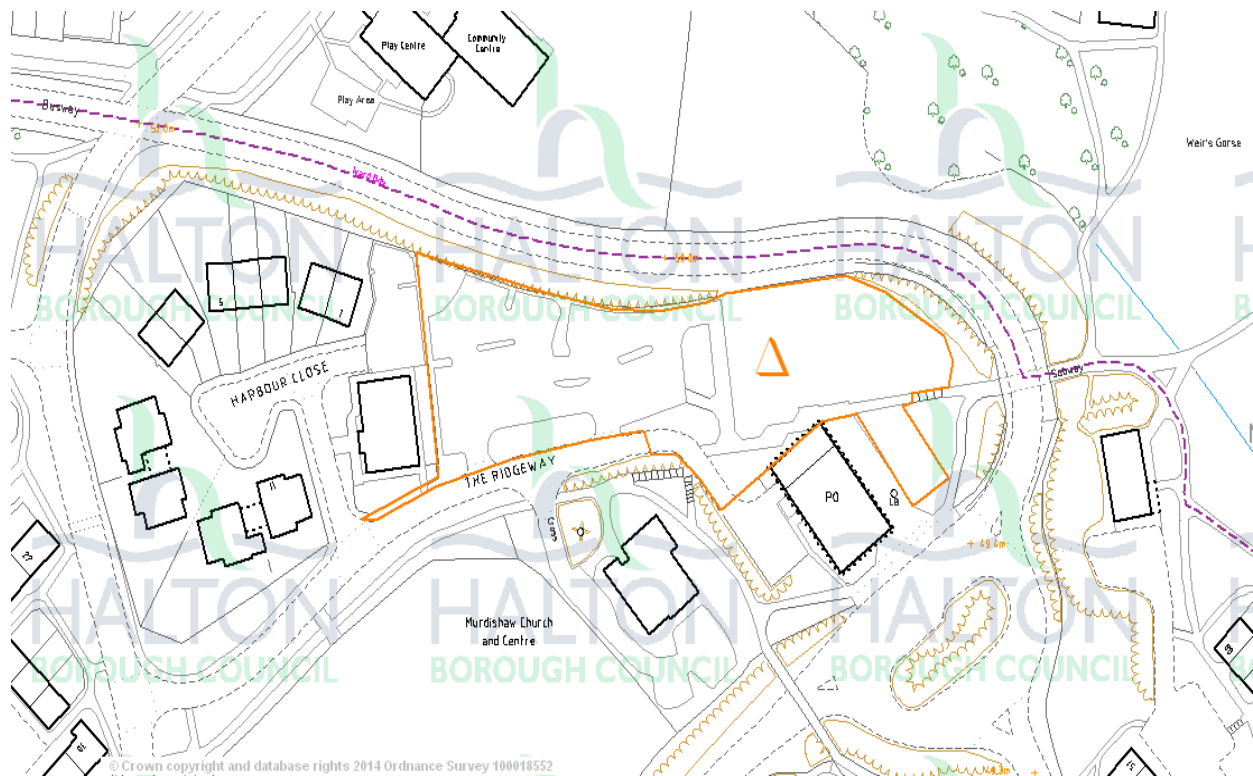


APPLICATION NO:	14/00563/FUL
LOCATION:	Site of The Former Jolly Brewer, The Ridgeway, Murdishaw, Runcorn, Cheshire.
PROPOSAL:	Proposed construction of 18 units comprising 10 no. two bedroom flats and 8 no. two bedroom houses with associated infrastructure and landscaping
WARD:	Norton South
PARISH:	None
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Liverpool Housing Trust
DEVELOPMENT PLAN ALLOCATION:	A Network of Centres – CS5
National Planning Policy Framework (2012)	Neighbourhood Centre – TC9
Halton Unitary Development Plan (2005)	
Halton Core Strategy (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	No representations received from the publicity given to the application.
KEY ISSUES:	Principle of Residential Development in Existing Neighbourhood Centre, Regeneration Impact, Design, Amenity, Affordable Housing, Open Space, Highways Transportation, Highways Drainage, Ground Contamination, Trees.
RECOMMENDATION:	Approve subject to conditions
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application is bounded by The Ridgeway to the south, the Busway to the north and east and Harbour Close to the west. The site is within the wider residential area of Murdishaw and is .3567 ha in area.

The majority of the site is part of a Neighbourhood Centre and previously was the site of the Jolly Brewer public house and public house car park. The public house is now demolished and the car park overgrown in part and unkempt. A small part of the site, currently landscaping has a Primarily Residential designation.

The site is accessed from the main highway through Murdishaw, Barnfield Avenue, by a footway running to the west. It connects to the Health Centre, Primary Schools and Pharmacy on Gorsewood Lane via the existing subway to the east and to the Busway to the south. There is an existing convenience store on the site to the south, currently operated by the Co-Operative and a smaller retail unit.

2. THE APPLICATION

2.1 The Proposal

The application seeks full approval for the erection of 18 residential units; 10 no. 2-bedroom flats and 8 no. 2-bedroom houses with associated landscaping and car parking. Further car parking spaces will be provided fronting the

existing retail unit on land in the Council's control, but outside of the applicant's ownership.

2.2 Documentation

The planning application is supported the following documents/plans:

- Phase 1 Habitat Survey.
- Tree Survey
- Residential Acoustic Report
- Design And Access Statement
- Phase 1 Ground Investigation Report
- Consultation Statement – included in the Design and Access Report

2.3 History

The site was formerly the site of the Jolly Brewer public house. The Public House was closed in September 2009 following a lack of market demand for a public house or other suitable retail use. The vacant building became a magnet for anti-social behaviour and suffered a number break-ins and arson attacks. Following advice from Cheshire Constabulary and Cheshire Fire Service, Halton Borough Council took possession of the site and the building was demolished in 2010. The site has some trees and vegetation on it but it generally poor maintained. The area does provide car parking for the retail units which remain in the Neighbourhood Centre.

The only planning history related to the site is that of two applications for advertising on the former public house, approved in 1982 and 1986.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

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

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

3.2 Halton Unitary Development Plan (UDP) (2005)

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

- BE1 General Requirements for Development;

- BE2 Quality of Design;
- BE22 Boundary Treatment;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- PR8 Noise Sensitive Developments;
- PR14 Contaminated Land;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP11 Road Schemes;
- TP12 Car Parking;
- TC9 Non-Retail Uses Within Neighbourhood Centres;
- H3 Provision of Recreational Greenspace;

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS5 A Network of Centres;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

4. CONSULTATIONS

4.1 Principle of Residential Development in Existing Neighbourhood Centre

The Council's Planning Policy Team have provided the following comments concerning the application, which closely mirror the views of the Regeneration Team (below).

Core Strategy Policy CS5 identifies Murdishaw Local Centre within a list of centres to be protected as a focus for local convenience and service retail and complementary services. The boundaries for these centres are as set out in the previous UDP policy TC9. The defined boundary for the Murdishaw Local Centre covers the shop units, the former public house and associated car park. As such, the application predominately lies within this designation.

The purpose of CS5 as with TC9 is to protect local shopping facilities. TC9 lists centres in differing groups with slightly differing policy approaches depending on the relative strength and importance of the centre. Murdishaw is within the first grouping with the strongest presumption in favour of retaining A1 retail uses. Whilst the application will see residential development on the site of the car park and former public house, the latter proved to be unviable and there is believed to be no realistic prospect of attracting additional retail facilities to this location at this time.

The application will not see a reduction in the number or quality of the remaining retail premises. In addition, it is considered that the improvements to the street scene, the additional natural surveillance from the new housing, and the provision of car parking to the front of the remaining retail units will all contribute to an overall improvement to the local environment, a decrease in opportunity for anti-social behaviour and boost the centre's attractiveness to customers. As such, the proposal accords with the policy aims of both CS5 and TC9.

It is important that the proposed car parking for the shops which are to remain, are laid out appropriately and available to users of the facility. This can be dealt with by planning condition.

4.2 Regeneration Impact

The Council's Regeneration Team have provided the following commentary:-

The application site is within the former Runcorn new town estate of Murdishaw. The neighbourhood has around 1600 homes of which about 60% are owned and managed by registered providers Liverpool Housing Trust and Riverside Housing. The majority of Murdishaw sits within the top 15% of communities for Indices of Multiple Deprivation.

Murdishaw is located on the south-eastern edge of Runcorn and is ideally placed to benefit from growth within wider East Runcorn. Although, to enable the neighbourhood to be in the best position to capture these benefits some targeted interventions and investment is required. One of the areas that would benefit from intervention is the existing local centre. This is evident in the comments provide by Cheshire Police within the Retail Impact Statement submitted by the applicant.

The proposed development area comprises vacant land formerly occupied by a demolished public house (closed in September 2009), an adjoining poor quality car park (which continues to serve the wider local centre) and an area of informal green space to the front of the two retail units.

The existing local centre has a number of constraints, notably the retail units are currently served by a poor quality detached car park with a poor quality link through to the shops. This is evidenced within the applicants Retail Impact Statement and discussed more generally in the context of former new town local centres within paragraph 8.13 of the Halton Core Strategy. I concur with the Retail Impact Assessment that the current configuration of the local centre is not attractive to capture passing vehicular traffic from Barnfield Avenue, to the detriment of its vitality and viability.

The proposed development seeks to rectify the poor car parking with the provision of a new dedicated car park to the front of the retail units. This is complemented with improvements to the street scene of The Ridgeway and connecting the centre to Barnfield Avenue. As such whilst the scheme will result in a quantitative reduction of area available for the local centre, its consolidated retail core will be more accessible and attractive to passing

vehicular traffic, as well as pedestrians. This approach will contribute to improving the vitality and viability of a retained local centre and from a regeneration perspective this approach is supported.

The Retail Impact Assessment also states that in addition to the proposed development, the local centre would benefit from a number of further improvements to its environment and setting, which will further contribute to improving its vitality and viability. The applicant acknowledges that these actions are largely outside the control of the developer and require a partnership approach to their delivery. The HBC Regeneration Team can confirm that subject to outcome of this application and securing necessary funding and partner support a programme of interventions will be implemented to dovetail with the proposed development.

This proposed development will directly bring a number of benefits to the existing local centre and has the potential to act as a catalyst for the wider improvements to the local centre environment and contribute to ensuring Murdishaw is best placed to capture benefits from growth within East Runcorn.

For the reasons stated above the application is supported by the Regeneration Team.

4.3 Public Open Space

The Council's Open Spaces Manager has raised no objections to the scheme.

4.4 Highways - Transportation

No objection to the proposed development is raised subject to the attachment of a number of conditions.

4.5 Highways – Drainage

No objection to the proposed development is raised by the Council's Highway Engineers subject to the attachment of the relevant drainage conditions.

United Utilities have suggested the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas offered the following advice and suggested the following conditions:-

United Utilities will have no objection to the proposal provided that the following conditions are attached to any approval:

Foul Water

Condition 1

Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

Surface Water

Condition 2

Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

4.6 Ground Contamination

No objection to the proposed development subject to the attachment of a full ground contamination condition.

4.7 Trees

The Council's Open Spaces Officer has offered the following comments in relation to existing trees and ecology.

Trees and Hedgerows

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

A number of trees (33) will be lost due to this proposal, but none of those proposed for removal would justify statutory protection and their loss can be mitigated for.

Most of the site boundary trees to the north will be retained so BS5837 Trees in relation to design, demolition and construction – Recommendations 2012 should be referred to during the demolition/construction stage.

The mitigation planting proposal of ten new native trees is acceptable as the site is very small and could not reasonably accommodate any more but we should request that replacement trees are of at least standard size.

Ecology

The site is ecologically poor therefore there is nothing of great concern for comment. The recommendation contained in the Ecological report to erect bird and bat boxes is acceptable.

4.8 Cheshire Police

The Council has formally consulted Cheshire Police and their updated comments will be reported to Members.

5. REPRESENTATIONS

5.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 22/10/2014, three site notices posted on 20/10/2014 and 36 neighbour notification letters sent on 16/10/2014.

5.2 At the time of writing this report the Council had received no comments in response to this consultation. Any comments received will be reported verbally to members at the Development Control Committee.

5.3 In addition the applicant has conducted a public consultation exercise separate to the planning process in order to obtain the views of local people. 16 local people attended and comments made can be viewed in the Design and Access Statement submitted with the application.

6. ASSESSMENT

6.1 Principle of Residential Development in Existing Neighbourhood Centre

The applicant has provided a detailed review of the impact of the proposal on the existing Neighbourhood Centre within their Design and Access Statement which Council Officers generally agree with.

Essentially it is agreed that whilst redeveloping part of the Neighbourhood Centre for residential development, the remaining retail units adjacent to the Busway will benefit considerably from a more active environment which will provide natural surveillance and car parking which is visible from the units it serves. In this way the health of the remaining Centre will improve and enable it to attract customers who are currently dissuaded because of the unwelcoming environment which characterises the location.

Members should give considerable weight to these positive impacts when making their decision on the basis of TC9 and CS5.

6.2 Regeneration Impact

In addition to the comments from the Council's own Regeneration Team as stated at 4.2, the applicant has, in their Design and Access Statement,

included the views of Cheshire Constabulary in relation to this area and it is worth Members noting their content:-

“The local community environment surrounding the shopping area consisting of one Co-operative store and a food takeaway (Chip shop) at the Ridgeway, Runcorn has over a number of years become neglected to the extent that it is now unsightly and oppressive to view, resulting in the local residents having a disproportionately high fear of crime.

The demolition of the public house that occupied the land adjacent to the shopping area has added to the uncared for look of the environment and resulted in the added vulnerability of the shopping area to become victim to crime and antisocial behaviour.

The Co-operative store has been victim to numerous robberies in recent years and has worked in partnership with specialist crime reduction officers from the force to implement measures to target harden the premises and offer the best protection from further offences. The Co-operative has introduced every measure recommended and taken all reasonable steps to prevent crime.

However, the store is still vulnerable because of the surrounding environment and the lack of natural surveillance. Anti-social behaviour is a concern for the area, as the poor lighting, overgrown shrubbery and the subway all provide cover for any individuals wishing to commit offences in confidence of remaining unseen.

The statutory agencies need to work in partnership to improve the local environment and reassure the local community that the crime and anti-social behaviour will be tackled using the full range of powers available.

The re-development of the environment is of the highest importance to the force, the creation of new social housing in the vacant land adjacent to the shopping area would provide the best crime reduction measure possible to the area, natural surveillance. The opportunity to develop the whole environment should be taken during this development, cutting back all the overgrown shrubbery, improving the street lighting, refurbishing the subway, improving external security to the rear of the shopping area, creating front facing car parking to the shopping area. All of these actions would open the whole area up, creating an open and accessible community that would provide natural surveillance from the access road into The Ridgeway all the way through to the subway.

Offenders do not want to be caught and will always select areas with plenty of natural cover and numerous escape routes, in its present form the area provides an abundance of both. A new development of the environment factoring in environmental crime reduction measures from planning to completed construction will ensure that the new development creates a community that is resistant to and unappealing to criminal activity.”

(Andy Williams, Stronger Communities
Manager, Cheshire Constabulary).

In considering in favour of this planning application, although contrary to the Neighbourhood Centre Policy in the literal sense, the Council nevertheless has the opportunity to address the majority of these concerns and the proposal to accelerate regeneration of this locality.

6.3 Design

The design of the residential units is similar to those of a modern genre in the older New Town part of Murdishaw and in the newer development in the area on Barnfield Avenue. In terms of appearance and indicative materials predominantly red brick fascia and grey tiled roof, the scheme will fit in well in this location.

The applicant has not provided details of the retaining wall near the proposed car park and those within the scheme and the applicant has been asked to provide this. The final elements of the materials and finish can be the subject of a planning condition.

This applies also to boundary treatment; landscaping and bin and cycle storage for the flats.

The proposed layout of the houses shows part of their car parking provision set to the rear of the building line to minimise the impact on street scene. The layout of the flats achieves the full use of the existing trees to the west of the site with the flats set back allowing for frontage parking that does not dominate the overall street view.

It is considered that on balance and subject to conditions, the site will achieve a good quality of design appropriate to the area and to oval improve visual appearance.

6.4 Amenity

The nearest affected residential properties are those of Harbour Close to the west of the site and in particular the large bungalow property housing three units. This property has habitable room windows facing towards the proposed development and is 8m away from the ground floor porch section incorporating the entrance to the upper property on plot 1. The bedroom window affected is set in from the side of the building by approximately 1.5m and the proposed porch does not completely front this window, in addition there is an intervening 1.8m fence and mature vegetation on the boundary which provides an existing view from the bedroom window. It is considered that although not achieving the Council's guidance 13m interface, that due to the intervening boundary treatment and the north easterly orientation of the outlook from the bedroom, that no significant harm would result.

However, as the layout appears to provide room to move plot 1 back towards the northern boundary, the applicant has been requested to do this and Members will be updated of their response once received.

Sufficient external recreational private space has been provided for both the flats, in the form of ground floor gardens and 1st floor balconies; and the houses in the form of rear and front gardens; to provide for the requirements of future occupiers which is appropriate for the character of the area and the size of residential units.

The application was supported by a Residential Acoustic Report given the proposal for residential properties adjacent to the Busway and retail units. The report recommended double glazing as a solution to disturbance from the Busway. The Council's Environmental Health Officer has been asked to comment on these findings and Members will be informed of those comments once received.

6.5 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes.

There is little information within the submitted documents pertaining to the mix of tenures proposed on this site. However the applicant is Liverpool Housing Trust, a registered provider of social housing and as such it is envisaged that the site will be managed by them as part of their rented portfolio. As such 100% of the scheme would be affordable achieving of the 25% of units within the affordable range sought by the policy. A condition which secures provision in accordance with the policy is considered reasonable.

This would ensure compliance with Policy CS 13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

6.6 Open Space

The requirements for the provision of recreational greenspace within new residential developments are set out in Policy H3 of the Halton Unitary Development Plan. In addition part of the proposal, where the car park is to be relocated, utilises a small area of incidental greenspace.

The Open Space Requirement Calculator has identified that there is a deficit within this area and that the monetary contribution would be currently circa £6,000. However the scheme, though not providing on site public open space is providing improvements to the car parking provision, bringing it closer to the shop unit and in doing so, making the existing open space more practical and incorporated into the Neighbourhood Centre use.

As part of the pre-application discussions relating to this site, the Council's Open Spaces Manager agreed that the use of the incidental greenspace in providing a wider scheme was in the interests of regeneration was appropriate as it would bring likely benefits to the area. The Council is seeking the highest quality of design and finish for the retaining structures and remaining landscaping in this area and across other areas of the site which will enhance

the visual appearance of the area and provide much needed environmental improvements.

In this regard the Council seeks the appropriation of the finance that would be given over as a public open space contribution to achieve the required environmental quality sought through this scheme. Whilst the criteria outlined in Policy H3 are not directly met, the provision of other environmental improvements in this location is considered to outweigh the need for the literal application of this policy.

Conditions will be attached for the provision of details of the car park retaining wall and a landscaping scheme to ensure the Council has control over the design and finish of these elements of the scheme.

6.7 Highways Transportation

Detailed highway comments will be reported to Members once received.

6.8 Highways Drainage

Detailed Council drainage comments will be reported to Members once received.

6.9 Ground Contamination

The application is accompanied by a Phase 1 Ground Investigation Report.

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

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

6.10 Other Considerations

Sustainable Development and Climate Change:-

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

One of these principles is Code for Sustainable Homes. The applicant is proposing that the affordable units on the site would meet Level 3. It would be desirable for all properties to be built to this standard; however this is something which is encouraged rather than a requirement. The proposal does not conflict with Policy CS19 of the Halton Core Strategy Local Plan.

Waste Prevention/Management:-

In terms of waste management, there is sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection. A condition will be added for the details of the

refuse store to serve the apartments to be submitted and agreed with the Council before development begins.

Flood Risk and Drainage

The application site is located in Flood Zone 1 and is at low risk from flooding, and did not require a Flood Risk Assessment. The Environment Agency standing advice will be attached to a decision in favour of the proposal, as will the requirement for the developer to submit a drainage scheme for the approval of the Council. This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

7. CONCLUSIONS

At the request of Halton Borough Council, at the pre-application consultation stage, the applicant was encouraged to look beyond its red line boundary at other improvements that could be made to the Centre and the locality. It was acknowledged that these actions were either outside the control of the applicant or that their delivery would threaten the viability of the proposed development.

Halton Borough Council has acknowledged that a partnership approach will be required to deliver further actions, and funding would need to be secured. The applicant is willing to work actively with other local stakeholders to help realise the delivery of any other actions with the objective of improving the locality.

Members are requested to approve this current application which is seen as a not only catalyst for the wider environmental improvements in the area but which, in isolation provides an attractive residential scheme which directly improves the environs of the retail units that remain and supports a stronger, more viable Neighbourhood Centre.

The application is recommended for approval subject to conditions.

8. RECOMMENDATIONS

Grant planning permission subject to conditions.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved and amended plans.
3. No development to begin until the detailed design of all retaining walls, including design and structural calculations, to be used to support the proposed car parking area and other locations adjacent to the public highway, have been approved (BE1, TC9,TP12, CS5)

4. No development to begin until the car park has been provided, in accordance with the layout drawing and details approved, to the satisfaction of the Local Planning Authority (BE1, TC9, TP12, CS5)
5. Site Levels (Policy BE1)
6. Materials to be agreed before development begins (Policies BE1 and BE2)
7. Landscaping scheme to be approved before development begins (Policy BE1)
8. Implementation of Tree protection scheme before development begins (BE1)
9. Submission of all boundary details before development begins (Policy BE22)
10. Submission of bin store details before development begins (BE2)
11. Submission of cycle store details before development begins (TP7)
12. Breeding Birds Protection – (Policy GE21)
13. Provision of all hard standing areas to be of porous material (PR16)
14. Hours of construction and material deliveries – (Policy BE1)
15. Submission of and implementation of Construction Management Plan (Highways) – (Policy BE1)
16. Provision of Affordable Housing throughout development lifetime – (Policy CS13)
17. Ground Contamination - (Policy PR14)
18. Off Site Highway Works – (Policy BE1)
19. Provision & Retention of Parking for Residential Development (Policy BE1)
20. Drainage conditions x 2 – (Policy PR16)
21. Biodiversity Enhancements – (Policy GE21)
22. Removal of permitted development Classes A and E (Policy BE2)
23. All future hard surfaces provided to be of porous material (PR16)

Informatives:-

1. Coal Authority Standing Advice
2. Environment Agency Standing Advice

10. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.