

APPLICATION NO:	15/00563/OUT
LOCATION:	Former Warehouse, Halton Court, Runcorn, WA7 5XS
PROPOSAL:	Outline application, with all matters reserved, for demolition of existing buildings and erection of up to 53 dwellings with associated access, landscaping and ancillary works
WARD:	Halton Brook
PARISH:	N/A
AGENT(S) / APPLICANT(S):	NJL Consulting
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE	Yes
REPRESENTATIONS:	Yes
KEY ISSUES:	Loss of Employment Land Housing Provision Access and Highway Safety
RECOMMENDATION:	Approval subject to conditions and S106
SITE MAP	

1. APPLICATION SITE

The Site and Surroundings

The application site is located at Halton Court which is accessed from Halton Road. The site covers area 1.49 hectares, and is currently occupied by a 5,016m² warehouse. The warehouse was formerly utilised by a furniture retailer as a distribution depot (Use Class B8). The business ceased operations a number of

years ago and the buildings are now in disrepair and are currently vacant. The site is located at Halton Court which is accessed from Halton Road.

Planning History

The proposed development site formed part of the previous outline planning application 10/00397/OUT for the construction of up to 167 residential dwellings (with all matters reserved).

The application was recommended for Approval subject to a satisfactory Section 106 agreement being signed. The necessary Section 106 agreement was not completed and the application was subsequently refused on the 31st July 2014.

2. THE APPLICATION

Documentation

The application is outline with all matter reserved, and has been submitted with the requisite planning application form, a site plan and indicative site layout and supporting information including a design and access statement, planning policy statement, flood risk assessment, ecological report, contaminated land report and noise report.

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
- 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
- PR2 Noise Nuisance
- 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
- E3 Primarily Employment Areas

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.

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 via the PADHI+ app.

The Environment Agency has no objection subject to conditions relating to further contaminated land investigations, remediation measure, verification of remediation measure, and the provision of informatives in relation to the reuse of materials on site and waste. This response will be attached the any decision notice so that the applicant is aware of these comments.

United Utilities have provided comments stating they have no objection to the proposed development provided a condition is attached that no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

The site fall within a consultation zone for a gas main along Halton Road, therefore the Health and Safety Executive (HSE) and National Grid have been consulted. The HSE has been consulted through the PADHI + system which does not advise against.

National Grid have provided their standard response asking that the developer contact National Grid directly before works are started to ensure their apparatus is not affected by any of the works. This response will be attached the any decision notice so that the applicant is aware of these comments.

ASSESSMENT

The Application seeks permission for the Demolition of existing buildings on site and the erection of up to 53 dwellings, with associated access, landscaping and ancillary works.

Vehicular access to the proposed residential scheme will be taken from the existing access off Halton Court.

The proposed layout is indicative only at this stage and will be finalised at reserved matters stage. A landscaping scheme will also be agreed at reserved matters stage.

Planning Policy

The site is an and existing vacant industrial unit within a designated Primarily Employment area as identified in Policy E3 of the Halton Unitary Development Plan.

Policy E3 states that development falling within Use Class B1, B2, B8 and Sui Generis industrial uses will be permitted in Primary Employment Areas. Within these areas employment is and will be the predominant land use in the area.

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.

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.

Furthermore, 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 Loss of Employment Uses

The Nation Planning Policy Framework states that sites allocated for employment use should not be retained as such where there is no reasonable prospect of the site coming forward for this use. Therefore, the redevelopment of the site for alternative uses is supported in national planning policy if the site is unlikely to be redevelopment for employment uses.

The applicants planning statement states that the Halton Employment Land Study (Halton, Knowsley, Sefton and West Lancashire Joint Employment Land and Premises Study 2010) showed that out of (189.36ha) sites in Halton the supply was rated as either very good or good quality.

This represented 90 percent of the total land supply – the greatest amount of high quality employment sites across all of the Merseyside authorities. However, the application site is not one of the sites identified as good or very good quality, conversely the site is not suitable for continued employment use.

The planning application has been accompanied by a marketing summary report which considers the attraction of the site to the employment market in both its current state and if the site was refurbished.

It was found to be extremely unlikely that a developer would be willing to undertake the required expenditure to bring the property back to use for employment purposes. This is due to the condition of the building on site and also due to the site's location and issues with accessing the site for large vehicles associated with industrial use.

This has been reflected in the distinct lack of interest in the purchase of the site for employment use and instead the number of parties interested in the redevelopment of the site for alternative uses such as residential development.

The report has demonstrated that the site has been marketed adequately, but despite this, 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.

Housing

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 not be retained for employment development.

In these circumstances paragraph 22 of the NPPF has particular significance, and therefore 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 designation in the Unitary Development Plan, it is felt that due to the lack of interest in this land for employment use, despite having been marked for many years, 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 existing residential properties off Halton Court, which is not compatible with the retention of the employment use, it is considered that the release of the land to residential development should no longer be resisted on planning policy grounds.

Design and Layout

The applicant has provided a purely indicative layout, illustrating how they envisage 53 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.

The indicative layout provides 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.

Public Open Space

The indicative layout plan that shows there would be no onsite open space provision. 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.

The open spaces officer has provided advice on the application and has highlighted that the adjacent houses on Ivychurch Mews have in the past suffered from anti-social behaviour and stones thrown to the rear of the properties from the foot path through the open space to the rear which sits at an elevated position.

These concerns can be taken into account in the full design of the scheme at the reserved matters stage, and improvements to the boundary treatments, this could include secure fencing and improved landscaping. Suitable conditions are recommended to address this.

Highway Safety

The application has received one objection from a local resident and neighbouring businesses in relation to increased car using Halton Court and highway safety impacts.

This application has been reviewed by the Council's Highways Engineer, who has no objections to the principle of the development. The current site in theory could be brought back into use without the need for any new planning permissions, and attract a significant amount of commercial and HGV traffic that would be much less desirable through a residential area, and would pose more of a conflict and potential highway safety issues. In this respect, the release of the land for housing would have a beneficial impact.

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 highways 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.

Affordable Housing

In accordance with planning policy CS13 OF THE Core Strategy Local Plan, the applicant has agreed to enter into a section 106 for the provision of 25% affordable housing. The proposal therefore complies with policy CS13.

Flood Risk and Drainage

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. The applicant was asked to update the flood risk assessment to reduce the surface water runoff rate. Subject to the applicant providing this prior to determining the application the lead local flood authority would have no objections to the proposal, subject to conditions in relation to full drainage design being submitted by condition.

United Utilities have provided comments stating they have no objection to the proposed development provided a condition is attached that no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

As 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.

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 applicant has submitted an ecological survey report in accordance with Local Plan policy CS20 (Ecological Survey Report, Estrada Ecology, February 2015). I advise the survey is acceptable and will be forwarded to Cheshire rECOrd via Merseyside BioBank.

The report states that no evidence of bats or great crested newt use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England.

The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist. It is recommended that this forms an informative on the decision notice.

The ecologist has pointed out that the built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. A condition is therefore recommended that no tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

The ecologist has also recommended a condition for a biodiversity action plan that sets out ecological enhancement within the scheme. The scheme shall be design by an following appropriately experienced person(s) and should specifically have regard to the adjacent Stenhills Open Space Local Wildlife Site, is incorporated into the design of the scheme, in accordance with Core Strategy Local Plan policy CS20.

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 its self 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.

Waste

Policy WM8 of the Waste Local Plan (Waste Prevention) and WM9 (Layout and Design) would apply to this proposal.

Appendix 2 of the applicants Planning Statement notes that a Site Waste Management Plan will be implemented during the construction phase, can be secured by a suitably worded planning condition. The details required within the waste audit or similar mechanism is provided in Part Two.

The applicant states in Appendix 2, that the site will contain sufficient storage for refuse bins. Whilst this is welcomed, the planning application contradicts this statement and the indicative layout plan (drawing no. SK05 Rev. D) does not show their location. This information is required by policy WM9 of the WLP and should be submitted with the full application. This can be secured by a suitably worded planning condition. Guidance for design of residential waste storage and collection is provided in Part Two.

Contaminated Land

The site is currently industrial is use and has been for many years, furthermore historic uses on the adjacent site include a Tannery, lard refinery and fuel storage and distribution (former Martindale fuels).

The application was therefore submitted contaminated land report the Council's Contaminated Land Officer and the Environment Agency has been consulted and they are satisfied that any further works required in relation to contaminated land can be dealt with through suitable conditions.

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 53 dwellings 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.

Paragraph 22 of the NPPF has particular significance to this application, and therefore weight as a material consideration. The site has been a long standing employment designation in the Unitary Development Plan, it is felt that due to the lack of interest in this land for employment use, despite having been marked for many years, 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 existing residential properties off Halton Court, which is not compatible with the retention of the employment use, it is considered that the release of the land to residential development should no longer be resisted on planning policy grounds.

Although the proposal is a departure from Policy E3 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 are 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)
6. Prior to commencement submission of materials (BE1 and CS11)
7. Conditions(s) for submission of hard and soft landscaping (BE1)
9. Prior to commencement submission of a construction / traffic management

- plan which will include wheel cleansing details (TP17)
10. Avoidance of actively nesting birds (BE1)
 11. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (GE21)
 12. Prior to commencement details of a landscape proposal and an associated management plan to be submitted and approved (BE1, GE21)
 15. Prior to commencement details of boundary treatments (BE22)
 16. Provision of a Site Waste Management Plan (WM8)
 17. Provision of bins (WM9)

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.