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Development Control Committee

Monday, 6 October 2014 6.30 p.m.
Civic Suite, Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Keith Morley (Vice-Chairman)
Councillor Arthur Cole
Councillor Ron Hignett
Councillor Stan Hill
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor Christopher Rowe
Councillor John Stockton
Councillor Dave Thompson
Councillor Kevan Wainwright
Councillor Bill Woolfall
Councillor Geoff Zygadlo

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The next meeting of the Committee is on Monday, 3 November 2014*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 22
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	23 - 39
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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, 8 September 2014 at Civic Suite, Town Hall, Runcorn

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

Apologies for Absence: Councillors S. Hill, Rowe and Wainwright

Absence declared on Council business: Councillor Morley

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, G. Henry and J. Farmer

Also in attendance: 10 Members of the public

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

Action

DEV15 MINUTES

The Minutes of the meeting held on 7 July 2014, having been circulated, were taken as read and signed as a correct record.

DEV16 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.

DEV17 - 11/00269/FULEIA - PROPOSED CONSTRUCTION OF A SINGLE RAIL SERVED BUILDING FOR STORAGE AND DISTRIBUTION PURPOSED (TOTAL GROSS INTERNAL AREA 109,660 SQM/USE CLASS B8) TOGETHER WITH ASSOCIATED INFRASTRUCTURE, PARKING, OPEN SPACE, LANDSCAPING AND ANCILLARY DEVELOPMENT AT HBC FIELD, HALEBANK, WIDNES

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

The Committee was referred to the Update List and Table 1, which presented the latest representations from

Halebank Parish Council, who objected to the application. The issues raised by them and officers responses were noted by Members.

Officers then referred Members to Table 2 which contained General Updates and Conditions. Below is a list of corrections (first three points) and amendments that were advised:

- Para 1.4 – Delete last sentence and replace with '*the site is being marketed*'.
- Para 2.9 – Delete last sentence as planning permission ran with the land. It was in appropriate to link planning permission with such certification of an individual company.
- Para 2.10 – Delete the last sentence. This statement was vague and relied on potential off-site opportunities. A specific planning condition was recommended dealing with on-site waste management issues listed as condition 38 within the published agenda.
- Cheshire Wildlife Trust (CWT) had provided final comments on the submission as follows:
 1. Four wildlife ponds should be created in the 5ha compensatory area according to best practice guidance (refer to Freshwater Habitats Trust). CWT could provide advice on the best location for these ponds.

The request for the 4 ponds to be within the compensatory area would require off-site provision and conflict with other mitigation provision. This was not considered appropriate but the 4 ponds could be accommodated within the application site. This request therefore updated paragraph 6.71 of the report. This was therefore recommended to be covered by additional planning condition as follows:

No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 4 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 accord with the Appendix 6.5 of the submitted Ecological Assessment: Pond Design and Planting Specification and associated Figure 1, and shall include a detailed maintenance and management plan. The ponds shall be so managed

and maintained for the lifetime of the permission.

Reason:- In the interest of species and habitat creation/protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

2. A method statement should be submitted to Local Planning Authority (LPA) for approval in relation to the translocation of vegetation/aquatic fauna from ponds 5, 7 and 10 to the newly created ponds in the 5Ha compensatory area. This may be submitted post determination.

This was recommended to be covered by additional planning condition as follows:

No development shall take place within the site until a detailed method statement had been submitted to and agreed in writing by the LPA for the translocation of vegetation/aquatic fauna from ponds 5, 7 and 10 (as defined by Figure 6.1 of the submitted Ecological Assessment: Phase 1 Habitat Management Plan) to the newly created replacement ponds required by condition X of this planning permission.

Reason:- In the interest of species and habitat creation/protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

3. A habitat management plan for the compensatory area (which included identification of resources required for implementation and monitoring should be submitted for approval by the LPA. Implementation of the plan needed to be in place before work commenced to provide suitable habitat for ground nesting birds. Refer to guidance provided by CWT in 2013. This management plan may be submitted post determination.

This was considered to be adequately secured by condition 36 as listed in the Recommendation.

4. A planning condition for nesting birds should be applied. Suggested wording:

Works should take place outside of the nesting bird season (1 March to 31 August inclusive), unless the site had been checked for nesting birds by a qualified

ecologist no more than 48 hours prior to commencement. If nesting birds were found, an appropriate exclusion zone should be established and maintained until nesting was complete. The details of any exclusion zone should be agreed with the ecologist.

This was considered to be adequately secured through legislation outside planning and would be attached as an informative.

- Refinements were proposed to condition 2 listed within the Recommendation as follows:

The development shall be carried out in accordance with the following application drawings:

Topo Survey	15808 OGL rev O
Location Plan	P001 Rev D
Location Block Plan	P002 Rev G
Site Plan	P003 Rev G
Unit Plan and Mezzanine	
Office and Warehouse Plan	P004
Building Elevations	P005
Unit Sections	P006
Roof Plan	P007
Gatehouse Plan and	P008
Elevations	
Landscape Concept	1201/11-01 Rev E
Masterplan	
Landscape Concept Cross	1201/11-02 B
Sections 1 of 2	
Landscape Concept Cross	1201/11-03 A
Sections 2 of 2	
Planting Plan 1 of 2	1201/11-04 E
Planting Plan 2 of 2	1201/11-05 C
Smithy House Landscape	1201/11-06 B
Mitigation details	
Unit and Park Interface	1201/11-08 B
Lighting Scheme	D18729/PY/C
Proposed surface and foul	16803-P-0300
water drainage layout	16803-P-0300
Pond B details	
Porous Paved Car Park details	16803-P-0300
Proposed finished levels	16803-P-0300
Proposed perimeter sections	16803-P-0610
Proposed retaining wall	16803-T-0620

Reason:- To define the permission, to ensure that the development is carried out as approved.

This would replace condition 2 as originally listed in the Recommendation section of the Officer report.

It was noted that the reordering and renumbering of the conditions would be required to account for the refinements and additional conditions.

Officers further informed the Committee that on Page 92 of the report there were 13 issues listed by consultants for the Parish Council which they suggested were covered by planning conditions or a noise management plan. The suggestion to secure the acoustic barriers by condition was accepted and was listed in the recommended conditions. It was noted that some of the remaining issues were considered to fail one or more of the tests for valid planning conditions, but a noise management plan could be used to cover any outstanding appropriate issues and secured by planning condition. The inclusion of a noise management plan condition was therefore recommended.

The Committee was addressed by Councillor Rowan, Chairman of Halebank Parish Council, who opposed the application. He stated that the people of Halebank did not want this development which would be a 24 hour 7 day operation. He suggested that the railway would never be used and that lorries and HGV's would cause noise and light nuisance to nearby residents. He stated that the land would be better used for a housing project.

Mr Holmes, a representative for the applicant, addressed the Committee commending a well written detailed report and supplementary update list. He commented that since the last application for the site the Council had adopted the Core Strategy and the land had been reallocated as an employment site. He stated that the application conformed to all planning policies and the scheme had been put together so that there was minimum impact to surrounding residents. He advised that all issues relating to traffic, noise, flooding and light pollution had been addressed by the applicant. Finally he stated that the purpose of the project should not be overlooked and that the railway would be used to transport instead of road eventually, and that the development would be economically good for Halton, creating 1000 jobs and injecting £50m annually into the local economy.

Members considered the application and the updated information before them and received responses to their queries regarding the noise limits and history of the site.

The application as set out in the report, subject to the additional two conditions and one substituted condition as described above, was moved and seconded and approved by the Committee.

RESOLVED: That

- a) The Committee was satisfied that the payments referred to in Section 6 Financial Contributions and Table 5 thereto of the report, would be secured as part of the sale of land / development agreement; and
- b) The application be approved subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five 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 shall be carried out in accordance with the following application drawings:

Topo Survey	15808 OGL rev O
Location Plan	P001 Rev D
Location Block Plan	P002 Rev G
Site Plan	P003 Rev G
Unit Plan and Mezzanine Office & Warehouse plan	P004
Building Elevations	P005
Unit Sections	P006
Roof Plan	P007
Gatehouse Plan and Elevations	P008
Landscape Concept Masterplan	1201/11-01 Rev E
Landscape Concept Cross Sections 1 of 2	1201/11-02 B
Landscape Concept Cross Sections 2 of 2	1201/11-03 A
Planting plan 1 of 2	1201/11-04 E
Planting plan 2 of 2	1201/11-05 C
Smithy House Landscape Mitigation details	1201/11-06 B
Unit and Park Interface	1201/11-08 B
Lighting scheme	D18729/PY/C
Proposed surface & foul water drainage layout	16803-P-0300
Pond B details	16803-P-0300
Porous Paved Car Park details	16803-P-0320

Proposed finished levels	16803-P-0600
Proposed perimeter sections	16803-P-0610
Proposed retaining wall	16803-T-0620

Reason:- To define the permission, to ensure that the development is carried out as approved.

CONDITIONS TO BE COMPLIED WITH BEFORE DEVELOPMENT/USE COMMENCES

(3) The development hereby approved shall not be commenced until the following has been submitted to and agreed in writing by the Local Planning Authority:

a) 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.

b) A plan for the control of routeing, access/ egress to/ from the site, parking, and waiting for all construction traffic including plant and deliveries. For the avoidance of doubt the routeing, 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.

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, the environment and to comply with Policies BE1 and PR1 of the Halton Unitary Development Plan.

(4) The development hereby approved shall not be commenced until the details of wheel cleansing facilities for heavy commercial and site vehicles has been submitted to and agreed in writing by the Local Planning Authority. Such details as are approved shall be implemented, maintained and 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.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment and highways, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(5) No development shall take place within the site, until a programme of archaeological work in accordance with a written scheme of investigation and recommendations has been submitted to and approved in writing by the Local Planning Authority. The work programme shall be carried out in accordance with the approved scheme.

Reason:- To ensure the proper investigation of the site due to its historic importance and to comply with Policy BE5 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(6) No development shall take place within the site, until a Site Wide Waste Management Plan and a Materials Management Plan to cover the ground and earth works and construction phases of the development has been 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 construction phase 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 and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

(7) No development shall take place (other than ground remediation and earthworks) until details of a surface water regulation scheme (based on sustainable drainage principles and including maintenance timing / phasing) is submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason:- To prevent the increased risk of flooding

and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(8) No development shall take place (other than ground remediation and earthworks) until details of the proposed finished floor levels of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The finished floor level of the building hereby approved shall be set at a minimum of 8.0 A.O.D. The scheme shall be constructed and completed in accordance with the approved details.

Reason:- To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(9) No development shall take place (other than ground remediation and earthworks) until a detailed drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme for the site shall be designed to provide the following:

1. All surface water drainage from the lorry parking and manoeuvring areas will pass through a Class 1 Full Retention Separator, with alarm.
2. Car parking areas shall drain through a Class 1 by-pass separator with alarm.
3. Separators shall comply with BS EN 858 part 1 and 2 in full
4. Penstocks shall isolate the service yards areas and car parks (final manholes before discharge to Ponds A and B) - that these can be closed in the event of a major incident/emergency.

The scheme shall be fully implemented and maintained for the life time of the development.

Reason:- To prevent pollution of the water environment and to comply with Policy PR5 of the Halton Unitary Development Plan.

(10) No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 4 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 accord with the Appendix 6.5 of the submitted Ecological Assessment: Pond Design and Planting Specification and associated Figure. 1 and shall include a detailed maintenance and management plan. The ponds shall be so managed and maintained for the lifetime of the permission.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(11) No development shall take place within the site until a detailed method statement has been submitted to and agreed in writing by the Local Planning Authority for the translocation of vegetation/ aquatic fauna from ponds 5, 7 and 10 (as defined by Figure 6.1 of the submitted Ecological Assessment: Phase 1 Habitat Management Plan) to the newly created replacement ponds required by condition 10 of this planning permission

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

CONDITIONS TO BE COMPLIED WITH DURING THE COURSE OF THE DEVELOPMENT/USE

(12) Prior to the implementation or installation of any hard surfacing works to the HGV waiting spaces, reach-stacker operation zone, loading/ unloading yards and circulation space, visitor and staff parking (including overflow car park spaces) and related circulation roads, full details of the materials to be used in the finished surfaces of those areas 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 and to comply with Policy BE2 of the Halton Unitary Development Plan.

(13) Prior to the commencement of construction of any part of balancing pond B as identified on Drawing No. P003 Rev G an Environmental Management Plan (EMP) shall have been submitted

to and agreed in writing by the Local Planning Authority to include detailed habitat creation and planting schedules to render balancing pond B, any existing and replacement waterbodies within the site 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 of 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 (Balancing Pond B and existing waterbodies if also required).

Reason:- In the interests of aerodrome safeguarding, to minimise potential for birdstrike and to comply with Policy BE1 of the Halton Unitary Development Plan.

(14) Prior to the implementation or installation of any fencing, security or other boundary treatment which include 2.4m high paladin fence, security controlled pedestrian, cycle and/ or vehicle access and emergency access barriers hereby approved, full specification details, including colour coating, of that fencing, security or boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. Any fencing or such boundary treatment shall be carried out in full accordance with those approved details and approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate use of quality materials and boundary treatments in the interests of crime prevention and visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

(15) Prior to the implementation or installation of either sprinkler tanks, pump houses, bus stops or security barriers as detailed on approved plan P003 Rev G 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 approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate design and quality of those ancillary features in the interests of visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

(16) The finished yard and ground levels as a result of carrying out the development hereby approved shall be in full accordance with the approved plan (Drawing No. NK016803_P_0600).

Reason:- To define the extent of this permission, to ensure the development is carried out in accordance with the approved details in the interests of visual and residential amenity, and to comply with Policies PR16 and BE1 of the Halton Unitary Development Plan.

(17) Unless such works do not cause existing ambient noise levels to be exceeded (as set out in the noise assessment submitted as part of the application) 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:

08:00 - 18.00 Monday to Friday
08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(18) 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:

08:00 - 18.00 Monday to Friday
08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(19) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2011/ref: 24261 001/Peter Brett Associates and, the following mitigation measures detailed within the FRA:

Restricting the discharge of surface water from the site to a maximum rate of 4.8 l/s/ha for all rainfall events up to and including the critical 100-year return period event, including an additional 20% increase in rainfall intensities to cater for the impact of predicted climate change.

Reason:- To reduce flood risk, both on the site and elsewhere to an acceptable level and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(20) The retaining wall at the reach-stacker operation zone and rail siding interface as defined by Drawing No. P003 Rev G shall be constructed in accordance with Drawing Numbers NK016803_P_0600 and NK016803_T_0620.

Reason:- To ensure the development is carried out as approved and to comply with Policy BE1 of the Halton Unitary Development Plan.

(21) The retaining wall to the enhanced landscape bund as defined by Drawing No. P003 Rev G shall be constructed using a Timbalok timber crib retaining wall system.

Reason:- To allow the Local Planning Authority to retain control over the construction of retaining walls, to ensure the development is carried out as approved and to comply with Policy BE1 of the Halton Unitary Development Plan.

(22) 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.

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 and to comply with Policy BE1 of the Halton Unitary Development Plan.

(23) If at any time during the course of carrying out the development hereby approved contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected 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 and to comply with Policy PR14 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

CONDITIONS TO BE COMPLIED WITH BEFORE THE COMPLETION OF THE DEVELOPMENT AND/OR COMMENCEMENT OF THE USE

(24) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990 and to comply with Policy BE2 of the Halton Unitary Development Plan.

(25) A landscape management and maintenance plan, including long term design objectives and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(26) 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. Such details as are agreed shall be implemented in full and in accordance with the submitted timescales for the lifetime of the development.

Reason:- To ensure provision for a range of transport options in the interest of sustainable development and to comply with Policy TP16 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

(27) 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 drawing no. P003 Rev G and a detailed specification for covered and secure cycle stands has been submitted to and agreed in writing by the Local Planning Authority. The cycle stands shall be retained for the lifetime of the development.

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.

(28) 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 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, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(29) No part of the development hereby approved shall be brought into use until a scheme of biodiversity and ecology/ habitat enhancement features including bat and bird boxes has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and maintenance, shall

be implemented in full accordance with the submitted details and shall be maintained for the lifetime of the development.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(30) Prior to the installation of any external lighting hereby approved, details of measures to minimise light spill beyond the site boundary and sky glow, including cowls and/ or specific luminaire design features, shall be submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the details as agreed and shall be maintained for the lifetime of the development.

Reason:- To minimise impacts of light spill in the interests of visual and residential amenity, to minimise impact on surrounding landscape corridors for foraging by bats and to comply with Policies PR4 and GE21 of the Halton Unitary Development Plan.

(31) No part of the building hereby approved shall be brought into use until areas have been clearly defined and laid out within the site for the safe and secure storage and collection of waste and recycling in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. All future storage and collection of waste and recycling shall take place within that area for the lifetime of the development.

Reason:- To ensure that satisfactory provision is made within the site for safe and secure storage and collection of waste and recycling, to minimise potential for unsightly open storage in the interests of visual amenity and to comply with Policy BE1 of the Halton Unitary Development Plan.

(32) 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 the Environmental Statement and Construction Environmental Management Plan and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements 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 and to comply with Policy PR14 of the Halton Unitary Development Plan.

(33) 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 32 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 and to comply with Policy PR14 of the Halton Unitary Development Plan.

(34) No part of the development hereby approved shall be brought into use until a scheme of acoustic mounds and barriers has been implemented in full and in full accordance with the approved plans having particular regard to Drawing No's Site Plan P003 Rev G, Landscape Cross Sections 02 Rev B and 03 Rev A, Smithy House Landscape Mitigation Details 06 Rev B and Noise and Vibration Technical Note 13463i2. Such a scheme as is agreed and implemented shall be so maintained for the life of the development

Reason:- In order to secure the satisfactory development of the site, to minimise risk of nuisance caused by noise, and to comply with Policy PR2 of the Halton Unitary Development Plan.

(35) No part of the use hereby approved shall be commenced until a scheme of off-site works have been implemented to provide vehicular access to and egress from the site via the A562/ A5300 Speke Road Knowsley Expressway Junction in accordance with earlier planning permissions 08/00031/HBCFUL

(Halton Borough Council) and 08/00068/FUL (Knowsley Council).

Reason:- To ensure satisfactory access and egress to and from the site, to minimise traffic impacts on the local highway network at Hale Bank and to comply with Policy E7 of the Halton Unitary Development Plan.

(36) No part of the development hereby approved shall be brought into use until all of the following are completed: (a) 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 P003 Rev G; (b) the retaining wall and (c) reach-stacker operation zone and (d) rail siding interface which are defined in Dwg Nos. P003 Rev G, NK016803_P_0600 and NK016803_T_0620. Such sidings and reach-stacker operation zone and rail siding interface 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 and to comply with Core Strategy Policy CS8.

(37) No part of the development hereby approved shall be brought into use until a copy of formal sign off by the Office of the Rail Regulator or any superseding authority for works to provide rail sidings within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans P003 Rev G has been submitted to and acknowledged in writing by the Local Planning Authority. 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 and to comply with Core Strategy Policy CS8.

(38) No part of the use hereby approved shall be commenced until a management plan for grassland management relating to the Barn Owl Feeding Site to the west of the site as identified on the submitted plans has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be designed to provide habitat creation and

management for ground nesting birds, including skylark, and short and long-term management proposals. The plan shall be implemented in full.

Reason:- To ensure that appropriate provision is made for mitigation and habitat creation for ground nesting birds and to comply with Policy GE21 of the Halton Unitary Development Plan.

(39) Prior to the commencement of the use hereby approved a detailed plan including a timetable for implementation of a post completion Spring walkover to identify if any invasive species have been introduced to the site shall be submitted to and agreed in writing. Such plan shall include details for submission and approval of the results of such walkover and identify any requirements for longer-term monitoring, maintenance and arrangements for treatment and/ or removal should such invasive species be identified.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to preventing the spread of invasive species.

(40) Prior to the commencement of the use hereby approved a detailed Operational Waste Management Plan including details of facilities to collect and store bulk wastes generated as a result of the use 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 for the lifetime 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 and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

(41) Prior to the commencement of the use hereby approved an operational noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full.

Reason: To minimise risk of nuisance caused by noise, and to comply with Policy PR2 of the Halton Unitary Development Plan.

**CONDITIONS TO BE COMPLIED WITH
THROUGHOUT THE LIFE OF THIS PLANNING
PERMISSION**

(42) The development hereby approved shall be used for the purposes of a single, rail-served building for storage and distribution purposes with ancillary offices and for no other purpose.

Reason:- For the avoidance of doubt as to the extent of this permission, and to comply with Core Strategy Policy CS8.

(43) 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, and to comply with Policy E5 of the Halton Unitary Development Plan.

(44) 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 (Drawing No. P003 Rev G).

Reason:- In order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents and to comply with Core Strategy Policy CS8.

(45) There shall be no external plant or plant extracting to air operated within the site.

Reason:- To ensure that the development is carried out in accordance with the submitted Environmental Statement, to minimise potential noise nuisance and to comply with Policy PR2 of the Halton Unitary Development Plan.

DEV18 MISCELLANEOUS ITEMS

The following Appeals had been received / were in progress:

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition

1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry had been held, currently awaiting decision of the Secretary of State.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary Of State had called the application in for his consideration. This will now be heard by a public Inquiry likely to be in the New Year.

DEV19 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The committee was advised that a matter had arisen with required immediate attention by the Committee (Minute 20 refers), therefore, pursuant to Section 100 B(4) and 100E and due to the need to allow the maximum time for a considered response by Members as early as possible in the consultation process, the Chairman ruled that the item be considered as a matter of urgency.

DEV20 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) - KEUPER GAS STORAGE PROJECT (KGSP)

It was reported that Keuper Gas Storage Limited (KGSL) sought to construct and operate an underground gas storage facility and associated infrastructure on and under land at the southern end of the Holford Brinefield and surrounding area, north of Middlewich, Cheshire.

Members were advised that there had never been an application under the 2008 Planning Act which involved the Borough of Halton and consequently, the Council's Constitution was silent of the subject of NSIP's, other than assigning responsibility to the Committee.

It was reasonable to assume that most NSIP's would have significant implications for the Borough and that

substantive decisions would be dealt with by the Committee despite the fact that time scales under the 2008 Act were sometimes quite tight. Nevertheless, procedural matters ought to be delegated in the interest of good management on all occasions with the Committee deciding on substantive matters. The Keuper Gas Storage Project was so minor in nature in so far as it affected Halton that the entire response of the Council ought to be delegated.

The Committee agreed with the request for delegation as stated below:

RESOLVED: That

- 1) In respect of the Keuper Gas Storage Project all matters under the Planning Act 2008 be delegated to the Operational Director – Policy, Planning and Transportation.
- 2) In respect of future matters coming within the Planning Act 2008 relating to Nationally Significant Infrastructure Projects, all matters up to the stage of acceptance of applications under Section 55 of the 2008 Act be delegated to the Operational Director – Policy, Planning and Transportation.

Meeting ended at 7.00 p.m.

REPORT TO: Development Control Committee

DATE: 6 October 2014

REPORTING OFFICER: Strategic Director- Policy and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
13/00379/FUL	Outline application (with all matters reserved) for residential development of up to 131 dwellings.	Land East of Dans Road and North and West of Bennetts Lane, Gorsey Lane, Widnes, Cheshire

REPORT TO: Development Control Committee

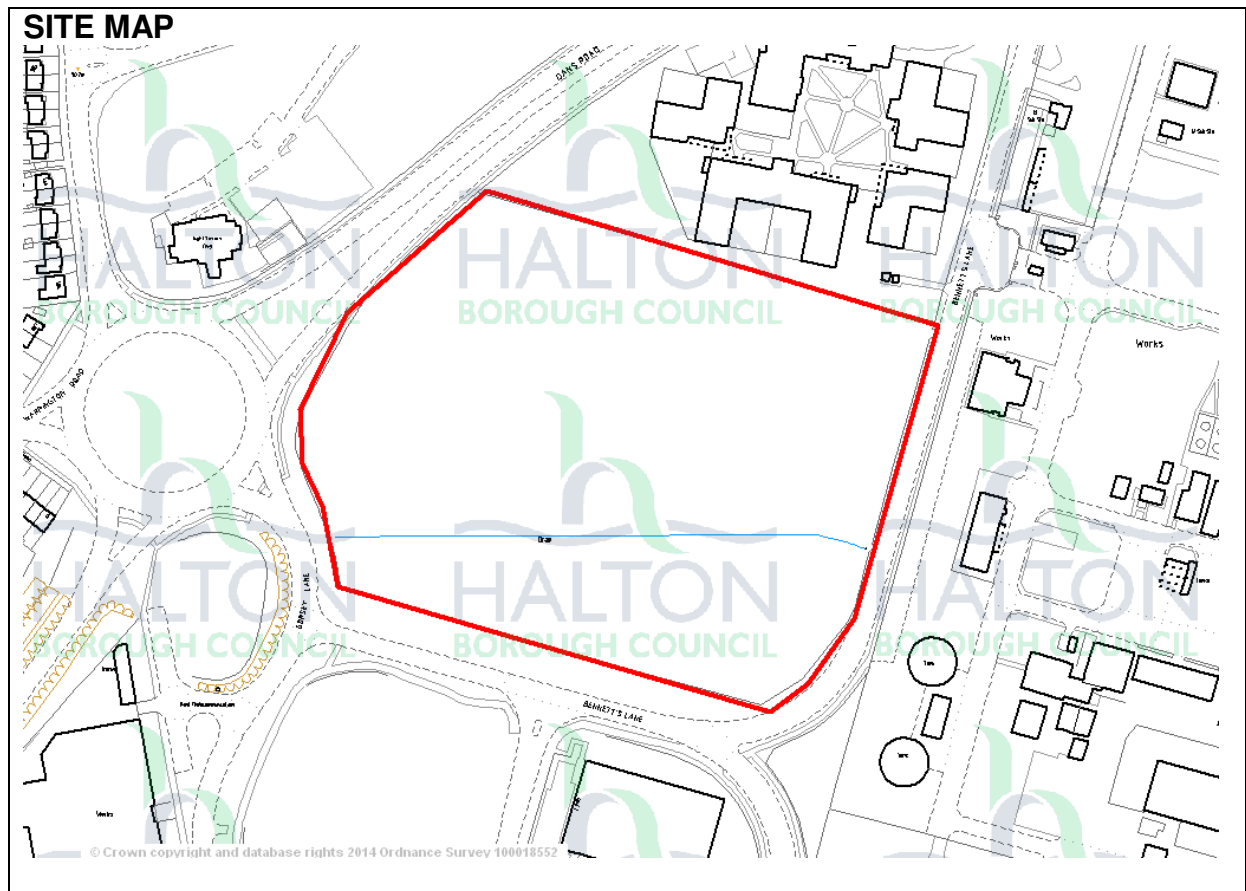
DATE: 6 October 2014

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

APPLICATION NO:	13/00379/OUT
LOCATION:	Land East of Dans Road and North and West of, Bennetts Lane, Gorsey Lane, Widnes, Cheshire
PROPOSAL:	Outline application (with all matters reserved) for residential development of up to 131 dwellings
WARD:	Farnworth
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Caroline Chave, Chave Planning
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE	Yes
REPRESENTATIONS:	Yes
KEY ISSUES:	Loss of Employment Land Housing Provision Access and Highway Safety Planning for Risk
RECOMMENDATION:	Approval



1. APPLICATION SITE

1.1 The Site and Surroundings

Area of previously cleared vacant land within existing industrial/commercial area. Land adjoining the Residential Care Home and bounded by Dans Road and Bennetts Lane, Widnes.

1.2 Planning History

07/00772/FUL Proposed erection of 10 No. single/part two storey detached and semidetached industrial buildings (Use classes B1/B2/B8) and up to 39 No. office units in 5 No. two storey blocks (Use class B1), associated external works/structures and sub station

11/00292/FUL Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation on 07/00772/FUL (Proposed erection of 10 no. single/part two storey detached and semidetached industrial buildings [Use classes B1/B2/B8] and up to 39 no. office units in 5 no. two storey blocks [Use class B1], associated external works/structures and substation).

2. THE APPLICATION

2.1 Documentation

The application has been submitted with the requisite planning application form, a complete set of plans and supporting information including a design and access statement, Policy Statement, flood risk assessment.

3. POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

The site is allocated as Primarily Employment land in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

BE1 General Requirements for Development
BE2 Quality of Design
BE22 Boundary Walls and Fences
GE6 Protection of Designated Greenspace
GE19 Protection of Sites of Importance for Nature Conservation
GE21 Species Protection
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
TP15 Accessibility to New Development
TP17 Safe Travel for All
H3 Provision of Recreational Greenspace
PR12 Development on Land Surrounding COMAH Sites
PR14 Contaminated Land,

The other key policies of relevance are as follows:

Halton Core Strategy Local Plan (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough, in this particular case the following Policies are of relevance

CS2 Presumption in Favour of Sustainable Development
CS3 Housing Supply and Locational Priorities
CS7 Infrastructure Provision
CS12 Housing Mix
CS13 Affordable Housing
CS15 Sustainable Transport
CS18 High Quality Design
CS19 Sustainable Development and Climate Change
CS20 Natural and Historic Environment
CS23 Managing Pollution and Risk

Joint Waste Local Plan 2013

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

Supplementary Planning Documents

The Council's New Residential Guidance Supplementary Planning Document and Draft Open Space Supplementary Planning Document are also of relevance.

4. CONSULTATION AND REPRESENTATION

The application has been advertised as a departure by means of a site notice, press notice and neighbouring properties have been consulted via letter. Consultation has been undertaken internally with the Highways Division, the Open Spaces Division, Contaminated Land Officer, Environmental Health Officer. Ward Councillors have also been consulted. Any comments received internally have been incorporated into the assessment below.

Externally, the Environment Agency, United Utilities and the Health and Safety Executive have been consulted.

The Environment Agency has no objection subject to a greenfield runoff rate of 19.5 Litres/second, and conditions in relation to flood risk and drainage design.

United Utilities has no objection to the proposed development a condition is attached for the site to be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water flows should be restricted to 100 l/s and managed in accordance with the submitted Flood Risk Assessment.

The Health and Safety Executive has been consulted through the PADHI + system which has resulted in an 'advise against' response.

Five objections have been received raising concerns over the loss of greenery, proximity to industry, traffic and transport. These, including one from the nearby industrial site of Innospec, are on the following grounds:-

- it is incompatible with the neighbouring industrial and other employment uses;
- it could compromise the operating conditions of adjacent uses, including our client's premises, with potentially serious consequences;
- it is unacceptable in planning policy terms, since it is well-established that the site is considered suitable for employment uses and, moreover, it is allocated for this use and planning permission has already been granted;
- the Framework requires that the planning system be plan-led, unless material considerations indicate otherwise. No material considerations have been cited in this application, justifying any departure from its allocation for employment uses;
- in addition, no evidence whatsoever has been submitted with the application to demonstrate that the site has been marketed in a reasonable and comprehensive way for employment use;
- nor has any evidence been submitted to demonstrate that there is no current or future likely demand for employment uses there, given that this is at odds with evidence of take up elsewhere in the area over the same period;
- it is unacceptable and unsustainable in highways terms, not least because there would be a conflict between the two access points on Bennett's Lane, there are issues concerning Dans Road and the site is also effectively severed by Dans Road from local facilities and public transport.

A petition organised by Innospec has also been received with 77 signatures, objecting on the grounds that the residential use of the site is not compatible with the neighbouring industry.

5. ASSESSMENT

Planning Policy

The site is a greenfield previously undeveloped site allocated for Employment uses as identified in Policy E13 of the Halton Unitary Development Plan and the associated proposals map. The use of housing on the site therefore constitutes a departure from the development plan. The application has therefore been advertised in the local press and by site notice, as a departure.

As the proposal is a departure, the applicant has provided a marketing statement and a housing need statement to support its application and justify why the site should be considered for housing and not safeguarded for employment use.

Firstly, the marketing statement provides details that the site was marketed by a local agent jointly with CBRE and Cushman Wakefield which ensured that the local, regional and national markets were covered. It has demonstrated that the site has been marketed adequately, but despite robust local, regional and national marketing it was not possible to engage with end users; only limited interest was generated.

Secondly, the applicant's housing supply statement concludes that, at best, a 3.21 year supply housing land is available, and that the site which is the subject of this planning application, has the potential to make a significant contribution towards the 5 year housing land supply. It is considered that all of the 131 dwellings applied for could be developed within the 5 year period.

The Council assesses 5 year land supply through the production of the Strategic Housing Land Availability Assessment (SHLAA). Our last SHLAA was in 2012 which showed a 5 year supply. Work is ongoing on the 2014 report and based on this work, the Council considers it can demonstrate a five year land supply for housing

A balanced decision therefore has to be made on the merits of current proposal. The site was assessed in the Joint Employment Land and Premises Study (JELPS) of 2010, which concluded it should be retained for employment development. However, in light of the history of unsuccessful marketing a realistic view has to be taken on the likelihood of the land being brought forward for employment or whether it would currently be more sustainable to release the land for residential use.

In this particular case, it is felt that due the lack of interest in the land for employment use and the evidence put forward by the applicant, the application could not be refused on these grounds as it would not be upheld at appeal.

6. Design and Layout

The applicant has provided a purely indicative layout drawing no J0936-10 Rev B, illustrating how they envisage 131 dwellings may be accommodated within the site. The Council's New Residential Development SPD requires development interface distances to achieve the 21m separation (between habitable room windows) and 13m separation (between habitable room windows and blank/non habitable elevations) to be measured from the centre of any

habitable room window. Proposed layouts are also expected to comply with the Council's standards for garden sizes and provide sufficient internal access roads, parking and servicing as set out in the Design of Residential Development SPD.

As this is an indicative plan it is purely for illustrative purposes only, so it does not necessarily show that every standard has been met. However, it does provide enough information to demonstrate that there is sufficient space within the site to accommodate these standards upon the final design and submission of reserved matters, and that a scheme of up to 131 dwelling can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

7. Planning for Risk and the Health and Safety Executive's Objection

The site falls within the middle and outer consultation zones of the Innospec COMAH site. The applicant has provided an indicative plan which shows an area of open space which reflects the inner zone of the COMAH zone (10 chances per million). The Health and Safety Executive has been consulted through the PADHI + system this has resulted in an 'advise against' response.

This application is in outline with all matters reserved, and the applicant has submitted a layout plan for indicative purposes only. As the red line application encompasses all of the site, in theory, if planning permission were to be granted it would be granting permission for housing within the 10 c.p.m zone.

To overcome this, the applicant has suggested that a planning condition could be attached stating the following:

'the details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the Drawing no. J0936 12'

This is considered to be a reasonable approach, which would be consistent with the Council's planning policies PR12 (UDP), CS23 (Core Strategy) and the Planning for Risk Supplementary Planning Document. However, even if the Local Planning Authority were minded to grant planning permission against the Health and Safety Executive's advice, it would need to give the Health and Safety Executive advance notice of that intention and allow 21 days from that notice for the Health and Safety Executive to give further consideration to the matter. Therefore delegated authority would be required to determine the application. This will enable the Health and Safety Executive to consider whether to request the Secretary of State for Communities and Local Government to call-in the application.

8. Public Open Space

The application has been submitted with an indicative layout plan that shows an area of onsite open space provision. This area of open space provision has

largely been dictated by the site proximity to Innospec site which is a COMAH site, this issues in relation to this have been dealt with in a separate section above. The provision of on-site open space and an on-site LEAP is considered sufficient to demonstrate compliance with the Council's adopted open space policies.

9. Highway Safety

This application has been reviewed by the Council's Highways Engineer. As this is an outline application the internal layout will be reviewed at the reserved matters stage. It should, however, be noted that the internal layout of the development will require further detailed plans demonstrating servicing arrangements and that it is to an agreed adoptable standard.

Off-site highway provisions are required with a footway to be provided at 3 metres wide from Dans Road to extend along Gorsey Lane to Bennetts Lane. Alterations to crossing points and footways at the roundabout are to be agreed with the Highway Authority and implemented at the developer's expense. An off-site highways works condition is recommended.

These improvements will form the basis for sustainable accessibility from the site to the local centre on Warrington Road and the associated bus stops.

The secondary/ emergency access from Gorsey lane would need to be designed to make it the desirable pedestrian option for the site; this would be approximately 300m from the bus stops of Warrington Road or Weates Close, with St John Fisher primary school further away on Edward Street. These facilities would not require the crossing of the dual carriageway at Dans Road.

The footway on east side of Bennetts Lane opposite the application site would be widened as per the previous widening scheme at the applicant's expense. The proposed access on Bennetts lane would have adequate crossing provisions to link to the footway. An off-site highways works condition is recommended.

The development would result in 100 two way movements on Bennetts Lane in the a.m peak and 118 two way vehicle movements in the p.m peak. This is not felt to have a significant impact on the current highway network. Given the previous consent approval for employment development on this site this would show a negative impact of 76 and 23 two way vehicle movements in the respective peaks.

An objection has been received raising concerns that the development is unacceptable in highways terms, and that it would impede access to the neighbouring industrial site of Innospec. This view is not shared by the Council's Highways Engineer who considers the proposed scheme to be acceptable.

The Bennet's Lane will need to be reconstructed to the highway authority's satisfaction following construction of accesses and any drainage connections and utility connections. Suitable conditions are recommended.

A scheme of off-site highway improvements are required for Gorse Lane and Bennetts Lane. These include the secondary access onto Gorse Road, crossings and footway improvements to link to the local centre.

No specific agreements are required for a S106, however the Highways Engineer has noted that a scheme of footway/ cycleways and associated crossings are required on Gorse Lane & Dans Road roundabout together with the completion of the construction of the footway/ cycleway on Bennetts Lane to a width of 3m. These would require agreement under the Highways Act.

10. Viability and affordable housing

In accordance with Policy CS13 of the Halton Core Strategy Local Plan, the application has been submitted with a viability appraisal. The appraisal details and breaks down the costs of the development and provides an analysis of how market conditions would make the implementation scheme unviable if the Local Planning Authority were to insist on the provision of affordable housing and open space payments. It is agreed that the assessment confirms that the provision of affordable housing on this site would not be viable.

11. Flood Risk and Drainage

The application has been submitted with a flood risk assessment and this was sent to The Environment Agency for consultation. The Environment Agency has reviewed the flood risk assessment and originally objected to the proposed development on the grounds that the discharge rate from the site needed to be maintained at the current greenfield rate of 19.5 litres/second. The proposed rate was originally five times higher at 100 litres/second.

This matter has now been addressed and the applicant has submitted a revised Flood Risk Assessment demonstrating that the greenfield runoff rate of 19.5 litres/second would be achieved. The Environment Agency has, therefore, removed its objection subject to conditions in relation to the greenfield runoff rate, flood risk mitigation measures and full drainage design.

On this basis, the proposal is considered to comply with Policy PR16 of the Unitary Development Plan, and part (3) of Policy CS23 'Managing Flood Risk' of the Halton Core Strategy Local Plan.

12. Ecology and Habitats

The applicant has submitted an extended Phase one habitat survey and the Council's ecological advisor at Cheshire Wildlife Trust has been consulted. It is satisfied that there are no constraints in relation to badgers, bats and great crested newts, however, the report indicates that there may be reptiles on the site. The advisor has also noted that the current scheme would result in some loss of habitat that could provide potentially suitable bird nesting opportunities, and suitable for reptiles.

It should also be noted that the site still has planning permission (11/00292/FUL) for an industrial and office development which can still be implemented, this

development does not require any such mitigation. Also the proposed housing development actually includes a substantial area of green space that would be to some degree landscaped and of some biodiversity value. It is therefore recommended that should the application be supported, a condition be attached for a Biodiversity Design Plan that will help design in biodiversity enhancement features to the site as a whole. There will also be conditions in relation to landscaping.

Based on the above information, it is appreciated that there would be some loss of grassland habitat, however on balance this is not considered to be significant enough to refuse the application. Furthermore, given the amount of open space to be provided onsite, there will be opportunities for biodiversity enhancement. In this respect it is considered that Local Planning Authority would be acting in accordance with Conservation (Natural Habitats etc.) Regulations 2010 (as amended).

The proposal is therefore considered to be comply with Policy GE21 of the Halton Unitary Development Plan, and Policy CS20 of the Halton Core Strategy Local Plan.

13. Contaminated Land

The application has been submitted with a phase 1 and 2 site investigation report with associated mitigation measures. The contaminated land officer has been consulted and has advised that if the application were to be supported that any further investigation/ mitigation measures could be controlled by condition.

14. SUMMARY AND CONCLUSIONS

In conclusion, this proposal is in outline only with all matters reserved for future determination, the applicant has provided provide enough information to demonstrate that there is sufficient space within the site to accommodate the Council's standards in the final design and submission of reserved matters, and that a scheme of up to 131 dwelling can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

Provided a condition is attached to ensure no dwellings are sited within the 10c.p.m (middle/inner COMAH consultation zone) the proposal would be consistent with policy PR12 (UDP), CS23 (Core Strategy) and the Planning for Risk Supplementary Planning Document.

Although the proposal is a departure from Policy E13 of the Halton Unitary Development Plan, it is considered to be sustainable development consistent with the economic, social and environmental roles of sustainable development outlined in paragraph 7 of the NPPF.

It is on this basis that members as asked to approve the application but delegate the final decision to the Operational Director – Planning, Policy and

Transportation in consultation with the chair or vice chair, to enable officers to write to the Health and Safety Executive requesting whether or not it wishes the application to be called in by the Secretary of State.

15. RECOMMENDATIONS

It is therefore requested that the delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make the decision once the application has been referred to the Health and Safety Executive to request whether or not they wish the application to be called in by the Secretary of State. If the application is not called in, the application would be approved and issued subject to the following conditions:-

1. Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1)
2. Plans condition listing relevant drawings i.e. site location / red edge (BE1 and TP17)
3. Prior to commencement the submission of a reserved matters proposal which incorporates a full proposal for drainage of the site (BE1)
4. Prior to commencement submission of levels (BE1)
6. Prior to commencement submission of materials (BE1 and CS11)
7. Prior to commencement submission of hard and soft landscaping (BE1)
9. Prior to commencement submission of a construction / traffic management plan which will include wheel cleansing details (TP17)
10. Avoidance of actively nesting birds (BE1)
11. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (GE21)
12. Prior to commencement details of a landscape proposal and an associated management plan to be submitted and approved (BE1, GE21)
15. Prior to commencement details of boundary treatment (BE22)
16. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:
 - detail extent and type of new planting (NB planting to be of native species)
 - details of the on-site play space
 - details of maintenance regimes

- details of any new habitat created on site
- details of treatment of site boundaries
- details of management responsibilities

The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)

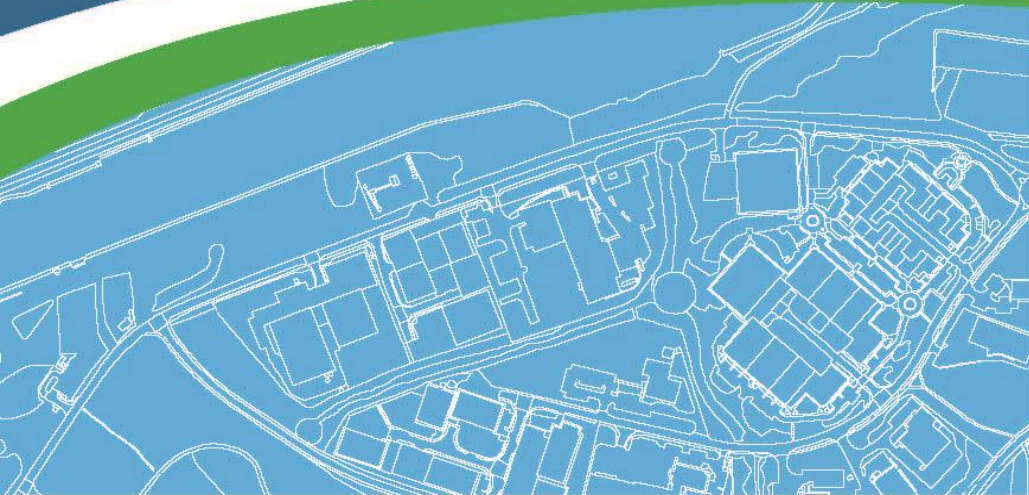
17. The future reserved matters proposal shall incorporate a provision for on-site play space. (BE1)
18. The details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the submitted Drawing.
19. Details of off-site highway works to be submitted for approval (BE1).

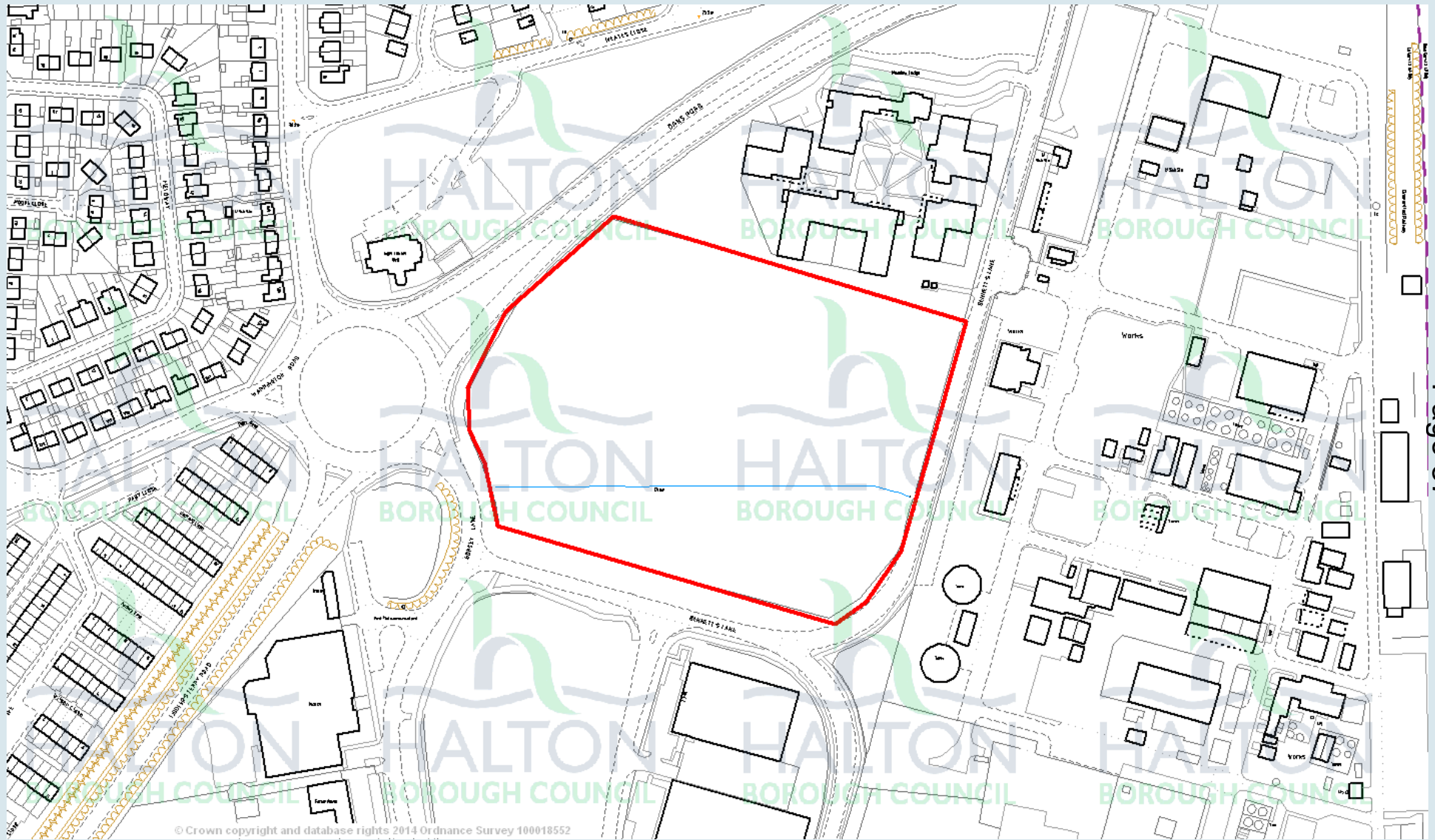
SUSTAINABILITY STATEMENT

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.









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REPORT TO: Development Control Committee
DATE: 6 October 2014
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Miscellaneous Items
WARD(S): Boroughwide

The following applications have been withdrawn:

- 14/00181/HBCFUL** Proposed removal of 2m high steel mesh fencing from three sides of ball court and replacement to same line with 6m high steel ball stop fencing, erection of 2.4m high steel mesh perimeter fencing and double gate to existing garden area and creation of new pedestrian access to Community Centre grounds from highway footpath at Grangeway Youth & Community Centre, Grangeway, Runcorn, Cheshire, WA7 5HA
- 14/00185/FUL** Proposed single storey side and rear extensions at 4 Tarvin Close, Runcorn, Cheshire, WA7 4AW
- 14/00233/PLD** Application for a Certificate of Proposed Lawful Development for single storey rear extension at 39 Regency Park, Widnes, Cheshire, WA8 9PH
- 14/00352/PLD** Application for certificate of proposed lawful development for single storey rear extension at The Bungalow, Sandy Lane, Preston Brook, Runcorn, Cheshire, WA7 3AW
- 14/00309/COU** Proposed change of use from Parish Centre to home of multi-occupancy at St Marie's Parish Centre, Lugsdale Road, Widnes, Cheshire
- 14/00267/FUL** Proposed two storey side extension at 193 Cowan Way, Widnes, Cheshire, WA8 5BW
- 14/00362/DEM** Prior notification of demolition of former pensioners hut at West Bank Promenade, St Marys Road, Widnes, Cheshire
- 14/00410/PLD** Application for a Certificate of Proposed Lawful Development for the application of vinyl graphics to windows at 8 Albert Square, Widnes, Cheshire, WA8 6JW

- 14/00303/COU** Proposed change of use from car showroom and garage into gymnasium (use class D2) at 464 – 470 Liverpool Road, Widnes, Cheshire, WA8 7XP
- 14/00428/FUL** Two proposed front dormers to accommodate loft conversion at 2 Six Acre Gardens, Moore, Cheshire, WA4 6UL
- 14/00265/FUL** Proposed development of 1 no. detached dwelling at Land Adjacent to 22 Kemberton Drive, Widnes, Cheshire
- 14/00404/FUL** Proposed demolition of existing retail unit and development of 2 no. two storey detached houses at Former Londis Store, 35 High Street, Hale, Liverpool, L24 4AE
- 14/00408/FUL** Proposed erection of 1.5 metre high timber fencing to North West and South West boundary at 1 Severn Close, Widnes, Cheshire, WA8 3YS

The following Appeals have been received / are in progress:

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry has been held, currently awaiting decision of the SoS.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary Of State has called the application in for his consideration. This will now be heard by a public Inquiry likely to be in the new year.