allocations in the DALP is to deliver the employment land requirements set out in Policy CS(R)4. The proposed development needs to be considered on the criteria set out within this policy and also on its planning merits.

The wording at 7.38 of the DALP states that employment land will be provided over the lifetime of the Local Plan to support Halton's economy and to offer business and industry a choice of sites so that differing requirements and locational needs can be met. The proposed development would result in two businesses locating to the site which the applicant estimates would deliver 145 jobs (25 in the Petrol Filling Station and 120 in the restaurant). Whilst not being for uses referenced in the Employment Allocation, the proposal would still ultimately deliver two employment generating uses on the site. It should be noted that this site has been allocated as an employment site for a significant amount of time (both in the DALP and also in the UDP adopted in 2005).

As the applicant sets out in their planning statement, the Trans Pennine Ethylene Pipeline crosses the application site as well as having a small vale compound within it. This pipeline has a 6m wide easement as well as being a Major Hazard Pipeline under HSE definitions. United Utilities have easements in respect of 2 major water mains (500mm and 600mm diameter) running just inside the Eastern boundary of the site parallel to the Expressway, and a "Rising Main" Sewer running close to the Southern fence line. The site also rises from Weaver View to its northern tip by 10m where the Expressway is at a lower level with a retaining structure. The applicant concludes that the slope together with the restrictions on materially altering the levels on the easement areas are a major constraint/influence on the design for the site. This position is accepted and will ultimately be the reason for other employment sites having come forward for development ahead of this site.

Should the Council have considered that this proposal is for a non-employment use, the applicant has provided commentary on compliance with Policy CS(R)4 (2a) which is set out below:

Any proposals for non-employment uses should be accompanied by an assessment of the wider employment land situation in the Borough, or in the case of strategic employment sites the City Region. Including:

- i. consideration of the overall supply of employment land in the Borough (amount type, quality, availability, size), and how the proposal would not limit the range available;*
- ii. the relative suitability and sustainability of the site for employment uses and evidence of the attempts made to let or sell the premises for a reasonable rate with no tenant or purchaser being found;*

- iii. the relative suitability and sustainability of the site for the proposed alternate use;*
- iv. the benefits and /or improvements that the alternative use would bring to the area;*
- v. the location of the site and its relationship to and compatibility with other uses; and*
- vi. the need for the proposed use.*

In relation to criterion i, the applicant notes the net developable site area is 0.75ha which in the context of the 180ha required over the plan period is de minimis and will have no effect in limiting the range and scale of supply in the borough and that it could be recovered by a small windfall site. This is accepted.

The constraints of the site have already been set out and the applicant also notes the lack of interest in the site for industrial / warehousing purposes. The length of time which the site has been allocated for employment purposes without development coming forward is also noted. The applicant's observations on criterion ii are accepted.

It is accepted that the site is located adjacent to a full movement improved junction on a major highway network and that the site is a logical location for the uses proposed which is emphasised by the previous site allocation in the UDP. This position is accepted in respect of criterion iii.

The applicant notes that this proposal would deliver an estimated 145 jobs with circa £6m investment as well as improving the aesthetic on a gateway location and support the use of the highway infrastructure. This position is accepted in respect of criterion iv.

The site is adjacent to the Expressway and is sufficiently setback from residential properties in Clifton to ensure that the uses proposed would not be significantly detrimental to the residents and commercial users in the locality. This position is accepted in respect of criterion v.

The applicant has commented that they have identified two end users who are global / national leaders in their markets and have identified need for their services to the extent they are willing to make long term commitments to the site incurring substantial capital outlay in fitting out the proposed units. The applicant also notes that on the direct route from M56 into Liverpool over the Mersey Gateway that there is no petrol filling station until Speke 10 miles away. This position is accepted in respect of criterion vi.

Main Town Centre Uses and Sequential Test

The proposal includes elements (retail and drive thru restaurant) which are defined in NPPF as being main town centre uses. This site is not within a defined centre on the DALP Policies Map. Policy HC1 (6) as set out below is therefore relevant to this proposal:

Proposals for retail uses in out-of-centre locations will only be permitted where:

a. It is demonstrated through a sequential test that there are no appropriate sites in the Primary Shopping Area or edge of centre sites available, or likely to be available within a reasonable timeframe;

b. The proposal has been subject to impact assessment as set out in accordance with Table HC1.1, and will not demonstrably harm centres within its catchment.

Whilst the applicant notes that the petrol filling station includes an ancillary shop, however notes that this is intrinsic to the petrol filling station and has been the case for almost all new petrol filling stations during the last 20 years across the UK. Whilst the applicant does not consider that the petrol filling station and ancillary shop as a main town centre use, the applicant has still undertaken a sequential test for the avoidance of doubt. The applicant considers that the proposed drive thru restaurant is a main town centre use.

The applicant has commented that a new petrol filling station requires in the region of 0.6ha and a freestanding McDonalds restaurant requires approximately 0.3ha of available space to viably support the proposed restaurant, drive thru lane and associated parking. They do however note that this area can be somewhat reduced dependant on the shape of the site.

The applicant has undertaken a sequential test for all the development proposed to consider whether there are any sites in the Primary Shopping Area or edge of centre sites available. Their conclusion of the assessment is that there are no alternative sites suitable for the proposed development. They also note that should a site come forward in the medium to long term, the development of the application site would not preclude a further McDonald's drive thru restaurant, nor a petrol filling station (with electric charging provision). This position is accepted. The proposed development does not exceed the floorspace threshold for the nearest centre (Halton Lea Town Centre) and does not require an impact assessment for either convenience / comparison goods. Based on the submissions made, it is considered that the proposal is compliant with the criteria set out in Policy HC1.

Food and Drink Uses

Policy HC8 sets out that the development of food and drink uses including restaurants, late night bars or pubs and Hot Food Takeaways (subject to the additional criteria below), will be acceptable provided that they would not harm the character of the area, residential amenity and / or public safety, either individually or cumulatively. The following impacts will be taken into consideration:

- a. noise, fumes, smells, litter and late night activity;
- b. the availability of public transport and parking;
- c. highway safety;
- d. access for servicing;

- e. storage for refuse and recycling;
- f. the appearance of the building, frontage, flues and other installations;
- g. the number, distribution and proximity of other existing, or proposed, restaurants, hot food takeaways and late night bars or pubs;
- h. potential for crime and anti-social behaviour;
- i. impact on the promotion of healthy lifestyles.

This proposal does include a food and drink use in the form of a drive-thru restaurant. It has previously been considered by the Council that Food Establishments with drive through premises can be ancillary to the use of the site as a restaurant. Noting this and the applicant's assertion that the proposed drive thru fast food restaurant is a mixed use between Use Class E(b)/sui generis hot food takeaway use, it is not considered that the Council's Hot Food Takeaway SPD can be applied in this instance. The proposal's compliance with the criteria set out in Policy HC8 will be considered under relevant topics later in the report.

One point requiring further consideration is the impact that the proposal would have on healthy lifestyles. Some of the representations raise the issue of unhealthy food being sold. The consideration with this application is the suitability of the land use proposed. Whilst in this case, the applicant makes reference to the end user being McDonalds, this building could be occupied by another operator without the benefit of planning permission being required. There is no evidence presented to demonstrate that there would be demonstrable harm to healthy lifestyles to warrant the refusal of this application.

Conclusion

In conclusion in respect of the site being an employment allocation, it is considered that the proposed development would deliver two employment generating uses on the site with an estimated 145 jobs and whilst not being for the uses identified in Policy ED1, would be a logical use for this constrained site and would support the local economy in accordance with Policies CS(R)1 and CS(R)4. The applicant's sequential test justifies the main town centre uses proposed on the application site in accordance with Policy HC1. The principle of development is therefore considered to be acceptable.

6.2 Amenity

Noise and Odour

The nearest neighbouring residential properties are located approximately 70m to the east in Beechwood. This area is separated from the site by the Expressway, a railway line and a band of mature trees. The nearest residential properties to the West are over 150m away in Clifton. The Environmental Protection Officer assessed the application and does not consider potential noise and odour to have an adverse impact on the nearest properties. The attachment of condition restricting the hours of construction is considered reasonable.

Lighting

Given the proximity of the Expressway and roundabout which are well lit, and the distance of the nearest receptors, it is considered that the additional lighting from the proposal would not give rise to any amenity concerns. An external lighting scheme has been submitted and the affects upon wildlife will be considered later in this report.

Litter

Many of the objections received referred to a fear of increased litter. The applicant has submitted a 'McDonald's Litter Management Plan' which details patrols spanning 150m from the restaurant if necessary.

Policy GR2 seeks to ensure a good standard of amenity for all existing and future occupants of all types of land and buildings, particularly residential properties. There are no privacy implications due to the location of the proposal. Appropriate storage space for waste and recycling has been demonstrated for both elements of the development.

Of the objections received, many sited increased traffic as a reason for objection and that it would affect their living environment. Highway impacts are discussed later in this report but in short, it has been satisfactorily demonstrated that the trip generation, traffic flows and distribution associated with the proposed development will not have significant detrimental impact on the immediate and local network in terms of capacity and queuing at certain stop lines.

Given the above, in respect of amenity the proposal is considered to accord with Policies CS23, HC8, HE7 and GR2 of the Halton Delivery and Allocations Local Plan.

6.3 Natural Environment

The site is a mixture of developed woodyard, pipeline easements and grazed pasture. There are also three self-seeded sycamore trees and sections of hedging around the valve compound that would need to be removed.

Parts of the site are identified as being Core Biodiversity Areas. These areas correspond with the location of trees on the site. The proposal looks to utilise the existing access point and does not impact the Core Biodiversity Areas to either side of the access point except for the removal of the self-seeded sycamore trees.

The application is accompanied by a preliminary ecological appraisal (PEA). The submission concludes that the development would have no impact upon any protected species and offered the following mitigation:

- A wildlife sensitive lighting plan to ensure that the adjacent woodland is not disturbed throughout the lifetime of the development;

- Exclusion fencing along the east edge of the woodland during construction;
- Inspection for nesting activity.

In addition to this, the landscaping scheme provides the following ecological enhancements:

- Native species tree planting;
- Species rich native hedgerow planting;
- Shrub planting and low level hedging including lavender;
- Areas around the site will be maintained as open grassland.

The submissions have been reviewed by the Council's Ecological Advisor and they raise no objections to the proposed development subject to conditions relating to breeding bird protection, the provision of bird nesting boxes, the protection of Clough Lagoon LWS, and the submission of a waste audit.

In conclusion in respect of impact on the natural environment, the proposal demonstrates that it would not have a detrimental impact on the designated Core Biodiversity Areas within the site. The submissions demonstrate that the proposal would not result impact designated sites, priority habitats and protected species. The proposal is therefore considered to accord with Policies CS(R)20 and HE1 of the DALP.

6.4 Highway Implications

The application is accompanied by a Transport Assessment and a Delivery Management Plan.

Sustainable Transport and Accessibility

As previously noted, the application site links into the existing Greenway network. The Highway Officer has previously noted that the site is not within 400m of a bus stop, however now considers that the proposed arrangement is considered accessible for all modes with further improvement of the sustainable access route about the frontage of the site agreed with the applicant which would be secured by condition. This would allow for works on the existing adopted highway about the access, including enhancement of the shared cycle/pedestrian facilities and crossings. This ensures that priority has been given to site access by pedestrians and cyclists.

Highway Safety

The applicant has worked proactively with the Highways Officer and National Highways to ensure that satisfactory information demonstrating that the trip generation, traffic flows and distribution associated with the proposed development would not have significant detrimental impact on the immediate and local network in terms of capacity and queueing at certain stop lines, has been presented. As a result of this, the Highway Officer considers that there

are no severe highway safety issues raised by the proposed development. National Highways also raise no objection.

Parking

It is proposed to provide 54 parking spaces in total with 34 spaces for McDonalds and 20 spaces for the petrol filling station. There would be a total of 6 accessible bays, 2 reserve bays for drive thru customers, 4 EVCPs, 7 motorcycle spaces and 12 cycle parking spaces.

The above would result in an overprovision of car parking having regard to Policy C2 (parking standards) was deemed acceptable by the Highway Officer as it is offered to ensure operational efficiency and to prevent displaced parking on the immediate or adjacent highway. Cycle parking provision was also deemed acceptable to the Highway Officer in terms of numbers, type and position.

Servicing/Refuse

McDonalds and petrol filling station deliveries would be made using vehicles up to 16.5m HGV with tall lift, approximately 6 times a week. Each time on site lasts between 15-45 minutes. There would be two tanker deliveries per week lasting 30 minutes.

Refuse collection would be carried out regularly or as required using a 9.6m rigid vehicle or skip type wagon.

This arrangement can be accommodated on the site safely and the Highway Officer holds no objection to the proposal.

Conclusion

In respect of highway implications, the proposed development is considered to accord with Policies CS(R)15, C1, C2 and HC8 of the DALP.

6.5 External Appearance and Site Layout

The petrol filling station and drive thru restaurant are laid out to make best use of the site following nationally adopted operational models and also noting the site constraints that have previously been set out. The proposed buildings are single storey in height and sufficiently distant for neighbouring land uses. Noting the land levels in relation to the Expressway and the way in which the development would be viewed, the applicant has provided a streetscene to demonstrate the suitability of the proposal on this gateway site to the Borough. The elevations shows buildings which use a variety of materials and add interest. The submission of final details and their subsequent implementation should be secured by condition.

The proposed site layout and resultant external appearance is considered acceptable and subject to the attachment of the suggested condition would ensure compliance with Policies CS(R)18, GR1 and HC8 of the DALP.

6.6 Ground Contamination

The application is accompanied by a Phase 1 Desk Top Study Report and a Phase 2 Site Investigation.

Observations from the Contaminated Land Officer are outstanding at the time of writing this report and Members will be updated accordingly. It is anticipated that there will be a requirement for the attachment of a condition securing the submission of a remediation strategy and subsequent validation.

The attachment of the suggested condition would ensure that in respect of ground contamination would ensure compliance with Policies CS23 and HE8 of the DALP.

6.7 Flood Risk and Drainage

The application is accompanied by a Flood Risk and Drainage Strategy.

The Lead Local Flood Authority (LLFA) has considered the submission and agrees with the assessment of flood risk to and from the site and is satisfied that the applicant has provided a clear drainage strategy. This is also deemed acceptable by United Utilities.

Therefore, there is no objection, subject to conditions relating to the submission of an updated drainage strategy and verification report.

On that basis in respect of flood risk and drainage it is considered that the proposals are in accordance with Policies CS23 and HE9 of the Halton Delivery and Allocations Plan.

6.8 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. This should be secured by condition.

In terms of on-going waste management, there is sufficient space on site to deal with this.

In respect of waste management, subject to the suggested condition, the proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.9 Sustainable Development and Climate Change

Policy CS(R)19 of the Halton Delivery and Allocations Local Plan requires development to be designed to have regard to the predicted effects of climate change.

The proposed development includes electric vehicle charging provision in the form of 4no. rapid electric vehicle charging points. The applicant also states that the design would allow for significant future expansion when SP Energy Networks capacity can be viably increased. Such provision demonstrates the regard that the applicant has had to the predicted effects of climate change and the reduction in carbon dioxide emissions through the provision of the infrastructure proposed.

The attachment of a condition securing the submission of a scheme detailing relevant matters in this regard along with their subsequent implementation would ensure compliance with Policy CS(R)19 of the DALP.

6.10 Minerals Safeguarding Area

The application site is in a Minerals Safeguarding Area. The applicant has undertaken a Minerals Assessment to accompany their application. The applicant notes that the site and surrounding areas are within a safeguarding area due to mineral resource with the Glaciofluvial superficial deposits (i.e. sands and gravels). These deposits have the potential to be quarried and used as aggregate.

It is estimated that the deposits extend to between c.5m and c.10m below ground. The applicant notes the critical utility services which are within / adjacent to the site and also the shallow depths of groundwater. For the reasons set out, the applicant considers that this restricts the practicality of the site being suitable for mineral extraction and quarrying. These points are accepted.

As noted by the applicant, the mineral material beneath the site would still remain, however the constraints of the site in relation to extraction in conjunction with the need to deliver development on this allocated site is considered to result in compliance with Policy HE10 of the DALP.

6.11 Risk

There is a Major Hazard Pipeline (the Trans Pennine Ethylene Pipeline (TPEP)) running through the site. The TPEP is operated by SABIC and runs from

Teesside to Runcorn. The proposed development lies within the consultation distance (CD) of this major accident hazard pipeline.

The HSE's assessment indicates that the risk (societal risk) to harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

It is for the Council to make decisions on planning applications, giving very careful consideration to the advice of the HSE along with any wider social and economic benefits, which may outweigh any adverse impacts.

This application should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Policy CS23 of the DALP relates to managing pollution and risk and is relevant to the determination of the application.

To prevent and minimise the risk from potential accidents at hazardous installations and facilities, the following relevant principles apply to the consideration of this proposed development:

- Minimisation of risk to public safety and property wherever practicable.
- Controlling inappropriate development within identified areas of risk surrounding existing hazardous installations or facilities, to ensure that the maximum level of acceptable individual risk does not exceed 10 chances per million and that the population exposed to risk is not increased.

The position of the HSE having regard to Building Proximity Distance of Major Hazard Pipelines is noted, however should this be applied in this case, it would ultimately compromise the delivery of development on this site which is allocated for employment purposes. It should also be noted that historically the site was allocated for Employment use in the previous Unitary Development Plan

Subject to there being no obstructions within the pipeline's maintenance easement strip (which the applicant is aware of), which would limit or inhibit essential maintenance works on the pipeline, risk to public safety for what is an existing operation is considered to be minimised.

Appendix D of the Planning for Risk Supplementary Planning Document includes maps which identify this risk and this site is outside of the area affected by an individual accidental risk of in excess of 10 chances per million in a year.

This proposal would deliver development creating an estimated 145 jobs on allocated site and is also considered compliant with Policy CS23 of the Halton Delivery and Allocations Local Plan and the Council's Planning for Risk Supplementary Planning Document.

It is not considered that the safety advice of the HSE outweighs the proposals policy compliance and the benefits that would result from the delivery of the development allocation.

Should members be minded to grant permission, the Local Planning Authority is required to give the HSE 21 days' notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

6.12 Issues raised in representations not addressed above

Some of the representations received raise concerns over potential anti-social behaviour which would likely result from the proposed development. It is considered that the proposed site is well laid out to ensure appropriate surveillance as well as likely being protected by CCTV. The site is also self-contained with access gained only from Weaver View. The management of any issues arising would ultimately be for the site operators to deal with. It is not considered that the refusal of this application on the basis of likely resultant anti-social behaviour could be sustained.

6.13 Planning Balance

Based on the above assessment, it is considered that the advice of the HSE which states that there are sufficient reasons on safety grounds against the granting of planning permission does not outweigh the benefits resulting from the delivery of development on this allocated site along with compliance with the Development Plan.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

7. CONCLUSIONS

The proposed development would deliver two employment generating uses on this allocated employment site with an estimated 145 jobs and is considered a logical use for this constrained site and would support the local economy. The site is sufficiently distant from the nearest residential properties to ensure that no adverse effect upon amenity.

Information demonstrating that the trip generation, traffic flows and distribution associated with the proposed development would not have significant detrimental impact on the immediate and local network in terms of capacity and

queueing at certain stop lines has been submitted to the satisfaction of the Highway Officer and National Highways.

The site layout shows appropriate provision for parking and accessibility by sustainable modes. The proposed streetscene submitted by the applicant demonstrates the suitability of the proposal on this gateway site to the Borough in terms of appearance.

The proposal is considered to accord with the DALP and would contribute to the achievement of sustainable development in Halton.

The application is recommended for approval subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive.

8. RECOMMENDATION

Grant planning permission subject to conditions should the proposal not be called in by the Secretary of State following referral to the Health and Safety Executive:

1. Time Limit
2. Approved Plans (GR1)
3. Submission of Precise External Facing Materials (GR1)
4. Restriction on Hours of Construction (GR2)
5. Submission of an Electric Vehicle Charging Point Scheme (C2)
6. Submission of a Signage Detail Scheme (C1)
7. Implementation and Maintenance of Parking and Servicing Provision – (C1 and C2)
8. Implementation and Maintenance of Cycle Parking Scheme (C2)
9. Submission of Off-Site Highway Improvements Scheme (C1)
10. Submission of a Sustainable Development and Climate Change Scheme (CS(R)19)
11. Submission of a Sustainable Urban Drainage Scheme including future implementation, maintenance and management and verification reporting (CS23 and HE9)
12. Implementation and Maintenance of a Landscaping Scheme (HE5)
13. Implementation and Maintenance of a Lighting Scheme (HE1 and HE7)
14. Implementation of Tree Works to British Standard (HE5)
15. Submission of a Tree Protection Scheme (HE5)
16. Ensuring Breeding Bird Protection (HE1)
17. Submission of a Bird Nesting Boxes Scheme (HE1)
18. Submission of a Scheme Demonstrating Protection of Clough Lagoon LWS (HE1)

19. Submission of a Waste Audit (WM8)
20. Submission of a Remediation Strategy and Validation Reporting (CS23 and HE8)

9. BACKGROUND PAPERS

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

10. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2023);
- 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.