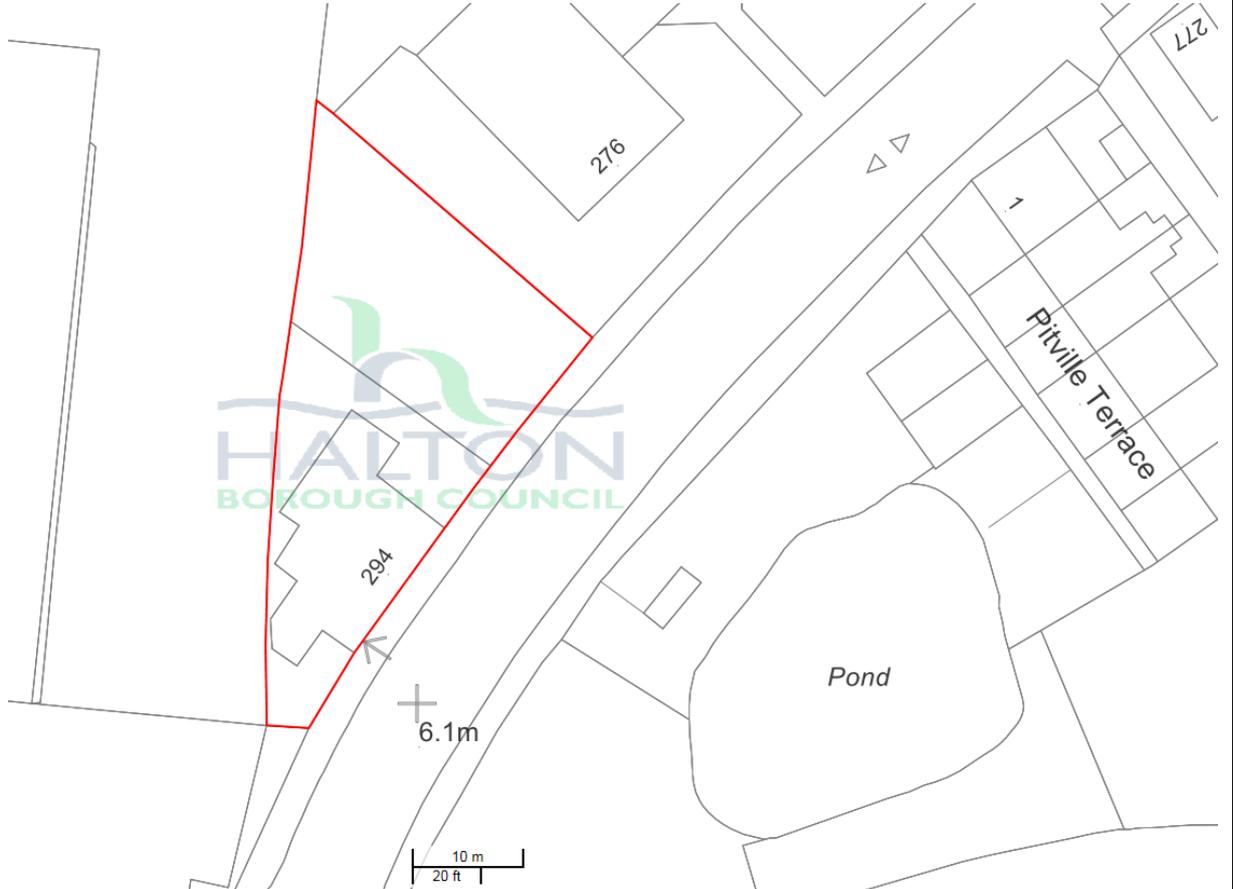


APPLICATION NO:	17/00351/FUL
LOCATION:	The New Inn, 294 Hale Road, Widnes
PROPOSAL:	Proposed demolition of existing buildings and development comprising 16 No. apartments with ancillary development
WARD:	Ditton
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Mr Simon Kinsella
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Primarily Residential Area
DEPARTURE	No
REPRESENTATIONS:	2
KEY ISSUES:	Principle of Development; Loss of Public House, Open Space, Ecology, Design, Flooding and Drainage, Parking, Waste, Trees, Residential Amenity, Contamination,
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP



THE APPLICATION SITE

The Site

The site is approximately 895m²/ 0.22 acre currently occupied by The New Inn Pub and associated car park. An advertising hoarding is located within the site between the north facing elevation of the pub and car park. The site is a triangular site located on the border of the residential area to the north/ north east and the commercial/ industrial area to the south and west.

Planning History

None directly relevant. A neighbour representation has indicated that “as far as I am aware this is the second time that thebuilding has had an application for development” and “this was strongly objected to at that time”. A search of the Council’s current records has not however identified any previous planning history involving significant demolition or redevelopment of the site.

THE APPLICATION

The proposal

Proposed demolition of existing buildings and development comprising 16 No. apartments with ancillary development

Documentation

The applicant has submitted a planning application, drawings and the following reports:

Design and Access Statement

Extended Phase 1 Habitat Survey updated to reflect follow-up presence/absence bat survey

Flood Risk Assessment & Drainage Assessment

Aboriginal Assessment

Phase 1 Environmental Assessment Report

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

Halton Unitary Development Plan (UDP) (2005)

The site lies entirely within a Primarily Residential Area in the Halton Unitary Development Plan. The following policies are considered to be of particular relevance: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- LTC5 Protection of Community Facilities
- H3 Provision of Recreational Greenspace
- TP6 Cycling Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All
- PR6 Development and Flood Risk
- PR7 Development Near Established Pollution Sources
- PR14 Contaminated Land

Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS12 Housing Mix
- CS18 High Quality Design
- 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 (SPD)

New Residential Development SPD

Draft Open Space Provision SPD

Designing for Community Safety SPD

CONSULTATIONS

The application has been advertised via the following methods: site notice posted near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The following organisations have been consulted and, where relevant, any comments received have been summarised below in the assessment section of the report:

United Utilities – No Objection in Principle

Council Services:

HBC Open Spaces – No Objection in Principle

HBC Contaminated Land – No Objection in Principle

HBC Highways – No Objection in Principle

HBC Drainage – No Objection in Principle

REPRESENTATIONS

2 letters of objection have been received from nearby resident. These raise the following issues:

- Increased traffic volume
- Exacerbating problems with parked cars blocking driveways
- development would be significantly taller than anything else in the area
- four storey development would overlook garden and be an invasion of privacy. Also views into main bedroom and guest room
- flats (1 bed in particular) more likely to attract transient residents raising concerns about anti-social behaviour and does not encourage community/ impact on young families in the area
- that this is the second time the building has had an application for development and this was objected to last time
- This is a very old building and we should be protecting and preserving these buildings
- That there are enough apartment buildings in the area. Some residents of others have caused community problems.
- Impact on property prices.

ASSESSMENT

Principle of Development

Permission is sought for the proposed demolition of an existing pub and development comprising 16 No. apartments with ancillary development. The site lies within a Primarily Residential Area in the Halton Unitary Development Plan and as such proposals for residential development are considered acceptable in principle.

Design, Character and Residential Amenity

The proposal is for demolition of the existing pub and erection of a modern apartment block over 4 storeys. The scheme as originally submitted was considered to raise issues including the scale and massing of the development in relation to the available plot, proximity of habitable room windows to the site boundaries impacting on future living conditions of residents and parking numbers. As a result the application has been amended from that as originally submitted in line with officer advice. This has resulted in a reduced number of apartments to 16 apartments providing 13 No. one bed and 3 No. two bed. Car parking is retained within the existing/ remodelled car park to the north.

Despite the proposed apartment block being 4 storeys the applicant has made significant efforts to reduce the apparent scale and massing of the building by having a flat roof design and by setting the fourth floor back from the principle elevations of the lower floors. Whilst the site is within a primarily residential area. The surrounding properties are a mix of traditional terrace and other Victorian and interwar two storey housing does existing in the area, development in the area is of a varied character and scale and the proposal must be considered in this context. Directly to the north the building will be viewed against a series of three storey apartment blocks. These blocks have a pitched roof design meaning their overall height, scale and massing would not be dissimilar from that proposed. To the east the site sits a number of commercial and industrial buildings of varying heights including Colin Meyers Timber Warehouse and a three storey office block with fourth floor plant room/structure at St Michaels House. In this context it is considered that the proposed apartment building, as amended, is in suited to the site and in keeping with the character of the area.

The proposed residential use will sit directly adjoining a significant area designated as a Primarily Employment Area in the Halton UDP. The site to the west is occupied by a timber merchant. The activities associated with this business which most closely adjoin the proposed development are, however, the retail showroom and customer parking area with limited outside storage/ display. As such, the most potentially disruptive activities associated with this business appear to be further removed from the proposed development. Existing properties including the adjoining 3 storey apartment blocks are located in a similar position in relation to the adjoining use and it is not considered that the impacts on living conditions of future residents would be significantly different. It is not considered that an argument could be sustained, in accordance with Policy PR7, "to be in the public interests that the interests of the existing sources of pollution" , if they do exist, "should prevail". Should any issues arise in this regard subsequent powers are available through Environmental protection Legislation.

A neighbour has raised the issue of overlooking and loss of privacy to adjoining property and gardens. However, the proposed apartment block sits somewhat to the south of the potentially affected properties and garden gardens and is separated by a relatively busy road. Whilst some degree of overlooking to gardens may occur it is considered that this will be somewhat limited and from bedrooms only where it is assumed that these would be occupied predominantly at night and that the occupant would expect a degree of their own privacy. The building and facing windows are considered sufficiently removed from existing habitable room windows. It is not considered that refusal of planning permission could be sustained on these grounds.

Concerns have been raised by neighbours regarding the prevalence of one bed apartments within the scheme and potential for a more transient population and antisocial behaviour. No evidence has been provided that the proposed development would result in significant issues in this regard and it is not considered that a refusal of planning permission could be sustained on these grounds.

Highway Considerations

The application includes retention of the existing/ reconfigured car park with access from Hale Road. The plan as amended includes provision for parking for 19 spaces. HBC Highways Engineers advise that they would normally expect provision at a rate of 1.25 spaces which for the current scheme of 16 apartments would equate to provision of 20 spaces. Current provision is therefore 1 space short of this figure. An issue has been raised with the applicant with respect to an apparent current absence of provision for disabled parking within the scheme which may result in a further reconfiguring of the car parking or a further reduction of parking to 18 spaces. Members will be updated in this regard. However even if provision is reduced to 18 spaces, with the availability of on street parking locally, it is not considered that expected parking demand could be considered to raise likely significant highway impacts to justify refusal of planning permission. The site is well located with respect to transport services with a bus stop in close proximity to the site. Sufficient provision is made within the scheme for bin and cycle parking which can be secured by appropriate planning conditions. The Councils Highways Engineer raises no objection.

Loss of Public House

The proposals will result in the loss of a Public House. CAMRA (Campaign for Real Ale) has spearheaded a campaign to protect pubs. Para.70 of NPPF provides that in order “to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions shouldguard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”. UDP Policy LTC5 seeks to prevent (without compensation) the loss of community facilities where they “serve an important local need”. No objection has been received from local residents or from CAMRA. It is not considered that refusal of planning permission could be sustained on these grounds.

The building is not listed or included on any local list as a heritage asset.

Trees

The application is supported by an Arboricultural Assessment with respect to 2no. trees within the existing car park and 3no. on adjoining land but overhanging the car park. These are shown to be retained within the scheme with limited crown lifting. Care will be need to be taken that excavations for drainage attenuation, car park resurfacing and landscaping do not significantly affect the trees. It is considered that plan detailing special working methods can be prepared in this regard and secured by planning condition. The Council's Open Spaces Officer has confirmed that there are no tree related constraints associated with this site and raise no objection.

Ecology

The application is supported by an extended Phase 1 Habitat Survey which has been updated to reflect follow-up presence/absence bat surveys. The Report confirms that despite the fact that a pond exists approximately 40m east of the site which could provide habitat for Great Crested Newt (GCN), Hale Road provides a barrier for dispersal of GCN onto the proposed development site and the habitats within the site are not considered suitable for GCN. The road barrier and hostile habitats within the development site therefore suggests that it is unlikely that GCN will be impacted by the proposals.

Whilst the scattered trees and building provide suitable habitat for breeding birds the site is considered to provide low value for breeding birds. Nesting and breeding birds are protected by alternative legislation and can be addressed by informative attached to any planning permission.

No evidence of a bat roost was recorded within the existing building during the preliminary bat survey and no bats were observed emerging and/or re-entering the building during the follow-up presence/absence survey. The survey information suggests that the existing building does not currently support a bat roost. Based on the survey information it is advised that there are no significant constraints on development in relation to roosting bats and no requirement for a licence in respect of bats. The ecology report includes recommendations and advice should bats be discovered during construction/ demolition including a temporary cessation of works and reference to a qualified ecologist. No additional protected species survey work is recommended.

The scheme provides an opportunity for ecological enhancements including bat, bird and hedgehog boxes. It is considered that these can be adequately secured by appropriate planning condition.

Flood Risk and Drainage

The application is accompanied by a Flood Risk Assessment (FRA) which identifies the site as lying within Flood Risk Zone 2. The Councils Drainage Engineer acting as Lead Local Flood Authority (LLFA) has confirmed that he raises no objection providing that the development is carried out in accordance with the submitted FRA and, in particular, that finished floor levels are set at the appropriate level above flood level. It is considered that this can be secured by planning condition.

The Council's Drainage Engineer (LLFA) has confirmed that the applicant intends to connect the surface water drainage from the development to the public sewer with attenuation. The drainage strategy shows betterment in existing surface water flows but the applicant would require permission from United Utilities to discharge to the public sewer. United Utilities has confirmed that they raise no objection.

Contaminated Land

The application is supported by a Phase 1 environmental site assessment report. The report presents the findings of a desk top study and site reconnaissance along with an initial conceptual site model. It also makes recommendations for further work.

The site was undeveloped until the construction of the public house, although there were other buildings within the area that now forms the car parking. The adjacent land to the west of the site has undergone significant industrial/commercial development. A number of potentially significant pollutant linkages from both on and off site sources have been identified at the initial conceptual model stage. The report recommends that site investigation is necessary to assess these possible risks (it also notes potential geotechnical risk to the development).

The Council's Contaminated Land Officer has confirmed agreement with the findings of the assessment at this stage, and the recommendation for further work. It is advised that this would be most relevant, as stated in the report, to be undertaken once the on-site buildings have been cleared. No objection is raised to the proposed development proposals but it is recommended that if permission is granted it should be conditioned to require the submission of an appropriate investigation and risk assessment, and, if necessary, remedial strategy and supporting validation reporting.

Waste

The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has provided sufficient information with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

Open Space Provision

The scheme is considered deficient with regards open space provision when measured against UDP Policy H3. In accordance with the Council's adopted Provision of Open Space SPD financial contributions for off-site provision have been calculated and can be adequately secured by legal agreement or other agreement.

Conclusions

Permission is sought for the development of 16 No. apartments with ancillary development over four storeys. The site lies within a Primarily Residential Area in the Halton Unitary Development Plan and as such proposals for residential development are considered acceptable in principle.

It is considered that early issues in relation to the scale and massing of the development in relation to the available plot, proximity of habitable room windows to the site boundaries impacting on future living conditions of residents and parking numbers have been adequately addressed by amendment to the scheme. It is considered that the development will provide for a good quality building offering much needed housing in the Borough and that any outstanding issues can be resolved by way of oral update and appropriately worded planning conditions.

RECOMMENDATION

The application be approved subject to the following:

- a) a legal or other appropriate agreement relating to securing financial contributions to Open Space.
- b) Conditions relating to the following:
 1. Standard 3 year permission to commence development (BE1)
 2. Condition specifying approved and amended plans (BE1)
 3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; (BE1)
 4. Materials condition, requiring the submission and approval of the materials to be used (BE2)
 5. Landscaping condition, requiring hard and soft landscaping be carried out as approved. (BE2)
 6. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
 7. Wheel cleansing facilities/ strategy to be submitted and approved in writing. (BE1)
 8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
 9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
 10. Condition relating to the implementation of bin store provision (BE1)
 11. Requiring site and finished floor and site levels be carried out as approved (BE1/ PR16)
 12. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
 13. Conditions relating to tree protection during construction including special working methods within Root Protection Areas (BE1)
 14. Condition relating to the implementation of cycle store provision in accordance with details to be submitted and approved (TP6)
 15. Submission and agreement of biodiversity enhancement features including bird and bat boxes, insect and hedgehog houses (BE1 and GE21)

16. Condition requiring development be carried out in accordance with the approved FRA, drainage assessment and mitigation measures contained therein (PR16)
17. Submission and agreement of Site Waste Management Plan (WM8)

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

SUSTAINABILITY STATEMENT

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

The Town and Country Planning (Development Management Procedure) (England) Order

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.