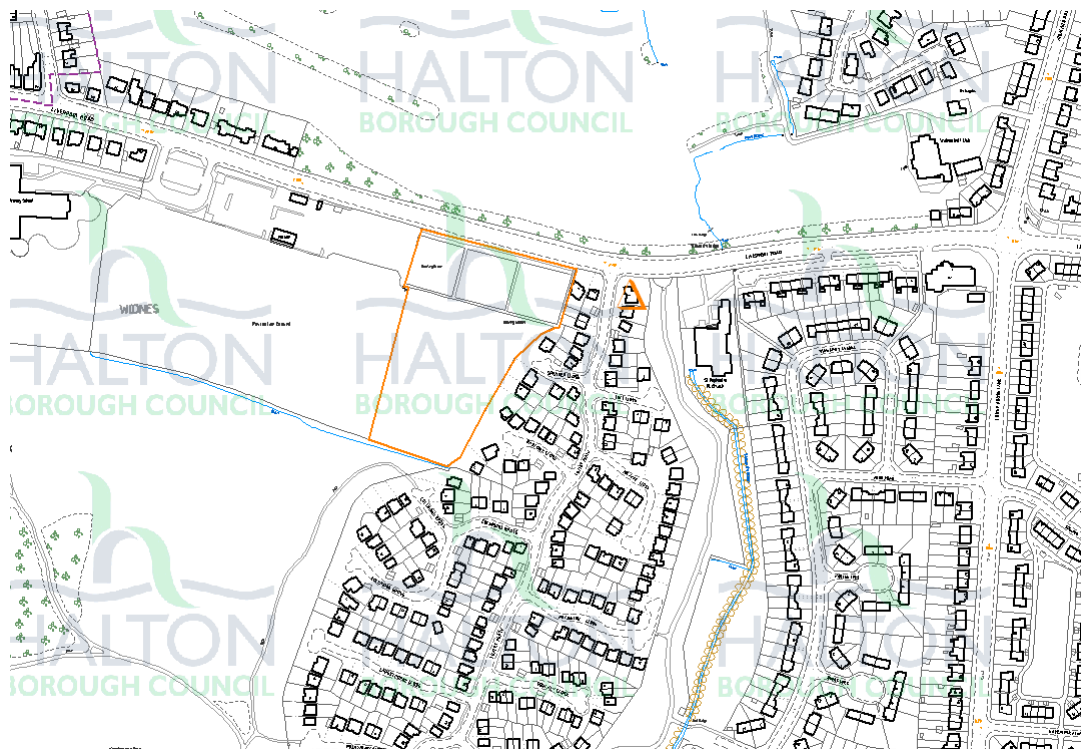


<b>APPLICATION NO:</b>	<b>15/00013/FUL &amp; 15/00100/106MOD</b>
<b>LOCATION:</b>	Land at Widnes Recreation Ground, Liverpool Road, Widnes, Cheshire.
<b>PROPOSAL:</b>	<p><b>15/00013/FUL</b> - Proposed development of 53 no. dwellings with access from Liverpool Road including open space, landscaping and boundary treatments.</p> <p><b>15/00100/106MOD</b> – Application to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.</p>
<b>WARD:</b>	Kingsway
<b>PARISH:</b>	None
<b>CASE OFFICER:</b>	Jeff Eaton
<b>AGENT(S) / APPLICANT(S):</b>	<p><b>15/00013/FUL</b> – BDW Trading Ltd, 4 Brindley Road, City Park, Manchester.</p> <p><b>15/00100/106MOD</b> – Mark Reaney, Operational Director, Legal and Democratic Services, Halton Borough Council, Municipal Building, Kingsway, Widnes, Cheshire.</p>
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Greenspace.
<p>National Planning Policy Framework (2012)</p> <p>Halton Unitary Development Plan (2005)</p> <p>Halton Core Strategy (2013)</p> <p>Joint Merseyside and Halton Waste Local Plan (2013)</p>	
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	<p><b>15/00013/FUL</b> – 32 independent material planning objections have been received from the publicity given to the application.</p> <p><b>15/00100/106MOD</b> - 3 representations received from the publicity given to the application.</p>
<b>KEY ISSUES:</b>	Development on a designated Greenspace, Protection of Outdoor Playing Space for Formal Sport and Recreation, Affordable Housing, Open Space, Access, Ground Contamination, Flood Risk, Biodiversity.

<b>RECOMMENDATION:</b>	<p><b>15/00013/FUL</b> - Grant planning permission subject to conditions</p> <p><b>15/00100/106MOD</b> – Discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.</p>
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The site is located on the southern side of Liverpool Road in Widnes. The site comprises 3no disused bowling greens which are now vacant and overgrown and an area of recreation ground which was originally used as a full size football pitch but has not been used since prior to the 2013/2014 season.

Located to the west of the application site is the sports pavilion site which is currently under construction and was granted planning permission by application 13/00396/HBCFUL. Located to the east of the site is a large residential development which is accessed from Liverpool Road. To the north of the site on the opposite side of Liverpool Road is Widnes Golf Course.

The development of this site for residential purposes seeks to fund the improvements to the overall amenity of the greenspace through the provision of a new Sports Pavilion and a Multi-Use Games Area which are permitted by application 13/00396/HBCFUL.

## 1.2 Relevant Planning History

In 2013, two planning applications were submitted for the Widnes Recreation Ground.

Application 13/00396/HBCFUL was a full planning application for the development of a sports pavilion, floodlit multi-use games area, hard and soft landscaping and new vehicle access, in addition to the demolition of existing brick buildings. This was on the land directly to the west of the application site. This application was granted planning permission on 11/12/2013 and is currently in the process of being implemented.

Application 13/00397/HBCOUT was an outline planning application which sought to establish the principle of a residential development of up to 50 dwellings with access from Liverpool Road. This application was granted outline planning permission on 11/12/2013. The current application (15/00013/FUL) relates to the same site as that granted by the outline planning permission.

## **2. THE APPLICATION**

### 2.1 The Proposal – 15/00013/FUL

The application proposes the development of 53 no. dwellings with access from Liverpool Road including open space, landscaping and boundary treatments.

This application takes the form of a full planning application as the access point has moved from the position agreed on the original outline planning permission and the current scheme proposes 3 more residential units than the 50 dwelling threshold proposed by the outline application.

### 2.2 The Proposal – 15/00100/106MOD

The application proposes to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

The clause 5.2 of the agreement ensures “for the benefit of the County Council and its successors in title and assigns owners from time to time of the remainder of the land comprised in Title number CH379193 and states as follows:

*“To use the Blue Land as Greenspace only as defined in the Borough Council’s Local Plan and to use Payment No.2 in maintaining and/or improving the Maintenance Land as such and (for the avoidance of doubt) it is agreed that the Borough Council shall be at liberty to set aside any part of Payment No.2 in order to create or provide an permanent income for the future maintenance and/or improvement of the Maintenance Land provided that no warranty as to the quality or standard of the said maintenance and or improvement is hereby given.”*

The application form indicates that Halton Borough Council became the successor to the County Council by virtue of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 on 1<sup>st</sup> April 1998. On that date both the benefit and the burden of the Obligation became vested in the Council and as a result of that vesting the Obligation became inoperative and therefore unenforceable. This application officially recognises that this clause is now inoperative and unenforceable, and will make this evident on any future land search.

### 2.3 Documentation – 15/00013/FUL

The planning application is supported by a Design & Access Statement, Soft Landscaping Plan, Boundary Treatment Details, Hard Landscaping Layout, Materials Layout, Street Scenes, Construction Phase, Safety, Health and Environmental Management Plan, Tree Survey, Flood Risk Assessment, Transport Statement, Geo-Environmental Appraisal Report, Ecological Assessment, Topographical Survey and a Cross Sectional Drawing of the Public Open Space.

### 2.4 Documentation – 15/00100/106MOD

The application to discharge clause 5.2 on the Planning Obligation is accompanied by a copy of the original Planning Obligation for clarity.

## **3. POLICY CONTEXT**

### 3.1 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.

### 3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a Greenspace in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE12 Protection of Outdoor Playing Space for Formal Sport and Recreation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- PR2 Noise Nuisance;
- PR4 Light Pollution and Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessments;
- H3 Provision of Recreational Greenspace.

### 3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

### 3.4 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

## **4. CONSULTATIONS**

### 4.1 Highways and Transportation Development Control

The Highway Officer has not raised an objection to the proposed development.

The site is well located on Liverpool Road which is one of the Council's Quality Transport Corridors and has good public transport, walking and cycle links.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

The proposal is not expected to produce significant traffic movements nor would it have a material impact on the operation of the local highway network. The trip rates obtained from the TRICS database show a.m peak of 20 departures and 8 arrivals and 19 arrivals and 12 departures in the p.m peak. Based on this the development would generate approximately 1 extra movement every two minutes in the peak hours. This is broadly in line with council observations at Foxley Heath based pro rata on the number of dwellings.

The site access and internal road layout demonstrates that it can accommodate the movement of the Council's refuse vehicle.

Sufficient parking provision would be provided to accord with the Council's standards with garages 6m in length and 3m in width and additional visitor parking being incorporated within the width of the carriageway adjacent to the central openspace.

Due to the positioning of the speed camera on Liverpool Road to the front of the application site, its relocation will need to be considered and the implementation of an acceptable scheme can be secured by condition.

#### 4.2 Highways Drainage

No objection to the proposed development, however clarification has been sought as to whether United Utilities will permit an easement through front gardens/private land.

United Utilities has confirmed that an easement will be required through the Council's land to the south of the site and permission will be required from the EA to discharge into Steward's Brook, which is a main river.

If United Utilities is going to adopt the whole surface water system, they will have to deal with any pollution incidents affecting Steward's Brook. The Environment Agency has stated that the risk from these untreated surface water outfalls is acceptable.

#### 4.3 Environmental Health – Contaminated Land

There are no major contamination issues with the site and no objection to the proposed development is raised subject to the attachment of a standard condition which would secure further investigation, remediation and the submission of a completion statement.

#### 4.4 Open Spaces – Trees & Landscape Design

There are no Tree Preservation Orders in force on this site and the area does not fall within a designated Conservation Area.

There are no tree related constraints at the site. The trees on site have been surveyed and are graded C at best and are generally of poor quality or of low significance and can be easily replaced. There appears to be a significant re-planting scheme associated with the proposal that would mitigate for any loss.

The proposed landscaping scheme is considered to be acceptable as is the design of the open space within the scheme.

#### 4.5 Cheshire Wildlife Trust

No objection to the proposed development subject to the attachment of conditions which would cover the following:

- Avoidance of vegetation clearance during the active bird nesting season (March-August inclusive) and/or pre-clearance surveys by a qualified ecologist.
- Implementation of submitted landscaping scheme.
- A scheme for additional biodiversity enhancements e.g. bird nest box and bat box provision and green trellising.
- A bat-friendly lighting scheme for the housing site.

#### 4.6 Sport England

No objection was raised to a previous outline application for up to 50 dwellings on this site in 2013. This application is also considered to comply with Sport England Policy and paragraph 74 of the National Planning Policy Framework.

#### 4.7 Environment Agency

The Environment Agency has no objection in principle to the proposed development. It has advised that it is a statutory consultee for any development of land of 1 hectare or more, however it does not wish to receive a direct consultation on this application and asks the Council to apply the Standing Advice provided.

It has commented that whilst not a planning issue, the applicant would require Land Drainage Consent for any new outfall structure proposed to Stewards

Brook.

## **5. REPRESENTATIONS**

5.1 **15/00013/FUL** - The application has been advertised by a press advert in the Widnes & Runcorn World on 14/01/2015, site notices posted on Liverpool Road and Foxley Heath on 13/01/2015 and 63 neighbour notification letters sent on 08/01/2015. Following the receipt of amended plans, a reconsultation exercise was undertaken with a further 75 neighbour notification letters being sent on 13/02/2015.

5.2 Thirty two independent material planning objections have been received from the publicity given to the application. The issues raised are summarised below:

- The land is a designated Greenfield site and should be kept.
- The land should only be used for recreational purposes and not for commercial purposes as stated in a legal clause.
- The layout will compromise the open aspect of existing properties.
- 2 ½ and 3 storey dwellings are not in keeping with adjacent properties.
- Too many properties would be built on the site.
- There is a lack of infrastructure in the area.
- When considering proximity to existing properties, up to date plans have not been used.
- The proposal will lead to increased traffic accessing / egressing onto the already busy Liverpool Road and is an accident waiting to happen.
- The speed camera located on Liverpool Road is to the front of this site and its removal would be detrimental.
- There is a shortage of playing pitches in the borough.
- Why not develop disused brownfield sites ahead of this site?
- The development of this site would devalue adjacent properties.
- The proposed dwellings would be sited too close to existing properties.
- Disruption would be caused during the works.
- Is the ecology report reliable?
- Contamination report does not extend to the areas where the UU and SW proposals are located.
- Increased footfall in the area would be detrimental.
- Is there going to be a new access from the development into the park.
- Are there any plans to alleviate the flooding that occurs in the area opposite St Raphaels RC Church.
- There has been insufficient consultation with residents.



5.3 **15/00100/106MOD** – The application has been advertised by site notices posted on Liverpool Road and Foxley Heath on 20/02/2015 and 73 neighbour notification letters sent on 19/02/2015.

5.4 Three representations have been received from the publicity given to the application. The issues raised are summarised below:

- Many residents on Foxley Heath did not realise the intention of the application.
- The removal of the clause would result in one of the few green spaces in Halton being destroyed.
- The area is becoming very congested with traffic.

## **6. ASSESSMENT**

### **6.1 Development on a designated Greenspace and the Protection of Outdoor Playing Space for Formal Sport and Recreation**

Paragraph 74 of the National Planning Policy Framework sets out the national planning policy in relation to open spaces and sports and recreational buildings and is set out below.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In terms of local policy, within Policy GE6 of the Halton Unitary Development Plan, there is a presumption against development within a designated greenspace unless it is ancillary to the enjoyment of the greenspace. There are exceptions set out in the policy where the loss of amenity land is adequately compensated for.

The principle of residential development on this site has been established by the granting of outline application 13/00397/HBCOUT. The purpose of developing the site for residential purposes was to fund the improvements to the overall amenity of the greenspace through the provision of a new Sports Pavilion and a Multi-Use Games Area which are permitted by application 13/00396/HBCFUL.

Policy GE12 of the Halton Unitary Development Plan outlines the presumption against the loss of outdoor playing space for formal sport and recreation. This proposal would result in the loss of 13,700sqm of outdoor playing space.

There are exceptions set out in the policy with one of the exceptions being that a carefully quantified documented assessment of current and future needs for the school/educational establishment or local community has demonstrated that there is an excess of playing field provision and the site has no special significance to the interests of sport.

With regard to the loss of 3no bowling greens, it was demonstrated that they are surplus to requirements.

Sport England has been working with the Council on the production of a Playing Pitch Strategy (PPS) which is almost complete. The findings demonstrate that for this site and in this area, juniors playing on inappropriately sized pitches is creating the theoretical deficit in the numbers of junior pitches available shown in the PPS. The PPS also shows there is sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017. For that reason the PPS action plan recommends reconfiguration of pitches with some qualitative improvements to drainage in order to ensure there is sufficient capacity in each pitch to sustain matchplay and training. This has previously been secured.

It is clear that a replacement quantity of playing field would provide no additional benefits. The Recreation Ground cannot be extended and replacement provision of the 7,000sqm elsewhere, within the area, would result in an isolated single pitch with supporting infrastructure. The additional qualitative improvements derived from the proposed pitch improvements, a new 10 team changing room pavilion, and MUGA would provide sporting benefits that outweigh the need to provide a quantitative replacement.

It was previously established that the loss of part of the playing field for housing to enable these improvements is not ideal, and is not a course of action Sport England would normally support. However, the PPS clearly shows there will be no adverse impact on existing or future pitch provision (including the bowling greens) and that the sporting benefits from the site improvements clearly outweigh the loss of playing field.

To conclude, the loss of land would be adequately compensated for from the pitch improvements, a new 10 team changing room pavilion, and MUGA proposed. A condition which secures that the improvements to the playing fields and implementation of the sports facilities prior to the commencement of the residential development was previously suggested by Sport England, however based on the works for the sports pavilion being ongoing, they no longer consider this to be necessary. The proposal is considered to be compliant with both paragraph 74 of the National Planning Policy Framework and Policy GE6 of the Halton Unitary Development Plan.

With regard to the loss of outdoor playing space for formal sport and recreation, there is a sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017. The qualitative pitch improvements have previously been secured through the

granting of application 13/00396/HBCFUL. The proposal is considered to be compliant with both paragraph 74 of the National Planning Policy Framework and Policy GE12 of the Halton Unitary Development Plan.

## 6.2 Principle of Residential Development

Based on the above considerations which are set out in Paragraph 6.1 above and formed the reasoning behind granting the outline application (13/00397/HBCOUT) for residential development on this site, the proposed development on a designated greenspace which would result in the loss of amenity land would be adequately compensated for from the pitch improvements, a new 10 team changing room pavilion, and MUGA proposed. There would be a sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017.

It is considered that the site is located in a sustainable location within the urban area which is accessible to the facilities and services on offer in Widnes, and would be sympathetic to surrounding land uses.

The principle of developing the site for residential purposes has been established previously and is considered to be acceptable.

## 6.3 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. There is an exception within this policy where it can be demonstrated that the affordable housing contribution would make the development unviable.

This policy is relevant to the determination of this application. As explained earlier in this report, the purpose of this proposal is to create funds which would be a significant contribution in realising the Sports Pavilion development permitted by planning application 13/00396/HBCFUL which is currently under construction.

If the Local Planning Authority were to seek affordable housing on this site, this would have an impact on the funds which this site would generate to realise the Sports Pavilion development and would compromise the viability of the scheme.

In terms of maintaining the viability of the scheme, the requirement of affordable housing would likely result in a larger parcel of land needing to be developed to generate the funds required.

The delivery of the Sports Pavilion development is important to the borough and can currently be justified in policy terms as is set out in paragraph 6.1.

The loss of further amenity land is not desirable and would require further justification to satisfy the requirements of Policies GE6 and GE12 of the

Halton Unitary Development Plan and paragraph 74 of the National Planning Policy Framework. For these reasons, an affordable housing contribution is not being sought in this instance and this would be compliant with Policy CS 13 of the Halton Core Strategy Local Plan.

#### 6.4 Open Space

The requirement for provision of recreational greenspace within new residential developments is set out in Policy H3 of the Halton Unitary Development Plan.

Exceptions to the provisions of this policy will be made where it can be demonstrated that existing provision in the vicinity exceeds the minimum requirements set out in the policy. The application site is located directly adjacent to a designated greenspace which would provide access to a number of facilities for play including the new Multi-Use Games Area which was granted by application 13/00396/HBCFUL.

It is noted that the applicant intends to provide an area of open space within their scheme which adds to overall quality of the scheme. The applicant intends for this area to be maintained by a management company and the detailing of its future maintenance should be secured by condition.

The conclusion in respect of open space is that there is adequate playing space available in the locality to meet the demand generated by the new development compliant with Policy H3 of the Halton Unitary Development Plan.

#### 6.5 Highway Considerations

The principle of creating a new access point onto Liverpool Road which would serve up to 50 dwellings was established by the granting of outline application 13/00397/HBCOUT.

The key points of consideration with this application is whether the revised positioning of the access is acceptable and if having 53 dwellings served off the proposed access is acceptable.

Firstly considering access position, the Highway Officer is satisfied that there is sufficient junction spacing between the proposed access and Foxley Heath and that this would not be to the detriment of highway safety or traffic movement along Liverpool Road.

Secondly, there would be an additional 3 dwellings over and above that established by the granting of the outline application 13/00397/HBCOUT. This would not have a material impact on traffic movements and the conclusion is that the proposal would not produce significant traffic movements nor would it have a material impact on the operation of the local highway network based on the development generating 1 extra movement every two minutes in the peak hours.

The site is well located on Liverpool Road which is one of the Council's Quality Transport Corridors and has good public transport, walking and cycle links.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

The proposal is not expected to produce significant traffic movements nor would it have a material impact on the operation of the local highway network. The trip rates obtained from the TRICS database show a.m peak of 20 departures and 8 arrivals and 19 arrivals and 12 departures in the p.m peak. Based on this the development would generate approximately 1 extra movement every two minutes in the peak hours. This is broadly in line with council observations at Foxley Heath based pro rata on the number of dwellings.

The site access and internal road layout demonstrates that it can accommodate the movement of the Council's refuse vehicle.

Sufficient parking provision would be provided to accord with the Council's standards with garages 6m in length and 3m in width and additional visitor parking being incorporated within the width of the carriageway adjacent to the central openspace.

Due to the positioning of the speed camera on Liverpool Road to the front of the application site, its relocation will need to be considered and the implementation of an acceptable scheme can be secured by condition.

The proposal is considered to be acceptable from a highway perspective compliant with Policies BE1, TP6 & TP12 of the Halton Unitary Development Plan.

## 6.6 Layout

The proposed site layout has been amended during the processing of the application to provide improved relationships between dwellings and sufficient parking provision.

The layout generally provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document. There are some minor shortfalls in separation (distance between 2 ½ storey dwellinghouses) but these are not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit, properties with 3 bedrooms having a minimum private outdoor space of 70sqm per unit and houses with 4 or more bedrooms having a minimum private outdoor space of 90sqm.

A proportion of the proposed dwellinghouses meet the guidelines with regard to private outdoor space, however by virtue of the design of some of the properties proposed for this site by virtue of their width and the fact that they have three floors of living accommodation means that achieving the guidelines would be difficult. Whilst it is desirable to achieve the private outdoor spaces set out in the Design of Residential Development Supplementary Planning Document, the thoughts behind the design are understood and it is not considered that the private outdoor spaces proposed would be significantly detrimental to residential amenity which would warrant the refusal of the application.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 2, 3 and 4 bedroom properties which would result in the site being developed at approximately 35 dwellings per hectare which is appropriate. There is considered to be properties to meet a variety of needs on site and for the reasons set out in paragraph 6.3, there is no mix in terms of tenure on this site.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

### 6.7 Scale

The dwellinghouses hereby proposed are two, two and a half and three storey in height. Some of the representations make reference to two and a half and three storey being out of character with the area, however some of the taller property types have been used to create a design presence within the scheme. It is not considered that the scale of the properties proposed would be significantly detrimental to the character of the area which would warrant the refusal of this application.

The proposal is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

### 6.8 Appearance

The elevations show that buildings proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. A material layout has been provided to accompany the application which provides some detail on external facing materials; however

the submission of precise external facing materials for approval should be secured by condition.

This would ensure compliance with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

#### 6.9 Landscaping & Trees

There are no Tree Preservation Orders in force at this site, and the area is not situated within a Conservation Area.

The Open Spaces Officer has commented that there are no tree related constraints at the site and that the trees on the site are generally of poor quality or of low significance and can easily be replaced

Detailed landscaping and boundary treatments plans have been provided to accompany the application. In respect of the soft landscaping scheme proposed, the Open Spaces Officer has commented that the landscape shrub and tree planting is acceptable and would mitigate for any loss. A condition securing the implementation and maintenance of the scheme should be attached.

The boundary treatments plan submitted includes a number of different boundary types according to the location within the site and is considered to ensure that satisfactory levels of privacy and appearance. A condition securing the implementation of the approved scheme and implementation thereafter is considered reasonable.

This would ensure compliance with Policies BE 1 and GE 27 of the Halton Unitary Development Plan.

#### 6.10 Ground Contamination

The application is accompanied by a Geo-Environmental Appraisal Report.

This has been reviewed by the Contaminated Land Officer and no objection has been raised subject to the attachment of a full contaminated land condition to ensure that any ground contamination is dealt with appropriately

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan.

#### 6.11 Flood Risk & Drainage

The application site is located in Flood Zone 1 and is at low risk from flooding, however based on the site area exceeding 1ha, the application is accompanied by a Flood Risk Assessment. This has been reviewed by the Highway Officer dealing with Drainage and whilst no in principle objection, some clarifications have been requested to confirm that the scheme will work before a subsequent Drainage Strategy can be approved. The Drainage

Strategy would need to demonstrate that the impact on both the site and its surroundings is acceptable. The requirement for the submission of an appropriate drainage strategy and its subsequent implementation can be secured by condition. This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.12 Biodiversity

The application is accompanied by an Ecological Assessment. It is recommended that this document is accepted as an accurate assessment of the current ecological content and value of the future housing site. Cheshire Wildlife Trust has not raised an objection to the proposed development subject to the attachment of a number of conditions on the basis that it would not cause unacceptable harm to a species of flora or fauna protected under national or international legislation or its habitat.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan.

#### 6.13 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan. In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection.

#### 6.14 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

One of these principles is Code for Sustainable Homes. It would be desirable for all properties to be built to this standard; however this is something which is encouraged rather than a requirement. It is not considered that the proposal significantly conflicts with Policy CS19 of the Halton Core Strategy Local Plan.

#### 6.15 Discharge clause 5.2 of Section 106 agreement dated 28/04/1995

Application 15/00100/S106MOD seeks to discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

The clause 5.2 of the agreement ensures “for the benefit of the County Council and its successors in title and assigns owners from time to time of the



remainder of the land comprised in Title number CH379193 and states as follows:

“To use the Blue Land as Greenspace only as defined in the Borough Council’s Local Plan and to use Payment No.2 in maintaining and/or improving the Maintenance Land as such and (for the avoidance of doubt) it is agreed that the Borough Council shall be at liberty to set aside any part of Payment No.2 in order to create or provide an permanent income for the future maintenance and/or improvement of the Maintenance Land provided that no warranty as to the quality or standard of the said maintenance and or improvement is hereby given.”

A number of representations have been received stating that the site should only be used as Greenspace as set out in the clause. Halton Borough Council became the successor to the County Council by virtue of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995 on 1st April 1998. On that date both the benefit and the burden of the Obligation became vested in the Council and as a result of that vesting the Obligation became inoperative and therefore unenforceable.

The granting of this discharge would merely formalise the position with this clause and make this evident on any future land search.

The discharge of the clause is therefore considered to be acceptable.

#### 6.16 Issues raised in representations not addressed above

With regard to the proposal having an adverse effect on property values and affecting saleability, the planning system does not exist to protect the private rights of one individual against another and this issue is not material to the determination of this application.

In response to the question as to why this site should be developed ahead of disused brownfield sites in the borough, this application has to be considered on its merits and whilst the reuse of previously developed sites is desirable, the justification for this development is clearly set out above.

It is acknowledged that most forms of development would inevitably result in some form of disruption whilst works are on-going however a refusal on this basis could not be sustained.

Adequate provision for pedestrians would be provided with the development and it is not considered that the proposal would be to the detriment of pedestrian safety.

No new access from the development into the park is being proposed and given the size of the development, local amenities would be accessible.

In respect of consultation on the application, publicity in excess of the statutory requirements has been undertaken.

## **7. CONCLUSIONS**

In conclusion, the principle of residential development on this site has previously been established on the basis that it would provide significant funding for pitch improvements, a new 10 team changing room pavilion, and proposed MUGA all of which are considered to be adequate compensation for the loss of Greenspace.

With regard to the loss of outdoor playing space for formal sport and recreation, the Council's draft Playing Pitch Strategy demonstrates that there is sufficient quantity of playing field, including a strategic reserve, to maintain a demand and supply equilibrium until 2017 to the satisfaction of Sport England.

The discharge of clause 5.2 of Section 106 agreement is considered acceptable as this merely formalises the existing situation with the obligation being inoperative and therefore unenforceable.

This would not have a material impact on traffic movements and the conclusion is that the proposal would not produce significant traffic movements nor would it have a material impact on the operation of the local highway network based on the development generating 1 extra movement every two minutes in the peak hours.

The proposed junction onto Liverpool Road has a visibility splay of 2.4 X 43 metres this is in accordance with Manual for Streets for a design speed of 30mph. The site access junction has been designed with sufficient width to allow two cars to wait at the give way line. A right turn lane is also proposed on Liverpool Road making access to the site easier.

Sufficient parking provision would be provided to accord with the Council's standards.

The residential layout is considered to be appropriate in terms of separation and private amenity space. The scheme is considered to be of an appropriate design with an active frontage to Liverpool Road. The elevations indicate a mix of materials to add interest and result in well-designed properties.

The application is recommended for approval subject to conditions.

## **8. RECOMMENDATIONS**

**15/00013/FUL** - Grant planning permission subject to conditions

**15/00100/106MOD** – Discharge clause 5.2 of Section 106 agreement dated 28/04/1995 between Liverpool Roman Catholic Archdiocesan Trustees

Incorporated, Cheshire County Council, ICI Chemicals and Polymers Ltd and Halton Borough Council.

## **9. CONDITIONS – 15/00013/FUL**

1. Time Limit – Full Permission.
2. Plans Approved.
3. Site Levels (Policy BE1)
4. Facing Materials to be Agreed (Policies BE1 and BE2)
5. Implementation and Maintenance of Landscaping Scheme (Policy BE1)
6. Implementation of Boundary Treatments Scheme (Policy BE1)
7. Implementation and Management of Public Open Space (Policy BE1)
8. Breeding Birds Protection – (Policy GE21)
9. Hours of Construction – (Policy BE1)
10. Dust Suppression During Construction – (Policy BE1)
11. Construction Management Plan (Highways) – (Policy BE1)
12. Visibility Splay (Vehicles) – (Policy BE1)
13. Provision & Retention of Parking for Residential Development – (Policy BE1)
14. Retention of Garages (Policy BE1)
15. Off Site Highway Improvements - (Policy BE1)
16. Construction of Site Access - (Policy BE1)
17. Speed Camera Relocation Scheme – (Policy BE1)
18. Biodiversity Enhancements – (Policy GE21)
19. Bat Friendly Lighting Scheme – (Policy GE 21)
20. Drainage Strategy – (Policy PR16)
21. Ground Contamination - (Policy PR14)

### **Informatives**

1. Water Vole presence where proposed outfall to Stewards Brook is to be constructed.

## **10. 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.