

APPLICATION NO:	13/00372/FUL
LOCATION:	Land at the Former Cock and Trumpet Public House and Adjoining Garage, Halebank Road , Widnes
PROPOSAL:	Proposed development of 34 No. new dwellings comprising 24 No. two bedroomed houses and 10 No. one bedroom apartments
WARD:	Ditton
PARISH:	Hale Bank
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Partner Construction Ltd
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Primarily Residential Area/ Allocated Housing Site
DEPARTURE REPRESENTATIONS:	No
	1 Hale Bank Parish Council and 2 Local Residents.
RECOMMENDATION:	Approve subject to Conditions.
SITE MAP	

1. APPLICATION SITE

1.1 The Site and Surroundings

The site is approximately 0.6 Ha, vacant and formerly occupied by the Cock and Trumpet Public House and adjoining garage, Hale Bank Road, Widnes. The site backs onto Hale Bank Primary School.

1.2 Planning History

Outline planning permission (10/00451/OUT) was approved for 22 dwellings on part of the site. On other parts of the site the following applications have also been approved:

04/00653/FUL – Proposed erection of 18 no. apartments (3.5 storeys)

08/00107/FUL – demolition of existing garage and erection of 4 storey apartment block consisting of 23 no. 1 bed apartments

12/00333/OUT - Outline application for 9 no. dwellings

2. THE APPLICATION

2.1 Proposal Description

The scheme proposes development of 24 No. 2 storey, 2 bedroom houses and 10 No. 1 bedroom apartments within a 2.5 storey block. The properties are reported to be social rented properties for future operation by a Registered

Social Landlord. The land is however currently owned by a private developer and the Council as local planning authority therefore has no guarantee in this regard.

2.2 Documentation

The planning application is supported by a Design and Access Statement, Ecology Assessment, Site Investigation Report, Proposed Drainage Strategy and Tree Survey.

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.

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.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated in part as an Allocated Housing Site and part as a Primarily Residential Area in the Halton Unitary Development Plan. The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE1 Control of Development in the Green Belt
- H3 Provision of Recreational Greenspace
- TP6 Cycling Provision as part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- PR14 Contaminated Land

3.3 Halton Core Strategy (2013)

The following Core Strategy Policies are considered to be of particular relevance:

CS2 Presumption in Favour of Sustainable Development

CS3 Housing Supply and Locational Priorities

CS12 Housing Mix

CS13 Affordable Housing

CS18 High Quality Design

CS19 Sustainable Development and Climate Change

CS23 Managing Pollution and Risk

3.4 Relevant SPDs

New Residential Development SPD; Designing for Community Safety SPD; Affordable Housing SPD and Draft Open Space Provision SPD are of particular relevance

4. **CONSULTATIONS**

4.1 HBC Highways – no objection in principle

4.2 HBC Open Spaces – no objection in principle

4.3 HBC Contaminated Land – no objection in principle

4.4 United Utilities - No objection in principle

5. **REPRESENTATIONS**

5.1 One letter of representation has been received on behalf of Hale Bank Parish Council raising the following issues:

The contaminated land report contains some alarming information which the Parish Council believes requires immediate attention. The Parish Council's concern relates to three main areas:

- the demolition rubble currently left on the former C&T Garage site which may contain asbestos
- If the rubble from the site is to be 'pushed to the back of the site the Parish Council finds this situation to be extremely alarming given the close proximity of the rubble to both Hale Bank Primary School and Hale Court flats.
- Lack of accurate information provided. The Parish Council finds it astounding that HBC does not have records as to the use of the garage, however member councillors have asked me to inform HBC that the garage was used for all three purposes and as such will have large underground fuel storage tanks used for the petrol pumps, which as a former Hale Bank resident I too remember cars filling up at.

“The Parish Council would urge your department to delay in approving this application until the site has been thoroughly investigated and all contaminants removed without any further delay, for the safety of both current and future residents. The Parish Council has asked me to point out that it had previously welcomed this proposed social housing development and wishes to continue to do so, but cannot ignore these potential risks to public health and is deeply distressed that this potentially dangerous rubble is still on the ground since demolition over four months ago plus it is visually unattractive.”

The Council has responded that a land contamination assessment has been submitted by the applicant as part of the planning application submitted. Any significant contamination issues are required to be dealt with as part of the development scheme, and the remediation of the site will be secured by a condition that must be fulfilled prior to commencement.

The garage was demolished earlier this year and the demolition rubble remains on site. With any building demolition there is a possibility of asbestos containing materials (ACM) and this site is not unusual in this regard. It should be stressed that at this stage there has not been any evidence of the actual presence of such material. It is known that ACMs were removed from the site as part of the demolition. The site has been visited by Environmental Health Inspectors and no evidence of ACM was found during that visit. The rubble is all contained on the development site and fenced off to prevent public access.

As part of the redevelopment scheme a method statement for the clearance of the rubble will have to be produced. This will be developed with the possibility of encountering ACM being a key consideration and a precautionary approach being followed. Therefore the method statement will include appropriate controls and monitoring, such as damping down of the rubble pile to prevent dust, air sampling, and supervision of the process by a qualified engineer.

The Council is actively seeking to resolve the issue of the on-site rubble and any associated contamination that the rubble is found to contain through the process of the development.

There has been on-going correspondence in this regard but no new significant issues are considered to have been raised.

Two residents have raised objections on the following grounds:

- Not wanting to be overlooked
- Overlooking of the school would contravene child protection legislation
- Elevation plans not shown on the application.

6. ASSESSMENT

6.1 Principle

The site is designated in part as an allocated housing site and in part as within a primarily residential area. The previous uses on the site have long ceased

and all associated buildings demolished. It is therefore not considered that any argument could be made that the proposals would result in the loss of community facilities. On this basis the proposed development of the site for residential uses is considered acceptable in principle.

6.2 Design, Character and Amenity

This proposal seeks permission for 24 No. 2 storey, 2 bedroom houses and 10 No. 1 bedroom apartments within a 2.5 storey block. Properties are of traditional brick construction with concrete tile roofing. The proposed apartment building has a large dormer to the rear roof plane to provide necessary floor to ceiling heights for access stairs.

The scheme has altered significantly from that as originally submitted. Amendments have been required to overcome design and layout issues, maintaining the existing building line to Hale Bank Road, protecting as far as possible the amenity of existing adjoining residents and highway matters.

It is considered that in terms of the built form and design of the dwellings and apartments the scheme as amended is of a good quality and is in keeping with existing residential properties in the area. The development is not considered conspicuous from the Green Belt. It is considered that appropriate separation and privacy is provided within the site. Through the detailed layout it is considered that appropriate outlook and separation distances are maintained for existing and surrounding properties. Whilst the streetscape will predominantly be hard surfaced due to the density of the scheme, efforts to break up the surfaces have been made through the use of varied finishes and landscaping where possible.

A resident has raised concern relating to overlooking of school property and potential issues relating to child protection. The Council has no adopted policy which seeks to prevent residential properties having a view over school property. The relationship between the proposed development and school property is not considered to differ in any significant way from existing residential properties adjoining the site or many other school sites across the borough which share a similar relationship.

Conditions relating to hours of construction and wheel wash facilities need to be included on any permission given to ensure that disturbance to existing local residents are kept to a minimum. Conditions relating to materials to be used, landscaping and highways provision are also required to ensure the quality of the final scheme.

6.3 Highways, Parking and Servicing

The scheme will be accessed from Hale Bank Road. The scheme has been significantly amended from that originally submitted including amendments to ensure sufficient and appropriate parking, cycle parking and servicing.

One bed flats are provided with parking at 100 per cent and houses fronting Hale Bank Road at 200 per cent. Plots 11 to 24 are however provided with parking at 100 per cent with 5 visitor spaces. These properties are relatively

small having only 2 bedrooms and the site is relatively well located with respect to public transport and local shops. These properties are also all within the rear portion of the site and therefore any resultant overspill parking is likely to be contained within the site and not spill onto Hale Bank Road. Substandard parking for these plots must be balanced against the merits of the scheme in terms of securing a viable development of what is currently an unsightly and potentially contaminated site and securing a quality street scene within the development. On this basis, the Council's Highways Engineers have confirmed that they are satisfied with the scheme as amended and therefore raise no objection.

Minor off-site highway works are required to provide bollards and tactile paving in accordance with advice from the Council's Highways Officer. It is considered that these can be adequately secured by Grampian style condition.

6.4 Contamination

The Council's Contaminated Land Officer has confirmed that he raises no objection in principle. Due to the historical potentially contaminative uses and sensitivity of the proposed use, detailed ground investigation is however required and it is considered that this can be adequately secured by condition. Part of the site is currently occupied by demolition waste left over from the alleged unlawful demolition of a former garage/ workshop building on the site. That waste is largely piled to form a mound at the front of the site. A number of concerns have been raised regarding the potential for that waste to contain asbestos. The construction of the building previously demolished was believed to have included asbestos cement sheeting. The Council's Contaminated Land Officer has visited the site and confirmed that he can find no visible signs of asbestos containing material and as such, the waste is considered to pose very limited risk as it stands. The developer is aware of the potential issues and development proposals will include measures to properly characterise the waste and its safe re-use or removal as required. This will be set out through detailed site investigation and a proposed remediation method statement. It is considered that these can be adequately secured by appropriately worded planning condition.

6.5 Trees and Open Space

The proposals will result in the loss of a number of trees from the site and the application is supported by a detailed tree survey. The Council's Open Spaces Officer has advised that the trees are considered to be of poor form and can be mitigated by appropriate replacement planting through the scheme. It is not considered possible to retain the trees through the development and it is considered that the wider benefits of the scheme outweigh any harm resulting from the loss. Replacement planting can be adequately secured by condition.

The scheme is considered deficient with regards open space provision when measured against UDP Policy H3. In accordance with the Council's adopted Provision of Open Space SPD, financial contributions for off-site provision

have been calculated and can be adequately secured by legal agreement or other agreement.

6.6 Affordable Housing

Policy CS13: Affordable Housing of the Core Strategy seeks to secure 25% of total residential units for affordable housing provision. The scheme proposes all apartments and dwellings reported to be within the social rented sector for a Registered Providers. In the absence of the Registered Providers being the land owner it is considered that appropriate provision, in accordance with Policy CS13 and the Council's adopted Affordable Housing SPD, must be secured by appropriately worded legal or other agreement.

7. **CONCLUSIONS**

The proposed scheme is considered to offer good quality in terms of design and layout, and contributes to the regeneration of the area through the redevelopment of what is currently a derelict brownfield site. Acceptable provision can be made for highways and servicing and securing the amenity of existing local residents. The proposals are considered to offer a sustainable use in accordance with policies of the Halton Unitary Development Plan, the Core Strategy, the New Residential Development and National Planning Policy Framework. Whilst the submitted scheme as originally submitted raised a number of issues it is considered that these have been satisfactorily resolved through amended plans and any outstanding matters can be adequately resolved by condition or legal agreement.

8. **RECOMMENDATIONS**

Approve subject to:-

(a) The entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site public open space and to secure a minimum of 25% of total residential units for affordable housing provision.

(b) Conditions relating to the following:

1. Standard 3 year permission to commence development (BE1)
2. Condition specifying approved/ amended plans (BE1)
3. Materials condition, requiring the submission and approval of external building materials to be used (BE2)
4. Materials condition, requiring the submission and approval of hard surface materials to be used (BE2)
5. Requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2)
6. Boundary treatments to be carried out as approved prior to occupation. (BE2)
7. Submission of existing perimeter boundary condition survey and detailed upgrading/ repair schedule to be submitted and agreed (BE2)
8. Wheel cleansing facilities to be submitted and approved in writing. (BE1)

9. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
 10. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
 11. Condition relating to the implementation of bin store provision (BE1)
 12. Submission and agreement of finished floor and site levels. (BE1)
 13. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
 14. Requiring implementation of cycle parking in accordance with details to be submitted and approved (TP6)
 15. Grampian style condition relating to off-site highway works (BE1)
 16. Restricting permitted development rights relating to fencing, extensions, outbuildings, windows and dormers
- (c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

9. 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.