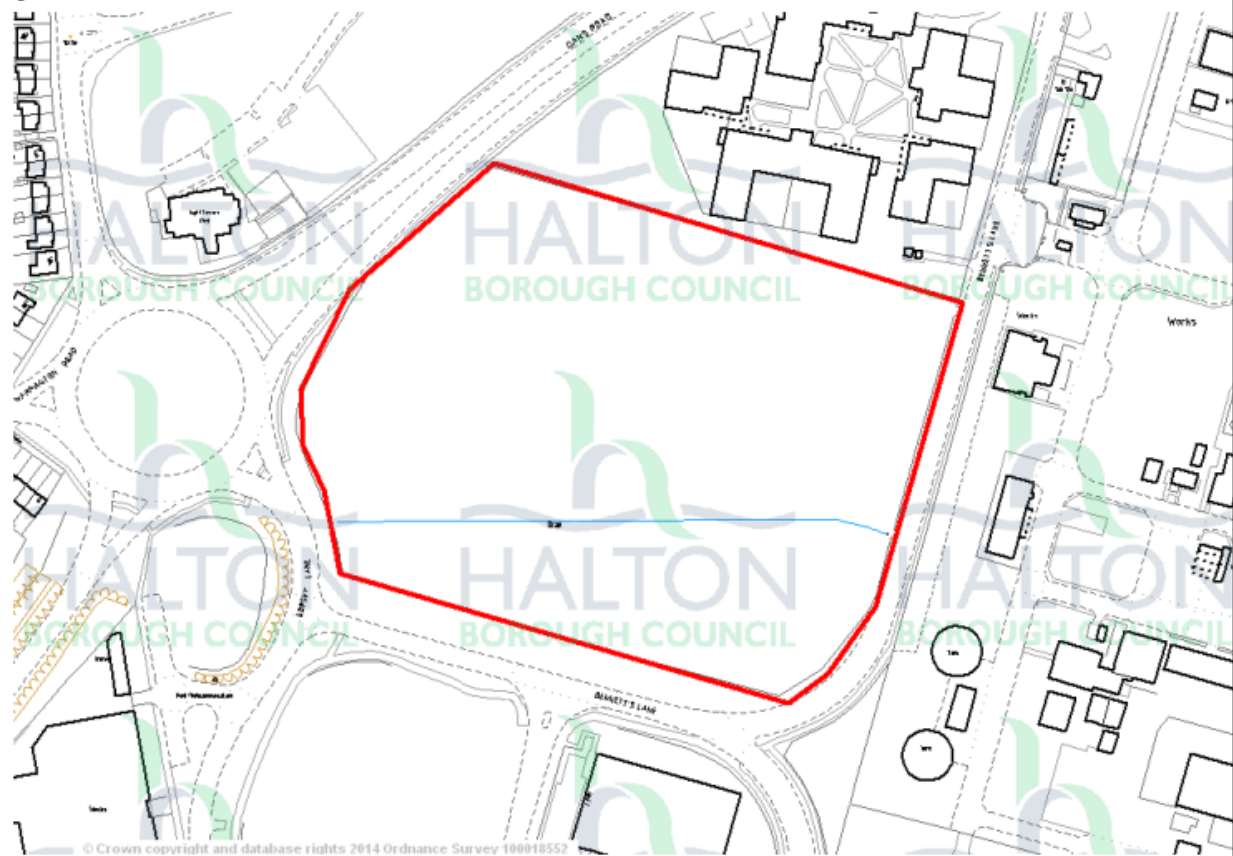


APPLICATION NO:	13/00379/OUT
LOCATION:	Land East of Dans Road and North and West of, Bennetts Lane, Gorsey Lane, Widnes, Cheshire
PROPOSAL:	Outline application (with all matters reserved) for residential development of up to 131 dwellings
WARD:	Farnworth
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Caroline Chave, Chave Planning
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	Loss of Employment Land Housing Provision Access and Highway Safety Planning for Risk
RECOMMENDATION:	Approval subject to conditions and S106

SITE MAP



1. APPLICATION SITE

The Site and Surroundings

Area of previously undeveloped, allocated employment land adjacent to existing industrial/commercial area. The land is bounded by an adjoining secure residential facility and by Dans Road and Bennetts Lane, Widnes.

Planning History

07/00772/FUL Proposed erection of 10 No. single/part two storey detached and semidetached industrial buildings (Use classes B1/B2/B8) and up to 39 No. office units in 5 No. two storey blocks (Use class B1), associated external works/structures and substation.

11/00292/FUL Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation on 07/00772/FUL (Proposed erection of 10 no. single/part two storey detached and semidetached industrial buildings [Use classes B1/B2/B8] and up to 39 no. office units in 5 no. two storey blocks [Use class B1], associated external works/structures and substation)

2. THE APPLICATION

Documentation

The application has been submitted with the requisite planning application form, a complete set of plans and supporting information including a design and access statement, planning policy statement, employment and housing land reports, flood risk assessment, ecological report, breeding bird survey, contaminated land report, viability appraisal, noise report, air quality report, marketing strategy and market review.

3. POLICY CONTEXT

National Planning Policy Framework

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

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

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Paragraph 22 of the NPPF has particular significance, this states 'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.

The site is allocated as Primarily Employment land in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE6 Protection of Designated Greenspace
- GE19 Protection of Sites of Importance for Nature Conservation
- GE21 Species Protection
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- H3 Provision of Recreational Greenspace
- PR1 Air Quality
- PR2 Noise Nuisance
- PR4 Light Pollution
- PR5 Water Quality
- PR6 Land Quality
- PR7 Development Near Established Pollution Sources
- PR12 Development on Land Surrounding COMAH Sites
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- E1 Local and Regional Employment Allocations

Halton Core Strategy Local Plan (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough, in this particular case the following Policies are of relevance

CS2	Presumption in Favour of Sustainable Development
CS3	Housing Supply and Locational Priorities
CS7	Infrastructure Provision
CS12	Housing Mix
CS13	Affordable Housing
CS15	Sustainable Transport
CS18	High Quality Design
CS19	Sustainable Development and Climate Change
CS20	Natural and Historic Environment
CS23	Managing Pollution and Risk

Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

The Council's New Residential Guidance Supplementary Planning Document and Draft Open Space Supplementary Planning Document are also of relevance.

4. CONSULTATION AND REPRESENTATION

The application has been advertised as a departure by means of a site notice, press notice and neighbouring properties have been consulted via letter.

The first consultation was carried out in October 2013. Since then further information has been received and a full re-consultation has been carried out.

Consultation has been undertaken internally with the following Council Officers: highways, open spaces, contaminated land, environmental health. Ecological advice has been provided by Merseyside Environmental Advisory Service (MEAS).

Ward councillors have also been consulted. Any comments received internally have been incorporated into the assessment below.

Externally, the Environment Agency, United Utilities and the Health and Safety Executive have been consulted.

The Environment Agency has no objection subject to securing a drainage design that provides the equivalent of a greenfield runoff rate of 19.5 Litres/second, and conditions in relation to flood risk and drainage design.

United Utilities has no objection to the proposed development provided that a condition is attached for the site to be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water flows should be restricted to 19.5 Litres/second and managed in accordance with the submitted flood risk assessment.

The Health and Safety Executive has been consulted through the PADHI + system which does not advise against, they have also provided bespoke comments on the application explaining why they do not advise against, this is explained in the report below.

From the consultations carried out, a total 12 individual objections have been received, including the objections received from Innospec (now called Emerald Kalama Chemicals Limited). A petition organised by Innospec (now called Emerald Kalama Chemicals Limited) with 77 signatures has also been received. The consultation responses have raised objections on the following grounds:-

- the residential use of the site is not compatible with the neighbouring industry;
- It is contrary to Policy E1 of the UDP, the Framework requires that the planning system be plan-led, unless material considerations indicate otherwise. No material considerations have been cited in this application, justifying any departure from its allocation for employment uses;
- it is incompatible with the neighbouring industrial and other employment uses;
- it could compromise the operating conditions of adjacent uses, including our client's premises, with potentially serious consequences;
- it is unacceptable in planning policy terms, since it is well-established that the site is considered suitable for employment uses and, moreover, it is allocated for this use and planning permission has already been granted;
- The market use for the site for employment has not been robustly tested
- in addition, no evidence whatsoever has been submitted with the application to demonstrate that the site has been marketed in a reasonable and comprehensive way for employment use;
- Nor has any evidence been submitted to demonstrate that there is no current or future likely demand for employment uses there, given that this is at odds with evidence of take up elsewhere in the area over the same period;
- Land should be used for employment and job creation
- Deficiencies in the viability appraisal and not affordable housing provision
- Proximity next to COMAH site, and use of housing and public open space;
- Flood risk and drainage;
- It is unacceptable and unsustainable in highways terms, not least because there would be a conflict between the two access points on Bennett's Lane, there are issues concerning Dans Road and the site is also effectively severed by Dans Road from local facilities and public transport;
- No transport assessment has been submitted
- Part of Bennetts Lane is unadopted
- There should not be a presumption in favour of sustainable development as there is no justification for the departure from the development plan.
- Development is contrary to national and local policy.

5. ASSESSMENT

Planning Policy

The site is a greenfield site allocated for Employment uses as identified in Policy E1 of the Halton Unitary Development Plan and the associated proposals map as site 28/3. The site is a long standing employment allocation, having previously been an allocated employment site in the Halton Local Plan (1996).

The use of housing on the site therefore constitutes a departure from Halton's Development Plan. In accordance with the Development Management Procedure Order 2015 the application has therefore been advertised in the local press and by site notice, as a departure.

Objections have been received from the adjoining businesses on the grounds that the proposed development is contrary to development plan policy.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 196 of the NPPF, state that planning is a plan led system.

Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

As the proposal is a departure, the applicant has provided a marketing statement and a housing need statement to support its application and justify why the site should be considered for housing and not safeguarded for employment use. The original statement was later supplemented with a further report received in October 2015.

Firstly, the marketing statement provides details that the site was marketed by a local agent jointly with CBRE and Cushman Wakefield which ensured that the local, regional and national markets were covered. It has demonstrated that the site has been marketed adequately, but despite robust local, regional and national marketing it was not possible to engage with end users; only limited interest was generated. In light of the history of unsuccessful marketing a realistic view has to be taken on the likelihood of the land being brought forward for employment or whether it would currently be more sustainable to release the land for residential use.

Secondly, the applicant's housing supply statement concludes that, at best, a 3.21 year supply housing land is available, and that the site which is the subject of this planning application, has the potential to make a significant contribution towards the 5 year housing land supply. It is considered that all of the 131 dwellings applied for could be developed within the 5 year period.

The Council assesses 5 year land supply through the production of the Strategic Housing Land Availability Assessment (SHLAA). Our last SHLAA was in 2012 which showed a 5 year supply. Work is ongoing on the 2015 report and based on this work, the Council considers it can demonstrate a five year land supply for housing.

However, the Local Planning Authority has been monitoring of the delivering of housing, shows that in the period 2010~15 the borough saw a net dwelling gain of 1,629 units, some 1,131 units behind the policy target.

A balanced decision therefore has to be made on the merits of current proposal. The site was assessed in the Joint Employment Land and Premises Study (JELPS) of 2010, which concluded it should be retained for employment development. However, following a successful appeal, a residential care facility under use class C2A was permitted and has been constructed on approximately half of the allocated site (as allocated in the UDP). Residential use has therefore already been established on UDP allocated employment site 28/3. It is considered that this adjoining residential use has deterred the market from bringing forward further employment development on the remainder of UDP site 28/3. Having a residential use immediately adjacent with no buffer, for example a road or open space, or other landscape buffer, means that future employment uses on the remainder of UDP site 28/3 will be limited due to issues related to residential amenity.

In these circumstances paragraph 22 of the NPPF has particular significance, and therefore significant weight as a material consideration:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

In this particular case, the site has been a long standing employment allocation for over 20 years. It has had full planning permission for the last seven years and it has been marketed for a considerable period. It is felt that due to the lack of interest in this land for employment use, despite having full planning consent for industrial development, and based on the evidence put forward by the applicant, the application should not be refused on the grounds of retaining the site for employment use any further. Given the residential development that has already been established that is immediately adjacent, it is not considered to resist the residential development of the remainder of the site further on planning policy grounds.

Design and Layout

The applicant has provided a purely indicative layout drawing no J0936-10 Rev B, illustrating how they envisage 131 dwellings may be accommodated within the site. The Council's New Residential Development SPD requires development interface distances to achieve the 21m separation (between habitable room windows) and 13m separation (between habitable room windows and blank/non habitable elevations) to be measured from the centre of any habitable room window. Proposed layouts are also expected to comply with the Council's standards for garden sizes and provide sufficient internal

access roads, parking and servicing as set out in the Design of Residential Development SPD.

As this is an indicative plan it is purely for illustrative purposes only, so it does not necessarily show that every standard has been met. However, it does provide enough information to demonstrate that there is sufficient space within the site to accommodate these standards upon the final design and submission of reserved matters, and that a scheme of up to 131 dwelling can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

Planning for Risk and COMAH

The site falls within the middle and outer consultation zones of the Emerald Kalama Chemicals Limited (formally Innospec Limited) COMAH site. The applicant has provided an indicative plan which shows an area of open space which reflects the middle zone of the COMAH zone.

The Health and Safety Executive were initially consulted 11th December 2013 through the PADHI + system which resulted in an 'advise against' response. However, an objector made contact with the HSE, to make them aware of their objections. Following this the HSE reviewed the information that was imputed into the PADHI+ system. After looking at this information and the planning application they are of the view that an error may have been made when inputting the application into the PADHI+ system.

In their letter dated 26 February 2015, they have advised that because the development falls within two zones (the middle and the outer) in these circumstances the PADHI+ straddling rule applies to decide which of those zones the development should be treated as lying in. In this case the development will be considered as lying in the middle zone unless;

- a) Less than 10% of the total site area for the development type is within the middle boundary, or
- b) It is only car parking, landscaping (including gardens of housing), open spaces, etc. within the middle zone boundary.

During the original PADHI+ consultation, only one development type of housing (which has a sensitivity level of 3) was identified. More than 10% of the total residential site area was identified as lying within the middle zone, and so development was treated as lying within that zone, so the PADHI+ response was that HSE advised against the granting of planning permission.

However, that position was incorrect, as the indicative layout drawing no. J0936-10 rev B actually shows that no dwellings will be sited within the middle zone and that the area within the middle zone will contain public open space and a 'Local Equipped Area for Play' (LEAP). In these circumstances, the PADHI+ consultation should have considered two development types, the housing and the

LEAP (which falls into the development type category of 'outdoor use by the public').

As none of the dwellings lie within the middle zone, the residential development site should be treated as lying within the outer zone. The HSE therefore would not advise against the housing development in the outer zone.

As the outdoor use by the public development (LEAP) is likely to attract no more than 100 people at any one time, the sensitivity of that development less than that of the housing, with a sensitivity level of 2. The HSE would not advise against the granting of planning permission for the public open space/LEAP in the middle zone.

This application is in outline with all matters reserved, and the applicant has submitted a layout plan for indicative purposes only. As the red line application encompasses all of the site, in theory, if planning permission were to be granted it would be granting permission for housing within the 10 c.p.m zone. To overcome this, the applicant has suggested that a planning condition could be attached stating the following:

'the details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the Drawing no. J0936 10 Rev B'.

This is considered to be a reasonable approach, which would be consistent with the Council's planning policies PR12 (UDP), CS23 (Core Strategy) and the Planning for Risk Supplementary Planning Document. It would also ensure that the basis for which the HSEs 'do not advise against' advice is maintained.

Public Open Space

This area of open space provision has largely been dictated by the site proximity to Emerald Kalama Chemical Limited (formally Innospec) site which is a COMAH site, this issues in relation to this have been dealt with in a separate section above.

This has resulted in an indicative layout plan that shows an area of onsite open space provision equating to approximately 4,750 square metres of amenity green space on site and 914 square metres of 'Provision for Children's Play' also onsite. There are further types of open spaces required to be provided to comply with Policy H3 of the Halton Unitary development Plan and the Draft Provision of Open Space SPD.

In accordance with Policy H3 where it is demonstrated that there is no practical alternative of that it would be better to do so, a contribution can be made and secured through a S106 agreement to improve or extend existing provision or provide new open space off site. In this particular case it is considered that it would not be practical to provide all of the open space requirement onsite, and

that the remaining types of open space can be provided for off-site and secured by way of a S106 agreement.

In terms of the provision of on-site open space, and an on-site LEAP, the applicant will be required to set up a management company to maintain this.

Highway Safety

The application has received objections from residents and neighbouring businesses in relation to highway impacts.

This application has been reviewed by the Council's Highways Engineer. As this is an outline application the internal layout will be reviewed at the reserved matters stage. It should, however, be noted that the internal layout of the development will require further detailed plans demonstrating highway arrangements and that it is to an agreed adoptable standard. There is sufficient space within the site to provide a detailed scheme to meet the relevant standards.

Off-site highway provisions are required with a footway to be provided at 3 metres wide from Dans Road to extend along Gorsey Lane to Bennetts Lane. Alterations to crossing points and footways at the roundabout are to be agreed with the Highway Authority and implemented at the developer's expense. An off-site highways works condition has been added to the suggested list of conditions for Committee approval.

These improvements will form the basis for sustainable accessibility from the site to the local centre on Warrington Road and the associated bus stops. The secondary/ emergency access from Gorsey lane would need to be designed to make it the desirable pedestrian option for the site; this would be approximately 300m from the bus stops of Warrington Road or Weates Close, with St John Fisher primary school further away on Edward Street. These facilities would not require the crossing of the dual carriageway at Dans Road.

The footway on east side of Bennetts Lane opposite the application site would be widened as per the previous widening scheme at the applicant's expense. The proposed access on Bennetts lane would have adequate crossing provisions to link to the footway. An off-site highways works condition is recommended.

The development would result in 100 two way movements on Bennetts Lane in the a.m. peak and 118 two way vehicle movements in the p.m peak. This is considered felt to have a significant impact on the current highway network. Given the previous consent approval for employment development on this site this would show a negative impact of 76 and 23 two way vehicle movements in the respective peaks.

An objection has been received raising concerns that the development is unacceptable in highways terms, and that it would impede access to the

neighbouring industrial site of Innospec. This view is not shared by the Council's Highways Engineer who considers the proposed scheme to be acceptable. Bennet's Lane will need to be reconstructed to the highway authority's satisfaction following construction of accesses and any drainage connections and utility connections. Suitable conditions are recommended.

The objector has also raised the matter that the southern part of Bennetts Lane is unadopted. However, the proposed indicative layout plan shows that the access to the site would actually be taken from the adopted northern part of Bennetts Lane, where access and egress to the site can be achieved from Dans Road, the proposal is not reliant on the unadopted section of Bennetts Lane.

A scheme of off-site highway improvements are required for Gorsey Lane and Bennetts Lane. These include the secondary access onto Gorsey Lane, crossings and footway improvements to link to the local centre.

No specific agreements are required for a S106, however the Highways Engineer has noted that a scheme of footway/ cycleways and associated crossings are required on Gorsey Lane & Dans Road roundabout together with the completion of the construction of the footway/ cycleway on Bennetts Lane to a width of 3m. These would require agreement under the Highways Act.

Viability and affordable housing

In accordance with Policy CS13 'Affordable Housing' of the Halton Core Strategy Local Plan, the application has been submitted with a viability appraisal. The appraisal breaks down the costs of the development and provides an analysis of how 'in the applicants opinion' market conditions would make the implementation scheme unviable if the Local Planning Authority were to insist on the provision of affordable housing and open space payments.

In light of concerns of the robustness of the applicants viability appraisal, the information was sent off to the District Valuer Services (DVS - the property specialists for the public sector) and they were asked to review all the relevant information and undertake a viability/development appraisal and comment on what proportion of affordable housing the scheme could support.

The DVS concluded that using the current day land value, the residual development appraisal shows that the project makes a market related profit of 27.13% on gross development value, whilst at the same time delivering 33 affordable homes, 25.19% of the total number of scheme dwellings.

One of the major floors in the applicant's viability appraisal is that it is based on the price the applicant paid for the land and includes significant holding cost (interest payments) for owning the site for approximately 8 years.

In accordance with RICS best practice guidance, and recent appeal decisions the DVS viability appraisal is correctly based on current land values and does not include holding costs. In accordance with best practice the DVS has used up to date figures for all components in the appraisal and any historic over/under payment and holding costs for land by a developer has been disregarded.

The DVS carried out some sensitivity analysis which has focused on applying a higher land value similar to the applicants assumed land value and purchase price paid for the land. Even taking this into account the scheme remains viable. Other discrepancies in the applicant viability appraisal include higher design and professional fees and contingencies, the applicant has also adopted a cost for offsite public open space twice that calculated by the planning department in accordance with planning policy.

The DVS even looked at the sales values adopted by the applicant and considered them to be on the high side. So DVS carried out sensitivity analysis on the applicant estimated sales values which showed that revenues 10% lower than those in their appraisal would still result in the scheme remaining viable.

In summary, the residual development appraisal shows that the project makes a market related profit of 27.13% on gross development value, whilst at the same time delivering 33 affordable homes, (25.19% of the total number of scheme dwellings), and still providing the required off-site open space contributions. Based on this appraisal a condition is recommended for 25% affordable housing and a section 106 should still be sought for the payment in lieu of onsite open space provision.

Flood Risk and Drainage

Concerns have been received from objectors in relation to the increase in flood risk off site, the absence of details of Sustainable Urban Drainage, and they feel that a watercourse/drainage ditch across the site has been over looked. With regards to flood risk, the application has been submitted with a flood risk assessment which has been produced in accordance with the National Planning Policy Framework, and Planning Practice Guidance.

In accordance with the Planning Practice Guidance note the local planning authority has consulted the lead local flood authority on surface water drainage, and regard has been given to the available information on local flood risks, including the Strategic Flood Risk Assessment and the updated map of flood risk from surface water which is available on the Environment Agency's web site. The original application was sent to The Environment Agency for consultation back in 2013. The Environment Agency reviewed the initial flood risk assessment and originally objected to the proposed development on the grounds that the discharge rate from the site needed to be maintained at the current greenfield rate of 19.5 litres/second. The proposed rate was originally five times higher at 100 litres/second.

In accordance with the Planning Practice Guidance this matter has now been addressed, in the planning application and accompanying site-specific flood risk assessment, which now demonstrates that the greenfield runoff rate of 19.5 litres/second would be achieved. The Environment Agency has, therefore, removed its objection subject to conditions in relation to the greenfield runoff rate, flood risk mitigation measures and full drainage design.

The lead local flood authority has also been consulted and has no objections to the proposal, also subject to conditions in relation to the greenfield runoff rate, flood risk mitigation measures and full drainage design.

United Utilities has no objection to the proposed development a condition is attached for the site to be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water flows should be restricted in accordance with the submitted Flood Risk Assessment.

On this basis, an objection on flood risk grounds is unjustifiable, and a refusal on any such ground could not be sustained at appeal.

In relation to the concerns raised about overlooking of a watercourse/drainage ditch across the site, to confirm the applicant, the local planning authority, the Environment Agency, United Utilities and the lead local flood authority are well aware of this. Its presence and the presence of other ditches around the site are referred to in 3.06 and 4.21 of the submitted flood risk assessment, which has been considered to be acceptable for the purpose of this application by the relevant consultees.

Furthermore, this is an outline application with all matters to be reserved, the final design and layout is yet to be considered at the reserved matter stage, and it is perfectly reasonable to condition the final design of the drainage details, and consider the use of Sustainable Urban Drainage.

On this basis, the proposal is considered to comply with Policy PR16 of the Unitary Development Plan, and part (3) of Policy CS23 'Managing Flood Risk' of the Halton Core Strategy Local Plan, paragraphs 100 to 104 of the NPPF and ID 7 of Planning Policy Guidance 'Flood Risk and Coastal Change'.

Ecology and Habitats

The application was originally received with a desktop ecological study of the site. Previously the local planning authority sought its ecological advice from Cheshire Wildlife Trust (CWT) who objected to the application on the ground of insufficient surveys and loss of habitat.

Since then the applicant has submitted an ecological survey report in accordance with Local Plan policy CS20 (Extended Phase 1 Habitat Survey, BSG Ecology, August 2014, 7753_R_APPR_220814). This report and previous comments received from the Cheshire Wildlife trust have been reviewed by the Council's ecology advisors at the Merseyside Environmental Advisory Service (MEAS).

In the MEAS comments received 19th March 2015 they consider the survey to be acceptable and forwarded it findings to Cheshire RECORD. They noted that the report has limitations as the conclusions and recommendations are not informed by sufficient assessment of potential ecological impacts of development. The site incorporates approximately 2.3 hectares of scrub which is developing into young woodland. There are a number of Priority Species of breeding birds within 2 km of

the site, this habitat is likely to be of local value to breeding birds and Local Plan policy CS20 applies.

A breeding bird survey has since been received and MEAS have been re-consulted on this.

The ecology report concluded that the grassland is not Priority Habitat. This conclusion is acceptable. Notwithstanding this the grassland is of local biodiversity value and Local Plan policy CS20 applies. Mitigation will be required for the loss of this habitat, this can reasonably be dealt with by way of planning conditions(s)

March Orchid and grass vetchling were recorded during the ecological survey. These are notable species and Local Plan Policy CS20 applies. Translocation of these plants should be included within the mitigation strategy.

The trees around the perimeter of the site are recorded in the National Woodlands Inventory. These trees should be retained and incorporated within the landscape plan which will be informed by a suitable mitigation strategy and secured by a suitable worded planning condition.

The report concludes that there will be no impact on bats, great crested newt or badger as a result of development. These conclusions are acceptable and these species require no further consideration with regards to the proposals. The report concludes that the site is unlikely to be suitable for reptiles due to the high levels of human disturbance, previous disturbance and geographical isolation, therefore reptiles need no further consideration with regards to the proposals.

The proposed housing development actually includes a substantial area of green space that would be of some biodiversity value. It is therefore recommended that a condition be attached for a biodiversity mitigation strategy that will help design in biodiversity enhancement features to the site as a whole. Planning conditions in relation to landscaping and a landscape management plan are also suggested. As recommended in Section 5 of the Extended Phase 1 Habitat Survey report, the following should be included within the mitigation strategy:

- The retention of marshy grassland and scrub where possible and particularly within the area set aside for ecological mitigation;
- The sowing of a suitable wet meadow, species rich seed mix;
- The retention of the boundary woodland and the inclusion of an ecological buffer zone between the woodland and built development;
- The creation of a pond within the ecology area;
- The translocation of Marsh orchid and Grass vetchling;
- Hedgerow planting to be incorporated throughout the development to retain habitat connectivity;
- Maximising native planting within the garden areas;
- The provision of bird nest boxes and invertebrate hibernacula within the ecological mitigation area; and

- An ecological management plan including details of how management of the mitigation habitat is to be resourced, and who will be responsible, for the life of the development.

Based on the above information, it is appreciated that there would be some loss of habitat, however on balance this is not considered to be significant enough to refuse the application. Furthermore, given the amount of open space to be provided onsite, there will be opportunities for biodiversity enhancement. In this respect it is considered that Local Planning Authority would be acting in accordance with Conservation (Natural Habitats etc.) Regulations 2010 (as amended).

The proposal is therefore considered to be comply with Policy GE21 of the Halton Unitary Development Plan, and Policy CS20 of the Halton Core Strategy Local Plan.

Air Quality

The site is located near to existing established industrial sites that are licensed and monitored by the Environment Agency. Policy PR7 'Development near to Established Pollution Sources' of the Unitary Development Plan, sets out how development near to such sites is controlled. The policy states:-

'1. Development near to existing sources of pollution will not be permitted if it is likely that those existing sources of pollution will have an unacceptable effect on the proposed development (as defined in Policies PR1, 4, 5, 6, 13 and 14) and it is considered to be in the public interest that the interests of the existing sources of pollution should prevail over those of the proposed development.

2. Exceptions may be permitted where the applicant submits satisfactory proposals to substantially mitigate the effects of existing sources of pollution on the development proposal'.

Policy PR1 defines the unacceptable risk on air quality which in summary includes a) emissions which are likely to have a significant unacceptable effect on the amenity of the local environment b) where there is significant possibility that public health may be affected, c) where there is a significant possibility that any proposed development will affect air quality standards, d) where investment confidence would be affected, e)an air quality assessment may be require.

The applicant has submitted an air quality assessment (REC, February 2015). The nearest PPC site is the Emerald Kalama Chemical Site just to the east of the application site.

The proposed site is located in close proximity to the Aromachem (now Emerald Chemicals Limited) industrial site. As such there are concerns that emission from the installation.

The applicant commissioned an air quality report assessing background levels of pollutants and specifically looking at the emissions of NO₂ and SO₂ from Aroma

Fine Chemicals. A model has been run using ADMS 5, which takes background data compiled by DEFRA and includes all transport and industrial sources in the area and models the impact of the nearest specific source of pollution over these. The report states that the background level of NO₂ is 17.58 micrograms/m³. The background levels of SO₂ are 4.87 micrograms/m³. The NO₂ figure can be directly compared to the modelled data in figure 5 and demonstrates that the maximum contribution from Aroma Fine Chemicals on the site is less than 1 micrograms/m³. It is more difficult to make a direct comparison to the air quality data for SO₂, but it does demonstrate that the contribution from Aroma Fine Chemicals combined with other sources in the area fall well within the health based air quality objective.

With regard to air quality the application has considered the likely exposure of residents to NO₂ and SO₂ specifically addressing the emissions from Aroma Fine Chemicals. Environmental Health is satisfied that the residents will not be exposed to air pollution levels that would result in a perceptible impact on human health.

Noise

Policy PR2 of Unitary Development Plan deals with developments that produce a new noise source likely to cause a significant increase in noise levels were it is likely to affect land allocated as housing or any other existing noise sensitive uses. In this particular application the development itself is not likely to produce a new noise source that would have an impact, but it is itself a noise sensitive development, for this reason the applicant has provided a noise report produced by a specialist acoustics consultant.

The acoustic consultant has produced a report in compliance with BS8233:2014. The consultant carried out background readings taking into account noise from commercial and road traffic sources.

This report demonstrates that internal levels in all properties will comply with the standards in BS8233:2014 with standard double glazing and windows closed. It suggests that trickle vents are used to ensure that adequate air changes can be achieved without the need to open windows. This does not take into account the likelihood of residents to want to open doors and windows in warm weather. Once doors and windows are opened the noise levels will be breached in a number of the properties with direct line of sight of Dan's Road. BS8233:2014 suggests that where a development is considered 'necessary or desirable' a relaxing of the standards by 5dB should be considered. There will still however be a number of properties that will fail to meet the standard +5dB, where they have direct line of sight of Dan's Road.

The report recommends that an acoustic barrier is constructed at the properties closest to Dan's Road. This demonstrates that the external amenity areas can achieve the levels specified for such spaces within BS8233. The report however does not give any indication as to how this will impact on the internal spaces. It is likely that the fence will have a positive benefit to the habitable areas on the ground floors of the properties.

The report does allude to the impact of the layout of the development and individual units in relation to the reduction of internal noise levels, but does not offer any more detailed information. Consideration of the orientation of the properties, for example locating houses with their gable ends facing the noise source and locating kitchens and bathrooms wherever possible such that they are facing the noise source will offer further mitigation. Given that the application is currently at outline stage further mitigation of noise should be considered at the detailed stage to ensure that wherever possible the internal environments comply with BS8233:2014.

In considering the impact of noise on future residents Environmental Health has taken into account the outline nature of the application and considers that further mitigation can be provided at the reserved matters stage that can satisfactorily deal with this matter.

Taking the above into account the existing sources of pollution in the area have been fully considered, the applicant has provided robust assessments in compliance with industry standards, and suggested mitigation measures. In this particular instance the application is in outline with all matters reserved, and a further detailed application can be made designing in the mitigation measures. Part 1 of Policy PR7 states that it is considered to be in the public interest that the interests of the existing sources of pollution should prevail over those of the proposed development.

However in light of the submitted supporting information, in accordance with part 2 of Policy PR7 an exception can be permitted where the applicant submits satisfactory proposals to substantially mitigate the effects of existing sources of pollution on the development proposal. The proposal is therefore considered to comply with Policy PR7.

Contaminated Land

Policy PR14 of the Halton Unitary Development Plan requires that prior to the determination of any planning application for development which is on or adjacent to land which is known to be contaminated the applicant is required to submit detail to assess the nature and degree of contamination, identify any remedial measures and a programme of implementation for the roll out and completion of the mitigation measure.

In this particular case the site is previously undeveloped, and historically would have been farm land, therefore was not known to be contaminated. As the proposed development is for residential use the developer was required to submit a ground investigation report, submitting two reports: Phase 2 intrusive investigation (July 2013) and Bennett's Lane addendum letter (August 2013).

The Council's contaminated land officer has reviewed the above documents submitted in support of the development, and considers the investigations and assessments to be appropriate for determining the land contamination status of the site and the suitability for use as residential land.

The desk study identified no significant previous land uses on the site that may have resulted in contamination, and this was backed up by the results of the site investigations. The site is largely undeveloped land with very limited deposits of made ground. Testing did not identify contamination above basic screening criteria with the exception of one sample that has slightly elevated concentrations of benzo(a)pyrene. The report recommends that the extent of this contamination is delineated and either mitigated against via either a cover system or removal and disposal. The contaminated land officer is of the opinion that the identified concentration of the contaminant represents a very low level of risk and that further consideration of the screening values and the underlying risk assessment assumptions could demonstrate that no specific remediation is necessary (it should be noted that since the report was drafted additional guidance regarding site assessment criteria has been published). This can be resolved prior to construction via planning condition requiring a remediation strategy, that either sets out the mitigations measures to be adopted or a revised risk assessment.

Monitoring of ground gases has identified a limited gas regime at the site, which the report has assessed as low to moderate risk requiring a basic level of protection measures, commensurate with Amber 1 conditions as per the guidance document CIRIA 665. The requirement to detail the gas protection measures and their installation can also be controlled by condition.

In considering the above the contaminated land officer has no objections to the proposed development but would recommend that if granted the permission should be conditioned to require the submission of a remediation strategy, covering the issue of soil contamination and ground gas protection measures, prior to commencement of the development, and a verification report detailing the completion of the identified mitigation measures.

Taking into account the submitted reports, the previously undeveloped status of the site and the identified low level of risk from contamination, mitigation measure and validation can be reasonably controlled by condition, in this respect the proposal is considered to comply with policy PR14 of the UDP, policy CS23 a) of the Core Strategy Local Plan way and paragraphs 120-121 of the NPPF.

6. SUMMARY AND CONCLUSIONS

In conclusion, this proposal is in outline only with all matters reserved for future determination. The applicant has provided provide enough information to demonstrate that there is sufficient space within the site to accommodate the Council's standards in the final design and submission of reserved matters, and that a scheme of up to 131 dwelling can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy Local Plan.

The housing that would be provided on the site would help to make up the shortfall in housing completions and would contribute to maintaining a 5 year supply of housing sites.

Provided a condition is attached to ensure no dwellings are sited within the 10c.p.m (middle/inner COMAH consultation zone) the proposal would be consistent with policy PR12 (UDP), CS23 (Core Strategy) and the Planning for Risk Supplementary Planning Document.

In this particular case, the site has been a long standing employment allocation for over 20 years. It has had full planning permission for the last seven years and it has been marketed for a considerable period. It is felt that due to the lack of interest in this land for employment use, despite having full planning consent for industrial development, and based on the evidence put forward by the applicant, the application should not be refused on the grounds of retaining the site for employment use any further. Significant weight is given to the fact that residential development that has already been established immediately adjacent to the proposal site. Given NPPF paragraph 22, it is not considered to resist the residential development of the remainder of site 28/3 further on planning policy grounds.

Although the proposal is a departure from Policy E1 of the Halton Unitary Development Plan, it is considered to be sustainable development consistent with the economic, social and environmental roles of sustainable development outlined in paragraph 7 of the NPPF.

It is on this basis that members as asked to approve the application.

7. RECOMMENDATIONS

That the application be approved subject to:

- A) The applicant entering into a legal agreement in relation to the payment of a commuted sum for offsite open space and affordable housing.
- B) Conditions relating to the following;
 - 1) Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1)
 - 2) Plans condition listing relevant drawings i.e. site location / red edge (BE1 and TP17)
 - 3) Prior to commencement the submission of a reserved matters proposal which incorporates a full proposal for drainage of the site (BE1)
 - 4) Prior to commencement submission of levels (BE1)
 - 5) Prior to commencement submission of materials (BE1 and CS11)
 - 6) Prior to commencement submission of hard and soft landscaping (BE1)
 - 7) Prior to commencement submission of a construction / traffic management
 - 8) plan which will include wheel cleansing details (TP17)
 - 9) Avoidance of actively nesting birds (BE1)
 - 10) Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (GE21)
 - 11) Prior to commencement details of a landscape proposal and an associated management plan to be submitted and approved (BE1, GE21)

- 12) Prior to commencement details of boundary treatment (BE22)
- 13) No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:
- detail extent and type of new planting (NB planting to be of native species)
 - details of the on-site play space
 - details of maintenance regimes
 - details of any new habitat created on site
 - details of treatment of site boundaries
 - details of management responsibilities

The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)

- 14) The future reserved matters proposal shall incorporate a provision for on-site play space. (BE1)
- 15) The details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the submitted Drawing.
- 16) Details of off-site highway works to be submitted for approval (BE1).

C) That if the legal agreement is not executed within a reasonable period of time authority is delegated to the Operational Director- Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman to refuse the application on the grounds that it fails to comply with UDP Policy S25 Planning Obligations.

SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.