


<b>APPLICATION NO:</b>	18/00083/FUL
<b>LOCATION:</b>	Former Warehouse, Halton Court, Runcorn, WA7 5XS
<b>PROPOSAL:</b>	Full application for demolition of existing buildings and erection of 71 dwellings with associated access, landscaping and ancillary works
<b>WARD:</b>	Halton Brook
<b>PARISH:</b>	N/A
<b>AGENT(S) / APPLICANT(S):</b>	Magenta Living, Partnership Building, Hamilton St, Birkenhead, CH41 5AA
<b>DEVELOPMENT PLAN:</b>	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
<b>DEPARTURE REPRESENTATIONS:</b>	Yes
<b>KEY ISSUES:</b>	Access and Highway Safety Impact on Residential Amenity Loss of Employment Land Housing Provision
<b>RECOMMENDATION:</b>	Approval subject to conditions and S106
<b>SITE MAP</b>	
	

## **1. BACKGROUND TO REPORT**

This application is presented, both in this agenda and to 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 at Halton Court which is accessed from Halton Road. The site covers area 1.47 hectares, and is currently occupied by a 5,016m<sup>2</sup> 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. The land adjacent to the south is Stenhills Open Space.

### Planning History

The site has several planning permissions relating to its commercial activities. Two further planning applications are relevant to this current proposal as follows.

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

15/00563/OUT for the construction of up to 53 dwellings with associated landscaping and ancillary works was approved 4<sup>th</sup> July 2016 following members agreement with a viability assessment to remove the requirement for a S.106 for affordable housing.

### **3. THE APPLICATION**

#### **Documentation**

The application is full and has been submitted with the requisite planning application form, a site layout, house type details and supporting information including a design and access statement, planning policy statement, employment land viability report, affordable housing statement, flood risk assessment, ecological report, 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 following 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 to any decision notice so that the applicant is aware of these comments.

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

- Will the one way road with bollards be affected?
- If the road to Halton Court is available by car and foot it would be swamped.
- Access road is not safe.
- Not safe for existing occupiers to exit their drives on Halton Court.
- Access is not safe.
- Access road is inadequate for number of vehicles and construction traffic.

These are addressed within the assessment below.

## **ASSESSMENT**

The application seeks permission for the demolition of existing buildings on site and the erection of 71 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.

### **Planning Policy**

The site is on land with an 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 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 this site for residential development has been established with the approval of the previous outline planning application 15/00563/OUT which remains an extant planning permission and capable of implementation.

The applicant’s planning statement and submissions re-iterate the points made in the previous development’s application, 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 an 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 east; the vacant site to the north which is at a lower level to this site; and the development sites to the west which are the subject of the concurrent planning applications; 18/00142/FUL and 18/00143/FUL.

The nearest affected properties are those of 10-17 Ivy Church Mews. The applicant has where necessary, adapted the house type and adjusted the layout to ensure that the Council's standard interface distances have been applied to those affected existing properties. Officers are satisfied that the current levels of privacy and outlook of existing occupiers are not compromised as a result of the development.

The development layout relies on a looped link around the application site, which is partly within land not within land controlled by Magenta to the west. This allows a split in the flow of traffic around the two longer loops of the site. Whilst the layout is linear in part, effort has been made to vary the dwelling positions to provide interest and relieve the monotony. The house types are varied, though most have



an L-shape layout which again provides design interest and contrasting materials for the first floors are a positive inclusion in the street scene.

Private garden provision 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, this is brick wall and fence infill on side boundaries and railings to the property frontages.

A robust landscaping scheme will be required by condition and where visible in the street scene, the boundary with the sub-station and former industrial site to the north is hedge screening.

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 layout as amended achieves that a scheme of 71 dwelling can be delivered 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 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 open space requirement onsite, and that this 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 has commented as follows:-

Layout:

- The site has previous outline permission for demolition of existing buildings and erection of 71 dwellings therefore the change of use of the site is accepted.
- 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 scheme layout as shown on the latest plans is not deliverable without the Western length of loop road associated with 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

#### 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.

#### Transports Statement:

- A Transport Statement Addendum has been submitted in an attempt to demonstrate that an increase from 53 dwellings to 60 would cause no detrimental effect to the surrounding highway network. With the original 2015 reported attached and referred to.
- This methodology is not considered to be acceptable for a number of reasons namely that trics data utilised in Feb 2015 is out of date, consideration is not given to related applications and the potential effects on the junction of Halton Court and Halton Road of the combined developments.
- We would recommend that the Statement be resubmitted to cover the 71 dwellings revised Trics data and a sensitivity test undertaken for the wider development.

- It is noted that concurrent application 18/00143/ful shows the access road off Halton Court becoming a through road. This would be unsupported by the Highway Authority due to impact on Stonehills.
- 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
- Building(s) should not be occupied until the junctions and vehicular access has been constructed in accordance with the approved plans.
- A construction phase management plan is required for the proposed development
- Boundary treatments, surface finishes and landscaping should all be conditioned.
- No works should commence on site until level details for roads and plots are approved.

#### Informative:

- The main highway will need to be reconstructed to highway authority satisfaction following any drainage and utilities connections

#### Recommended S.106:

- To enable the schemes to progress a S106 would be required to gain an undertaking of cooperation as neither 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 Magenta Living, the business name of Wirral Partnership Homes Ltd, 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. The provision for affordable rent on this site is 55 dwellings, with 16 for a Shared Ownership scheme. This ensures that the provision will contribute positively to the affordable housing provision in the borough and therefore ensures that the proposal complies with policy CS13.

### 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.

Natural England have responded as follows:

#### Recreational disturbance to internationally designated sites in the Liverpool City Region

Recreational disturbance to internationally protected coastal sites in the Liverpool City Region (LCR) is an issue across the LCR. This pressure is a particular issue through in-combination effects, for example additional housing may result in additional recreational visits and therefore increase disturbance at the coastal designated sites.

Assessment of this impact needs to be undertaken at the plan and project stage. These assessments needs to satisfy the sequential tests of the Habitat Regulations. This Habitat Regulations Assessment needs to be undertaken prior to determination to ensure the competent authority is making a sound and legal decision. Subject to the conclusion of the HRA appropriate mitigation and compensation measures may be further required to ensure no adverse effect on integrity of designated sites.

The Visitor Management Strategy (to mitigate recreational disturbance), subject to finalisation and Council approval, will be an important enabling mechanism to help LPAs and developers across the LCR address the issue arising from additional housing and tourism related development, thus helping deliver Habitat Regulations compliance and contribute to sustainable development.

Members will be updated on the progress of the applicant in this regard.

#### 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.

#### Noise

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

## Contaminated Land

The site is a former industrial unit 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 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 and meets the policy requirements and standards of the Council and that a scheme of 71 dwellings and the associated works, is designed to meet the aims of 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 Halton Court, 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.

The applicant has provided sufficient evidence to demonstrate that the proposal can be delivered without significant adverse harm to; residential amenity; and employment land provision.

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; demolition; 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 submission of materials (BE2 and CS11)
7. Prior to commencement details of surface water drainage (BE1 and TP17)
8. Conditions(s) for submission of hard and soft landscaping (BE1 and BE2)
9. Prior to commencement scheme of off-site highway works to be agreed and implementation before development begins (BE1 and TP17)
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)
11. Prior to commencement submission of a construction / traffic management plan which will include wheel cleansing details (TP17)
12. Avoidance of actively nesting birds (BE1 and GE21)
13. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (BE1 and GE21)
14. Prior to commencement details of a landscape proposal and an associated plan to be submitted and approved (BE1 and GE21)
15. Prior to commencement details of boundary treatments, including Emergency Access details (BE22)
16. Prior to commencement details of surfaces within dwelling curtilages (BE1 and TP17)
17. Prior to commencement details of a lighting scheme (GE21)
18. Provision of a Site Waste Management Plan (WM8)
19. Provision of separate foul and waste water system (PR5)
20. Provision of bins (WM9)
21. Construction Hours (BE1)
22. Class A and E PD removed on plots 1-10 (BE1)
23. Windows PD removed on plots 1-10 (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.