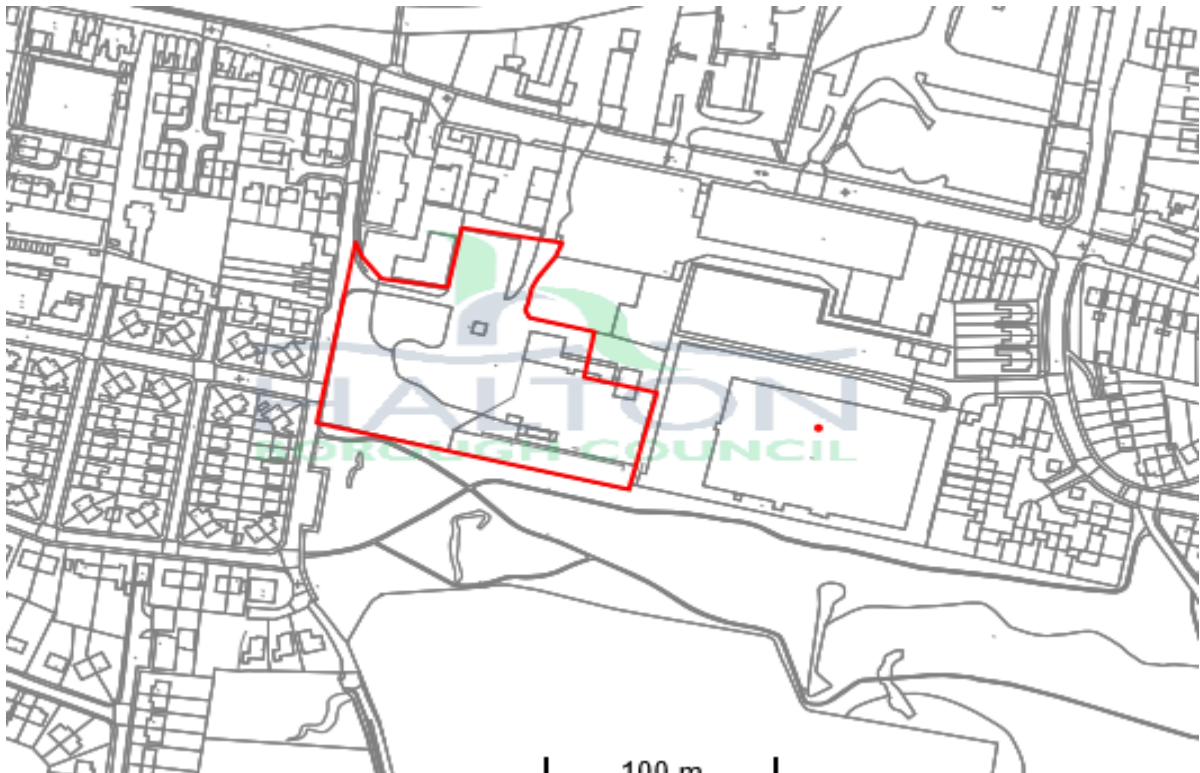
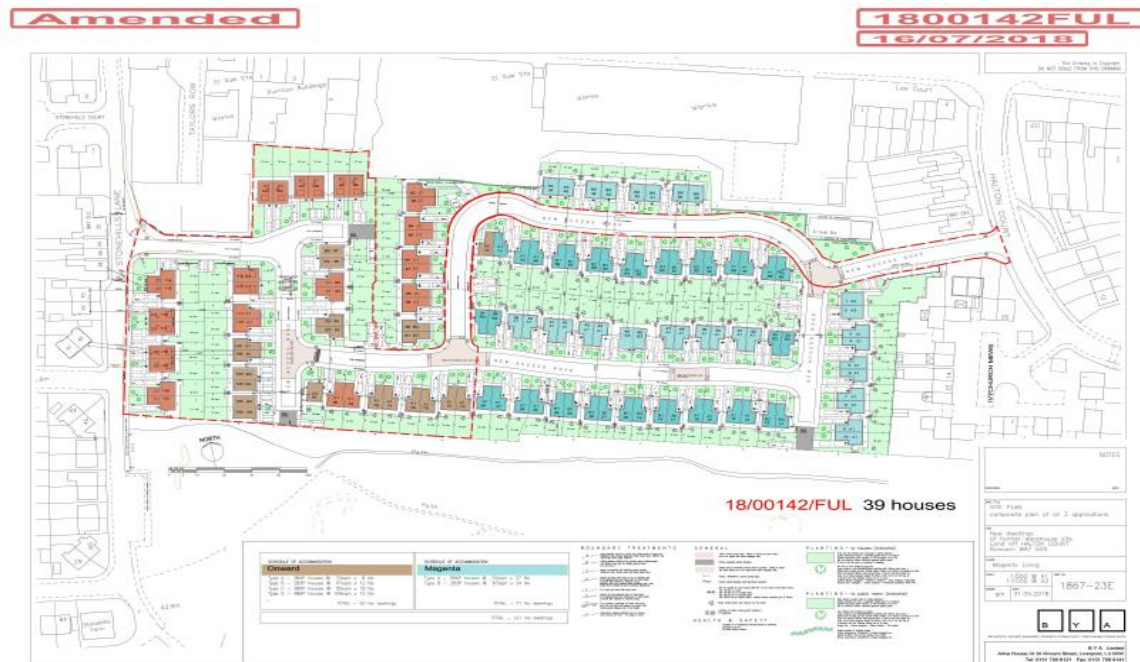


APPLICATION NO:	18/00142/FUL
LOCATION:	Former Warehouse, Halton Court, Runcorn, WA7 5XS
PROPOSAL:	Full application for demolition of existing buildings and erection of 39 dwellings with associated access, landscaping and ancillary works
WARD:	Halton Brook
PARISH:	N/A
AGENT(S) / APPLICANT(S):	LHT/Onward, 12 Hannover Street, Liverpool L1 4AA
DEVELOPMENT PLAN:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	Access and Highway Safety Impact on Residential Amenity Loss of Employment Land Housing Provision
RECOMMENDATION:	Approval subject to conditions and S106
SITE MAP	
	

1. BACKGROUND TO REPORT

This application is presented, both in this agenda and will be at the Development Management Committee, as a linked proposal as three concurrent planning applications; 18/00083/FUL; 18/00142/FUL and 18/00143/FUL. All three sites are located on land currently allocated for employment uses and all three proposals have similar, if not the same key issues to be assessed. The applicant for 18/00083/FUL – Magenta - is different from the applicant for 18/00142/FUL and

18/00143/FUL – LHT/Onward -, however both applicants are working in partnership to deliver an affordable housing scheme across the three sites and the three applications were deposited with the Local Planning Authority with intention that they would be assessed as one single residential scheme. The technical information submitted to support all three applications refer to the site as a whole. The Local Planning Authority has worked with each applicant on the basis of their partnership arrangement and the recommendation to approve relies heavily on this partnership and the delivery of particular aspects of the schemes.



2. APPLICATION SITE

The Site and Surroundings

The application site is located and currently accessed off Stonehills Lane. The site covers area 1.19 hectares, and is currently occupied by a disused depot buildings with hardstanding. The applicant has stated that these buildings are no longer in use. Stonehills Lane is accessed from Halton Road. The land adjacent to the south is Stenhills Open Space.

Planning History

The site has several planning permissions relating to its commercial activities. One further planning application relevant to this current proposal is as follows.

10/00397/OUT for the construction of up to 167 residential dwellings (with all matters reserved). The committee resolved to approve subject to conditions and 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.

3. THE APPLICATION

Documentation

The application is full 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, employment land viability report, affordable housing statement, flood risk assessment, ecological report and contaminated land report.

4. 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 Design of New Residential Development Supplementary Planning Document and Draft Open Space Supplementary Planning Document are also of relevance.

5. 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 responsible for: Open Spaces, Land Contamination, Environmental Health.

The Local Highway Authority have been consulted.

The Lead Local Flood Authority have been consulted. The FRA has demonstrated the use of the drainage hierarchy and concludes that the only suitable form of surface water drainage is to a combined sewer. This method of drainage will have to be with the agreement of United Utilities.

The drainage strategy should confirm that United Utilities has approved any sewer connection, has agreed the SW flow rates including any onsite attenuation and that any on site drainage proposed for adoption by United Utilities.

The developer should submit a further detailed drainage strategy and this will be the subject of a condition.

Ecological advice has been provided by Merseyside Environmental Advisory Service (MEAS). Their comments and assessment are provided below.

Ward councillors have also been consulted.

The statutory consultees, the Environment Agency, National Grid, Natural England and the Health and Safety Executive have been consulted via the PADHI+ app.

The Environment Agency has been consulted they have no objection in principal but recommend conditions in relation to ground contamination and waste management. These issues are also commented on in full by the Council's Land Contamination Officer and the Council's consultants, MEAS in relation to waste management.

United Utilities have provided comments in relation to the provision of a scheme for surface water discharge using the hierarchical approach. In addition their advice is for foul and surface water to be drained on separate systems and use of United Utilities connections. A drainage scheme is required by condition.

The site falls 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.

Several comments have been received from local residents which are paraphrased as follows:-

- Unacceptable increase in traffic on Stonehills Lane, which is too narrow and will have a detrimental effect.

- Preferable for houses on Stonehills Lane to be turned round.
- Increase in foot traffic.
- Halton Road junctions more congested since New Mersey Gateway opened and will worsen by this development.
- Access not acceptable as main access into the site.
- Only one space per dwelling for those on Stonehills Lane and will cause problems with on-street parking.
- Access onto Halton Road for this amount of traffic will cause congestion.
- Loss of outlook.
- Newer properties will be out of character with existing area.
- Invasion of privacy.
- Should leave existing trees.
- Loss of house value.
- Impact of construction of scheme.
- Birds and bats nesting in trees.
- Previous planning permission was refused.
- Parking for school on Stonehills Lane.
- Does nothing to reduce carbon footprint.
- Loss of wildlife habitat.
- Impact on health from traffic.
- Will limit on-street car parking for existing residents.
- Lack of pavements on Stonehills will make it unsafe for children to go to school.
- Impact on Halton Court.

These are addressed within the assessment below.

ASSESSMENT

The application seeks permission for the demolition of existing buildings on site and the erection of 39 dwellings, with associated access, landscaping and ancillary works.

Vehicular access to the proposed residential scheme will be taken from the existing access off Stonehills Lane for 18 of the total dwellings proposed, with the remaining 21 served from the access from Halton Court which is shown on the concurrent applications 18/00083/FUL and 18/00143/FUL, both of which have connectivity to this proposal.

Planning Policy

The site is on land with existing buildings and hardstanding 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 the site for 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 National 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 principal of the use of an employment site for residential development has been established with the approval of the previous outline planning application 15/00563/OUT on land adjacent, which remains an extant planning permission and capable of implementation.

The applicant's planning statement and submissions re-iterate the points made in the submissions for the previous application for residential development in terms of loss of employment land and housing requirement in the borough, which have not changed in essence since the grant of the outline permission.

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 and the physical constraints of the site, 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.

The Council's Property Services and Inward Investment Team have assessed the documents submitted and consider that the conclusions arrived at in the submitted Employment Land Viability Report by Hitchcock Wright and Partners are reasonable. The site is not ideally suited to employment use, access is poor and the surrounding locality is residential, which could restrict the type of uses. The agents have provided information on the previous marketing campaigns to support

their view that the 'market' does not see this area as a location for commercial uses. It is also worth noting that there will be land available for employment uses resulting from the delivery of the New Mersey Gateway scheme on the other side of the canal in Astmoor which is a more attractive location operationally for an employment use.

In this regard it is considered that the proposal, which is a departure in terms of its current site allocation, complies with the requirements of the NPPF.

Housing

The site is identified as a Residential Allocation in the Halton Delivery and Allocations Local Plan.

The Council assesses 5 year land supply through the production of the Strategic Housing Land Availability Assessment (SHLAA). The last SHLAA was in 2017 which showed a 5 year supply.

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 this site was the least attractive before the cut-off point. the marketing report submitted is more recent and relevant to the site prospects.

A balanced decision therefore has to be made on the merits of current proposal. In these circumstances paragraph 22 of the NPPF has particular significance, and therefore weight as a material consideration.

The land is included in the emerging Halton Delivery and Land Allocations Plan with a residential allocation. No weight should be attached to this given the stage of adoption at which this is at.

In this particular case, the site has been a long standing employment designation for existing uses in the Unitary Development Plan, it is felt that due to the lack of interest in this land for employment use, despite having been marketed 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 are 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 and such approach complies with the NPPF.

Design and Layout

The applicant has worked with the officers of the Council and the Local Highway Authority to achieve a development layout which takes account of the long boundary wall to the south of the site; the existing residential properties to the west; the vacant site to the north which is at a lower level to this site; and the development sites to the east which are the subject of the concurrent planning applications 18/00083/FUL and 18/00143/FUL.

The nearest affected properties are those on Stonehills Lane and Stonehills Court and in particular those facing the development site and access at 32 – 46 (evens only) Stonehills Lane. On the advice of Council officers, the applicant has achieved the 21m interface distance between habitable room windows. The interface distance is usually interpreted as a face to face measurement from the centre of the window. Where house-types have not met it originally they have been altered internally to ensure that the affecting first floor windows are relocated on the dwelling and kitchen windows at ground floor. Where a two and a half storey house type is introduced on plots 116-119, the dormers are positioned to the rear and all interface requirements are met where they affect the existing occupiers on Stonehills Lane.

The development layout relies on an access road which is restricted to allow only 12 units to be served off it, thus creating a small cul-de-sac. The layout will provide an emergency link to the rest of the site with the remaining 29 units served from the looped link around the adjacent site which is the subject of applications 18/00083/FUL and 18/00143/FUL. As much of this land and particularly the access is controlled by another land owner and applicant to the east, a S.106 is proposed to ensure the this part of the site will be able to deliver the 29 units in isolation should circumstances require it. The Local Highway Authority comments deal with this in full.

There are 8 frontage units on Stonehills Lane – one of which, plot 114, has its parking on the new access road. The house types are varied and include 12 two and a half storey properties, which utilise the roof space. These inevitably introduce a more modern appearance and street scene. The existing properties on Stonehills Lane are a mixture of pre-20th Century terraced cottage (32-38 Stonehills Lane) and more modern 1930's-post war semi-detached, all of which are two storey. However, it should be noted that the site is not within a conservation area and none of the existing buildings are listed. Whilst the proposed scheme does introduce a different dwelling style again, they are similar in that they are semi-detached and have private rear gardens, but differ in their use of materials and the provision of off-road car parking.

Private garden provision across the site is at an acceptable scale, in the main achieving 70sqm or above, where they do not, they do not fall below 50sqm.

Boundary treatment is of a high quality, where visible in the wider street scene, particularly at the access from Stonehills Lane with a brick wall and fence infill on side boundaries and railings to the property frontages. Landscaping is provided on property frontages throughout the site and will be required through the submission of a landscaping scheme.

The condition of the existing boundary wall to the south of the site is addressed in the terms of the S.106 in order that it is reinforced and treated to ensure a high quality treatment.

The Council's Open Spaces Offer has commented as follows:-

“There are no trees afforded Statutory Protection at this location and the site is not situated within a Conservation Area.

There are a number of young/semi mature trees at the site that appear to be at risk of being lost. Most of these trees are natural colonisation, do not have good form and are not worthy of statutory protection.

There appears to be adequate replacement planting contained within the proposed development but it is not clear which species of trees, or how many exactly, are to be planted”.

A landscaping scheme will be required by condition.

Cheshire Constabulary’s Designing Out Crime Officer made comments on the original submitted scheme which showed an unrestricted through road through both this and the adjacent sites. Concerns were raised as which are paraphrased as follows:-

- Details needed of boundaries to the south and north of the site – concern regarding natural surveillance of both areas.
- Details of lighting scheme.
- The through-road permeability, whilst good for residents means easier access for criminals.
- Applicant should consider Secured by Design status which is reference only for doors.

Cheshire Constabulary have been requested to review the amended version of the scheme and asked for comments. These comments will be reported to members.

Whilst objections from residents included many of the areas addressed in this section, i.e. loss of privacy; loss of outlook; development out of character; tree loss, where these matters have been raised with the applicant there has been a positive response and it is considered that the layout as amended, achieves a scheme of 39 dwellings which can be delivered to 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 and the NPPF.

Public Open Space

The 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 the open space requirement onsite, and can be provided for off-site and secured by way of a S106 agreement which the applicant has agreed to.

Highway Safety

The Local Highway Authority have commented as follows:

Layout:

- The applicant has worked with the Highways Officer and Planner to develop the scheme and the majority of layout issues have been resolved
- It is noted that the part of the scheme layout as shown on the latest plans is not deliverable without the Western length of loop road associated with 18/00083/FUL and 18/00143/FUL
- Road widths are 5.5m throughout the development which is considered acceptable.
- The traffic calming shown on the plans is considered suitable
- Visibility splays at junctions and driveways should be to manual for streets standard.
- No details of boundary treatments
- The principle of taking limited access off Stonehills Lane at the location shown is suitable as works are proposed to widen the existing carriageway and to provide a 2m North/ South footway to the frontage.
- The proposed emergency link to the adjoined site is considered to be appropriate.

Parking:

- The proposed plots all have suitable parking provision with additional opportunities for on street parking
- Side by side driveways or single driveways sited between dwellings should have a minimum width of 3m and driveways should be a minimum length of 5m, ideally 6m.
- Provision should be made to encourage the use of electric vehicles, Further guidance on EV charging points can be found in the document produced by the Liverpool City Region <http://www.merseytravel.gov.uk/about-us/local-transport-delivery/documents/e-mobility-strategy.pdf>. Specific regard should be paid to 3.2.2 Table 3 "Min. provision of parking bays and charging points in new developments".

Other Issues:

- Given the nature of the site, access to main drainage and topography we would recommend full details for surface water and foul drainage systems to be submitted prior to any decision being made.
- Although no revised vertical alignment information to support the current layout has been received the layout appears to be deliverable to acceptable gradients.
- Details should be submitted for approval prior to any works on site.
- The site meets the requirements with regards to accessibility in terms of distance from bus stops and is therefore considered suitable.
- A full construction management plan should be submitted prior to commencement of works. All construction related vehicle parking should be accommodated on site and deliveries to site be suitably managed. Wheelwash facilities and a road sweeper regime should be provided as appropriate, with winter management/gritting plan. Details of how underground services will be dealt with should also be included.

Transport Assessment:

- Although a transport Statement has been submitted to accompany the application we question some of the methods used to compile the report.
- The data used to demonstrate movements for the extant use are agreed and considered suitable.
- To generate trips for the proposed development however figures have been extracted from a 2015 report submitted to support a previous outline application which we consider to be out of date.
- Consideration has not been given to the potential effects of the combined development on the junctions with Halton Road.
- We would recommend that the Statement be resubmitted to cover all 3 applications using revised Trics data and that a sensitivity test be undertaken for the wider development.
- We recommend that the developers work together to come up with a more holistic approach to the site that will provide a safe, resilient and accessible layout for the site as a whole.
- Note: we currently await a revised transport statement referencing the three conjoined planning applications 18/00083/FUL, 18/00142/FUL and 18/00143/FUL

Recommended Conditions:

- A construction phase management plan is required for the proposed development
- Development shall not commence until a scheme of offsite highway works including pedestrian crossing points, footway improvements works is approved by local planning authority
- A scheme of offsite highway works would be required to connect footways to the North and South of the site on Stonehills Lane with a length of new 2m footway dedicated as highway to the frontage.
- Boundary treatments and landscaping should all be conditioned.
- No works should commence on site until level details for roads and plots are approved.

Recommended S106:

- To enable the schemes to progress a S106 would be required to gain an undertaking of cooperation as any of the concurrent applications are deliverable in full without the other. There would need to be a joined up approach to phasing and delivery.
- A S106 will be required to deliver the 3 related planning applications as a comprehensive development.

The application has received three objections from local residents in relation to increased car using Halton Court and highway safety impacts.

This application has been reviewed by the Local Highway Authority, who has no objections to the principle of the development and the access from Halton Court. 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, however this view is further dependent on the submission of the Transport Assessment that has been requested to ensure the proposal complies with Policy TP17 of the Halton UDP. Members will be updated on this verbally.

Affordable Housing

The applicant for the development is LHT/Onward, who are a registered charity and social landlords. In accordance with planning policy CS13 of the Core Strategy Local Plan, there is a requirement for the provision of 25% affordable housing. This proposal of 39 dwellings offers 17 dwellings for affordable rent and 22 as Shared Ownership. The meets the requirement needed to comply with CS13 and it is considered that sufficient affordable housing is provided and will contribute positively to the provision within the borough.

Flood Risk and Drainage

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.

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. Comments are as follows:-

It is noted that calculations and commentaries have been made in the FRA for east and west sites, the catchment boundaries for which do not correspond with the current 3 no. application boundaries. Notwithstanding this, the flood risk and drainage considerations can be looked at across the three application sites as a whole.

It is noted that the developer has now calculated discharge rates in line with Halton's SFRA for attenuation of brownfield site runoff, which is a change from the observations made in previous comments by Adrian regarding greenfield runoff rates. This is still acceptable to the LLFA. As it has been demonstrated that infiltration/soakaways are not a viable option, the preferred strategy is to outfall to combined sewer (the least preferable option in the SUDS hierarchy). Therefore, it is noted in the FRA that United Utilities (UU) may seek to further limit discharge rates. The recent UU correspondence confirms this to be the case and a limit of 50l/s has been set by UU (compared with 88.25+90.97 l/s calculated for 70% of 1 in 2 yr storm event).

Clarification is required as to whether the UU specified rate applies to the three sites as a whole. The submitted drainage strategy lacks sufficient detail to comment on the drainage proposals and does not appear to reflect the latest UU correspondence. The applicant will be required to demonstrate that a scheme of attenuation can be provided which will not cause flooding of properties in the design (1 in 100 year plus climate change) event. It appears that the outline drainage proposal (attached) will be capable of being adapted to support any likely order of implementation of the 3 No. development sites and appropriate discharge rates would need to be agreed (pro rata to total runoff) for each site.

The developer should therefore submit a further detailed drainage strategy for each site (or development as a whole dependent on phasing). This could be conditioned for approval prior to commencement:

The drainage strategy should confirm that United Utilities has approved any sewer connection, has agreed the SW flow rates including any onsite attenuation and that any on site drainage proposed for adoption will be accepted by United Utilities.

This will ensure that the scheme complies with Halton UDP Policy PR5, PR16, CS Policy CS23 and the requirements of the NPPF.

Ecology and Habitats

The Council's consultant, Merseyside Environmental Advisory Services have commented as follows:-

The applicant has submitted an ecological survey report in accordance with Local Plan policy CS20 (Preliminary Ecological Survey Report, Estrada Ecology, December 2017). The survey is acceptable and will be forwarded to Cheshire rECOrd via Merseyside BioBank.

Given that there is a substantial building on the site which is to be removed, a bat survey is required and the applicant was in the process of submitting this at the time of writing the report. An update on this will be presented to members.

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.

Given the proximity to the semi-natural woodland a condition has been recommended for the submission of a lighting scheme.

The ecologist has also recommended that further information is required from the applicant to assess the recreational impact on nearby designated sites which will be further assessed prior to determination. Members will be provided with an update in relation to this submission.

All details as required should comply with Policy CS20 of the Halton Local Plan.

Noise

The Council's Environmental Health Officer has raised no concerns with regard to this development and there are no conditions recommended.

Waste

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

The proposed layout incorporates front to rear access for bin storage. A condition is recommended to minimise waste production during the construction phase through a waste audit or similar mechanism. In doing so WM8 is complied with.

Contaminated Land

The site has been in a commercial use 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 with a contaminated land report the Council's Contaminated Land Officer and the Environment Agency has been consulted. The Environment Agency are satisfied that any further works required in relation to contaminated land can be dealt with through suitable conditions.

The Council's Land Contamination Officer is reviewing further information and his final comments are awaited. Members will be updated of these comments.

6.SUMMARY AND CONCLUSIONS

In conclusion, the applicant has provided or has been requested to provide, sufficient information to demonstrate that the development is acceptable in terms of design; highway safety; ecology; contaminated land; drainage and meets the policy requirements and standards of the Council and that a scheme of 39 dwellings and the associated works, has been designed to meet the aims of the Design of New Residential Development SPD and Policies BE1, BE2 and H6 and

PR14 of the Halton UDP and CS18 and CS20 of the Halton Core Strategy Local Plan.

Paragraph 22 of the NPPF has particular significance to this application, and therefore has 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 marketed 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 Stonehills Lane, which are not compatible with the retention of the employment use, it is considered that the release of the land for 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 members are asked to approve the application.

With regard to the outstanding submissions of a Transport Assessment and Bat Survey, Members are requested to provide authority under the Council's Scheme of Delegation to allow the Operational Director – Policy, Planning & Transportation to determine the application following the submission of further information relating to highway safety and ecology. That the application be delegated to determine. If the application is approved this would be subject to the following conditions (and any additional considered necessary following consultation).

7. RECOMMENDATIONS

A) The applicant entering into a legal agreement in relation to the payment of a commuted sum for offsite open space; the provision of internal highway linkages; land decontamination.

B) Conditions relating to the following;

1. Standard 3 year condition (BE1)
2. Plans condition listing relevant drawings e.g. site location / red edge (BE1, BE2 and TP17)
3. Prior to commencement the submission of a full drainage strategy for the site (BE1, PR5 and PR16)
4. Prior commencement full details of ground contamination risk and scheme of decontamination where necessary (PR14)
5. Prior to commencement submission of levels (BE1 and TP17)
6. Prior to commencement details of surface water drainage details (BE1 and TP17)
7. Prior to commencement submission of materials (BE1 and CS11)

8. Prior to commencement scheme of off-site highway works to be agreed and implementation before development begins (BE1 and TP17)
9. Conditions(s) for submission of hard and soft landscaping (BE1 and BE2)
10. Prior to commencement submission of a scheme for the treatment of the north site boundary with particular regard to the north facing impact (BE2 and BE22)
Prior to commencement submission of a construction / traffic management plan which will include wheel cleansing details (TP17)
- 11 . Avoidance of actively nesting birds (BE1 and GE21)
12. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (BE1 and GE21)
13. Prior to commencement details of a landscape proposal and an associated plan to be submitted and approved (BE1 and GE21)
14. Prior to commencement details of boundary treatments, including Emergency Access details (BE22)
15. Prior to commencement details of surfaces within dwelling curtilages (BE1 and TP17)
16. Prior to commencement details of a lighting scheme (GE21)
17. Provision of a Site Waste Management Plan (WM8)
18. Provision of separate foul and waste water system (PR5)
19. Provision of bins (WM9)
20. Construction Hours (BE1)
21. Windows PD removed on plots 114-121 (BE1)
22. Class C removed on plots 114-121 (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.