

REPORT TO: Development Control Committee

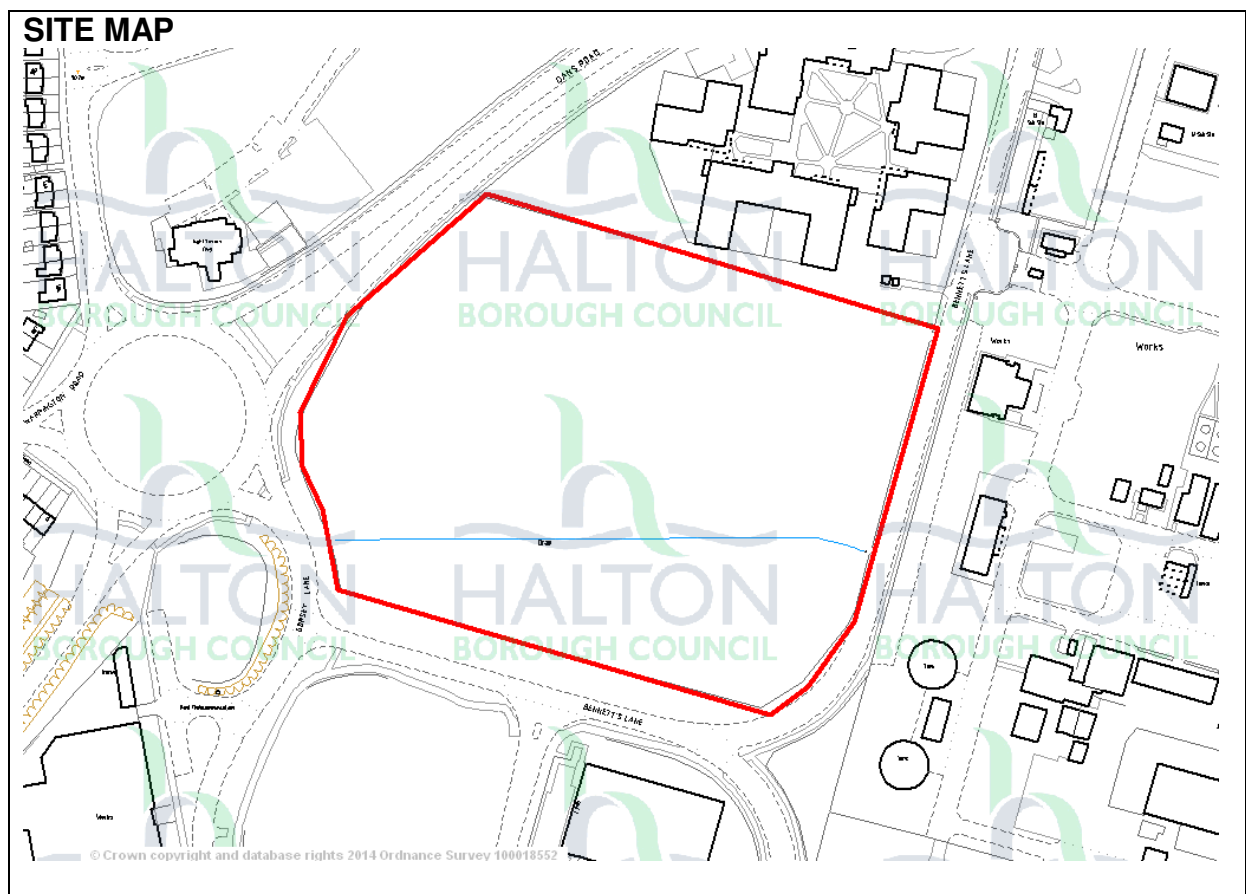
DATE: 6 October 2014

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.