

REPORT TO: Development Control Committee

DATE: 14 September 2015

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee – AB Update List

WARD(S): Boroughwide

| PAGE NO. | LIST A | LIST B | Updated Information |
|----------|--------------|--------------|---------------------|
| 6 | | 12/00100/OUT | See below |
| 26 | 15/00014/OUT | | |
| 32 | 15/00395/FUL | | |

12/00100/OUT - Update

Following re-consultation on the amended plans we have received the following:

The Environment Agency have confirmed that they do not require consulting.

United Utilities have no objections.

Sabic have confirmed that the proposal does not affected.

Two further representations have been received raising issues already address in the committee report notably loss of employment land, COMAH and Planning for Risk, Transport, Landscape and ecology.

One of the latest representations does raise concerns in relation to wildlife and in particular states that the residents have seen bats and a bird of prey flying over the area.

The applicant's ecologist has carried out a great crested newt survey and provided mitigation measures. The Councils ecological advisor at Merseyside Environmental Advisory Service (MEAS) has been consulted and has advised that the survey and proposed mitigation measures are satisfactory, and a condition should be attached in relation to the mitigation to ensure it is carried out.

Furthermore the applicants consultants have confirmed that the trees and landscaping within the site are relatively immature and not of a species type that would ordinarily be associated with roosting bats. The protection of nesting birds can also be suitably addressed through the use of a condition preventing works during the bird nesting season, unless the site is checked beforehand by a suitably qualified person.

The proposed housing will include replacement planting and landscaping that will contribute to enhancing biodiversity, conditions for this have already been recommended, however further conditions for the following are recommended:

- No trees, hedges or shrubs shall be removed during the bird breeding season (months of March to August inclusive), unless approved in writing by the Local Planning Authority. Any application to remove trees, hedges or shrubs shall be accompanied by a statement from a suitably qualified ecologist confirming that nesting or fledging birds will not be affected by works to remove the vegetation.
- Prior to commencement of the development a scheme for the provision of bird and bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to commencement of development, a scheme for sensitive lighting of open spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to minimise light spillage onto trees and woodlands

Based on the above information, whilst there would be some loss of landscaping that may have some wildlife value, it does not benefit from statutory habitats protection, and suitable mitigation can reasonably be provided through the use of planning conditions. Therefore on balance the loss of habitat or species is not considered to be significant enough to refuse the application.

In this respect it is considered that Local Planning Authority would be acting in accordance with Conservation (Natural Habitats etc.) Regulations 2010 (as amended). In particular the proposal passes the three tests set out in Regulation 53. The three tests are:

- Test 1: Regulation 53(2)(e): “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” The proposal involves the erection of 53 houses. This will significantly contribute to Local plan policy CS2 – Housing Provision. This test has been satisfied.
- Test 2: Regulation 53(9)(a): “that there is no satisfactory alternative” The ponds must be filled in to ensure the scheme delivers the appropriate number of houses on the site. This test has been satisfied.
- Test 3: Regulation 53(9)(b): “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” Great crested newt was recorded on the site. Provided the mitigation strategy as set out in the mitigation report is revised according to paragraph 5 and secured by a suitably worded planning condition the proposals will not be detrimental to maintaining the local Great crested newt population at a favourable conservation status. With this mitigation this test has been satisfied.

The proposal is therefore considered to comply with Policy GE21 of the Halton Unitary Development Plan, and Policy CS20 of the Halton Core Strategy Local Plan.