



Development Control Committee

**Monday, 6 June 2016 6.30 p.m.
The Board Room - Municipal Building,
Widnes**

A handwritten signature in blue ink, appearing to read 'David W R', positioned above a faint, illegible stamp.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chair)
Councillor Keith Morley (Vice-Chair)
Councillor John Bradshaw
Councillor Arthur Cole
Councillor Robert Gilligan
Councillor Ron Hignett
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor Dave Thompson
Councillor Bill Woolfall
Councillor Geoff Zygadlo

***Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 4 July 2016***

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

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1. MINUTES	1 - 19
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	20 - 56

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 16 May 2016 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), J. Bradshaw, Cole, R. Hignett, S. Hill, C. Plumpton Walsh, June Roberts, J. Stockton, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley and Wainwright

Absence declared on Council business: None

Officers present: A. Jones, L. Davies, T. Gibbs, M. Noone, A. Plant, J. Eaton, J. Farmer and G. Henry

Also in attendance: Councillors N. Plumpton Walsh and Sinnott and 32 Members of the public.

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

Action

DEV48 MINUTES

The minutes of the meetings held on 7 March 2016 and 12 April 2016 were agreed as a correct record.

DEV49 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

In order to avoid any allegation of bias Councillor R Hignett took no part in the debate and did not vote on the following item as he had been involved with the scheme on Executive Board Committee.

DEV50 - 15/00549/FULEIA - PROPOSED CONSTRUCTION OF A PURPOSE BUILT TRANSPORT AND TECHNOLOGY FACILITY (USE CLASS B2) IN THREE PHASES. PHASE 1 TO INCLUDE A 27,938 SQ.M. FACILITY WITH ASSOCIATED ACCESS, CAR PARKING, HGV PARKING, SERVICE YARDS, RAIL SIDINGS, LANDSCAPING, SUBSTATION AND ASSOCIATED ENGINEERING OPERATIONS. PHASE 2A TO INCLUDE A 7,425 SQ.M. EXTENSION TO THE FACILITY WITH A CONNECTION

TO THE RAIL SIDINGS CONSTRUCTED UNDER PHASE 1, AN ADDITIONAL SERVICE YARD, ADDITIONAL CAR PARKING AND ASSOCIATED DEVELOPMENT. PHASE 2B TO INCLUDE A FURTHER 15,925 SQ.M. EXTENSION TO THE FACILITY WITH ADDITIONAL HGV PARKING AND ASSOCIATED DEVELOPMENT ON HBC FIELD, HALEBANK, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Officers reported a number of corrections in the report as follows:

- Paragraph 4.1 – the date for the public exhibition was 25 November 2015 and not 2016 as printed;
- Paragraph 2.12 and 6.55 – includes a list of the main documents submitted with the application. These were shown to include a waste management plan, material management plan and landscape environmental management plan. These had been included in error and should be deleted as they were included in the documents to be required by condition as detailed within the recommendation. For the avoidance of doubt the submitted construction environmental management plan (CEMP) is draft only and the detailed CEMP was listed to be required by condition within the recommendation;
- Page 54 – reference is made to various SUDS measures to be included. These were listed in error and are not proposed but just examples of SUDS measures.

By way of update Officers advised that a number of scheme refinements were outlined within the report as summarised at 2.11 in the report. As a result of those refinements and in particular the marginal increase in floor space, the detailed breakdown for the development and cumulative floorspace figures should be read from section 2.2 of the report. Also for the avoidance of doubt the proposal description at page 17 of the report was the description of the development as originally applied for and does not take account of the scheme refinements.

It was reported that Knowsley Borough Council had requested that additional conditions be added to the recommendations:

- That a physical barrier be required to restrict use of the emergency and bus link to Halebank prior to commencement of use. The recommended conditions include a restriction on use of this access and submission and agreement of details but it was recommended that the condition suggested be accepted to require installation prior to occupation; and that
- Further consideration be given to cycle links connecting the end of Lovel's Way with the site. This had been agreed by Halton's Highways Officers and it was therefore recommended that an additional condition be included to secure this.

Officers confirmed that the animal remains had now been removed from the site. A detailed verification report was awaited to confirm this as required by conditions 23 and 24 listed in the recommendation. Finally Members were advised that a response had been provided to the queries from the Lead Local Flood Authority as outlined in the report. This was noted that all outstanding issues could be secured through the terms of condition 8 as listed in the recommendation.

The Committee was addressed by local resident and homeowner Mr Killen, who objected to the scheme. He suggested that Halton Council had used bullying tactics and treated the people of Halebank like second class citizens during the consultation period for the application. Mr Killen was a businessman with local knowledge of businesses in the area and he refuted the claims that this development would bring local jobs for local people, as he claimed that more foreign nationals were employed in this type of industry than local people. He further stated that the development would cause an increase in traffic; pollution and noise pollution; destroy wildlife, hedgerows and trees; and reduce the standard of living of local people.

Councillor Ian Hastie, from Halebank Parish Council, then addressed the Committee objecting to the application. He referred to the previous application and expressed his concern that the Officer recommendations to approve were unlawful. He stated that no planning consultation had taken place and the development was contrary to the 2011 Localism Act. He also stated that the report made false claims and did not highlight the environmental impacts with regards to the greenbelt; habitat and hedgerows; newts and other wildlife. He urged the Committee to consider the application carefully from a legal aspect as it was a

departure from the Council's own Policy.

Mr Gilmore, a representative on behalf of the applicant then addressed the Committee. He presented reasons in support of the application, which was a transport and technology facility which would maintain and modify trains and also act as a training facility, as well as support for the UK operation. He stated that the development would bring economic development to a deprived area; initially 150 jobs would be created which would increase to 400 - 600 on completion. It was hoped that the facility would attract further development in the area. He advised that the scheme would bring environmental benefits and landscaping and public access to the site upon completion.

Officers referred Members to the material conditions (paragraph 7) at the end of the report and confirmed that the payment of money referred to on page 67 was not a material condition. Members were also advised that all aspects of the consultation had been adhered to and confirmed that the application was a departure.

Members queried the legality of the application in comparison to the previous application that came before the Committee. It was confirmed that although all policies had been satisfied, there could be no guarantee of the outcome of a legal challenge.

In response to Members' queries, it was confirmed that the hours of operation for deliveries by rail would be between 7am and 11pm and that Lovel's Way was developed for the use of vehicles to the site. Conditions would be in place to restrict access to Halebank; any breach of which would be enforced by the Council. With regards to the phasing of the project, this was requested by the applicant as discussed in the report. Officers clarified the departure status in that it was designated B8; uses for storage and distribution facilities, so had now changed to manufacturing and assembling of trains. With regards to the status of the Greenbelt and Greenfield, Officers explained the site as shown in the layout plans 1B, 1C and 1D in the report pack.

After taking the representations made at the meeting into consideration, together with the Officer's report and updates provided at the meeting, Members agreed to approve the application subject to the following conditions.

RESOLVED: The Committee is satisfied that

- a) The payments referred to in the Financial Contributions section of this report would be secured as part of the sale of land; and
- b) The application be approved subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the application and all approved plans and associated supporting information, the Environmental Statement (Reference RG/eab/CHHB15 dated 3 May 2015) and recommendations and mitigation measures contained therein.

Reason: To define the permission, to ensure that the development is carried out in accordance with the approved details, in order to minimise risk to the environment and impact on nearby residents and to comply with *inter alia* Policy BE1 of the Halton Unitary Development Plan.

- 3) The development hereby approved shall be carried out in accordance with the approved phasing plans, hereinafter called Phase 1, Phase 2A and Phase 2B ("Phase").

Reason: To define the permission and to ensure that the nature of the phasing hereby approved is understood.

- 4) Prior to the commencement of any development hereby approved the following shall be submitted and agreed in writing by the Local Planning Authority:
 - 1. A Construction Environmental Management Plan to include pollution and silt pollution control measures and specific measures to minimise and mitigate impacts including noise, light, odour and dust.
 - 2. A plan for the control of routing, access / egress to/from the site, parking and waiting for all construction traffic including plant and deliveries.

For the avoidance of doubt the routing, access / egress to/from the site, other than in the case of emergency or unavoidable road closure, shall take place via the dedicated link road to A5300 / A562 only and not Halebank Road.

3. Wheel cleansing facilities for heavy commercial and site vehicles to be used by all heavy commercial and site vehicles with an operating weight greater than 3 tonnes before leaving the site throughout the construction period of the development.

The development shall be carried out in accordance with the approved details.

Reason: to allow the Local Planning Authority to ensure that sufficient regard is given to minimising potential impacts on neighbours and the environment. It would not be good practice to deal with the matters referred to in this condition on a phased basis. This is prior to commencement style condition in the interest of good planning.

- 5) Prior to the commencement of any development hereby approved, a programme of archaeological work in accordance with a written scheme of investigation and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: to ensure the proper investigation of the site due to its historic importance. It would not be good practice to deal with the matters referred to in this condition on a phased basis. This is a prior to commencement style condition in the interests of good planning.

- 6) Prior to the commencement of any development hereby approved a Site Wide Waste Management Plan and a Materials Management Plan to cover the ground and earth works and construction phases of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason: to allow the Local Planning Authority to

ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials. It would not be good practice to deal with the matters referred to in this condition on a phased basis. This is a prior to commencement style condition in the interests of good planning.

- 7) Prior to the commencement of any development hereby approved an Environmental Landscape Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. That Plan shall include:

- A Landscape management and maintenance plan, including long term design objectives and maintenance schedules for all landscaped areas; and
- A detailed method statement for the translocation of vegetation/aquatic fauna from the existing ponds within the site to the newly created replacement ponds required by condition of this planning permission.

The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the course of the development.

Reason: to ensure that pond mitigation is carried out as approved and that sufficient regard is given to the long term maintenance and management of the site in the interests of biodiversity. It would not be good practice to deal with the matters referred to in this condition on a phased bases. This is a prior to commencement style condition in the interests of good planning.

- 8) Prior to commencement of any drainage work hereby approved and required for any phase, a detailed drainage scheme for the phase shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme for the phase shall include full details of the re-profiling of Pond A as defined on the approved plans. The scheme as approved shall be fully implemented prior to commencement of the use of the development comprised in the phase, hereby approved and shall then thereafter be maintained.

Reason: to ensure that satisfactory provision is made

for drainage, to prevent the increased risk of flooding.

- 9) Notwithstanding any description of materials in the application prior to the implementation or installation of any hard surfacing works in any phase, full details of the materials to be used in the finished surfaces of that phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: to ensure the appropriate use of quality materials in the interests of visual amenity.

- 10) Prior to the commencement of construction of any pond an Environmental Management Plan (EMP) shall have been submitted to and agreed in writing by the Local Planning Authority to include detailed habitat and planting schedules to render the pond unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). Such designs may include the establishment of reeds, proximity of trees and managing potential flightlines and sightlines through appropriate location and design of landscaping bunds etc. Such details shall include details of a scheme for monitoring the use of the site by gulls, waders and waterfowl to be undertaken through the vegetation establishment period and methods of reporting results to the Local Planning Authority and agreeing additional measures deployed as required. These could include netting of the waterbodies.

Reason: In the interests of aerodrome safeguarding, to minimise potential for birdstrike.

- 11) Notwithstanding any description of materials in the application no above ground construction works shall take place in respect of any building in any phase hereby approved until samples and/or full specification of materials to be used externally on the buildings have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out as approved.

Reason: to ensure the use of appropriate external finishing materials in the interests of visual amenity.

- 12) Prior to the implementation or installation of any sprinkler tanks, pump houses, Ring Main Unit, Gas

Governor, Primary Substation Station, bus stops or security barriers as detailed on the approved plans, full specification details, including colour coating of that feature shall be submitted to and agreed in writing by the Local Planning Authority. Any such feature shall be installed in full accordance with those approved details and the approved plans and so maintained.

Reason: the application is deficient with regards this detail, to ensure the appropriate design and quality of those ancillary features in the interests of visual amenity.

- 13) Unless such works do not cause existing ambient noise levels to be exceeded there shall be no construction work associated with the development on the site at any time on any Sunday, Bank Holiday or other Public Holiday or on any other day except between the following hours:

0730 – 1900 Monday to Friday
0730 – 1300 Saturdays

Reason: to ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents.

- 14) No Heavy commercial Vehicle or any other vehicle which has an operating weight greater than 3 tonnes associated with the construction of the development shall enter or leave the site at any time on any Sunday, Bank or Public Holiday or on any other day except between the following hours:

0730 – 1900 Monday to Friday
0730 – 1300 Saturdays

Reason: to ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents.

- 15) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy (FRA) November 2015/R.151667.F001/Hydrock Consultants Limited and the following mitigation measures detailed within the FRA:

1. Limiting the developed area to Flood Zone 1 (low risk of fluvial and tidal flooding).
2. Construction of finished ground floor levels of buildings at a minimum level of 8.5m AOD.
3. Surface water discharge rates from the site to be restricted to current 'Greenfield' levels.
4. On-site surface water attenuation to be provided up to 100 year (20% return period) event.
5. Site contouring and topography to ensure overland exceedance flow routing to be retained on site but away from building locations.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: to reduce flood risk, both on the site and elsewhere to an acceptable level.

- 16) No trees or hedgerows shown to be retained shall be felled, pruned, lopped, topped, uprooted or damaged in any way as a result of carrying out the development hereby approved without the prior written consent of the Local Planning Authority.

Reason: in order to avoid damage to the trees and hedgerows on and adjoining the site, in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity.

- 17) If at any time during the course of carrying out the development hereby approved, contamination not previously identified in the contamination report is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unanticipated contamination shall be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The remediation strategy shall thereafter be implemented as approved.

Reason: to ensure a safe form of development which poses no unacceptable risk of pollution.

- 18) The soft landscaping works associated with any phase shall be carried out prior to the occupation of

that phase or in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: in the interest of visual amenity.

- 19) Prior to the commencement of use of any part of the building hereby approved a detailed travel plan including timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The details submitted shall include measures to discourage cycle journeys to the A562 and A5300. Such details as are agreed shall be implemented in full and in accordance with the submitted timescale.

Reason: to ensure provision for a range of transport options in the interest of sustainable development.

- 20) No part of the development hereby approved shall be occupied until space has been laid out within the site for the safe and secure parking of bicycles in accordance with the approved plans.

Reason: to ensure the satisfactory provision for cycle parking to encourage alternatives and sustainable means of travel and to comply with Policy TP6 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

- 21) Prior to the occupation of any premises hereby approved in any phase the vehicle access, service and parking area related to that phase shall be laid out and surfaced in accordance with the approved plans, and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason: to ensure the satisfactory development of the site in the interests of highway safety.

- 22) No part of the development hereby approved shall be brought into use until details of a silent warning device and/or methodology to be used during the movement of trains has been submitted to and agreed in writing. Any train movements within the site shall be carried out using the agreed silent warning device and/or methodology. At no time shall audible warning devices be used in connection with train movements within the site.

Reason: to minimise potential noise disturbance to surrounding residents in accordance with the submitted noise report.

- 23) Prior to the commencement of use of the development hereby approved, a Remediation Verification Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide detailed verification methodology and data in order to identify all material unsuitable for use as fill or re-use on site, to demonstrate that works for the excavation and removal of all such material and pollutant linkages have been completed in accordance with the Environmental Statement and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

Reason: to allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution.

- 24) Prior to the commencement of use of the development hereby approved, upon completion of the site remedial works, a verification report containing the data collected in accordance with the verification plan required by condition of this planning permission shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: to allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution.

- 25) No part of the development hereby approved shall be brought into use until rail sidings have been provided within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans and Rail Connectivity Plan. Such sidings shall be retained for the lifetime of the development.

Reason: to ensure adequate provision is made to secure rail access to the site, to encourage movement of freight by rail.

- 26) Prior to the commencement of the use of any phase a detailed Operational Waste Management Plan

including details of facilities to collect and store Bulk wasters generated as a result of the use of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Such a Plan shall be implemented in accordance with the approved details.

Reason: to allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of water materials.

- 27) No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 3 no. ponds within the site has been implemented in full and in accordance with a detailed scheme submitted to and agreed in writing by the Local Planning Authority. Such details as are submitted shall include detailed design and pond profiles and a detailed maintenance and management plan. The ponds shall be so managed and maintained for the lifetime of the permission.

Reason: to ensure that satisfactory mitigation is provided for the ponds to be lost as a result of the development.

- 28) The development hereby approved shall be used for the purpose of a transport and technology facility as described and any other purpose including any purpose within use class B2.

Reason: for the avoidance of doubt as to the extent of this permission.

- 29) There shall be no outdoor storage or display of equipment, plant, goods or material within the site other than as detailed in the approved plans.

Reason: in the interests of visual amenity.

- 30) Except to provide access/egress for emergency vehicles and public transport vehicles, no motorised traffic shall at any time be permitted to gain access to or egress from Halebank Road using the section of roadway identified as Emergency Access on the approved plan.

Reason: in order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents.

- 31) There shall be no deliveries or dispatch of materials or trains to or from the site whether by road or by rail or movement of trains within the site during the hours 2300 and 0700 hours.

Reason: to minimise potential noise disturbance to surrounding residents in accordance with the submitted noise report. To be consistent with the period of noise assessment within the noise report.

- 32) No use of any part of the development hereby approved shall be commenced until physical control measures have been provided between the emergency and bus access route as defined on the approved plans and Lovel's Way in accordance with details submitted to and agreed in writing by the Local Planning Authority. Such barrier shall be designed to prevent access to through traffic other than for access / egress for emergency vehicles and public transport as allowed by condition of this permission.

Reason: In order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents.

- 33) Notwithstanding the details within the plans hereby approved no part of the development hereby approved shall be brought into use until a footway and cycleway has been provided between the boundary of the site where it joins the end of Lovel's Way and the cycle storage area within the western carpark in accordance with details submitted to and agreed in writing by the Local Planning authority. Such a footway and cycleway shall be so maintained throughout the life of the development.

Reason: To ensure that opportunities for footway and cycleway connections are maximised through the development.

- 34) Any works hereby approved to Pond 3 as detailed within the application shall only take place between September and January.

Reason: To minimise potential harm to the population of common toad within that pond.

DEV51 - 16/00024/FUL - PROPOSED DEVELOPMENT OF 34 NO. DWELLINGS COMPRISING MEWS, SEMI-DETACHED AND DETACHED PROPERTIES WITH ASSOCIATED ACCESS, PARKING, GARAGES AND CONSTRUCTION OF ACOUSTIC BUND ON LAND TO THE NORTH EAST OF ABBOTS PARK AND BOUNDED BY THE M56 AND CHESTER ROAD, PRESTON BROOK, RUNCORN, CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

RESOLVED: That the application be approved subject to the upfront payment for Greenspace enhancements in the locality and the following conditions.

- 1) Time limit – full permission.
- 2) Approved plans.
- 3) Submission of Proposed Site Levels (BE1);
- 4) Implementation of facing materials detailed (BE1 and BE2);
- 5) Implementation of landscape structure plan (BE1);
- 6) Habitat management and maintenance plan (BE1);
- 7) Implementation of recommendations in the Arboricultural Method Statement (BE1);
- 8) Implementation of submitted hard landscape and boundaries layout and subsequent maintenance (BE1);
- 9) Breeding bird protection (GE21);
- 10) Hours of construction (BE1);
- 11) Removal of permitted development – all dwellings (BE1);
- 12) Implementation of the noise bund and acoustic fence and subsequent maintenance (BE1 and PR8);
- 13) Implementation of the glazing and mechanical ventilation as identified in the acoustic report (BE1 and PR8);
- 14) Submission of a Construction Management Plan (BE1);
- 15) Provision and retention of parking for residential development (curtilage) (BE1);
- 16) Provision and retention of parking for residential development (not in curtilage) (BE1);
- 17) Retention of garages to dwellings (BE1);
- 18) Implementation of access and servicing provision (BE1);
- 19) Implementation of off-site highway works (site access point from Chester Road, dropped crossing at the Tannery Farm access point, closure of existing farm

- access, bus stop alterations) (BE1);
- 20) Visibility splay (2.4m x 55m at site access with Chester Road) (BE1);
- 21) Submission of electric vehicle charging point scheme, subsequent implementation and maintenance (CS19);
- 22) Submission of a surface water regulatory scheme for approval and subsequent implementation (PR16);
- 23) Ground contamination – site investigation, remediation strategy and site completion report (PR14);
- 24) Submission of a waste audit (WM8); and
- 25) Submission of a sustainable waste management design (WM9).

In order to avoid any allegation of bias Councillor Cole did not take part in the debate or vote on the following item as he is a Board Member of Halton Housing Trust.

In order to avoid any allegation of bias Councillor Carol Plumpton-Walsh did not take part in the debate or vote on the following item due to a recent press release on the development which included a comment she made.

DEV52 - 16/00069/FUL - PROPOSED DEVELOPMENT OF 22 NO. APARTMENTS AND 6 NO. HOUSES INCLUDING CHANGE OF USE OF EXISTING BUILDING, SELECTIVE DEMOLITION AND ASSOCIATED LANDSCAPING AT VICTORIA HOUSE, HOLLOWAY, RUNCORN, CHESHIRE.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

The Committee was advised that since the publication of the agenda two additional representations had been received via a Ward Councillor which raised the following issues: scale, look of the building and the level of intrusion; not meeting guidelines with regards to privacy; the application of the 25° rule; and why the 45° rule was not applied as the proposed extension appeared contrary to it.

It was reported that in respect of scale, Victoria House was a large building which was three storeys in height and the proposed extension whilst being large, would respect the scale of the existing building and form an acceptable relationship with surrounding buildings.

It was noted that the update list was published prior to the meeting and contained further information relating to the

elevations of the building; privacy aspects and the relationship of the development with its nearest neighbours. It further discussed the 45° rule and its uses.

Officers also advised the Committee that an additional condition was recommended for the submission of a scheme for the provision of future charging points of ultra-low emission vehicles, which the applicant had agreed to accept.

The Committee was addressed by Victoria Jones, a local resident who objected to the proposal. She spoke regarding the distances between the development and the surrounding houses being insufficient and not complying with minimum standards: she argued that the apartments were too close to neighbours; not enough space had been left between habitable windows; and that the measurements and angles presented in the plan/report were not accurate. She suggested that the proposal was out of character with the area and that the third storey on the flats was domineering and not to scale with the surrounding area.

The Committee was then addressed by James Nicholls, from Halton Housing Trust. He stated that they were a reputable not for profit company who would develop high quality homes on a site that had remained vacant for the past 3 years. He advised Members that they had carried out a consultation process with residents to discuss their concerns over highway safety and future tenant selection. He further stated that they planned to restore the original features of the property and that as the extension was set back, residents views would not be affected. He stated that the flats did not directly face the neighbours; the development would retain the character of the area; and would provide economic benefit as well as additional housing for Halton.

Local Ward Councillor Sinnott then addressed Members referring them to paragraph 5.2 of the report where it stated that 75 representations had been received in relation to the application, objecting to the proposal. She reiterated the main objections: that the building was an undesignated heritage asset and this would be lost; shrubs would disappear; there would be an impact on neighbours from being overlooked; the extensions would affect the look of the site; and there was a lack of amenities such as schools, open spaces and parking for the new residents. She also raised concerns over traffic access and parking during construction and the nature of the vehicles accessing the site. She requested that the views of the local people

are heard.

After hearing the updates and representations Members discussed the matters raised by the speakers in particular the lack of amenities for residents and the distances between the properties not complying with those recommended.

Councillor John Stockton moved to defer the application until such time as further consultation can be carried out with residents and to address the issues raised above.

Councillor Thompson seconded the motion and the Committee voted to agree to defer the application for the reasons stated above.

RESOLVED: That the application be deferred so clarity can be sought regarding the points raised by residents with regards to proximity between properties and to address the provision of amenities for local residents.

DEV53 - 16/00120/FUL - PROPOSED CONSTRUCTION OF NEW WORKSHOP AND OFFICE FACILITIES (2,225 SQUARE METRES) TOGETHER WITH ADDITIONAL CAR PARKING AND ASSOCIATED DEVELOPMENT AT YKK (UK) ASTON LANE SOUTH, PRESTON BROOK, RUNCORN

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

The Committee was advised that United Utilities had stated that they had no objection to the proposed development provided that it was understood that it was the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development; and that the following 3 conditions were attached to any approval:

- Foul and surface water shall be drained on separate systems;
- Prior to the commencement of any development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority; and
- Prior to the commencement of the development, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed

in writing.

The Committee agreed that the application be approved subject to the conditions listed below and the addition of the conditions submitted by United Utilities.

RESOLVED: That the application be approved subject to

- a) delegated powers being given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee to make a final determination, once the application has received a response from consultation sent to the British Pipeline Association (BPA); and
- b) the following conditions:
 - 1) Standard 3 year expiry;
 - 2) Materials condition;
 - 3) Position, design, materials and type of boundary treatment;
 - 4) Travel plan shall be submitted to and approved in writing by the Local Planning Authority;
 - 5) Prior to the occupation of the premises hereby approved the vehicle access, service and parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority;
 - 6) Submission and approval of contaminated land report; and
 - 7) Traffic management plan.

Meeting ended at 7.48 p.m.

REPORT TO: Development Control Committee

DATE: 6 June 2016

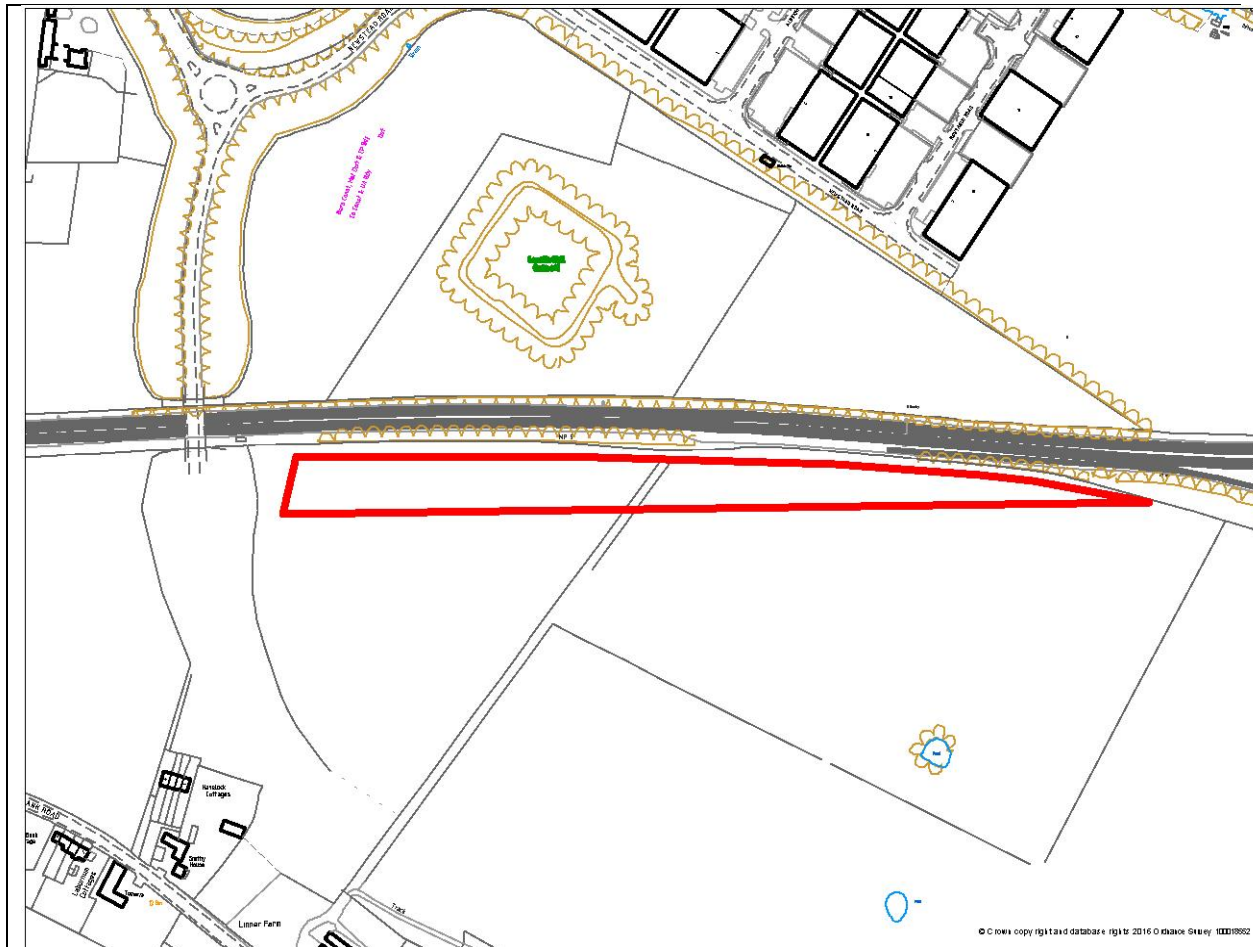
REPORTING OFFICER: Strategic Director - Community and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
14/00382/HBCFUL	Proposed construction of 5 no. railway sidings to be implemented on a phased basis to serve the Mersey MultiModal Gateway (3MG) connecting to the national rail network West Coast Mainline via Ditton Junction Sidings.	Ditton Strategic Rail Freight Park / 3MG, Halebank, Widnes
16/00125/FUL	Proposed erection of 36 no. dwellings and associated infrastructure (re-plan of plots 75-106 of approved application 14/00575/FUL with the addition of a further 4 units.	Land at Sandymoor Phase 1. Land off Walsingham Drive, Sandymoor, Runcorn, Cheshire, WA7 1QD

APPLICATION NO:	14/00382/HBCFUL
LOCATION:	Ditton Strategic Rail Freight Park/3MG, Hale Bank, Widnes
PROPOSAL:	Proposed construction of 5 no. railway sidings to be implemented on a phased basis to serve the Mersey MultiModal Gateway (3MG) connecting to the national rail network West Coast Mainline via Ditton Junction Sidings
WARD:	Ditton
PARISH:	Hale Bank Parish Council
AGENT(S) / APPLICANT(S):	Halton Borough Council
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005) Core Strategy (2013)	Employment Land Allocations (E1), Green Belt (GE1), Proposed Green Space (GE7), Core Strategy Key Area of Change: 3MG (CS8)
DEPARTURE	Yes
REPRESENTATIONS:	One Resident objection Two objections from Hale Bank Parish Council
RECOMMENDATION:	Approve subject to conditions.
SITE MAP	



BACKGROUND

The Site and Surroundings

This application relates to a site area of approximately 3.6 Ha mostly on land known as HBC Field. The site lies to the south of the Liverpool Branch of the West Coast Main Line (WCML). The site is predominantly under the ownership of Halton Borough Council, however, it includes land to the east under the ownership of Network Rail, and this land is to provide the new turnout to the proposed sidings and to undertake modifications as necessary to the existing rail network.

Part of the site is identified as sites 253 and 256 in the Halton Unitary Development Plan and, together with surrounding land, is defined by the Halton UDP as within the Potential Extent of the Ditton Strategic Rail Freight Park now known as Mersey MultiModal Gateway (3MG). The site is now included in the adopted Core Strategy (2013) in Policy CS8 with the A562 Speke Road and West Coast Main Line to the north, Halebank Road to the south, Halebank residential areas to the east and wider agricultural land and Green Belt to the west.

Planning History

Planning permission has been previously permitted (07/00362/FUL) for the construction and installation of 4 No. new railway sidings consisting of 4 no. 550m length tracks at the site. That permission was renewed in 2010 (10/00411/S73). Development has commenced on site and related conditions discharged and the latter planning permission is therefore extant.

Planning permission for a rail served storage and distribution unit of approximately 1 million sq. ft was submitted to the Council in July 2011 (ref. 11/00269/FULEIA). The application was approved by the Council in September 2011 but that decision was quashed by the High Court in July 2012. The application was subsequently returned to the Council for determination with permission granted on 9th September 2014.

The Local Planning Authority has approved a separate application (15/00549/FULEIA) for the proposed construction of a purpose built transport and technology facility (Use Class B2) in three phases with associated development.

THE APPLICATION

Proposal Description

The construction and installation of 5 new railway sidings will comprise 5 x approximately 700m length tracks together with head shunts to allow locomotive release and 'run-round' operations.

The sidings outside of Network Rail's land will be private sidings. The Council will appoint a suitably qualified and competent operator to construct the sidings and connection. This will be managed under a Rail Operator's agreement. The proposed rail sidings will provide an extension to the existing Ditton Reception Sidings and would operate 24 hours a day. It's proposed that the sidings will be implemented on a phased basis as demand increases.

This application as originally submitted in 2014 has been amended. The application site red line boundary has been extended to include land in Network Rail's ownership. Plans have also been amended to reflect revision to the sidings layout and removal of high level lighting which has been deemed to be no longer required for the scheme. Overhead Line Equipment originally shown on the plans are located within Network Rail land only and not proposed within the new sidings. These have been removed from the plans for the avoidance of confusion.

In respect of the updated and additional documents provided:

- The Lighting Assessment and Noise Assessment have been updated;
- The Planning Statement and Design & Access Statement have been updated to reflect the approved scheme at HBC Field (ref. 11/00269/FULEIA) and also the approved HBC Field scheme (ref. 15/00549/FULEIA);
- An updated Ecology Technical Note has been provided to address relevant surveys provided in the 2015 HBC Fields application together with subsequent 2016 Great Crested Newt Survey Report;
- The 2015 Flood Risk Assessment (FRA) for the HBC Field application has also been provided as this also covers a consideration of the sidings site. The

application has been advertised as a departure with respect to the updated application and required consultation has been undertaken.

The new sidings will be connected to the national railway network via the existing Ditton Junction sidings. The new sidings will broadly follow and run parallel to the south side of the West Coast Main Line (WCML) Liverpool Branch. The sidings will broadly occupy a corridor measuring 650m x 50m, excluding Network Rail land. The works to connect the new sidings to the existing railway network is also included within the application as it is no longer considered that these will be constructed under permitted development rights enjoyed by Network Rail.

Construction and operational access to the site would be restricted to Lovel's Way via the A562/ A5300 Knowsley Expressway. It is considered that this can be secured by suitably worded planning condition.

Documentation

The application is also supported by a Design and Access Statement, Planning Statement, Flood Risk Assessment, Ecological Report including Addendum, Site Investigation, Lighting Assessment, Contamination and Noise Assessment. Environmental Statement Chapters from the adjoining HBC Field application (ref. 15/00549/FULEIA) have also been supplied to support the application.

POLICY CONTEXT

The development plan for Halton consists of the Halton Core Strategy and the remaining saved policies from the Halton Unitary Development Plan (UDP) together with the Joint Merseyside and Halton Waste Local Plan.

The application site is identified as lying within a Key Area of Change within the Core Strategy (Policy CS8) and the UDP Proposals Map has not been superseded in this location save for removal of reference to deleted policies.

The site covers various areas of land allocated as proposed Employment, proposed Greenspace and is partly in the Green Belt but all falling within the Potential Extent of the Ditton Strategic Rail Freight Park as defined by the Halton Unitary Development Plan. The site also falls entirely within the 3MG Key Area of Change as defined by Core Strategy Policy CS8. Policy E1 allocates the site as a Strategic Rail Freight Park. There is a Scheduled Ancient Monument (Policies CS20 and BE4) located in the triangle of Green Belt to the north across the railway line.

The following Core Strategy and Unitary Development Plan policies and other policy documents are of particular relevance: -

Halton Core Strategy (2013)

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land and Locational Priorities
- CS6 Green Belt

CS8 3MG
CS18 High Quality Design
CS20 Natural and Historic Environment
CS23 Managing Pollution and Risk

NOTE:

CS1 identifies the key areas of change, 3MG being one of these.
CS2 repeats the advice given in NPPF in relation to the presumption in favour of Sustainable Development.
CS4 seeks to identify criteria for the retention of outstanding (UDP) allocations to allow a full review of deliverability and suitability towards meeting the borough's employment development requirements to 2028. The application site is within the employment land supply referred to in this policy.
CS18 The proposal will be well integrated and connected to the existing development and complies with this policy.

The other policies listed above are dealt with elsewhere in the report.

Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management

NOTE:

WM8 requires construction methods/ materials to be considered. A condition is to be included to meet the policy requirements.

Halton Unitary Development Plan (UDP) (2005)

BE1 General Requirements for Development
BE2 Quality of Design
BE4 Scheduled Ancient Monuments
BE6 Archaeological Evaluations
GE1 Control of Development in the Green Belt
GE7 Proposed Greenspace Designations
GE18, 19, 20 and 21 Protection of sites of nature conservation interests
GE25 Protection of ponds
GE28 The Mersey Forest
PR1 Air Quality
PR2 Noise Nuisance
PR4 Light Pollution and Nuisance
PR5 Water Quality
PR6 Land Quality
PR14 Contaminated Land
PR15 Groundwater
PR16 Development and Flood Risk
TP13 Freight,
E1 Local and Regional Employment Land Allocations

NOTE:

BE1 and BE2 require the proposal to consider design and the amenity issues but are principally aimed at buildings. The proposal will be well integrated and connected to the existing development and complies with these policies.

The other policies listed above are dealt with elsewhere in the report.

Supplementary Planning Documents

3MG Supplementary Planning Document

The Council developed a 3MG Supplementary Planning Document (SPD), which was adopted in August 2009. The principal policies in the UDP that the 3MG Mersey Multimodal Gateway SPD was intended to 'supplement', namely E7 and S20, have subsequently been deleted with the adoption of the Core Strategy. Whilst the Council have not formally withdrawn the SPD, the weight that can be afforded to the SPD, is therefore, considered limited as policy E7 and S20 have been deleted. Nonetheless, the SPD does list a number of remaining 'saved' UDP policies as being relevant to the application site, namely E1, RG5, GE28, PR14, BE1, BE2, BE3, BE4, TP1, TP13, which are considered to be dealt with elsewhere within this report. The SPD also sets out a total of 17 Development Principles to guide the development of the site. These are considered to be adequately addressed elsewhere in the report.

Other Documents

None directly relevant

CONSULTATIONS

Surrounding premises/ properties have been consulted along with ward councillors. The application was also advertised by means of a departure site and press notice. Consultation was also undertaken with a wide range of internal and external, statutory and non-statutory consultees.

Responses to the consultation were as follows:

- United Utilities – No Objection
- Environment agency – No Objection
- Network Rail – Original holding objection removed
- CWAC Archaeology – No response has been received to date.
- Merseyside Environmental Advisory Service – No objection.
- Halton Borough Council:
 - Open Spaces Service – No Objection
 - Environmental Health Service– No Objection
 - Contaminated Land Service – No Objection
 - Highways Service – No Objection
- Hale Bank Parish Council – Object (see following summary under 'Representations' section below)

REPRESENTATIONS

A total of 3 letters of objection have been received. These are outlined below.

One letter was received from a local resident in relation to the application as originally submitted. The submitted letter includes the following:

That the building of the railway sidings "will increase the noise that I am already exposed to as I have to sleep with the windows open due to breathing problems. I also believe that this will devalue my property, plus the landscaping works at the back of my property meant I had a number of large excavators working from 7 till 7 including a 35 ton bulldozer working 5 feet from my back garden. You have now left me with a 10 foot high hill which people on a daily basis walk past my garden looking down and in, I now have no privacy so do not do anymore work that will cause me more suffering".

Two letters have also been received from an agent acting on behalf of Hale Bank Parish Council.

The first related to the application as originally submitted and stated that:

"HBPC thus strongly object to the application for the sidings because, as currently presented, there is not and cannot be any link between the railway and the proposed warehouse on the HBC Field Site".

Those comments are considered to have been somewhat superseded by the subsequent application for the HBC Field site (ref. 15/00549/FULEIA) and by the update of this planning application and subsequent re-consultation. In that regard, further comments have been received as follows:

This letter is written on behalf of Hale Bank Parish Council. They wish to object to the above application. Given that approval has previously been granted in 2007 for four sidings on more or less the same site, the Parish Council's concern is limited to a matter of detail, namely the lighting proposals which do not appear to have been included in the 2007 scheme. Nor were they the subject of any condition on that planning permission.

The consultation on the current scheme (which was originally submitted in 2014) seems to have been triggered by the submission of amended plans and documents. However, we have been unable to find any information which specifies exactly what the amendments are.

The lighting scheme assessment says that the first phase will be two sidings with only low level ground lighting, and that implementation was due to start in 2015. We are thus concerned that the assessment has not been updated for the current amended scheme.

The relevant information on the application form states that the application proposal includes "Minimal low level rail safety standard lighting only. Lighting column shown on planning drawing is for future space planning purposes" (whatever that means).

However, this is contradicted by the assessment report which specifies that the second phase will be the remaining three sidings, lit by with 20 metre tall lighting columns. These will be in two rows at 35 metre spacing, using 600 watt floodlights with wide asymmetric beam. To this end, 20 metre columns are shown on the plans.

Confusingly, we are also advised in the assessment that "the lighting intensity may be reduced at the next stage in the design process and therefore a lighting scheme up to the assessed level may never be installed".

Exactly what the lighting proposal comprises is therefore far from clear.

In the assessment, we are advised that views by existing residents near the site boundary are "now well screened by existing vegetation and the earth mounds" and that the approved warehouse (presumably the Prologis scheme which, of course, appears unlikely to be built) will provide additional screening. Nevertheless, the assessment accepts that the 20 metre high floodlights may still be visible, in particular from the third floor of properties in Clapgate Crescent, whilst road users on Newstead Road, Lovel Way and Hale Bank Road may also see the new high mast lighting columns, particularly in winter.

We are advised in the assessment that the general principles of mitigation include the use of "sufficient lighting units to avoid the need for tall, wide beam lighting units to illuminate large areas" . Yet, tall, wide beam lighting is exactly what appears to be currently proposed.

To summarise, the lighting assessment is out of date. It contradicts itself by proposing 20 metre columns whilst elsewhere the application says that none are proposed. Another contradiction is the proposal to use 20 metre high wide beam lights in the face of mitigation measures which include the avoidance of this type of lighting.

Hale Bank Parish Council thus objects to the Council's proposal on the grounds that, either:-

- 1. The lighting scheme is unnecessarily intrusive and ignores its own consultant's mitigation measures, or*
- 2. The lighting scheme is unspecified, therefore neither the Parish Council nor any local resident (or the Local Planning Authority, for that matter) is able to make a proper assessment of the implications of the application proposals."*

This issue is addressed later under the Lighting section of this report. The following has been sent to the Parish Council (including the relevant reports):

I write further to your attached comments and can now confirm the following:

With respect to your query regarding the nature of the amendments within the updated submission relative to the earlier 2014 submission I can confirm that the application site red line boundary was extended to include land in Network Rail's ownership and the sidings layout was also revised within the site.

In respect of the updated and additional documents provided:

- *The Lighting Assessment and Noise Assessment were updated;*
- *The Planning Statement and Design & Access Statement were updated to reflect the approved scheme at HBC Field (ref. 11/00269/FULEIA) and also the proposed HBC Field scheme (ref. 15/00549FULEIA);*
- *An updated Ecology Technical Note was also provided to address relevant surveys provided in the 2015 HBC Fields application*
- *The 2015 FRA for the HBC Field application was also provided as this also covers a consideration of the sidings site.*

These explain the amendments within the updated submission upon which HBPC were consulted and on which your submitted attached comments are based.

The lighting assessment referred to above was based on a scheme including high level lighting and based on a worst case scenario whereby the lighting levels required may have been reduced and this is set out in the submitted lighting assessment. The only discrepancy therefore appears to have been the reference which you highlight in the form. That lighting assessment based on that higher level of lighting concluded that, whilst sensitive receptors would experience a view of the additional high mast, lighting effects such as glare and sky glow would be minimised through adequate lighting design and landscaped screening so as not to pose a material constraint to the proposed development.

Since that time however the applicant has reviewed the lighting requirements. They have now confirmed that the scheme only requires low level lighting for health and safety purposes and I attach a photo of typical bollard lighting proposed. The high level lighting element has therefore been withdrawn. Overhead Line Equipment originally shown on the section plan is reported to be located within Network Rail land only and not proposed within the new sidings and has therefore been removed for clarity. The cross section plan has been amended accordingly as attached.

The only other significant update with respect to the application is that the results of detailed Great Crested Newt Surveys of the HBC Field Site have been supplied confirming no evidence of Great Crested Newt. I also attach a copy of that report for information.

I trust this now satisfies the concerns of the Parish Council but would be happy to receive any further comments as they see fit. Please be aware that the application is expected to be reported to the Council's Development Control Committee on 6th June 2016."

ASSESSMENT

Principle of Development

Permission is sought for the construction and installation of new railway siding facilities on land currently owned by the Council and including land under the operational control of Network Rail. The sidings will be served via existing but altered rail sidings at Ditton Junction, Widnes. The connection will be shared with that

proposed for the development of HBC Field, now approved by Planning Application 15/00549/FULEIA.

The new sidings will be connected to the national railway network via the existing Ditton Junction sidings. The new sidings will follow and run parallel to the south side of the West Coast Main Line (WCML) Liverpool Branch. The sidings will occupy a corridor measuring 650m x 50m, excluding Network Rail land. The works to connect the new sidings to the existing railway network is also included within the application as it is no longer considered that these will be constructed under permitted development rights enjoyed by Network Rail. All road connection to the site is shown to be via the recently constructed Lovel's Way to the A5300/ A562, thereby minimising traffic on the local highway network.

According to the submitted Rail Report, the new sidings are identified as an integral part of the wider Mersey MultiModal Gateway (3MG) development. The overall design concept/vision for the 3MG area is to provide modern distribution buildings located alongside rail terminal facilities which will be served by the strategic highway network. This will create of up to 5,000 good quality jobs in an area of "employment need" and regenerate sites which are currently derelict and suffer from industrial contamination. The installation of new infrastructure off Ditton reception sidings will provide the capacity to significantly increase the output of these sidings which currently run at 6 trains in/ out a day, to a maximum of 16 freight train services a day.

The report identifies a number of significant constraints of the existing sidings at Ditton with respect to the length of the current sidings as follows:

- Goods Reception No1 Siding: 350m
 - Goods Reception No 2 Siding: 310m
 - Goods Reception No3 Siding: 290m
- Combination of Reception No1 Siding & Head shunt used as one siding: 560m

Until recently, it is suggested that the standard maximum length of an intermodal train operating on the national network has been between 520m and 540m. On this basis, only one siding can be used to facilitate trains of this length, and that is Ditton Reception No1 sidings in combination with the Head Shunt. Train lengths have now been extended through the introduction of more powerful locomotives to allow 30 wagons to be hauled instead of 24, which, with one locomotive, has a length of 640 to 660 metres. Therefore, due to the limited length and configuration of Ditton sidings, once a locomotive has drawn up to the head buffer stops it is 'locked in' and it is neither possible to receive or dispatch other full length trains from 3MG. The function of the sidings is further reported to be restricted by wider use by other trains on the network.

The new sidings will not form part of the national 'Network Rail' track infrastructure. Instead, the sidings will be managed by a 3MG approved Plant Operators Licence Management Company. The approved company will manage the day to day maintenance and running of the new sidings in conjunction with Network Rail through their normal private siding arrangements. The proposed sidings are designed to increase capacity within the sidings to accommodate full trains at their

new extended length and also increase the number of trains which can be handled within the facility.

Whilst the submitted Rail Report is based on the earlier approved warehouse development and associated dedicated siding arrangement the application has been amended to provide standalone independent sidings with separate branch to the HBC Field development site. The constraints of the existing sidings are not believed to have been radically altered and the provisions of the scheme are considered to be sufficiently similar to explain the scheme rationale and justification.

The westernmost portion of the application site is allocated as Green Belt in the UDP, where policies GE1 – Control of Development in the Green Belt and CS6 – Green Belt apply. The latter is mainly concerned with the need for a future Green Belt review so the former provides the main policy requirements. This area is also designated as Proposed Greenspace for which UDP Policy GE7 applies.

National and local policy seeks to control inappropriate development within the Green Belt. NPPF Para. 90 provides that:

“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.”

The development of rail sidings and associated drainage are engineering operations and therefore are considered not to be inappropriate development. Openness is preserved and there is no conflict with including land in the Green Belt. As such, the development is appropriate development in the Green Belt. The area of Green Belt within the application site is substantially shielded from the wider Green Belt to the West by a new road and associated landscape embankments which connects the site to the A5300. The proposals therefore comply with NPPF paragraph 90 as being appropriate development within the Green Belt.

UDP policy GE1 Para 2 states: “Planning permission will not be given to proposals for development conspicuous from the Green Belt that would harm its visual amenity by reason of their siting, materials, design.” This element of UDP Policy GE1 relates to development which is not in the Green Belt but which is conspicuous from the Green Belt and would harm its visual amenity. The principal of development of this kind was endorsed by the Inspector at the UDP inquiry had there been a problem with UDP policy GE1 in this context it would have negated the accepted principal that this type of development was acceptable. The development is not significantly conspicuous from the Green Belt it is not considered that it would cause harm to the visual amenity of the Green Belt or to conflict with the purposes of its designation as proposed Greenspace.

The site also falls entirely within the 3MG Key Area of Change as defined by Core Strategy Policy CS8. The site benefits from planning permission (10/00411/S73) which is considered to remain extant and the principle of development is therefore considered to have been established. The extension to the boundary of this application site is considered to relate to land to the east within the allocated site and Network Rail Operational Land.

UDP Policy GE28

This policy makes provision for the on-going investigation of opportunities for creating new woodland planting through development as part of the Mersey Forest. The supporting map (Map 7 in the UDP) indicates target planting densities across sites allocated for development elsewhere in the UDP. For the application site, GE28 indicates provision for potential woodland cover of 20%+ for the application site and surrounding area with targeted planting for transport routes “where appropriate”. The policy also acknowledges that such figures are for guidance purposes only and not intended to be prescriptive for any unit of land. As such, it is considered that provision is made for a balance between the Mersey Forest aspirations and the site allocation for development. Potential for woodland planting within the development site and land up to the West Coast Main Line is restricted by the operational requirements of such a facility and the need to secure access up to the rail line through dedicated rail sidings. It is considered that provision has been made for substantial woodland planting to surrounding landscaped mounds implemented as advance structural planting. Efforts have been made, as far as practical within the wider HBC Field development, to include woodland and complimentary planting through the scheme and it is therefore considered that, given the allocation of the site for such development, the requirements of Policy GE28 have been adequately met within the scheme.

Ecology

The application reports that an extended Phase 1 habitat survey and detailed species surveys has been undertaken as part of the Ecological Impact Assessment for the HBC Field site located immediately to the south of this site. These studies also covered the application site, and the submitted Ecological Appraisal draws upon that information.

The proposed development site lies approximately 1.3km from the Mersey Estuary which is designated as a Ramsar Site, a Special Protection Area and a Site of Special Scientific Interest. With the adoption of appropriate mitigation, those sites will not be affected by the proposed development. There are three local nature reserves within 2km of the proposed development site. It is reported that these reserves will not be affected by the proposed development site as a result of the distances between the proposed development site and each of the reserves and there being no hydrological link.

Habitats within the proposed development site are reported to be predominantly bare, disturbed ground with species-poor grassland but including three waterbodies. All are reported to be of no more than local nature conservation interest and no

potentially significant effects are predicted as a result of their loss. Although one of the waterbodies has been identified as supporting an aquatic invertebrate fauna of local nature conservation value, the loss of this pond will be mitigated as part of the HBC Field development. It is considered that this can be secured by appropriately worded planning condition.

On this basis, it is suggested that no significant ecological impacts are predicted as a result of the proposed development during either the construction or operational phase of the development. Mitigation measures have been recommended to ensure compliance with wildlife legislation, and best practice in respect of pollution prevention.

Surveys for great crested newts in the ponds on site have, until 2014, demonstrated absence of the species. However, in 2015, survey data by eDNA sampling methods supplied in support of an unrelated planning application in the area had indicated that great crested newts (GCN) began to colonise the large balancing pond (Pond A) to the south of the site. As a result of the 2015 positive eDNA result and previous planning application 15/00549/FULEIA, additional Great Crested Newt Surveys have been undertaken as advised by the Council's retained advisers on ecology issues. Four GCN survey visits have been undertaken, in accordance with Natural England Best Practice guidance, with respect to all ponds and further samples taken for eDNA from Pond A. Those surveys have confirmed no evidence of GCN at the site. The eDNA result has also returned a negative result. GCN are, therefore, no longer considered an impediment to development and a GCN licence from Natural England to facilitate mitigation will not be required.

The Council's retained adviser, on ecology, has reviewed the application along with all supporting information. It has confirmed that the conclusions of the submission are accepted. With respect to the 2016 GCN survey results, they confirm that "the report states that no evidence of Great crested newt was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England with regards to Great crested newt."

It also advises that, subject to submission of a Construction Environmental Management Plan (CEMP) the conclusions of Habitat Regulations Assessment report (HRA) for the adjacent HBC Fields application (ref. 11/00269/FULEIA) of "no likely significant effects", remain relevant to this application. Submission and agreement of a CEMP can be secured by appropriately worded planning condition. A condition relating to protection of breeding birds is recommended, however, this is considered to be adequately controlled through alternative legislation and best dealt with by means of informative.

On that basis, it is considered that the proposals accord with the development plan having particular regard to UDP Policies relating to The Green Environment (GE18, GE19, GE20, GE21, GE25 and Core Strategy Policy CS20).

Lighting

The application was supported by a detailed lighting assessment. That lighting assessment was based on a scheme including high level lighting of columns up to

20m and based on a worst case scenario, whereby, the lighting levels required may have been reduced and this is set out in the submitted lighting assessment. Such an approach is considered wholly appropriate to allow detailed lighting design to ensure compliance with legislation outside the planning process. The lighting assessment, based on that higher level of lighting, concluded that, whilst sensitive receptors would experience a view of the additional high masts, lighting effects such as glare and sky glow would be minimised through adequate lighting design and landscaped screening so as not to pose a material constraint to the proposed development.

Hale Bank Parish Council, in its objection, identified a discrepancy in the application. The only discrepancy appears to be between the submitted application form (which refers to low level lighting) and the lighting reports submitted that assess the proposal showing high level lighting.

Following receipt of Hale Bank Parish Council's objection, the applicant reviewed the lighting requirements for the scheme. The applicant has now confirmed that the scheme only requires low level lighting for health and safety purposes; this would include bollard lighting. The high level lighting element of the scheme has therefore been withdrawn. On that basis it is considered that the concerns of Hale Bank Parish Council have been sufficiently met, in that the lighting scheme will not be intrusive.

It is considered that details of the proposed low level lighting scheme can be secured by appropriately worded planning condition. On that basis, it is considered that no objection could be sustained with respect to impacts resulting from lighting from the scheme.

It is considered that the proposals accord with the development plan having particular regard to UDP Policy PR4.

Noise and Air Quality

The potential noise impacts resulting from the installation of the proposed rail sidings has been assessed as part of the application. A sound monitoring survey was undertaken at a similar operational rail sidings development in order to quantify the source sound levels for the sound propagation model.

The submitted report confirms that the current proposals could be defined as Low Impact for all noise sensitive receptors. The submission has been complicated by an analysis of the possible additional levels of mitigation which could be applied, including the possible installation of a 6m high acoustic fence. It is acknowledged within the submission that the sound emanating from the proposed rail sidings was determined to be Low Impact without the fence and that the fence is only discussed with respect to reducing the rating level further. It is, however, considered that such additional mitigation cannot be justified when measured against the six tests for use of planning conditions as defined by Planning Practice Guidance.

Potential effects associated with the proposed railway siding have been also been considered with respect to air quality. It is acknowledged that some sections of railway network in the UK are heavily used by diesel engine trains and have been found to result in higher than background concentrations of NO₂ within 30 m of the railway line. Short-term effects may also be of concern in areas where trains are likely to be idling for more than 15 minutes. Assessment of the proposed

development suggests that there is no relevant public exposure near to the proposed sidings. As the closest receptors are located more than 200 m from the sidings, an assessment has not, therefore, been undertaken.

The submission has been reviewed by the Council's Environmental Health Officer.

The Council's Environmental Health Officer confirms that the consultant has measured the background noise at the residential receptors in the area and calculated the predicted noise levels at these locations once the proposed development is in operation. The noise levels at the proposed development were calculated from measurements taken at a similar facility. It is confirmed that they take into account the noise levels produced by the movement of trains and this includes the 'squealing' of the wheels on the track and shunting of the trains. The consultant did not, however, include noise from the sirens as they state:

"sirens are not essential for the successful operation of the proposed rail sidings."

The methodology employed in compiling the report has been confirmed as acceptable as an accepted standard applied correctly.

The applicant has calculated the difference between the existing noise levels and the predicted noise levels for night-time only as this is when existing noise levels are at their lowest and is considered the worst case scenario. This demonstrates that the noise levels created by the movement of trains will be below the existing noise levels.

The noise report does not consider noise from the construction phase of the development, however, any impact can be mitigated by restricting the hours that construction is permitted to daytime only and weekend working is restricted. It is considered that these issues can be suitably addressed by condition and submission and agreement of a Construction Environmental Management Plan (CEMP) also to be secured by condition.

With respect to air quality considerations for the operational phase, these have been scoped out by the applicant as the sensitive receptors are over 200m away. This is considered an acceptable and proportionate approach, as it is acknowledged that levels of pollutants drop to background levels 50m from the source.

The report acknowledges that the construction of the site will result in emissions of fugitive dust. It is considered that measures for dust control can be secured within a suitable CEMP.

On this basis, the Council's Environmental Health Officer has confirmed that it raises no objection, subject to conditions restricting working hours, use of sirens and the submission and agreement of a CEMP.

It is considered that the proposals accord with the development plan having particular regard to UDP Policies PR1 and PR2.

Archaeology and the Historic Environment

The HBC Field Environmental Statement (ref. 15/00549/FULEIA) included a chapter on the Historic Environment which, in turn, included an assessment of the potential impacts on the historic environment associated with the rail sidings site. This chapter has now been submitted in support of this application. The potential impacts of the proposed development on archaeological remains have been assessed through a desk-based assessment, a geophysical survey and targeted evaluation trial trenching, and are reviewed and summarised as part of this historic environment chapter.

There is one Scheduled Monument located outside the proposed development site boundary, but within the study area. This is Lovel's Hall moated site and fishpond. It is stated that no specific mitigation is recommended for Lovel's Hall Scheduled Ancient Monument.

Halebank Conservation Area lies to the south-west of the HBC Field, situated along Hale Bank Road. Landscaping areas and landscape bunds have been provided in the south of the HBC Field site in order to provide screening for the development. The remainder of HBC Field to the south is identified for future development and, as such, no further mitigation is recommended for the rail sidings scheme. Accordingly, it is considered that the level of any potential harm would be less than "substantial" as defined by NPPF.

Notwithstanding this, through the submitted Environmental Statement chapter there is a recognised potential in the wider area for prehistoric, Roman and medieval remains. With respect to that earlier application (ref. 15/00549/FULEIA), the Council's retained adviser on archaeology raised no objection, subject to the submission and agreement of a written scheme of investigation. This is in line with Policies BE4 and BE6 of the UDP and CS20 of the Core Strategy. Whilst detailed comments are awaited with respect to the current scheme, it is considered that the same appropriately worded planning condition would be satisfactory. Members will be updated if the Council's retained adviser suggests otherwise.

Flooding and Drainage

The eastern end of the site is shown on the Environment Agency website flood risk map to lie partially within Flood Risk Zone 3. The source of fluvial flood risk is the Ditton Brook and the source of tidal flood risk is the River Mersey. The flood risk assessment for HBC Field development to the south (ref 15/00549/FULEIA) covers the proposed rail sidings site.

Based on the assessment of flood risk, it is concluded that the site is not at risk of flooding for the 1 in 100 year fluvial event or 1 in 200 year tidal event, and the site is considered appropriate for the development in terms of flood risk. The site is also not considered to be at risk from flooding from fluvial events in Ditton Brook. So, on this basis, no compensatory storage would be required.

The proposed surface water drainage scheme is shown to include the use of new culverts, flow control, attenuation provision, environmental protection including oil

interceptors and proposed connections to an existing culvert to discharge to the watercourse system that flows to the north beneath the WCML and, ultimately, to Ditton Brook. Provision for all existing drainage connections/routes from the south, the proposed outfall from the balancing pond, highways drainage and the proposed HBC Field development to the south are also proposed to be allowed for within the sidings drainage scheme.

The Environment Agency has confirmed that no objections are raised subject to conditions requiring submission and agreement of a scheme to limit surface run-off. Whilst detailed comments are awaited from the Council's Highways Engineer acting as Lead Local Flood Authority (LLFA), it is considered that no objection could be sustained and any outstanding issues can be dealt with by condition. Members will be updated accordingly.

On that basis, it is considered that the proposals accord with the development plan having particular regard to UDP Policies PR5, PR15, PR16 and Policy CS23 of the Core Strategy.

Contaminated Land

Detailed assessment of potential land contamination impacts has been undertaken for the site using a desk study and intrusive investigation.

The assessment has identified no significant likely impacts with respect to sensitive ecological receptors, ground water or as a result of land contamination through either the construction or operational phases of the development. No formal mitigation is recommended subject to good working practices. Submission and agreement of a CEMP will be required by condition which will allow the Planning Authority to further ensure that appropriate consideration is given to minimising potential construction impacts.

Japanese knotweed and animal carcasses have previously been found on the HBC Field site. The Japanese Knotweed was originally identified within an area now forming the landscape mounds to the south of the site, constructed under planning permissions 05/00948/FUL and 07/00336/HBCFUL. That area is outside any land identified for redevelopment under this submission and Halton Borough Council has advised that its treatment was carried out by contractor's working for United Utilities under their previous scheme for sludge main re-routing. The applicant has confirmed by update report that a subsequent walkover survey in February 2015 identified no signs of knotweed. The applicant has confirmed that the animal carcasses have now been removed in accordance with current legislation and inspection by government vet. It is considered that validation of the removal process can be confirmed by appropriate planning condition.

Land within Network Rail control but now included within the application site has been identified as having potential hydrocarbon impacts. That land has not been subject to detailed investigation at this stage. It is considered that detailed investigation of this area and appropriate mitigation as required can be secured by appropriate planning condition prior to development commencing in this defined area.

The application and detailed submission have been reviewed by the Council's Contaminated Land Officer. In summary, given the history of the site and the nature of the proposed use the development is considered to have limited potentially adverse impacts from a land contamination perspective.

On this basis, the Council's Contaminated Land Officer has confirmed that no objections are raised to the proposals, but would recommend that any approval is conditioned to require the submission of the detailed CEMP and a verification report that details the treatment and/or disposal of the animal remains and any contamination identified during the course of the development, including the animal remains.

It is considered that the proposals accord with the development plan having particular regard to UDP Policies PR5, PR15, PR16 and Policy CS23 of the Core Strategy.

Summary and Conclusion

Permission is sought for the construction and installation of new railway siding facilities on land currently owned by the Council and including land under the operational control of Network Rail. The new sidings will be connected to the national railway network via the existing Ditton Junction sidings and accessed by road from the roundabout of the A562 with the A5300 Knowsley Expressway over the West Coast Main Line (WCML).

The installation of new infrastructure off Ditton sidings will provide the capacity to significantly increase the output of these sidings which currently run at 6 trains in/ out a day, to a maximum of 16 freight train services in/ out a day. As such, the proposals are considered an integral part of the growth of 3MG in accordance with adopted Core Strategy Policy CS8. It also supports and promotes sustainable transportation of freight as set out in TP13 of the UDP.

Issues associated with encroachment within areas of Green Belt and proposed Greenspace are considered to be dealt with in this report. Impacts with respect to ancillary development including lighting are considered to have adequately assessed and are not considered to impact unduly so as to justify refusal of planning permission. Whilst originally advertised as a departure from the development plan, through the detailed assessment of the scheme the proposals are considered to represent sustainable development in compliance with local and national planning policy and therefore do not represent a departure. The site benefits from planning permission (10/00411/S73), which is considered to remain extant, and the principle of rail siding development is, therefore, considered to have been established. Any extension to the application site (as compared with planning permission 10/00411/S73) is considered to relate to land to the east within the allocated site and Network Rail Operational Land.

The application has been assessed with respect to the key impacts of the development, having particular regard to potential impacts on local residents. Issues

originally raised by Hale Bank Parish Council are considered to have been addressed through the withdrawal of high level lighting from the scheme.

RECOMMENDATIONS

Approve subject to the following conditions:-

1. Standard 3 year permission (BE1)
2. Specifying Approved and Amended Plans and documents and requiring development be carried out as approved (BE1)
3. Condition requiring submission and approval of a Construction Environmental Management Plan including wheel wash facilities and scheme of dust management. (BE1)
4. Condition restricting routing of construction and delivery traffic to Lovel's Way (BE1)
5. Conditions requiring construction and delivery hours to be adhered to throughout the course of the development. (BE1)
6. Condition securing a programme of archaeological work in accordance with a written scheme of investigation (BE6)
7. Environment Agency condition relating to submission and agreement of a scheme to limit surface water runoff (PR16)
8. Condition securing a scheme of site investigation and remediation within specified area of site (PR14)
9. Condition relating to discovery of unidentified contamination (PR14)
10. Condition restricting audible warning devices from being used within the site (PR2)
11. Condition requiring submission and agreement of verification report for the removal of animal remains (PR14)
12. Condition restricting outside storage (BE1)
13. Condition requiring submission and agreement of details of low level lighting (PR4)
14. Condition requiring submission and agreement of a scheme of mitigation.

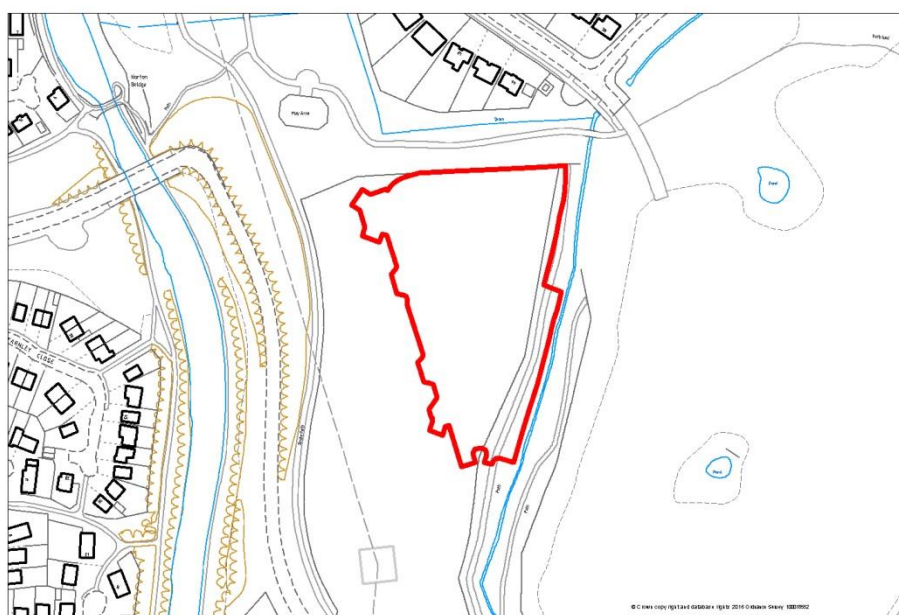
Sustainability Statement

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.

APPLICATION NO:	16/00125/FUL
LOCATION:	Land at Sandymoor Phase 1. Land off Walsingham Drive, Sandymoor, Runcorn, Cheshire, WA7 1QD
PROPOSAL:	Proposed erection of 36 no. dwellings and associated infrastructure (re-plan of plots 75-106 of approved application 14/00575/FUL with the addition of a further 4 units).
WARD:	Daresbury
PARISH:	Sandymoor
AGENT(S) / APPLICANT(S):	David Wilson Homes
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	UDP Phase 2 Allocated Housing Site
DEPARTURE	No
REPRESENTATIONS:	1 representation requesting information to cover surface water risk. No Objections received.
KEY ISSUES:	Allocated housing site; housing need; ecology impacts; drainage and highway impacts.
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP

APPLICATION SITE

The Site

The site measures approximately 1.03 hectares, forming part of a wider site of approximately 7.90 hectares, within the area known as Sandymoor South. The site is a greenfield site allocated for housing in the Unitary Development Plan as site 406/13.

The wider Sandymoor neighbourhood is situated on the eastern edge of Runcorn. It is bounded to the north by the Daresbury Expressway (A558) which provides primary access points to the existing residential areas in Sandymoor. The West Coast Main Line and Manchester – Chester railway lines lie immediately to the east, whilst the Bridgewater Canal runs along the western and southern edges of the site.

Planning History

Planning permission (14/00575/FUL) was granted for the proposed erection of 106 dwellings and associated infrastructure for a wider development site but including the current application site. That planning permission is currently being implemented and is therefore considered extant.

THE APPLICATION

The proposal

The proposal seeks permission to develop the site for a residential development of 36 no. houses of mews style, comprising detached and semi-detached dwellings together with associated infrastructure. The houses will be 2 and 2.5 storeys comprising three bedrooms.

Minor amendments have been received since the scheme was originally submitted reflecting a change in house type being used. The applicant has confirmed that the alternative house type has the same floorspace as the original and the elevations are almost identical. The biggest change is with respect to the internal layout, as the kitchen in the new property type is located at the rear rather than at the front as originally proposed.

Documentation

The applicant has submitted a planning application, drawings and the following reports:

- Design and Access Statement including Planning Statement
- Construction Environmental Management Plan
- Transport Statement
- Arboricultural Impact Assessment
- Ecological Constraints Report
- Flood Risk Assessment
- Desk Study and Ground Investigation

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.

The Government has published its finalised Planning Practice Guidance (PPG) to compliment the National Planning Policy Framework (NPPF).

Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application:-

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- GE6 Protection of Designated Greenspace
- GE7 Proposed Greenspace
- GE8 Development within Designated Greenspace
- GE19 Protection of Sites of Importance for Nature Conservation
- GE21 Species Protection
- GE25 Protection of Ponds
- PR5 Water Quality
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP17 Safe Travel for All
- H1 Provision for New Housing

- H3 Provision of Recreational Greenspace

Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS3 Housing Supply and Locational Priorities
- CS7 Infrastructure Provision
- CS11 East Runcorn
- 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

Supplementary Planning Documents

- Sandymoor Supplementary Planning Document
- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The following organisations have been consulted and any comments received have been summarised either below or in the 'Assessment' section of the report.

- Parish Council
- Environment Agency – Confirms it does not wish to be consulted
- United Utilities - No Objection in principle
- Scottish Power
- Woodland Trust
- Natural England – Confirmed no comments to make.
- Peel Holdings
- SABIC (Saudi Arabia Basic Industries Corporation Pipelines) – That SABIC pipelines are not affected.

Council Services:

- Highways Authority

- Open Space Services – Confirms that the 4 no. additional units do not affect the open space/ ecology elements. That the surface water treatment appears the same as approved and is acceptable.
- Contaminated Land

REPRESENTATIONS

One representation has been received requesting information on the “surface water risk on the site”. The Local Planning Authority (LPA) has provided a response indicating that:

The issue of flooding is addressed through the submitted Flood Risk Assessment which is available within the application documents on the Council's website. This will be assessed by the Environment Agency and the Council's Highway Officers acting for the Council as Lead Local Flood Authority, and their comments will be considered fully through determination of the application.

The LPA's response also pointed out that the site has the benefit of planning permission (albeit for fewer dwellings) and the issues of flooding will have been similarly addressed through that application.

No further response or comments have been received.

ASSESSMENT

Principle of Use

The site is designated on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Housing Site. The site benefits from planning permission (14/00575/FUL) which is considered to remain extant and the principle of development is, therefore, considered to have been established.

Design, Density and Residential Amenity

The application proposes 36 no. three bedroomed houses at 2 and 2.5 storeys of a traditional brick and tiled roof construction. The scheme is not considered dissimilar from that previously approved albeit with 4 no. additional properties achieved by removal of a number of 4 bed properties and an increase in smaller 3 bed properties.

The scheme is characterised predominantly by 2 and 2.5 storey, detached and semi-detached houses with higher density mews style properties at locations where property prices are likely to be lower due to the nearby electricity pylons and lines. On the basis of the net developable area, the scheme provides for a development density of approximately 34 dwellings per hectare (dph) in accordance with Core Strategy Policy CS3 which seeks housing density of 30dph.

The scheme is considered to offer a quality of development suited to the scale and character of existing surrounding residential properties and not dissimilar from that previously approved. The scheme is considered to offer appropriate spacing to achieve satisfactory privacy standards and interface distances in accordance with

the Council's adopted Supplementary Planning Document for New Residential Development and complies with Policies BE1 and BE2 of the Halton Unitary Development Plan, Core Strategy and NPPF. Accordingly, it is considered that the proposal as amended would not result in significant harm sufficient to justify refusal in this case.

Highway Considerations

The application is supported by submission of the Sandymoor South Residential Development Transport Assessment. Notwithstanding that, the application seeks only to re-plan a previously approved scheme. The means of access, general highway layout and parking is not dissimilar from the previously approved scheme. It is not considered that the proposed increase of 4 no. dwellings would materially increase highways impacts so as to justify refusal.

Whilst detailed comments on the layout are awaited, it is considered that any matters arising can be dealt with through relatively minor amendment and the Committee will be updated as required.

The application is supported by a detailed Construction Environmental Management Plan (CEMP). Whilst the route for construction traffic will ultimately be a decision of the developer, the CEMP suggests that construction traffic is expected to use a temporary haul road from the south and an existing unadopted road which crosses the Bridgewater Canal to Windmill Hill Avenue. The CEMP also demonstrates consideration of potential impacts and mitigation for issues including noise, dust, light and mud on the highway and it is, therefore, considered that sufficient regard has been given to ensuring that disturbance to existing local residents is kept to a minimum.

Flood Risk and Drainage

The application is supported by a site specific Flood Risk Assessment (FRA). The FRA has identified the site as Parcel F2 and lying in an area of Zone 1 Flood Risk and is, therefore, considered at low risk of flooding. The Environment Agency has confirmed on this basis that it no longer wishes to be consulted with respect to such sites and it has issued standing advice.

The application suggests that ground conditions preclude infiltration based drainage solutions. On this basis, it is proposed to incorporate piped drainage systems draining to Sandymoor Brook. Flows will be limited to greenfield run-off rates, thus mimicking existing run-off in accordance with the NPPF. The Council's Open Spaces Officer has confirmed that the surface water treatment appears the same as approved and is acceptable.

Detailed comments are awaited from the Council's Highways Officers, acting for the Council as Lead Local Flood Authority. Given that the proposals seek a re-plan of an extant planning permission based on a previously agreed drainage strategy, it is not considered that an objection could be sustained. Members will be updated accordingly.

Other Material Matters

Under normal circumstances, the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5. The wider area of the Sandymoor development, including this site, is subject to an overarching legal agreement which includes infrastructure and greenspace provision. This is considered to cover all available compensatory measures and planning gain, and has been negotiated to secure those benefits that have been prioritised by the Council. That agreement did not cover affordable housing provision. Provision of affordable housing is acknowledged to place a financial burden on the applicant and it is considered that any additional requirements in this regard would open that legal agreement to full re-negotiation and is likely to affect the viability of the scheme.

CONCLUSIONS

In conclusion, this proposal seeks to bring forward much needed housing on an allocated site identified for development through the local plan process over 10 years ago. The development proposal submitted is consistent with Halton's Development Plan Policies. UDP Policy H1 and Core Strategy Policies CS1, CS3 and CS11 provide policy support for the development of this site at East Runcorn. Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development, whereby applications that are consistent with national and up-to-date local policy should be approved without delay. The proposal is considered consistent with the aims of the policies relative to this site.

The application seeks a re-plan of a previously approved scheme resulting in 4 additional dwellings. The principle of development is considered to be accepted by the site allocation for housing through the Halton Unitary Development Plan and earlier planning permission which remains extant. The application includes detailed submissions with respect to site levels, drainage, boundary treatments, hard and soft landscaping and external building materials. It is considered that issues relating to ecology and aboricultural impacts have been addressed through the determination of the earlier planning permission. The addition of 4 no. houses and a subsequent re-plan of the site are considered relatively minor alterations to the approved scheme. The Council's Contaminated Land Officer has confirmed that previous site investigation work has identified no contamination issues with this area of the development.

At the time of writing, comments are awaited from the Council's Highways Engineers in their role as Highways Authority and Lead Local Flood Authority. Any issues arising are, however, anticipated to be relatively minor in nature and are felt unlikely to warrant delay in processing the planning application. Members will be updated accordingly.

RECOMMENDATION

Approve subject to the following conditions:-

1. Standard 3 year permission (BE1)

2. Specifying Approved and Amended Plans and documents and requiring development be carried out as approved (BE1)
3. Requiring development be carried out in accordance with the approved Construction Environmental Management Plan (BE1)
4. Construction and delivery hours to be adhered to throughout the course of the development (BE1)
5. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/ commencement of use (BE1)
6. Condition restricting permitted development rights relating to frontage boundary fences etc. (BE1)
7. Conditions relating to tree and hedgerow protection during construction (BE1)

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.

