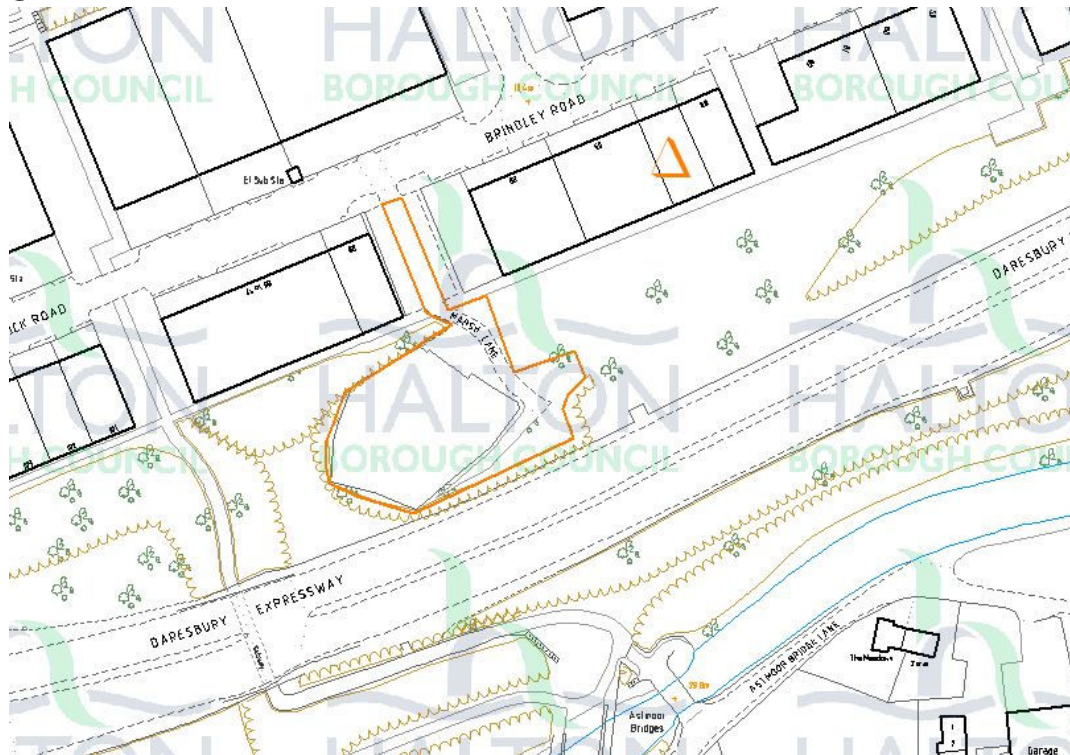


|                                     |   |
|-------------------------------------|---|
| <b>APPLICATION NO:</b>              | 15/00115/COU  |
| <b>LOCATION:</b>                    | Former Ivy House, Marsh Lane off Brindley Road, Runcorn, Cheshire.  |
| <b>PROPOSAL:</b>                    | Proposed change of use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks.  |
| <b>WARD:</b>                        | Halton Castle   |
| <b>PARISH:</b>                      | None  |
| <b>CASE OFFICER:</b>                | Tim Gibbs   |
| <b>AGENT(S) / APPLICANT(S):</b>     | Mr P Brown<br>Philip Brown Associates<br>74 Park Rd<br>Rugby<br>Warwickshire<br>CV21 2QX  |
| <b>DEVELOPMENT PLAN ALLOCATION:</b> | Primarily Employment Area.<br><br>National Planning Policy Framework (2012)<br>Planning Policy for Traveller Sites (2012)<br>Halton Unitary Development Plan (2005)<br>Halton Core Strategy Local Plan (2013) |
| <b>DEPARTURE REPRESENTATIONS:</b>   | Yes   |
| <b>KEY ISSUES:</b>                  | Four representations received.<br><ul style="list-style-type: none"> <li>• Employment area location.</li> <li>• Suitability of use.</li> </ul>  |
| <b>RECOMMENDATION:</b>              | Refuse Planning Permission  |

**SITE MAP**



## **1. APPLICATION SITE**

1.1 The application site (the "Site") is 0.24ha in area and is the location of the former Ivy House which was a Grade II listed building which was granted consent to be demolished by in 2008.

1.2 The site is located on Marsh Lane which is accessed via an adjacent car park from Brindley Road through the Astmoor Industrial Estate.

1.3 The site is designated as being within a Primarily Employment Area in the Halton Unitary Development Plan.

1.4 Located to the south of the site is the Daresbury Expressway which is located at a higher level. The Astmoor Industrial Estate to the north is at a lower level.

1.5 There are trees located around the edge of the site which provide some screening from the western, eastern and southern boundaries.

### **1.6 Relevant Planning History**

2003 - 03/00302/FUL – Planning Application - Proposed erection of single storey light industrial unit – Refused.

2003 – 03/00303/LBC – Application for Listed Building Consent for restoration of existing building to provide offices and erection of single storey light industrial building – Refused.

2003 - 03/00841/FUL - Proposed erection of a single storey light industrial unit to provide vehicle workshop and storage facility – Granted.

2003 - 03/00842/LBC - Proposed restoration of Ivy House to provide office and ancillary accommodation – Granted.

2008 - 08/00403/LBC - Application for Listed Building Consent for demolition – Granted.

2008 - 08/00586/FUL - Proposed waste transfer unit – Granted.

## **2. THE APPLICATION**

2.1 The application proposes a change of use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks.

### **2.2 Documentation**

The proposal before members consists of the following documentation.

- Application Form

- Covering letter which takes the format of a Design & Access Statement
- Location Plan
- Site Layout Plan
- Utility Building Floor Plan and Elevations
- Phase I Desk Top Study

### **3. POLICY CONTEXT**

#### **3.1.1 Halton Unitary Development Plan (UDP) (2005)**

- Policy BE1 of the UDP 'General Requirements for Development'
- Policy E3 of the UDP 'Primarily Employment Areas'
- Policy PR14 of the UDP 'Contaminated Land'
- Policy PR16 of the UDP 'Development and Flood Risk'

#### **3.1.2 Halton Core Strategy Local Plan (2013)**

- Policy CS14 'Meeting the Needs of Gypsies, Travellers and Travelling Showpeople'.
- Policy CS16 'The Mersey Gateway Project'

#### **3.1.3 National Planning Policy Framework (NPPF)**

3.1.4 Introduced in 2012, the NPPF set out the Government's planning policies for England.

3.1.5 Paragraph 196 of the NPPF states that the planning system is plan led. As set out in the planning Acts, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. 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.

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

#### **3.1.7 Planning Policy for Traveller Sites (PPTS)**

3.1.8 Published at the same time as the NPPF in 2012, the Planning Policy for Traveller Sites (PPTS) 'sets out the Government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework'.

3.1.9 Paragraph 3 of PPTS states the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

3.1.10 Paragraphs 20 to 26 set out the guidance for determining a planning application for a Gypsy or Traveller site. PPTS also advises at paragraph 9 that authorities should identify a five year supply of deliverable sites.

3.1.11 Together the NPPF and the PPTS set out the national policy framework relevant to this application.

## **4. CONSULTATIONS**

### **4.1 Local Highway Authority**

Observations are currently awaited.

### **4.2 Highways Drainage**

It is noted there is to be a proposed hardstanding that is raised above the surrounding area and this will be drained by soakaway. The design suggests that water will be allowed to shed off the hardstanding and flow onto the surrounding lower land and soak into the ground. This could lead to flooding of adjacent properties if the ground is unsuitable.

The current drainage proposals are not adequate and are lacking in detail.

### **4.3 Contaminated Land**

The following report has been submitted in support of the application:

- Phase 1 Desk Study at Land at Ivy House, Marsh Lane, Runcorn, Cheshire.

The following comments have been received from the officer responsible:

*"Having reviewed the report it identifies a series of potential pollutant linkages associated with the historical site use and the proposed development. The former Ivy House historically formed part of Astmoor Farm. In addition, Astmoor Tannery was present immediately south of the site. I would make the following specific comments on the Phase 1 study;*

- *The discussion of the proposed development does not provide sufficient detail, simply referring to the fact that the development comprises a residential mobile home site with associated infrastructure. There should be a more detailed discussion of the proposed development, ideally with reference to the proposed development plans. The submitted plans indicate the presence of amenity buildings across the site and the presence of hardstanding across the surface. These are important features that will influence the conceptual site model (CSM) and need to be discussed and understood within the phase 1 report.*
- *The historical review is very cursory and doesn't discuss the layout and location of the various historical structures and features present across*

*the site in any detail. I feel this should be expanded upon prior to the phase 2 investigation proposals being finalised as this may influence the design of the investigation.*

- *The description of the site walkover is again very cursory and does not provide a sufficient level of detail. In addition there are no site photographs included in the report which should form a key aspect of any phase 1 study (refer to section 6.2.2 of BS10175:2011). The discussion of the site walkover should be expanded upon with relevant photographs included in the report.*
- *The CSM section of the report is strangely structured. The potential contaminant sources are discussed separately (table 4 sources of contamination) but the potential pathways and receptors are not. The pathways and receptors are discussed, along with the potential sources, within a preliminary conceptual site model (table 5). The CSM refers to 'human workers' and 'construction workers' but not future occupants of the site. A number of pathways are discussed that, based upon the submitted plans, are unlikely to be present e.g. ingestion of vegetables.*
- *Table 4 refers to the potential for asbestos within the existing structure however the site walkover refers to a previously demolished structure.*
- *Section 4 of the report includes proposals for phase 2 investigation. I feel there is a need for the deficiencies in the phase 1 study to be addressed in the first instance prior to the phase 2 investigation proposals being finalised. I would then welcome the opportunity to discuss and comment further upon the proposals for phase 2 investigation. However one initial comment I would make is that the proposals for gas monitoring seem insufficient. CIRIA 665 recommends that a minimum of three gas monitoring points be installed, even on small sites. Only two gas monitoring points have been proposed. The proposed frequency and duration of monitoring may also need to be extended based upon the site history and subject to the identified ground conditions.*
- *In section 4.2 it is stated that a sampling strategy has been developed based on 'areas that would present most risk to potential end users i.e. private garden areas'. However the submitted plans do not appear to include any private garden areas. This needs to be clarified (with reference to the first point re. discussion of the development proposals) and the report amended accordingly.*

*Based on the site already being occupied and a degree of material was imported to the site to create the development platform. The phase 2 investigation will therefore need to establish the provenance and suitability of imported materials.*

*Given that the site is already occupied I feel the phase 2 investigation will need to be completed prior to the application being determined.*

*There is also a need to consider the extent to which the site being occupied would constrain and limit the phase 2 investigation. There may also be additional health and safety aspects to consider. Should any remediation be*

*required then there is again a need to consider how this would be implemented if the site is occupied.”*

## **5. REPRESENTATIONS**

5.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 04/03/2015, site notice posted on Brindley Road on 10/03/2015 and 16 neighbour notification letters sent on 26/02/2015.

5.2 Four objections and a petition of 38 signature petition has been received from the publicity given to the application. The issues raised are summarised below:

- There is no pressing need for a facility of this nature.
- There are other sites in the area which can be used.
- The area including this site is allocated as a primarily employment area.
- The proposal compromises the site being developed for industrial purposes.
- The site is clearly visible from the Daresbury Expressway and the new Mersey Gateway Bridge and does not portray the area in a positive light.
- The proposal will create antisocial behaviour issues particularly after normal working hours.
- Security issues are a major consideration and this proposal will force the landlord to employ security to police the area which would be an additional cost for tenants.
- The proposal would undermine efforts to generate further employment and retain existing occupiers.
- The residential use is not sympathetic to existing industrial land uses.
- There is poor access to existing services and facilities especially for pedestrians.
- The site's location in close proximity to the Daresbury Expressway is detrimental to residential amenity.

## **6. ASSESSMENT**

### **6.1.1 Primarily Employment Area Location**

6.1.2 The site is located in a Primarily Employment Area as allocated by the UDP proposals map. Policy E3 states that 'Development falling within Use Classes B1 (Business), B2 (General Industry), B8 (Storage and Distribution) and Sui Generis industrial uses will be permitted in the Primarily Employment Areas identified on the Proposal Map.

6.1.3 The planning history reveals that the site has benefitted from permission for both a light industrial unit and, more recently, a waste transfer station which are uses which are considered acceptable in terms of Policy E3. In terms of the Site's location, it is embedded within the Astmoor Industrial Estate and access is only gained by travelling right through the Astmoor

Industrial Estate. The Site is therefore only suited to those uses set out in Policy E3.

- 6.1.4 The justification for the policy acknowledges that industry has the potential to cause an unacceptable loss of amenity to surrounding land uses, and therefore such uses are unlikely to be acceptable within or adjacent to residential areas. On this basis, given its relationship to the industrial uses on the Astmoor Industrial Estate, the Site is not considered suitable for residential purposes due to the impact that the established industrial land uses will have on this residential proposal.
- 6.1.5 The granting of this application would result in the loss of an employment site to a residential use, which is not considered to be sympathetic to surrounding land uses. This is considered to be contrary to the provisions of Policies BE1 and E3.
- 6.1.6 The Mersey Gateway Project and relationship to Daresbury Expressway
- 6.1.7 The representations received state that the proposal undermines the efforts being made by the Astmoor Business Improvement District to generate further employment and retain existing occupiers. The relationship of the proposal with the Daresbury Expressway and the new Mersey Gateway Bridge is not considered to portray the area in a positive light.
- 6.1.8 Policy CS16 states that 'Development proposals should seek to take advantage of the regeneration and development opportunities attributable to the Mersey Gateway Project, especially where this can assist in raising the quality of design in an area and in creation of gateway features'. The observations made in the representations are acknowledged and it is considered that this proposal fails to take advantage of its location in terms of raising the quality of the area adjacent to these key transport corridors contrary to the provisions of Policy CS16.
- 6.1.9 The proposal is not consistent with the Mersey Gateway Regeneration Strategy (2008) for Astmoor. This Strategy includes the following objectives for Astmoor:
- Build on the accessibility potential of the Mersey Gateway Bridge at Astmoor Industrial Estate by up-grading the office and industrial accommodation, taking into account resource efficiency to suit contemporary business demand and requirements encouraging new, high value companies into Runcorn and securing Astmoor's status as a leading employment site within Halton.
  - Transform the image and perception of Astmoor Industrial Estate from one of decline to a successful, flexible and resource efficient business, and enterprise, location, which fosters a vibrant and high quality environment, seeks to promote diversity and competitiveness in the Halton economy and maximises the benefits accruing from the Mersey Gateway project.

- Retain, and assist in the continued development of, locally accessible employment opportunities for existing communities in Halton. Establishing stronger north-south movement links and improved links to the Town Centre, which provide improved choice of sustainable transport modes is important.

## 6.2 Planning Policy For Traveller Sites (PPTS)

6.2.1 Paragraph 22 of PPFTS sets out five considerations for determining planning applications for Traveller sites:

- The existing level of local provision and need for sites
- The availability (or lack) of alternative accommodation for the applicants
- Other personal circumstances of the applicant
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- That they should determine applications for sites from any travellers and not just those with local connections

6.2.2 These criteria are analysed in turn in the following sections of this report.

### 6.2.3 a) Existing level of local provision and need for sites

6.2.4 The Council has, in partnership with neighbouring authorities, commissioned a Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA, published in March 2014, objectively assesses accommodation needs based upon specific empirical research and fieldwork. There is no equivalent study prepared by others.

6.2.5 The GTAA sets out the level of provision and need for sites in Halton. The study is only just over 12 months old and is considered both current and the best evidence available.

6.2.6 The GTAA identifies existing local provision. Existing local provision comprises both Council provided sites and private sites.

6.2.7 The Applicant was formerly resident on one of the private sites, Bigfield Lodge, in Runcorn. The Applicant moved onto the application site from Bigfield Lodge in 2014, along with his wider family. As they have moved from lawful, permanent, settled provision onto a site without planning permission, it is not considered that these persons now comprise 'unmet need'. This is on the basis that they have intentionally chosen to move from a lawful site onto a site that does not have planning permission and is not allocated as residential land.



6.2.8 PPTS sets out a requirement that a Local Planning Authority should set pitch targets that address the likely need in their area. The GTAA identifies a need of 12 pitches in the 5 year period 2013-2018 in Halton. The Council is meeting this need through the provision of a new permanent 12 pitch site in Warrington Road, Runcorn.

6.2.9 b) The availability (or lack) of alternative accommodation for the applicants

6.2.10 Bigfield Lodge, owned by the Applicant provided alternative accommodation for the Applicant and other households. The Applicant has effectively made himself intentionally homeless, by moving from a lawful, permanent site. These circumstances do not constitute a valid claim that there is a lack of alternative accommodation.

6.2.11 The imminent delivery of a new public site provides the Council with the 5-year supply of pitches identified in the GTAA and required by PPTS.

6.2.12 This new permanent public site is considered to offer sufficient alternative accommodation for the residents of the application site, should they have no other accommodation options.

6.2.13 c) Other personal circumstances of the Applicant

6.2.14 The needs of the children resident at the Site must be a primary consideration in the planning decision. Children who reside on the application site attend local schools and have a settled base to further their education and to attend to any health needs.

6.2.15 Human rights of the occupants are a matter of great importance. Refusal of this application would, to an extent, interfere with home and family life by requiring a change of location. However, it is the view of the Local Planning Authority that such interference would be a proportionate response in the light of suitable and available alternative accommodation which can be provided. The Traveller way of life can be facilitated by occupation of the new Warrington Road site and residents would have access to the same schools and health care facilities as they have access to at the Site. Indeed, the new Warrington Road site is in the same location as Bigfield Lodge, where the residents have moved to the application site from. It is not considered that the human rights of the residents will be prejudiced by the refusal of this application.

6.2.16 There would be no discrimination under Article 14 of the Human Rights Act as the same considerations would be applied to any non-Traveller applicant in circumstances such as these.

6.2.17 Although moving to the new site at Warrington Road would change the location of their base, there is nothing before the Local Planning Authority which indicates that the change in location would not provide as good a base for access to the same school and healthcare that is currently

enjoyed. The needs of the children can therefore be catered for without detriment to the well-being of children at the Site.

6.2.18 d) Locally specific criteria used to guide the allocation of sites

6.2.19 Policy CS14 of the Halton Core Strategy is the criteria based policy relating to the provision of Traveller sites. In respect of living conditions, a degree of material was imported to the site to create the development platform. A phase 2 investigation is therefore needed to establish the provenance and suitability of the imported materials. This has been requested from the agent; however no response has been received. Without this investigation being undertaken the Council is unable to be certain if this results in acceptable living conditions.

6.2.20 As stated in paragraph 6.1.3, the site is embedded within the Astmoor Industrial Estate and access is only gained by travelling right through the Industrial Estate, resulting in access to local services and facilities particularly for pedestrians being poor.

6.2.21 The drainage design suggests that water will be allowed to shed off the hardstanding and flow onto the surrounding lower land and soak into the ground. This could lead to flooding of adjacent properties if the ground is unsuitable.

6.2.22 The site is particularly visible from Brindley Road within the Astmoor Industrial Estate on due to the sites elevated nature and the siting of a static caravan. This does not integrate into the industrial character of the area.

6.2.23 The site is not considered to comply with the criteria set out in CS14.

6.2.24 e) Determination of applications for sites from any Travellers

6.2.25 As required by PPTS, the Local Planning Authority will determine applications from any Travellers. In the case of this application, the Applicant is known to have local connections.

6.2.26 Other Considerations

6.2.27 The Local Planning Authority is currently considering an application at Land to the South West of junction between Newton Lane and Chester Road in Daresbury which as of 1<sup>st</sup> December 2014 is an unauthorised development. The application proposes to remove condition 1 from planning permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site and the variation of condition 5 to allow the stationing of 12 caravans at any time (of which no more than one shall be a static caravan or mobile home). The application reference is 15/00108/S73.

## **7. CONCLUSIONS**

- 7.1 This application does not accord with the adopted Development Plan or national planning policy.
- 7.2 The granting of this application would result in the loss of an allocated employment site to a residential use which is not considered to be sympathetic to surrounding land uses and is out of character with this industrial location.
- 7.3 The Site is embedded within the Astmoor Industrial Estate and access is only gained by travelling right through the Industrial Estate, resulting in access to local services and facilities, particularly for pedestrians, that is poor.
- 7.4 The proposal fails to take advantage of its location in terms of raising the quality of the area adjacent to these key transport corridors including the new Mersey Gateway Project.
- 7.5 A degree of material was imported to the site to create the development platform. Without a Phase II investigation being undertaken the Council is unable to be certain if this results in acceptable living conditions.
- 7.6 The drainage design suggests that water will be allowed to shed off the hardstanding and flow onto the surrounding lower land and soak into the ground. This could lead to flooding of adjacent properties if the ground is unsuitable.
- 7.7 The Local Planning Authority (LPA) has recently undertaken an assessment of local needs through the Gypsy and Traveller Accommodation Assessment (GTAA). Furthermore the LPA has identified suitable land to meet those needs and provides a five year supply of land for Traveller sites. It has also, in partnership with the Homes and Communities Agency, delivered a new permanent Travellers site of 12 pitches at Warrington Road in Runcorn.
- 7.8 The LPA does not dispute the importance of a settled base to those families residing on the application site. A settled base would give access to healthcare and the continuity of education for those residing on the appeal site. The loss of their home would cause serious interference with their human rights. However, the new permanent Traveller site provided by the Council represents a permanent alternative that offers the benefits of a settled base.
- 7.9 The proposed development is considered to be inconsistent with the policy framework contained within NPPF and PPTS, and policies BE1, E3, PR14, PR16 (UDP) CS14 and CS16 (Core Strategy) of the adopted development plan.

## **8. RECOMMENDATIONS**

- 8.1 Refuse planning permission for the following reason and undertake any necessary enforcement action.

## **9. Reason for Refusal**

9.1 The proposal results in the loss of a site zoned for employment uses to a residential use. Such a use is not considered sympathetic to surrounding land uses; appears out of character with its location, which is embedded within Astmoor Industrial Estate; results in poor pedestrian access to local services and facilities; and fails to take advantage of its location adjacent to key transport corridors including the new Mersey Gateway Project in terms of raising the quality of the area. The proposal also fails to demonstrate that the site represents acceptable living conditions based on the material which was imported to the site to create the development platform and that the drainage design would not lead to the flooding of adjacent properties. The proposal is unnecessary based on the level of local provision which has been assessed through a Gypsy and Traveller Accommodation Assessment (GTAA) published in March 2014. The GTAA identifies a need of 12 pitches in the 5 year period 2013-2018 and the Council is meeting this need through the provision of a new permanent 12 pitch site in Warrington Road, Runcorn and is considered to offer sufficient alternative accommodation. To allow the proposal would be contrary to the provisions of policies BE1, E3, PR14 and PR16 of the Halton Unitary Development Plan, policies CS14 and CS16 of the Halton Core Strategy Local Plan, the National Planning Policy Framework, and Planning Policy for Travellers Sites.

## **10. SUSTAINABILITY STATEMENT**

10.1 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.