

**REPORT TO:** Development Control Committee

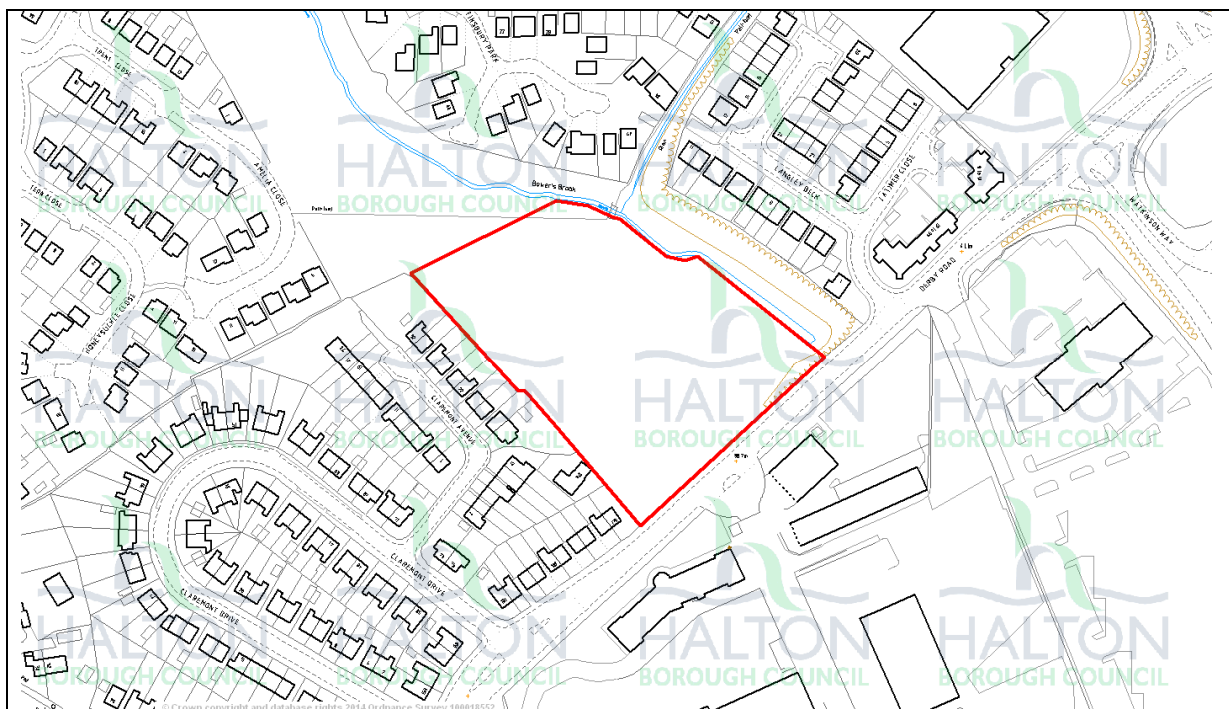
**DATE:** 16 June 2014

**REPORTING OFFICER:** Strategic Director, Policy & Resources

**SUBJECT:** Planning Applications to be determined by the Committee

**WARD(S):** Boroughwide

<b>APPLICATION NO:</b>	12/00429/OUT
<b>LOCATION:</b>	Land at Derby Road, Widnes
<b>PROPOSAL:</b>	Outline application for the erection of up to 32 dwellings with main access from Derby Road with all other matters reserved
<b>WARD:</b>	Farnworth
<b>PARISH:</b>	Farnworth
<b>CASE OFFICER:</b>	Pauline Shearer
<b>AGENT(S) / APPLICANT(S):</b>	Evonik Degussa UK Holdings Ltd, Tego House, Cheppenhams Drive, Kingston, Milton Keynes, Bucks MK10 0AF
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) North West Plan: Regional Spatial Strategy for the North West (2008) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Local Wildlife Site; Greenspace
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	10 Objections 3 further objections following re consultation
<b>KEY ISSUES:</b>	Ecology; Loss of Greenspace; Highway safety; drainage; residential amenity; ground conditions
<b>RECOMMENDATION:</b>	Approval
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

This 1.19ha site is located at Derby Road, north Widnes. The site is vacant and greenfield. The applicant owns the part of the site which fronts Derby Road to the southeast up to the edge of Bowers Brook. The land to the northwest of the site is in a different ownership and is also vacant Greenfield land. The land to the northeast and southwest has been developed and are currently residential areas.

The site is identified as a Local Wildlife Site in the Halton Core Strategy, this updates the previous designation within the Halton UDP as a Site of Importance for Nature Conservation. This site has been included in Halton's Strategic Housing Land Availability Assessment.

### 1.2 Planning History

Previous outline planning application: - 07/00797/OUT – (with appearance, landscaping, layout and scale matters reserved) for a residential development of up to 40 units. This application was refused. The reasons for refusal included: inappropriate release of a Greenfield site for residential development: It resulted in the loss of an adopted Greenspace and Site of Important Nature Conservation for which adequate compensatory measures had not been proven; the scheme provided unsafe access into the site and inappropriate internal layouts resulting in adverse highway conditions; there was insufficient information provided with regard to surface water drainage; and the Flood Risk Assessment submitted failed to prove that the development would not result in an increased risk of flooding on the site.

## **2. THE APPLICATION**

### **2.1 The proposal**

The proposal seeks permission to develop the site for residential development of up to 32 dwellings. The proposal is in outline with all other matters, landscaping, scale, layout and internal access, reserved. The application also seeks for approval of the principle of the access into the site from Derby Road.

### **2.2 Documentation**

The applicant has submitted a Planning Application, drawings and the following reports:

- Design and Access Statement
- Planning Supporting Statement
- Transport Statement
- Flood Risk Assessment
- Surface Water Management Plan
- Ecological Appraisal
- Tree Survey
- Affordable Housing Viability Study
- Phase 1 Geo-environmental Appraisal

## **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.

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

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

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

BE1 General Requirements for Development  
BE2 Quality of Design  
BE22 Boundary Walls and Fences  
GE6 Protection of Designated Greenspace  
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  
TP17 Safe Travel for All  
H3 Provision of Recreational Greenspace

### 3.3 Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy 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

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

## 4. CONSULTATIONS

The application has been advertised as a departure from the development plan, by a site notice posted near the site and by a press notice. All adjacent residents have been notified by letter.

The Council's Nature Conservation Consultants, Cheshire Wildlife Trust has been consulted in relation to the site's potential as bat habitat and other ecological factors. There are no objections to the proposal subject to the provision of a biodiversity mitigation financial contribution and conditions relating to on-site protective measures.

United Utilities has not objected, providing that the site is drained on a total separate system with all the surface water run-off generated discharging directly into the adjacent watercourse in accordance with the submitted Flood Risk Assessment.

The Environment Agency has submitted comments which will be summarised in the body of this report below. No objections are raised subject to the imposition of specific conditions relation to drainage matters.

The Council's Highways, Environmental Health and Open Spaces Divisions have all been consulted and comments received have been summarised below in the assessment section of the report.

The proposal is of a scale and has impacts which do not warrant the submission of an Environmental Statement under the Environmental Impact Assessment (EIA) Regulations 2011.

## **5. REPRESENTATIONS**

10 Objections and 3 further objections following re consultation have been received as a result of the initial public consultation and are summarised as follows, together with a brief response to the comments:-

- Loss of biodiversity/habitat – This issue is dealt with in the body of the report under the headings 'Principle of Use and Ecology'.
- Loss of Greenfield site – This issue is dealt with in the body of the report under the heading 'Principle of Use and Ecology'.
- Land not allocated for housing – The fact that the land does not have a housing allocation in the Halton local plan, does not mean that it should be refused for that reason alone. The land is, in fact, included in Halton's Strategic Housing Land Allocations Assessment.
- Flood mitigation – This issue is dealt with in the body of the report under the heading 'Flood Risk and Drainage'.
- Loss of footpath – A footpath across the existing site is a desire line only and is not a public right of way. In any event, the indicative layout plan shows that the site is permeable and provides access from Derby Road to the footpath to the rear of Finsbury Park. The path from the rear of Finsbury Park to Marshall Pad is still accessible from the footpaths within the proposed scheme.

- Loss of natural play area for children – This site is privately owned and current public use is at the discretion of the land owner. The land is currently fenced off by the land owner to restrict access to it.
- Increased traffic and congestion – This issue is dealt with in the body of the report under the heading ‘Highway Matters’.
- Three storey will block out light/sky for neighbours – This issue is dealt with in the body of the report under the heading ‘Residential Amenity’.
- Asbestos contaminated soil – This issue is addressed in the body of the report under the heading ‘Ground Contamination’.
- Too close to Brook – The proposal is not necessarily unacceptable due to its proximity to Bowers Brook, but other associated issues in relation to biodiversity and flood risk are dealt with in the body of the report under the headings ‘Flood Risk’ and ‘Drainage and Ecology’.
- Do Halton BC have to build on every spare piece of land? – The application is not made by Halton Borough Council, but by the land owner, Evonik Degussa UK Holdings Ltd. The land is included in the Halton SHLAA but will only benefit from planning permission if deemed appropriate in terms of compliance with policy.
- Overlooking - This issue is dealt with in the body of the report under the heading ‘Residential Amenity’.
- Land green belt and would not be built on – The land is not green belt.
- Loss of views - This issue is dealt with in the body of the report under the heading ‘Residential Amenity’. However, the loss of a view is not a matter which is material to the determination of the planning application.
- Dirt, noise and disruption – It is accepted that a certain degree of disturbance will result due to the physical development process. Where development takes place near residential areas, the Council seeks to control this in a reasonable way by the imposition of restrictive conditions to minimise site working beyond reasonable hours and to minimise dirt from construction vehicles on the highway. It should be noted that the conditions attached should not serve to restrict the process to the point where it becomes financially or physically impractical to implement the permission granted.
- Location of play area would affect existing properties and affected by rats from Brook – The management of the play area will be through a management company and they would need to undertake their own risk assessment of the provision regarding this and many other safety issues. There are several play areas which are located near to areas of

woodland or watercourses where wildlife may be present. This would not necessarily result in unwelcome interface with wildlife and would not constitute a reason to refuse the planning application.

- No need for more housing – There is a clear need to identify additional land for housing in Widnes and Hale. The Core Strategy examination concluded the potential shortfall in supply was sufficient to represent exceptional circumstances requiring an early partial Green Belt Review, now underway
- Local schools are over-subscribed – Halton has an adequate provision for school places. The proposal for 32 dwellings is considered to be of a scale to allow the assimilation of future children into existing school provision.
- Construction work would encourage rats – Any emergence of rats or other infestations which cause a nuisance to existing local residents can be addressed through measures implemented by the Council's Environmental Health – Pest Control Services.
- Concerns regarding hazardous waste in the ground - This issue is addressed in the body of the report under the heading 'Ground Contamination'.
- Conflict of entrance/exit with one opposite - This issue is dealt with in the body of the report under the heading 'Highway Matters'.
- Currently used for recreation and to walk dogs - This site is privately owned and access onto it is at the discretion of the landowner. Current public use is restricted by perimeter fencing by the landowner.
- Experience of endless breaches at Chadwick Park over past 3 years – Any breaches of planning control which may have taken place at other development sites are not relevant to this current application and the enforcement of the application site during and post development will be undertaken on a case by case scenario under the remit of the Town & Country Planning Act.
- Loss of house value – This in itself is not a matter for consideration by members. However, the issues surrounding loss of value, such as highway safety and residential amenity are matters to consider and are addressed in the relevant sections of this report.

## 6. **ASSESSMENT**

### 6.1 **Principle of Use**

The site is situated in an area which is identified as a Site of Importance for Nature Conservation in the Halton Unitary Development Plan, which has an

updated designation as a Local Wildlife Site in the Halton Core Strategy. As such this proposal has been advertised as a departure to the development plan. The site is also a designated Green space.

The relevant policies specifically related to the principle of the use are GE19 - Protection of Sites of Importance for Nature Conservation in the Halton UDP; GE6 - Protection of Designated Green space; GE8 – Development within Designated Green space; and CS21 - Natural and Historic Environment in the Halton Core Strategy.

GE19 – Protection of Sites of Importance for Nature Conservation (SINC) contains three elements.

- 1 States that development will not be permitted if it is likely to have a significant effect on a SINC unless “it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation of the site”.
- 2 States that where development is permitted which would harm the nature conservation of the site that it will be kept to a minimum and where appropriate “the authority will consider the use of conditions or planning obligations to provide compensatory measures”.
- 3 States that new sites will receive the same protection as identified sites on the proposals map.

GE6 – Protection of Designated Green space seeks protection of those areas of Halton identified on the proposals map as Green space. However, part two of the policy allows for exceptions to the policy of protection:-

“Exceptions may be made where the loss of the amenity value, which led to the designation of the site as Greenpeace, is adequately compensated for.”

This exception policy requires development to provide a convincing reason to support development on the site and adequate compensation for the resulting loss of Greenspace based on the reason for its designation.

In this case, the Borough’s overriding need for housing provides the underlying explanation for the support of a proposal to develop on Greenspace. In terms of the level of compensation, the value of the Greenspace is considered to have three main elements; ecological value; visual amenity; and visual linkage to existing adopted right of ways. It should be noted that this is a private piece of Greenspace which, although disputed by some local residents, currently has no right of way across it.

Firstly, the ecological value of the land is dealt with within the main body of the report under the heading ‘Ecology’ and the explanation of compensation is contained therein. Secondly, the visual quality of the land as a result of its openness and views to the north. It is considered that in the indicative design of the proposal and in the low density of approximately 27 dwellings per hectare, the site maintains open aspects and features, particularly adjacent to the Brook and to the north of the application site. As part of the ecological



appraisal of the proposal, the resulting design will need to achieve significant buffer areas, which in turn should achieve a degree of openness within the scheme, sufficient to account for the loss of part of that quality of its Greenspace designation. Finally, although the application site does not at present offer any linkages across the site from Derby Road, the scheme will provide a strong, safe and direct pedestrian route from Derby Road to the footbridge which leads to the existing footpath running to the rear of Finsbury Park. In addition, this results in a considerable improvement in pedestrian linkages from Derby Road and the surrounding area to the existing Local Wildlife Site located to the north and which is to remain. Furthermore, the proposal will provide a significant landscaping scheme and play space which will serve to enhance the use of the resulting open features of the site. It is on this basis that the proposal is considered to meet the requirements of Policy GE6 in the levels of compensation in terms of; ecology (explained elsewhere in the report); on-site areas of landscaping; play space; and pedestrian linkages.

The applicant has agreed the payment of a financial contribution in lieu of the loss of Greenspace with amenity value to address the requirements of Policy GE6.

CS20 – Natural and Historic Environment acknowledges that natural assets will contribute to the Borough’s sense of place and local distinctiveness and contains a “hierarchical approach” in relation to the protection, nature conservation and enhancement of biodiversity and geodiversity which includes:-

- 1 Sites of international importance including the Mersey Estuary Special Protection Area (SPA) and ‘Ramsar’ site;
- 2 Sites of national importance including Sites of Special Scientific Interest (SSSI) namely; The Mersey Estuary, Flood Brook Clough and Red Brow Cutting; and
- 3 Sites of local importance including Local Nature Reserves (LNR’s), Local Geological Sites, Local Wildlife Sites, Ancient Woodland and habitats and species identified in Halton’s Biodiversity Action Plan (BAP).

The policy encourages opportunities to enhance the value of Halton’s natural assets including restoring or adding to natural habitats and other landscape features and the creation of habitats where appropriate.

The policy also indicates that replacement or compensatory measures will be employed, where appropriate, to ensure that there is no net loss of natural assets as a result of development.

It concludes that whilst Local Wildlife Sites benefit from protective policies, it is not necessarily the case that all development will be refused and that this would need to be assessed based on the ecological value of the site and the weight given to other material considerations. As such, the principle of the

development of this site can be acceptable, on the basis of the weight to be attached to the material considerations of the proposal.

The main issues to consider arising from the proposal are: - Highway safety; Residential Amenity; Ecology; Flood Risk and Drainage. These issues are explored below.

## 6.2 Highway Safety

The proposal was accompanied by a Transport Assessment that principally examined the suitability of the access into the site from Derby Road. It is considered that the access as shown on the Indicative Layout Plan and Parameters Plan is acceptable and meets the appropriate highway safety standards although the position of the bus stop and existing lamp post on Derby Road would need to be altered at the expense of the applicant and details of this would be required.

An Indicative Layout Plan has also been submitted and provides a satisfactory statement of how the access, road, footways and parking provision can be provided on the site. The Indicative Layout Plan has shown that all of the roads are designed to adoptable standards with the spine road 5.5m wide with two footways of 1.8m width either side. The secondary roads are 4.8m wide with 1.8m wide footways alongside the houses. The narrowed pinch-point on the spine road has been omitted and one on-street car parking bay is now provided on the spine road. Very minor incursion into plots and green spaces has been required to accommodate these wider roads / footways from the original, but this does not impact materially on other requirements of the proposal in terms of drainage.

A minimum car parking requirement of 200% is required and is the subject of a planning condition. Garage sizes need to be a minimum of 6m X 3m and their future use restricted to uses ancillary to the enjoyment of the dwelling. Both these requirements are the subject of a recommended planning condition.

A future reserved matters application will be required to meet the Council's standards for highway safety and conditions are recommended to ensure the submission of a detailed highway layout for further approval. This current outline proposal satisfactorily shows that the site has sufficient scope to achieve the required highway safety standards and, therefore, on this basis the proposal is acceptable and complies with TP7, TP12, TP14 and TP17 of the Halton Unitary Development Plan, the Core Strategy and NPPF.

## 6.3 Residential Amenity

The application is in outline and detailed matters of layout and scale are reserved for future consideration. The applicant has been required to show on an indicative layout plan that a development of up to 32 dwellings has the potential to fit onto the site without detriment to existing occupiers of surrounding houses. The plan shows that the nearest existing houses that

would be affected by the proposal are those of No's 14 to 32 (evens) Claremont Avenue, which have rear boundaries adjoining the site. The indicative layout plan shows that some of the plots and garages which back onto the rear gardens of Claremont Avenue have insufficient interface distances. However, members should note that this is in indicative form and it shows that there is potential to either reduce numbers of dwellings on the site or re-arrange the proposed indicative layout to accommodate appropriate separation distances. To this end, a condition is recommended to ensure that the future reserved matters layout drawing will respect the Council's standards and guidance for interface distances between existing residential properties' habitable room windows and the proposed dwellings, whether they are two or three storey.

A future reserved matters application will be required to meet the standards set out in the Council's New Residential Development Supplementary Planning Document and conditions are recommended to ensure this is achieved. This current outline proposal, therefore, satisfactorily shows that the site has sufficient scope to achieve the required privacy standards and interface distances contained within the Council's guidance and therefore complies with Policies BE1 and BE2 of the Halton Unitary Development Plan, Core Strategy and NPPF.

#### 6.4 Ecology

The application was accompanied by an Ecological Appraisal (Tyler Grange June 2012). The Council's ecological consultants Cheshire Wildlife Trust has reviewed the submission and provided recommendations in relation to the principle of the development on this part of the Local Wildlife Site.

The Local Wildlife Site was most recently surveyed in June/July 2013. It was found that the area of semi-improved grassland, which is the subject of a planning application, acts as a buffering habitat to the main body of the site and consequently fulfils an important function in helping to maintain the integrity of the Local Wildlife Site. It is agreed that the conclusions and recommendations made in the submitted Ecological Appraisal are appropriate and that the site area consists of species-poor, semi-improved grassland and scrub, and is considered to have limited ecological value.

The proposal has been assessed against the NPPF paragraph 118 which advises that when determining planning applications, there should be an "aim to conserve and enhance biodiversity" and lists the principles to be applied in doing this, the most relevant to this Local Wildlife Site is:-

"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused."

In this case, the Council's consultants have surveyed the site to assess its current ecological value and assessed its linkage to the remainder of the

Local Wildlife Site to the north. The ecological value of the land is important more for its relationship with the remaining Local Wildlife site rather than for anything it is contributing within it. As the site is surrounded by housing, this has resulted in the Local Wildlife Site becoming isolated from the wider countryside and other areas of wildlife value. It was noted that some areas have been used for rubbish dumping and other areas were suffering from the invasion of garden species from adjacent properties. It is concluded that mitigation could be provided on the basis of the loss of 1.2ha of semi-natural grassland of medium distinctiveness and moderate quality at total estimated cost of £46,602, based on the formula 'Costing Potential Actions to Offset the Impact of Development on Biodiversity' Defra March 2011 and 'Biodiversity Offsetting Pilots-Technical Paper: the metric for biodiversity offsetting pilot in England' Defra March 2012.

In making a decision, members need to undertake a balancing exercise in the approach to biodiversity. The NPPF guides that the planning system 'should contribute to and enhance the natural and local environment' and to do this by protection, recognising the wider benefits of the ecosystem and minimising impacts on biodiversity and providing net gains where possible. A prevention of an overall decline in biodiversity is advised, including 'establishing coherent ecological networks that are more resilient to current and future pressures'.

In terms of that land's ecological status in the designation hierarchy, it is one which is offered the least protection. The surveys and comments provided by the Cheshire Wildlife Trust have established that mitigation could be provided adequately through a section 106 payment in order to provide an appropriate level of mitigation elsewhere within the Borough and through on site buffering of the site from the Brook and remainder of the Local Wildlife Site to the north. It is considered that in this way the proposal can meet the policy requirements in GE19 and CS20 of the Halton local plan and those outlined in the NPPF.

## 6.5 Flood Risk and Drainage

The application was accompanied by a Flood Risk assessment and Surface Water Management Plan, both the Environment Agency and the Council's highways engineers have commented on the proposal and submitted information.

The Environment Agency has raised no objection subject to the attachment of six conditions relating to; finished floor levels to be set at 36.66AOD; the submission and approval of a scheme to limit surface water run-off generated by the development; the submission and approval of a scheme to manage the risk of flooding from overland flow of surface water; the submission and approval of a scheme for the provision and management of an 8m wide buffer zone alongside Bowers Brook watercourse and floodplain; the submission and approval of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas; the submission and approval of a method statement for the removal/management/control of Japanese Knotweed.

No further comments have been received at the time of writing the report in response to the re-consultation on the latest amended plans, but any comments received will be reported to members.

The Council's highway engineers have commented that, the information submitted demonstrates that the site can be satisfactorily drained, subject to confirmation of final details of a drainage proposal and on the basis of the submitted Surface Water Management Plan:

- confirmation of the dimensions and volumetric calculations of storage ponds;
- submission of Manhole schedule referred to in 2.1 of the site SWMP;
- details of the location and arrangement of hydrobrake control orifices and non-return valves.

Conditions are required for full details of the methods of on-site drainage and levels to enable a full assessment at reserved matters stage in the planning process.

Outstanding concerns have been expressed to the applicant on the basis of the indicative drainage layout in relation to:-

- The effectiveness of petrol interceptors
- Number and location of treatment stages
- Unable to adopt parts of the drainage and run off system as shown on indicative drawing
- Unable to adopt open space landscaped areas due to the shown locations and treatment of play area and ponds
- Type and profile of ponds

Conditions are recommended for the submission of a full drainage proposal for approval prior to development beginning, in addition to those conditions recommended by the Environment Agency. It is accepted that the site will have the capability to be drained appropriately but that further details of this are required to satisfy the outstanding concerns of the Council and Environment Agency. As such the proposal in outline form complies with Policies BE1, PR5, PR16, CS2, CS7 and CS19 of the Halton local plan and the NPPF.

## 6.6 Ground Contamination

The application was accompanied by a Phase 1 and 2 ground investigation survey. Gas monitoring has been undertaken on seven occasions over a 3 month period. This is in accordance with the recommendations of CIRIA C665 for a high sensitivity development and a very low source potential. Negligible methane and carbon dioxide concentrations have been encountered. However, very high negative flow rates have been observed, in excess of 30 litres/ hour on some occasions, which is as high as the instrument is capable of measuring.

Based on previous experience at an adjacent development immediately west of the site it would appear that an effect known as barometric pumping is occurring. This occurs under certain geological conditions, typically where a confining layer of low permeability Glacial Till overlies porous Triassic Sandstone. Changes in the atmospheric pressure induce changes in the ground pressure, however, the pressure in the ground changes at a different rate to the pressure in the atmosphere. This results in a pressure differential and either a positive or a negative flow of air depending upon the pressure trend. The more the rise or fall in atmospheric pressure the higher the flow rate.

The monitoring has only been undertaken during periods of steady or rising atmospheric pressure therefore only negative flow rates have been observed and negligible gas concentrations. If monitoring were to be undertaken during periods of falling pressure the likelihood is that very high positive flow rates would be recorded. This effect was observed at the adjacent previous development in addition to grossly elevated methane under positive flow conditions. The presence of methane was thought to be associated with migration from the underlying coal measures through the Triassic sandstone.

The Coal Authority was consulted due to the very high methane levels and they advised, on the basis of the available information, that the gas was unlikely to be associated with abandoned mines. It was therefore concluded that the presence of the methane was most likely associated with natural desorption from the coal measures. The precise means by which methane was managing to migrate through the considerable thickness of saturated sandstone that overlies the coal measures is unclear although it was speculated that the major fault to the east could be a contributory factor.

Some additional investigation and monitoring is considered necessary in order to assess the ground gas levels during worst case conditions i.e. falling atmospheric pressure. It may be that the presence of ~5m of Glacial Till above the sandstone is providing a natural barrier to emission at the surface but this will need to be assessed. Depending upon the findings of the further monitoring there may be a need to further develop the CSM to take account of any proposed construction methods that may compromise the clay thickness. For example, excavation of strip footings, over deepening of foundations in the north east of the site where alluvial gravels have been encountered, regrading of the Glacial Till to alter the site levels etc. A good understanding of the clay thickness across the site and the extent of the footings excavations will therefore be required.

Given the timescales involved in undertaking this further exploratory work, should members be minded to approve the application, it is requested that delegated authority be given to the Operational Director – Planning, Policy and Transportation, to decide the application subject to further ground investigation details to be submitted and approved with any associated conditions, prior to the issue of the decision.

## 6.7 Other Material Matters

Affordable Housing:- the application is accompanied by a Viability Assessment in relation to policy CS5 of the Core Strategy and the provision of affordable dwellings. It is clear from the physical constraints and policy considerations of the site that it would become unviable for development if an affordable housing requirement was enforced. The S.106 recommended is for the provision of several financial contributions required in order to comply with Plan policy for; a biodiversity off-set payment; payment in lieu of on-site public open space; payment in lieu of the loss of an area of Greenspace.

## 7. CONCLUSIONS

In conclusion, this proposal is in outline only with all matters reserved for future determination, aside from the location of the main access into the site from Derby Road. As such, the decision should be based on whether or not the principle of the development is acceptable on the site and all matters of detail are to be dealt with further along the planning process at the reserved matters stage. Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is consistent with the aims of the policies relative to this site, subject to the terms of a S.106 Agreement for a biodiversity off-set payment; open space and amenity space payments and specific conditions relating to drainage, landscaping and residential amenity.

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 further ground investigations to be undertaken to the satisfaction of the Local Authority.

## 8. RECOMMENDATIONS

To delegate authority to determine the application Operational Director – Planning, Policy and Transportation in consultation with the chair or vice chair, to enable further ground investigations to be undertaken to the satisfaction of the Local Authority. If a satisfactory report is received then the decision would be to approve subject to a S.106 Agreement for: a financial biodiversity off-set payment in lieu of site mitigation for the loss of part of a Local Wildlife Site; off-site public open space; loss of an area of Greenspace; and a contribution towards a drainage scheme should future reserved matters drainage details be adopted; and the following conditions and any additional conditions required in relation to ground conditions.

Approve subject to the following conditions:-

1. Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1)

2. Amended Plans ( 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)
5. Prior to commencement submission of cross sections/calculations in association with achieving the access to the site from Derby Rd (BE1)
6. Prior to commencement submission of materials (BE1 and CS11)
7. Prior to commencement submission of hard and soft landscaping (BE1)
8. Prior to commencement submission of construction management plan (TP17)
9. Prior to commencement submission of a construction 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)
13. Prior to commencement details of bin store and service areas (BE1 and BE2)
14. Prior to commencement details of secured cycle storage (TP6)
15. Prior to commencement details of boundary treatment (BE22)
16. The reserved matters application shall include a layout drawing showing how proposed dwellings/plots respect the Councils adopted interface standards and guidance of 21m between habitable room windows and 13m between habitable room windows and blank elevations. Where a dwelling is positioned at an oblique angle to an existing dwelling, the interface distance will need to be met. (BE1)
17. The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that finished floor levels of all proposed residential dwellings are to be set at a minimum of 36.66m AOD, has been submitted to and approved in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)
18. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)
19. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)
20. No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Bowers



Brook watercourse and floodplain shall be submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. (BE1, PR16, CS2, CS19, CS23)

21. 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:

- protective provisions for the Bowers Brook watercourse / pond / wetland
- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- 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)

22. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include

measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement. (BE1)

23. The future reserved matters proposal shall incorporate a provision for on-site play space. (BE1)
24. The future reserved matters proposal shall result in development of no greater than 28 dwellings per hectare. (BE1)
25. The future reserved matters proposal shall incorporate a buffer area of at least 15m (from the edge of the woodland and the Brook) to be retained and incorporated within a new boundary of the Local Wildlife Site. This may include areas where ponds could be located providing that a 6m undisturbed margin is left by the edge of the Brook and woodland. (BE1, GE19, CS20)
26. No development shall begin until details of a wildlife mitigation scheme, resulting in a site with significant wildlife value, has been submitted to and approved. (BE1, GE19, CS20)
27. No development shall begin until details of a long-term management plan for the future management and maintenance of the Brook and any ponds or features for the benefit of wildlife, has been submitted to and approved. (BE1, GE19, CS20)

## **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.