



Development Control Committee

**Monday, 8 June 2015 6.30 p.m.
The Board Room - Municipal Building,
Widnes**



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Keith Morley (Vice-Chairman)
Councillor John Bradshaw
Councillor Arthur Cole
Councillor Ron Hignett
Councillor Stan Hill
Councillor June Roberts
Councillor Carol Plumpton Walsh
Councillor John Stockton
Councillor Dave Thompson
Councillor Kevan Wainwright
Councillor Bill Woolfall
Councillor Geoff Zygadlo

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 6 July 2015*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	4 - 56
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 18 May 2015 at the Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Cole, R. Hignett, S. Hill, June Roberts, Rowe, Wainwright, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley, C. Plumpton Walsh, J. Stockton and Thompson

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone and A. Plant

Also in attendance: 1 Member of the Public

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

	<i>Action</i>
DEV58 MINUTES	
<p>The Minutes of the meeting held on 14 April 2015, having been circulated, were taken as read and signed as a correct record.</p>	
DEV59 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV60 - 15/00152/FUL - PROPOSED EXTENSION OF EXISTING B8 (STORAGE AND DISTRIBUTION) WAREHOUSE INCLUDING ANCILLARY WORKS TO HARDSTANDING, CAR PARKING AND SITE ACCESS AT LIDL DISTRIBUTION CENTRE, BLACKHEATH LANE, MANOR PARK, RUNCORN	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	
<p>Officers reported that the issues relating to the</p>	

objection from the Environment Agency regarding the adequacy of the Floor Risk Assessment had now been resolved following the submission of further information.

RESOLVED: That the application be approved subject to the following conditions:

1. Standard 3 year permission (BE1);
2. Condition specifying plans (BE1);
3. Materials condition, requiring building and hardsurfacing materials to match the existing building/hardsurfacing or in accordance with details submitted to and agreed in writing (BE2);
4. Submission and agreement of a scheme of temporary amphibian fencing (GE21);
5. Submission and agreement of a Construction Environmental Management Plan including wheel cleansing facilities (BE1);
6. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
7. Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
8. Any additional conditions recommended by the Environment Agency (PR16/CS23).

DEV61 - 15/00175/FUL - PROPOSED SINGLE STOREY REAR/SIDE EXTENSION AND PITCHED ROOF OVER EXISTING GARAGE (REDUCED IN LENGTH TO ACCOMMODATE EXTENSION) AT 40 BEACONSFIELD CRESCENT, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

RESOLVED: That the application be approved subject to the following conditions:

1. Standard 3 year expiry; and
2. Materials to match existing (BE1)

DEV62 - 15/00138/HBCFUL - PROPOSED ERECTION OF SINGLE ALLEY GATES TO EITHER END OF PASSAGEWAY AT PASSAGEWAY BETWEEN 2-16 STANLEY STREET AND 3-15 PARKER STREET, RUNCORN

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

RESOLVED: That the application be approved subject to the following conditions:

1. Standard time limit for implementation;
2. List of plans; and
3. Requirement for colour coating Dark Green (BE22).

DEV63 - 15/00171/HBCFUL - PROPOSED ERECTION OF DOUBLE ALLEY GATES TO EITHER END OF PASSAGEWAY AT PASSAGEWAY BETWEEN 44-78 YORK STREET AND 7-39 VICTORIA ROAD, RUNCORN

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Officers advised that an objection had been received from a disabled resident. Property Services had contacted the resident to suggest a push bar could be installed on the gate. Property Services had confirmed the resident thought this an acceptable solution.

RESOLVED: That the application be approved subject to the following conditions:

4. Standard time limit for implementation;
5. List of plans; and
6. Requirement for colour coating Dark Green (BE22).

Meeting ended at 6.35 p.m.

REPORT TO: Development Control Committee

DATE: 8 June 2015

REPORTING OFFICER: Strategic Director- Policy and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
15/00108/S73	Proposed removal of 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)	Land to the South West of junction between Newton Lane and Chester Road, Daresbury.
15/00115/COU	Proposed change of use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks.	Former Ivy House, Marsh Lane off Brindley Road, Runcorn, Cheshire.
15/00194/FUL	Proposed partial demolition and conversion of church into 6 No. town houses, construction of 2 No. detached dwellings and 6 No. semi-detached dwellings on the adjoining land with associated access, car perking and landscaping.	St John's Presbyterian Church, Victoria Road, Runcorn

APPLICATION NO:	15/00108/S73
LOCATION:	Land to the South West of junction between Newton Lane and Chester Road, Daresbury
PROPOSAL:	Proposed removal of 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)
WARD:	Daresbury
PARISH:	Daresbury
CASE OFFICER:	Andrew Evans
AGENT(S) / APPLICANT(S):	Mr P Brown Philip Brown Associates 74 Park Rd Rugby Warwickshire CV21 2QX
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Planning Policy for Traveller Sites (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	Objection from Daresbury PC <ul style="list-style-type: none"> • Green Belt harm • Inappropriate development • If very special circumstances exist to overcome harm to the Green Belt.
RECOMMENDATION:	Refusal
SITE MAP	
<p>The site map displays the proposed development area in red, situated south-west of the junction of Newton Lane and Chester Road. Key features include the 'Daresbury Pond' to the north, 'Daughter's Drove' to the east, and 'Stanger's Pools' further east. The map also shows 'Newton Lane' and 'Chester Road' with their respective road numbers (B531 and B548). A north arrow is present in the bottom right corner. The map is overlaid with a large, repeating watermark of the Halton Borough Council logo.</p>	

1. APPLICATION SITE

- 1.1 The application site (the “Site”), known as ‘Ponderosa’ comprises 0.3 hectare of Green Belt land located along the eastern side of Chester Road (A56), about 1 kilometre south of Daresbury Village. The A56 forms a clear, distinct physical boundary for Runcorn’s significant Green Belt area
- 1.2 The Site originally comprised a narrow field, set between the A56 to the west and a closed-off section of the old Chester Road to the east. The former appearance of the site (identified by a red line) in 2000 is shown in **Figure 1** of this report.
- 1.3 Access to the site is from Old Chester Road, via an existing gateway at the northern end of the site.



Figure 1: Aerial Image of the Site dated 2000.

- 1.4 The Site is bounded by mature hedgerows and trees on all sides. The western hedgerow is in the ownership of the Council and is routinely managed.
- 1.5 The Site is largely hard-surfaced, a stable block has been erected about 30 metres from its southern end. Foul drainage, for toilets located within the stable building, has been installed within the south-western corner of the Site in the form of an underground cess tank. The Site is now occupied by caravans providing residential accommodation. An aerial image of the Site developed for 6 No. caravans is found in **Figure 2** of this report.
- 1.6 In 2014, the Applicant moved onto the Site together with other residents from Bigfield Lodge, a lawful development owned by the Applicant. This increased the number of caravans on the Site from 6 to 12. Bigfield Lodge has planning consent for use as a residential caravan site.

1.7 In addition to increasing the number of caravans on the Site, the Applicant has installed additional foul drainage facilities, together with toilet and utility buildings at the northern point of the site. These works do not form part of this application and have no planning permission or building regulations approval.



Figure 2. Aerial image of the application site when occupied by six caravans

1.8 Site Context

Apart from a small collection of houses situated adjacent to the junction of Old Chester Road and Newton Lane, the area comprises open countryside to the east of the A56.

1.9 Outside of the Green Belt boundary formed by the A56, land to the west of the A56 has been allocated through the Halton Core Strategy as part of a Key Area of Change, Policy CS11 'East Runcorn' (**Figure 3** of this report). Part of this area is already developed as part of Daresbury Business Park. Land to the north of Daresbury Park has been allocated as development land for a mixed use development comprising an Enterprise Zone and residential elements.

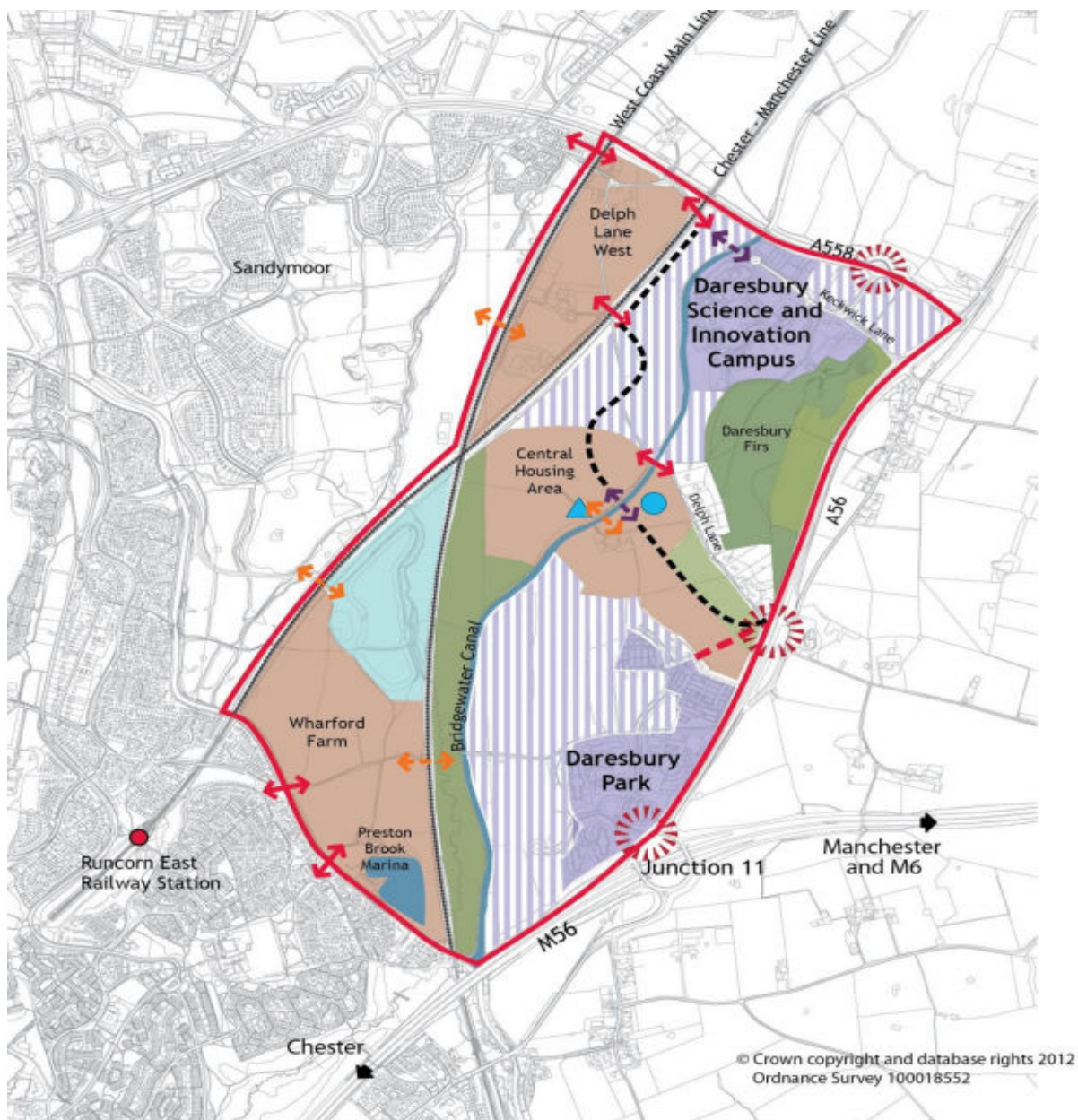


Figure 3: Land Allocation Plan taken from CS11

1.10 Relevant Planning History

- 2007** Planning Permission granted on appeal for the development of stables and ménage ref: APP/D0650/A/07/2048263.
- 2010** Enforcement Notice Served on residential use of the site.
- 2011** Temporary Planning Permission granted on Appeal of Enforcement Notice ref: APP/D0650/C/10/2126943.
- 2013** Planning Application ref:12/00428/S73 to retain permanent residential use for 6 No. caravans is refused by the Local Planning Authority.
- 2014** Planning Appeal decision ref:APP/D0650/A/13/2196163 upholds Council's refusal of application 12/00428/S73.

2. THE APPLICATION

2.1 The application was advertised with the following description:

Proposed removal of 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)

2.2 The two conditions referenced in the proposal description were attached by the Secretary of State when granting planning permission in the 2011 appeal APP/D0650/C/10/2126943.

2.3 Condition 1 reads as follows:

The use hereby permitted shall be for a limited period being expiring on 30 November 2014. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

2.4 Condition 5 reads as follows:

The residential use hereby permitted shall be restricted to the stationing of no more than 6 caravans at any time (of which no more than 5 shall be a static caravan or mobile home).

2.5 The cumulative effect of removing condition 1 and 5 of the temporary planning permission reference APP/D0650/C/10/2126943 would be a permanent use of the land for a residential gypsy caravan site for up to 12 caravans.

2.6 Due to the time taken by the Applicant to submit the necessary supporting documentation in support of their application, the planning permission granted by appeal APP/D0650/C/10/2126943 expired on 30 November 2014.

2.7 Documentation

The proposal before members consists of the following documentation.

- Application Form
- Two covering letters
- Layout Plan
- Location Plan
- Supporting letters from Local School and medical practitioners.

3. POLICY CONTEXT

3.1.1 Halton Unitary Development Plan (UDP) (2005)

- Policy GE1 of the UDP 'Control of Development in the Green Belt'

3.1.2 Halton Core Strategy Local Plan (2013)

- Policy CS6 'Green Belt'
- Policy CS14 'Meeting the Needs of Gypsies, Travellers and Travelling Showpeople.'

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. Green Belt is one such restriction on development.

3.1.7 Section 9 of the NPPF sets out national policy for Green Belts. Specifically, paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

3.1.8 Paragraph 88 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

3.1.9 Paragraph 80 of the NPPF sets out the five purposes of including land within the Green Belt.

- To check the unrestricted sprawl of large built-up areas;

- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.1.10 Planning Policy for Traveller Sites (PPTS)

3.1.11 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'.

3.1.12 Paragraph 14 of the PPTS states:

"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development."

3.1.13 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.

3.1.14 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.

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

4. CONSULTATIONS

4.1 The Application has been advertised by a press notice and a site notice posted near the site. Letters have been sent to interested parties; previous appeals have resulted in a great deal of local interest, as a result the consultation exercise for this Application has been extensive.

4.2 Daresbury Parish Council has been consulted and their response is found at **Appendix A**.

4.3 The Highway Authority has been consulted and their comments are reproduced below:

Highways

It is noted that the access to this site was allowed as part of an appeal to the Planning Inspectorate a number of years ago. Although the application is to double the number of caravans and there will be an increase in vehicle movements, it is not envisaged that this will create significant additional impact on the highway network. There are no police recorded injury accidents at this location between 2009-2013 (only information available).

5. NON STATUTORY REPRESENTATIONS

5.1 A number of objections have been received. A summary of the points raised are detailed below.

5.2 Summary of objections:

- Previous inspectors have deemed it inappropriate development within the green belt.
- The doubling of caravans will cause an increase in the nuisance associated with this site spoiling the visual amenity to the adjacent property and the community walkway.
- The visual aspect is wholly against the rural stature of Daresbury and its surrounding areas.
- The caravan site owner has consistently defied and ignored planning requirements and conditions.
- This caravan site causes distress and nuisance to local residents with traffic problems/incidents, light pollution, dogs barking, issues with waste disposal.
- 6 caravans is adequate.
- High volume of litter close to the site.
- I feel that the council has more than met their obligations to provide sites in the borough.
- The site is clearly seen from the A56
- The area is now unpleasant visually, with caravans sheds, work type vans etc.
- There are two industrial size waste bins permanently at the entrance Noisy dual carriageway.
- It has desecrated a local beauty spot in our village.
- Increase in commercial traffic in the immediate vicinity of the caravan site has spoilt this area of the village.
- The caravan site has already been refused permission, and the caravans should have vacated the area.
- There have been many breaches of the original temporary planning application in terms of number of caravans on site
- The family on this site continues to upgrade the site, with more goundworks, static vans and caravans
- The environmental conditions are unchanged since the current conditions were imposed. Increasing the size and use of this land would be detrimental to the local environment and to the wider community.

6. ASSESSMENT

6.1 Green Belt

- 6.1.1 The Site is located within the Green Belt as shown on the UDP Proposals Map. The Site is not subject to any other land-use designation. Green Belt is the land to the east of the A56 in this location.
- 6.1.2 UDP policy GE1 'Control of Development in the Green Belt' is of primary importance. This should be read in conjunction with Policy CS6 Green Belt, within the Core Strategy.
- 6.1.3 Paragraphs 87 and 88 of the NPPF set out the presumption against inappropriate development in the Green Belt which is only to be permitted in very special circumstances: *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* It is for the Applicant to demonstrate why permission should be granted and make out any very special circumstances.
- 6.1.4 Paragraphs 89 and 90 of the NPPF set out Green Belt exemptions. The proposed development does not constitute any of the exemptions listed under those paragraphs.
- 6.1.5 Paragraph 88 of the NPPF reads; *'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations'*. Therefore, as required by paragraph 88, substantial weight should be accorded to the harm to the Green Belt when carrying out any balancing exercise of positive and negative aspects in reaching an overall planning decision.
- 6.1.6 Paragraph 14 of PPTS states:
'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development'.
- 6.1.7 The Green Belt policy objective from the NPPF and PPTS is consistent with local policies GE1 and CS6. Green Belt is allocated in order to keep land permanently open. There is no gradation of value of Green Belt. It is simply either Green Belt, or not. Development which is outside Green Belt boundaries, such as the land allocations in CS11 should not in any way reduce the importance to be attached to the Green Belt designation and land so designated.
- 6.1.8 The Application is considered to be inappropriate development in the Green Belt. The residential caravans, car parking, external domestic paraphernalia, and residential activity that will be associated with additional households on the Site will significantly detract from the rural

character of the area. The proposal therefore represents a significant encroachment of residential development into the countryside.

6.1.9 The proposal would lead to a material loss of openness to the area, thereby undermining one of the essential characteristics of Green Belts. Furthermore, the proposal represents an encroachment into the countryside contrary to one of the purposes of including land within the Green Belt. Consequently, the proposal represents inappropriate development for the purposes of national, as well as development plan, policy. Inappropriate development would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances.

6.1.10 Planning Policy For Traveller Sites (PPTS)

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

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) 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
- e) That they should determine applications for sites from any travellers and not just those with local connections.

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

6.1.13 a) Existing level of local provision and need for sites

6.1.14 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.

6.1.15 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.

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

6.1.17 One of the private sites, Bigfield Lodge in Runcorn was formerly occupied by the Applicant and other Travellers over a long period of time. The

Applicant moved onto the application site in 2014, along with some former residents of Bigfield Lodge.

6.1.18 As some of the households now resident at the application site have moved from lawful, permanent, settled provision onto a site without planning permission, it is not considered that these persons now comprise 'unmet need'. They have intentionally chosen to move from a lawful site onto a site that has been subject to enforcement action, has had an uncertain future, and now does not have planning permission.

6.1.19 The requirement in PPTS is that the 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. The Council is meeting this need through the provision of a new permanent 12 pitch site in Warrington Road, Runcorn.

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

6.2.1 The application site has had up to 12 caravans stationed on the land, but the number is known to fluctuate regularly.

6.2.2 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, in order to seek to justify inappropriate development in the Green Belt These circumstances do not constitute a valid claim that there is a lack of alternative accommodation.

6.2.3 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.

6.2.4 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.

6.3 c) Other personal circumstances of the Applicant

6.3.1 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.

6.3.2 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 many of 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.

6.3.3 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.

6.3.4 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.

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

6.4.1 Policy CS14 of the Halton Core Strategy is the criteria based policy relating to the provision of Traveller sites. The application site broadly accords with the criteria in CS14. However, policy CS14 sits alongside other development plan policies setting the general extent of the Green Belt (CS6) and controlling development within it (UDP GE1). This proposal conflicts with policy GE1 of the UDP and policy CS14 does not state that sites which meet its criteria but which are located in the Green Belt would be acceptable.

6.4.2 Having assessed the Green Belt policy objectives found in the NPPF, PPTS, Policy GE1, and Policy CS6 it is clear that the application according with the criteria contained in policy CS14 cannot carry greater weight than the conflict with Green Belt policy objectives.

6.5 e) Determination of applications for sites from any Travellers

6.5.1 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.

6.6 Very Special Circumstances

6.6.1 The NPPF states at paragraph 87: *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*

6.6.2 The Applicant has put forward a case for the existence of very special circumstances based on:

- Unmet need
- Absence of alternative provision
- Failure of development plan to meet identified need
- The site residents personal need for accommodation

- Human Rights implications including needs of Children

6.6.3 Each of these matters is considered in turn below.

6.6.4 In terms of unmet need and an absence of alternative provision, the Applicant has effectively made himself intentionally homeless, by moving from a lawful, permanent site in order to seek to justify inappropriate development in the Green Belt. These circumstances do not constitute a valid claim that there is unmet need or a lack of alternative accommodation.

6.6.5 It is the opinion of the Local Planning Authority that the need arising from the application site can, if necessary, be accommodated on the Council's new permanent Travellers site. The development of the new permanent site was held by the Secretary of State's Inspector at IR168 of decision ref: APP/D0650/A/13/2196163 to be valid alternative accommodation for the original occupants of the appeal site.

6.6.6 The Local Planning Authority has recently undertaken the assessment of Gypsy and Traveller accommodation needs in the form of the GTAA (March 2014). The GTAA concludes an identified need of 12 pitches for the period to 2018. That full provision will be made available in 2015. The Council has clearly met its identified need and has complied with national policy set out in Planning Policy for Travellers Sites.

6.6.7 A settled base would give access to healthcare and the continuity of education for those residing on the application site. This is evident in the supporting letters from the local school, and also the health practitioners who are caring for two occupants of the application site. Whilst such letters are personal to occupants of the site, they refer only to a benefit of a permanent base and not to the need to reside at this particular site. The Applicant has not demonstrated a personal need for accommodation at the Site.

6.6.8 In the appeal APP/D0650/A/13/2196163 the Planning Inspector reported the following at IR.170 and IR.171 of his report:

IR.170. It is common ground that the needs of any children must be a primary consideration. Children who reside on the appeal site attend local schools and have a settled base to further their education and to attend to any health needs. Although the potential for a move to the new site at Warrington Road would change the location of their base, there is nothing in evidence which indicates that that location would not provide as good a base for access to the same schools and healthcare as is currently enjoyed. The needs of the children could therefore be catered for elsewhere without detriment.

IR.171. Human rights of the occupants are of course of great importance and weight. At the time of the previous appeal it was determined that dismissal of that appeal would require the appeal site to be vacated with no certainty of suitable alternative accommodation being available. That is not the case now. Although refusal of the current appeal would, to an extent, interfere with home and family

life by requiring a change of location, I am of the view that that interference would be a proportionate response in the light of suitable and available alternative accommodation which is being provided. There would be no discrimination under Article 14 as the same considerations would be applied to any non Gypsy appellant in circumstances such as there. The Gypsy way of life is being facilitated by the provision of the Warrington Road site and the ongoing work to provide future sites (both public and private). The right of enjoyment of the ownership of land is not unconditional for either Gypsy or settled community, and I am satisfied that there is no undue interference in this case.

6.6.9 A permanent site would provide a settled base from which to reside and obtain access to healthcare and education services. The Local Planning Authority agrees with the finding of the Secretary of State, set out above, and finds that such services can be accessed from the alternative site of Warrington Road, Runcorn.

6.6.10 The needs of the children resident at the Site must be a primary consideration in any planning decision. 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.

6.6.11 Other Considerations

6.6.12 The Local Planning Authority is aware that unauthorised development has taken place in the form of a new private residential Traveller site at Ivy House, Astmoor, Runcorn. That development is now subject to a separate planning application 15/00115/COU.

7. CONCLUSIONS

7.1 The Application does not accord with the adopted Development Plan or national planning policy.

7.2 The proposed development comprises inappropriate development in the Green Belt and is, by definition, harmful to the Green Belt. This Site has already been the subject of two appeals and the Secretary of State has previously attached substantial weight to this harm (APP/D0650/C/10/2126943 and APP/D0650/A/13/2196163).

7.3 The Local Planning Authority considers that the harm to the Green Belt is significant and, if permitted, would be permanent. Harm arises from the following:

- Significant harm to the openness and permanence of the Green Belt
- Harm through encroachment of the countryside

7.4 The Local Planning Authority also considers the proposal will result in visual harm to the amenities of the countryside

7.5 The Applicant has not demonstrated the existence of very special circumstances to overcome harm to the Green Belt.

7.6 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.

7.7 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 with none of the harm to the Green Belt associated with this Application.

7.8 The proposed development is considered inappropriate development in the Green Belt and is therefore inconsistent with the policy framework contained within NPPF and PPTS, and policies GE1 (UDP) and CS6 (Core Strategy) of the adopted development plan. Planning permission should therefore be refused.

8. RECOMMENDATION

8.1 Refusal and to undertake necessary enforcement action

9. Reason for Refusal

9.1 The proposal is inappropriate development in the Green Belt. The impact of the development proposal on the openness of the Green Belt is significant. The totality of harm to the Green Belt arising from the development would not be clearly outweighed by other considerations and therefore the Council is satisfied that the very special circumstances necessary for the granting of planning permission do not exist.

9.2 Accordingly, for the reasons given above, the Council refuses planning permission.

9.3 The decision to refuse permission has been taken having regards to the relevant policies and proposals specifically GE1 of the Halton Unitary Development Plan, and policies CS6 and CS14 of the Halton Core Strategy, the National Planning Policy Framework, Planning Policy for Traveller Sites, and human rights legislation.

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.

Appendix A

From: Daresbury Parish Council [<mailto:daresburyvillage@live.co.uk>]

Sent: 23 March 2015 12:34

To: Control, Dev

Subject: 15/00108/S73

Application No 15/00108/S73

Proposed removal of Condition 1 of 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 at any time (of which one shall be a static caravan or mobile home) at Land To the South West of Junction Between Newton Lane and Chester Road Daresbury Cheshire

Daresbury Parish Council wish to make a formal objection to the above Planning Application with regard to the proposed removal of Condition 1 and the variation of Condition 5 of the Appeal reference above determined by the Secretary of State on 30 June 2011.

On 24 September 2014 the Secretary of State upheld the Inspector's recommendation that the Appeal Ref: APP/D0650/A/13/2196163 and the Appeal against Halton Borough Council to remove condition 1 of planning permission APP/D0650/C/10/2126943 be dismissed. Condition 5 had been limited to a maximum of 6 caravans at any one time.

Given the above ruling we feel it is ridiculous that a further application for the removal of Condition 1 together with a request to double the number of vans on site can possible merit the time and cost of further consideration.

The owner of the site has been in breach of the Conditions set within the Town and Country Planning Act 1990, most specifically the Conditions laid out in the Inspectors decisions of 18 December 2007, 30 June 2011 and reiterated within the Secretary of States decision of 24 September 2014.

Other factors in our objection are:

Harm to the character and appearance of the area.

In August 2014 the owner more than doubled the occupancy of the site in terms of caravans. These have been accompanied by trucks and commercial vehicles containing scrap and waste materials.

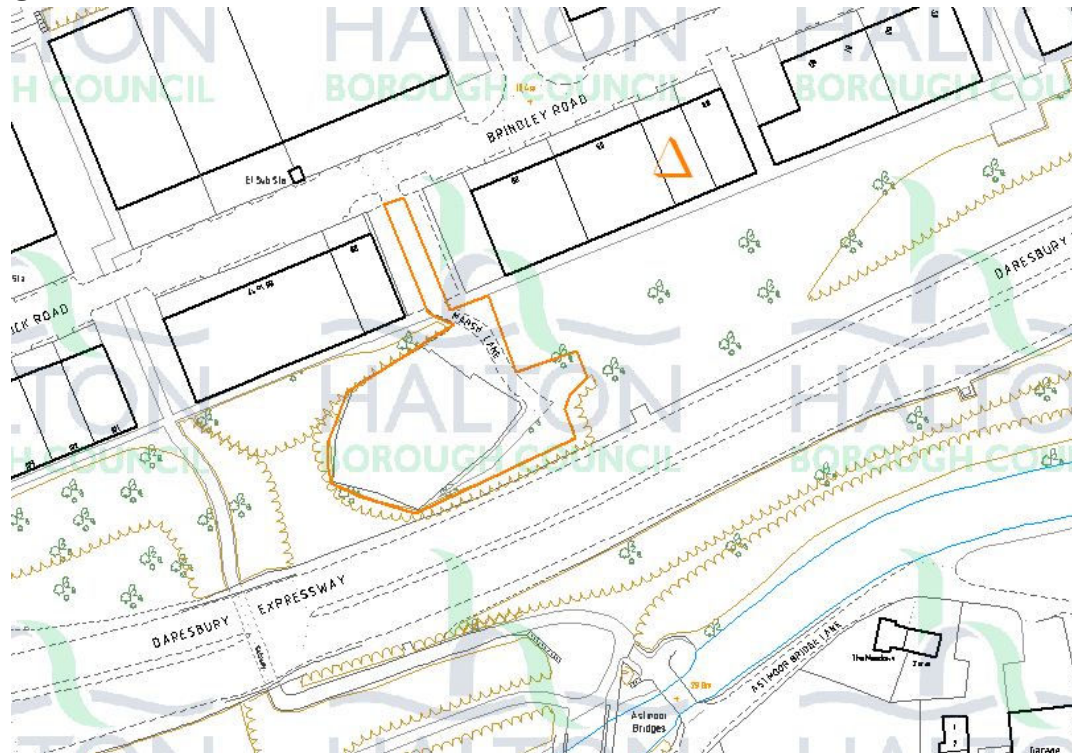
This is green belt land, unfortunately, from the A56 it looks more like a builders yard.

This breach of Condition, despite Magistrates ruling against the Owner in February 2015, is still going on.

Amanda Riley

Clerk to Daresbury Parish Council

APPLICATION NO:	15/00115/COU
LOCATION:	Former Ivy House, Marsh Lane off Brindley Road, Runcorn, Cheshire.
PROPOSAL:	Proposed change of use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks.
WARD:	Halton Castle
PARISH:	None
CASE OFFICER:	Tim Gibbs
AGENT(S) / APPLICANT(S):	Mr P Brown Philip Brown Associates 74 Park Rd Rugby Warwickshire CV21 2QX
DEVELOPMENT PLAN ALLOCATION:	Primarily Employment Area. National Planning Policy Framework (2012) Planning Policy for Traveller Sites (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
DEPARTURE REPRESENTATIONS:	Yes
KEY ISSUES:	Four representations received. <ul style="list-style-type: none"> • Employment area location. • Suitability of use.
RECOMMENDATION:	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 1st 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.

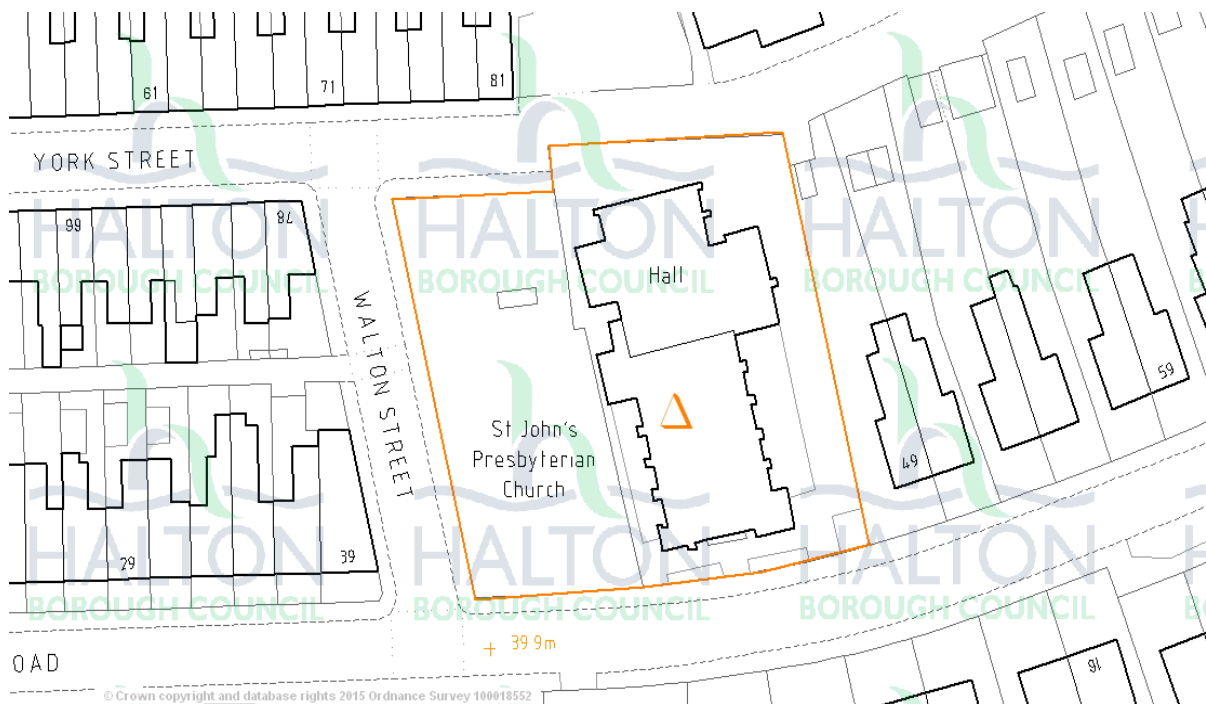
10. SUSTAINABILITY STATEMENT

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.

APPLICATION NO:	15/00194/FUL
LOCATION:	St John's Presbyterian Church, Victoria Road, Runcorn
PROPOSAL:	Proposed partial demolition and conversion of church into 6 No. town houses, construction of 2 No. detached dwellings and 6 No. semi-detached dwellings on the adjoining land with associated access, car parking and landscaping
WARD:	Mersey
PARISH:	-
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Mr P Pollard – Handford Developments
DEVELOPMENT PLAN ALLOCATION:	Primarily Residential Area
Halton Unitary Development Plan (2005)	
DEPARTURE REPRESENTATIONS:	No 4 representations from public consultation
RECOMMENDATION:	Approve subject to conditions.
SITE MAP	



1. APPLICATION SITE

The Site and Surroundings

Site is approximately 0.25 hectares in size, has an irregular shape, but is generally rectangular. Site currently comprises St John's Presbyterian Church, its associated car park and an area of unused grass land to the side of the church. The site located in the higher Runcorn area and is accessed currently from Victoria Road to the front of the church with a rear secondary access onto York Street. The site is located within a Primarily Residential area as designated within the Halton Unitary Development Plan.

Planning History

The following are of relevance to this application:- 08/00164/FUL – Proposed 9 mews houses (Refused); 08/00418/FUL – Proposed 9 mews houses (approved); 13/00280/FUL – Proposed demolition of church and erection of 10 dwellings (refused – appeal dismissed).

There are several other applications which have been approved which relate to works in and around the church building itself, but which are of no particular relevance to the determination of this proposal:- References 00/00543/FUL; 03/00103/FUL; 06/00246/FUL; 08/00163/FUL; 08/00451/FUL.

Background

The site is currently occupied by a church which has not been used for some considerable time and which is in a poor, if not derelict, condition. Externally the stone work is of a fair condition with the church stain glass having been mostly removed. The land to the side and rear is in an unkempt condition consisting of vegetation, grass and concrete areas.

2. THE APPLICATION

Proposal Description

This application seeks full planning permission for the part demolition of the church to the rear and the conversion of the remainder into 6 No. dwellings, with the construction of a further 6 No. semi-detached and 2 No. detached dwellings on the land to the rear and side of the church.

The following associated works are proposed as part of this planning application:

- Formation of a one-way access to serve the properties with an access from Victoria Road, exiting onto York Street.
- Landscaping to the front and side of dwellings.
- Boundary treatments to the front, side and rear of properties.
- Works to the church building to enable it to become practically habitable.

- Construction of car parking spaces to serve the converted church building dwellings.

Documentation

The planning application is supported by a Design and Access Statement, Phase 1 Ground Investigation, Ecological Appraisal, Tree Report and Viability Appraisal.

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 government has published its finalised Planning Practice Guidance (PPG, previously NPPG) to complement the National Planning Policy Framework (NPPF).

Halton Unitary Development Plan (UDP) (2005)

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

The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

Unitary Development Plan

- BE1 General Requirements for Development
- BE2 Quality of Design

GE21 Species Protection
PR16 Development and Flood Risk
TP6 Cycling Provision as part of New Development
TP12 Car Parking
TP17 Safe Travel for All
H3 Provision of Recreational Greenspace

Halton Core Strategy (2013)

CS1 Halton's Spatial Strategy
CS2 Presumption in Favour of Sustainable Development
CS13 Affordable Housing
CS18 High Quality Design
CS19 Sustainable Development and Climate Change
CS20 Natural and Historic Environment

Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management
WM9 Sustainable Waste Design and Layout for New Development

Relevant SPDs

Design of New Residential Development SPD is of particular relevance.

4. CONSULTATIONS

HBC Highways– No Objection in principle

HBC Open Spaces – No Objection in principle

United Utilities - No objection in principle but recommend two conditions relating to the requirement for the submission of details of foul water and surface water run-off.

5. REPRESENTATIONS

The proposal was advertised in the Widnes & Runcorn World and the nearest affected occupiers have been informed in writing. The Council is in receipt of four representations as a result of this consultation which are summarised as follows:-

- Seeking clarification on effect on house in the cul de sac opposite.
- Previous permission denied to demolish church, owner had said that church would not be demolished, objection to the application and request its refusal.
- Good to see this proposal includes retention of the church shell. The Council should support developers, providing the external features are retained. Better for the visual identity of the area.
- Welcome the retention of the church and its conversion.

- Impact of drive to the side of No.49 Victoria Road on the amenity of the occupiers of this property over a 24/7 period with noise, pollution, light with only a 1.8m wooden fence to separate.
- Proximity of plot 8 to the garage of No.49 Victoria Road and the impact on privacy from this property on the occupier of this property.
- The trees, shrubs and fence does not give adequate protection to occupiers of No.49 from;- privacy; car fumes and lights; children's play noise; will be used as a cut through to War Memorial Club; overlooking from the conversion and plots 7 and 8.
- Requires a 2m brick wall along boundary of church and No.49 Victoria Road similar to that proposed on York Street.
- Whatever goes ahead lives of occupiers of No.49 will never be the same again.

6. ASSESSMENT

Principle of Development

The re-development of the site for residential purposes has been established through the previous grant of planning permission for dwellings on the land adjacent and to the rear of the Church. The most recent proposal required the demolition of the church building in its entirety and as such was contrary to Policy CS20 of the Halton Core Strategy which seeks protection of locally important buildings. The decision of the Council was upheld at appeal and the appeal decision was not contested by the then applicant.

The site lies entirely within an area designated as a Primarily Residential Area in the Halton Unitary Development Plan and as this proposal incorporates the internal conversion of the majority of the church building, it is now considered to comply with CS20 as it will retain the essential character of this building and retain its architectural influence on the surrounding street scene.

Design and Character

The proposal incorporates the conversion of the main part of the church building, with the rear single storey element demolished. The appearance of the remaining building will be retained with the main alteration being the lowering of the walls beneath the feature windows along the sides of the church, to allow for access and doorways. Feature stonework will be retained with glazed curtain wall behind. The Council's Conservation Consultant has reviewed the scheme and has agreed that the proposed conversion is acceptable as a principle and has recommended conditions to ensure that the essential character of the building is retained and maintained as follows:-

- Details of structural support for stone tracery
- Details of future management of the historic church
- Details of all new windows and doors
- Details of all boundary treatments
- Samples of all facing materials
- Samples of all landscaping materials

In addition it is considered that a condition is added to require an internal and external recording of the church and its setting prior to the start of the development on the site and the conversion of the church building so that a full historical record can be maintained.

The proposed dwellings are a modern interpretation of the mixture of mature residential properties that surround the site. In particular the use of gable ends with apex projecting roof detail to the front and rear mirror aspects of the dwellings on Victoria Road and the verticality of the windows on the front elevations which take reference from the church building itself. It is considered that this shows an innovative approach which, together with the church building conversion, creates a distinctive sense of place. Materials will be the subject of a planning condition and will reflect those of the church and surrounding area.

Sufficient consideration has been given to the use of boundary treatments within the scheme and in areas which are publically visible, a high quality boundary is proposed, e.g. low wall and railings to the front of the church; brick wall to the rear of plots 7 and 8 and side of plots 2 and 6. In relation to the long boundary between the access and No.49 Victoria Road the applicant has agreed to upgrade this to incorporate a brick wall/acoustic fence infill to address potential disturbance to the occupier of that property. It is considered that this fairly addresses the concerns that this occupier has raised through the consultation process in relation to the potential disturbance from noise; fumes; and light. The boundary treatment will also provide a high quality finish within the scheme which enhances the character of the area and the living conditions of the future occupiers.

A landscaping scheme has been provided which shows an acceptable level of planting which will serve to augment the quality of the scheme. Its implementation will be the subject of a planning condition.

The nearest affected residential occupiers are those of No's. 39 and 49 Victoria Road; 78 Walton Road; 71-81(odds) Walton Road. No's. 39 Victoria Road and No's.75 - 81 York Street, have side windows serving habitable rooms which face the development. However the proposed scheme has taken full account of this and the proposed dwellings meet the Council's separation guidance. No.49 also has a habitable room window which is 16m from the converted church. In this case the Council's separation distance of 21m between habitable room windows is not met. However, the church windows are offset slightly and views impeded by the stone architectural detail of the church windows. In addition the applicant has agreed to the internal fitting of full height Venetian style shutters which will, if designed appropriately, minimise the impact on the privacy of the occupier of No.49 adjacent. When assessing the weight to be attached to this interface deficiency, members should also consider the overall gain from the scheme which sees a building of local architectural value being retained. It is considered that on balance, that in terms of the impact of the scheme on the privacy of existing occupiers, that sufficient design considerations have been made to mitigate the impact on the existing surrounding occupiers, given the constraints of the proposal and that the solutions proposed are acceptable.

Highways, Parking and Servicing

The proposal provides sufficient car parking within the site at two spaces per dwellings and is based on an internal access road which runs one way from Victoria Road to York Street. This is considered to facilitate the proposal and will not result in any serious harm to highway safety. There are visibility splay requirements which can be dealt with through planning condition for plots 2 and 13 and a control on the height of front boundary heights and the removal of permitted development rights for the conversion of garages. Recommended conditions relate to;- adequate surface water drainage details; demarcation of parking bays; control over visibility splays; removal of pd for garage conversions; construction management plans including wheel cleansing.

The proposal in this regard complies with Policies BE1 and TP17 of the Halton Unitary Development Plan.

Ecology

The application submission includes an Ecological Appraisal. This report is based on Phase 1 Habitat Survey and bat survey undertaken in February 2015.

The Council's Open Spaces Officer has confirmed that the recommendations contained within the submitted ERAP Ltd Ecological Survey and Assessment are acceptable, however no plan is submitted showing the installation/location of the bird and bat ecological enhancements so it is not clear if the developer intends to adopt the recommendations. Additional surveying for bats will be required (recommendation 5.1.1 of Ecological Survey and Assessment as a minimum) and this, together with details of bird and bat enhancements, will be the subject of planning condition.

The proposal complies with Policies BE1 and GE27 of the Halton Unitary Development Plan in this regard.

7. Assessment of Viability

It is the Council's usual requirement of proposals for residential development, that they provide both affordable housing and, where no on-site open space is provided, a financial contribution towards off-site provision in the locality. In particular circumstances, developers feel that the scheme cannot meet these requirements, then an assessment is submitted with the application to explain the viability of the scheme and provide justification for the Council to consider waiving these contributions.

In this case the developer has submitted a case to justify the waiving of both the requirement to provide affordable housing on site or payment in lieu, and for the payment of a financial contribution towards off-site public open space. The principal reason for making this claim is that the cost of the refurbishment and conversion of the St John's Presbyterian church building will prohibit and feasible financial return from the development that would allow the further cost of financial or other contributions to the Council.

The Council's Property Services team has evaluated their submission in this regard and has agreed that they provide an accurate reading of the marketability of the proposed scheme and the costs involved in the church conversion.

Based on the Council's reasons for refusing the previous application to demolish the church, it is the Council's preference for its retention and integration into a comprehensive scheme to re-use the site as a whole for residential development. Members are directed to attach greater weight to the retention of the church building, as a desirable architectural historical asset in this community, rather than to the policy requirements for additional contributions which could make the scheme undeliverable. As such, members should view the viability appraisal and its assessment in this context and support the recommendation to approve the proposal minus the contributions to affordable housing and off-site open space. In this regard, the proposal has met the terms of Core Strategy Policies CS15 and CS20 and Policy H3 of the Halton UDP as the justification of viability and is acceptable.

8. Conclusions

The proposed development has taken the opportunity to utilise a locally important building, considered to offer a good quality of development suited to the character of the site and the wider area, and contributes favourably to the Borough's housing provision. The proposed works are considered to accord with Government's policy objectives and the requirements and that the aspirations of UDP and Core Strategy policy and the Design of New Residential Development SPD are met.

9. RECOMMENDATIONS

Approve subject to conditions relating to the following:

1. Standard 3 year permission (BE1)
2. Condition specifying plans and amended/additional plans (BE1)
3. Historical recording of the existing building internal and externally prior to commencement (BE1 and CS20)
4. Materials condition, requiring building and hard surfacing materials to match the existing building/ hard surfacing or in accordance with details submitted to and agreed in writing (BE2)
5. Submission and agreement of details of structural support for stone tracery (CS20)
6. Submission and agreement of details of all new windows and doors to be used in the conversion of the church (CS20)
7. Details of a Management Plan for the future maintenance and preservation of the historic church and features retained as part of this approval (CS20)
8. Details of boundary treatments to be submitted (BE22 and CS20)
9. Submission and agreement of a Construction Environmental Management Plan including wheel cleansing facilities (BE1)
10. Submission of details of surface water drainage scheme (BE1)
11. Submission of details of foul drainage scheme (BE1)

12. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
13. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
14. Submission of details of bird and bat enhancements within the scheme (GE27)
15. Landscaping scheme to be approved in writing and implemented (BE1)
16. Prior to development beginning submission of details of further bat survey to be undertaken April to October (GE27)
17. Demarcation of parking bays (TP17)
18. Installation and retention of internally fitted venetian blinds (BE1)
19. Permitted development removed for extensions and outbuildings (BE2 and CS20)
20. Permitted development removed for conversion of garages (TP12)
21. Permitted development removed for front boundaries (TP17)
22. Provision and retention of visibility splays on plots 2 and 13 and front boundaries (TP17).

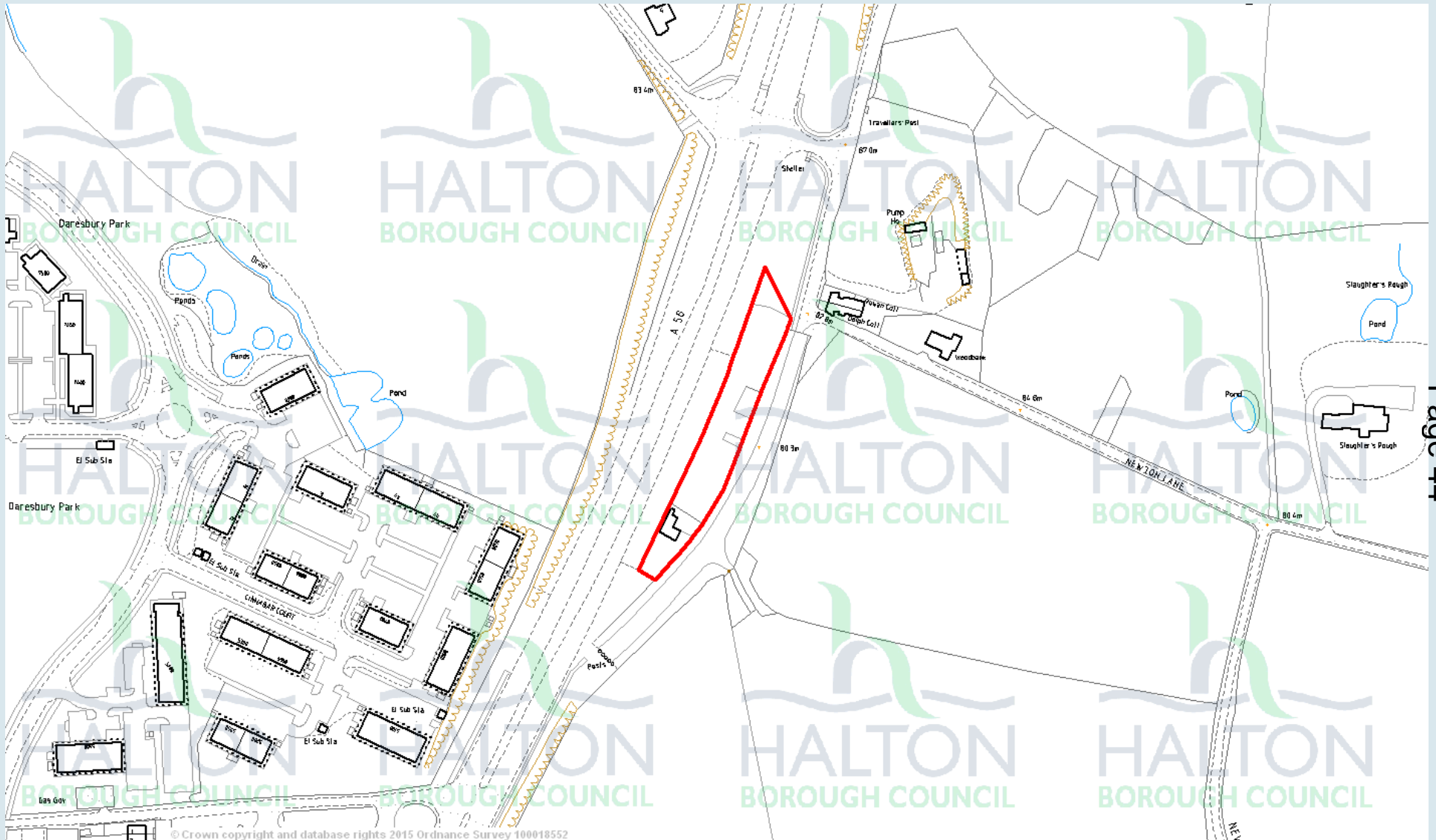
10. SUSTAINABILITY STATEMENT

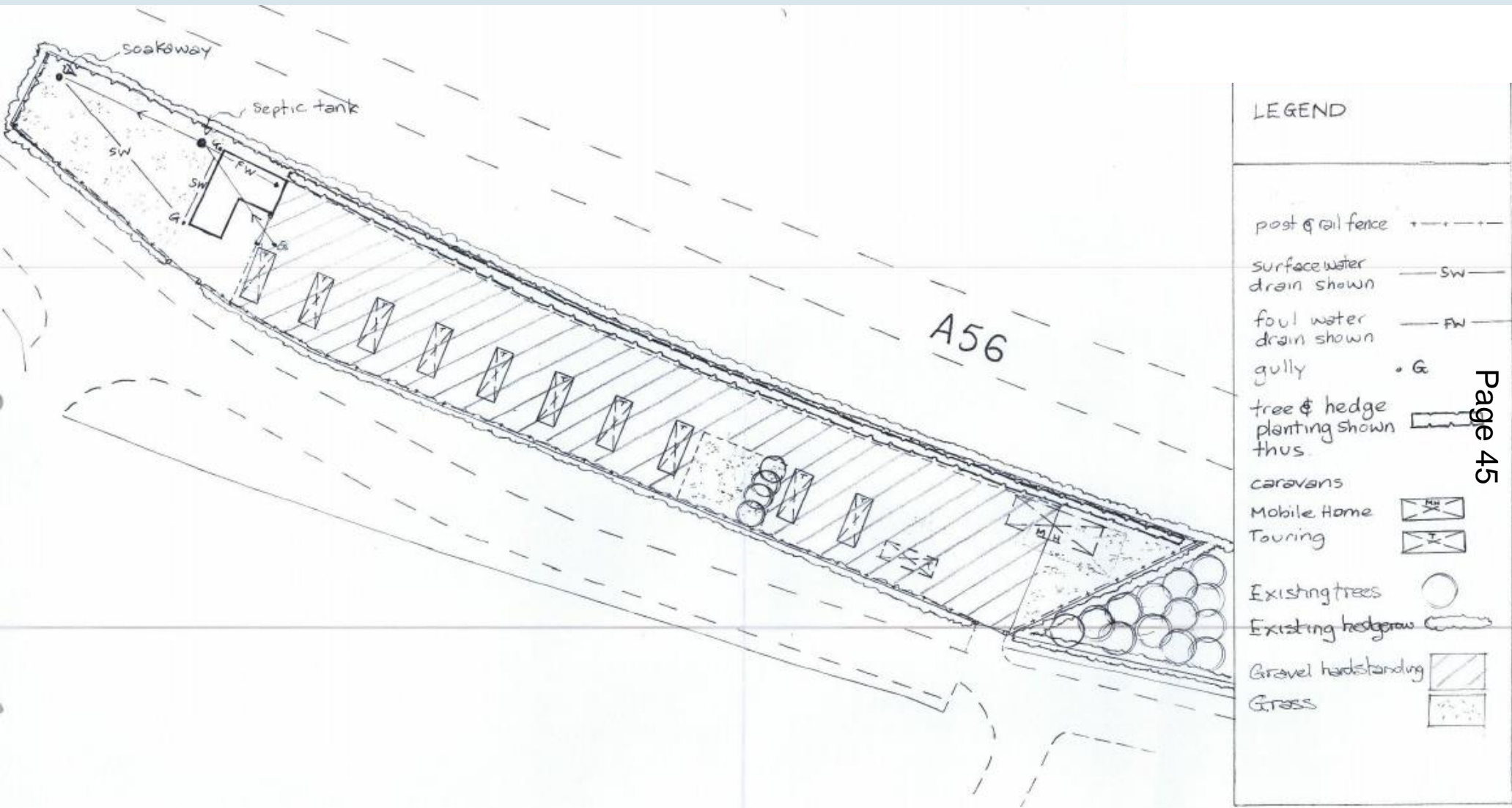
As required by:

- 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.


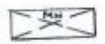
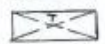




This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.





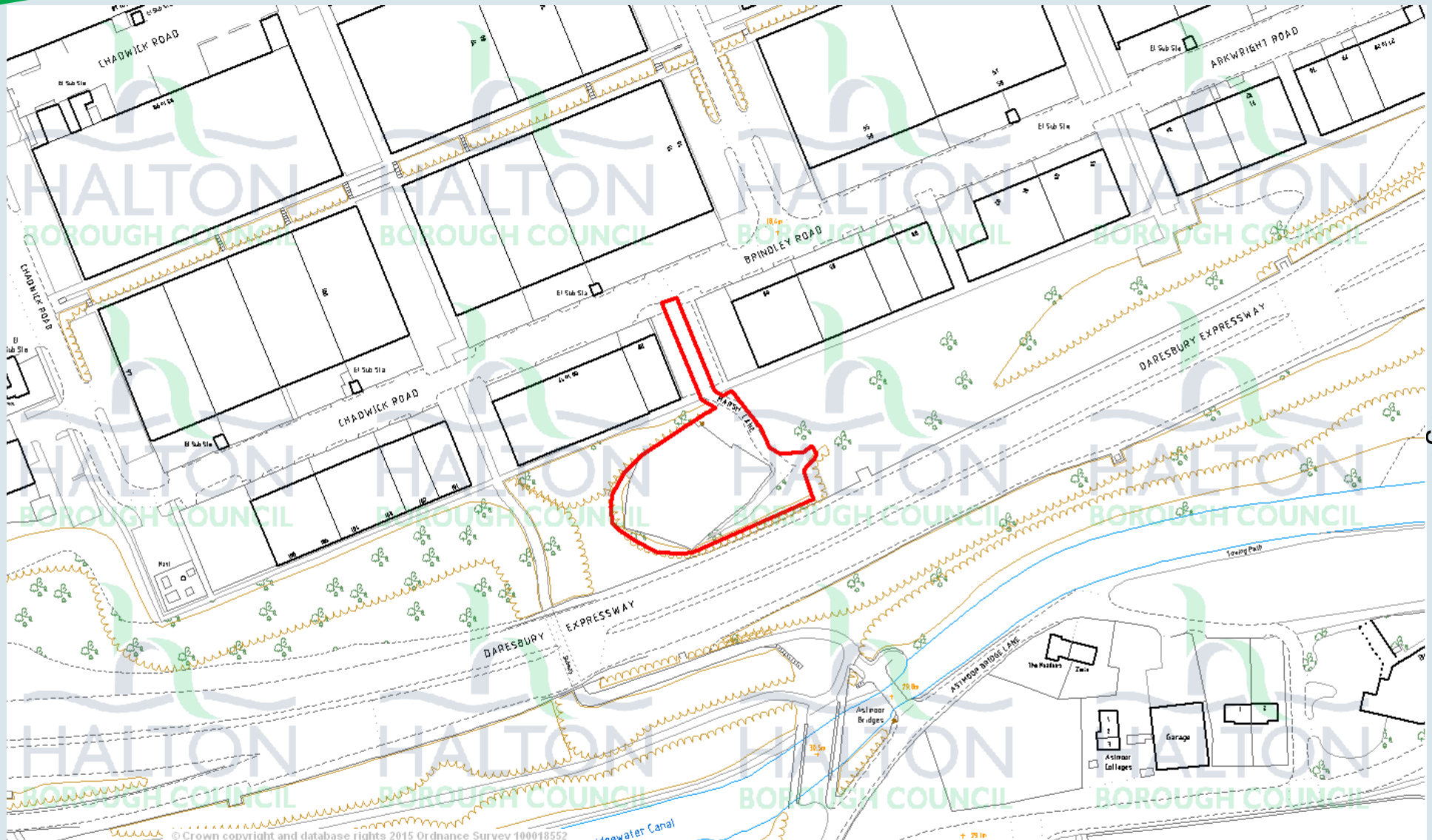


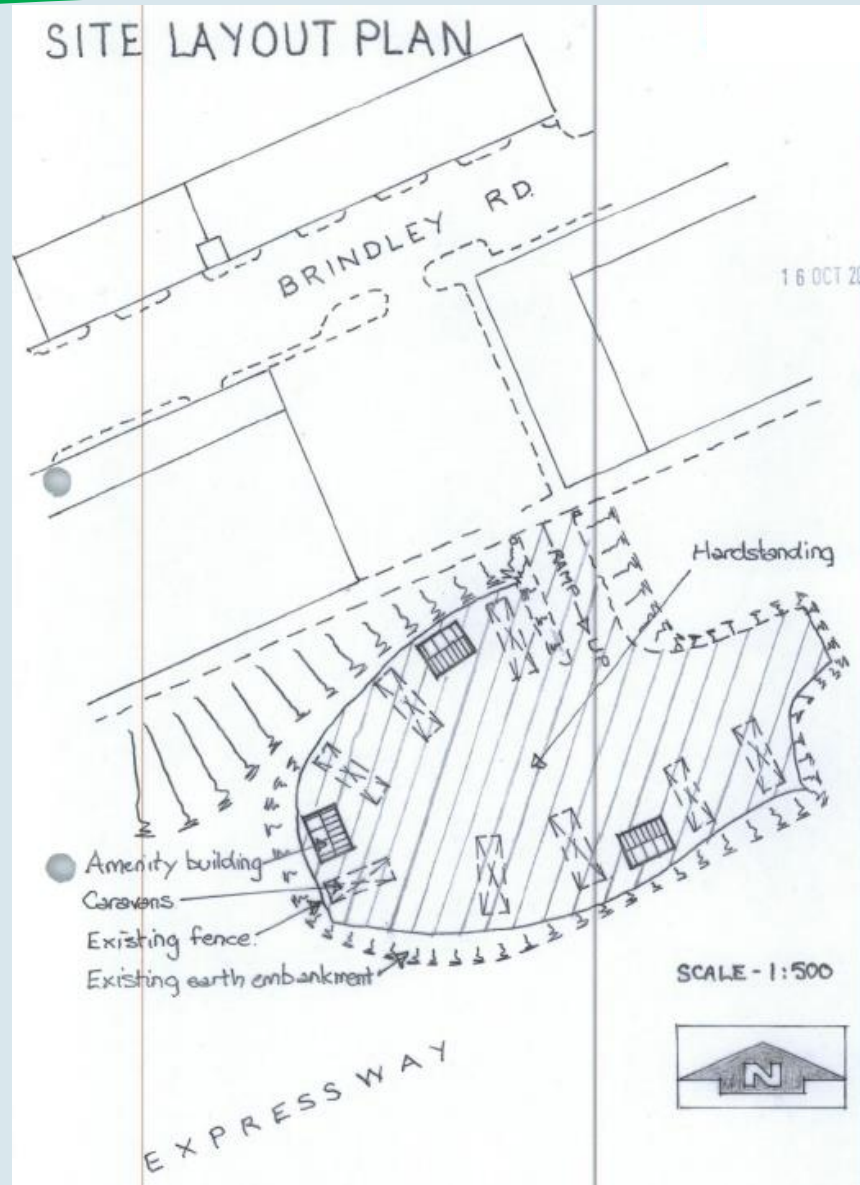
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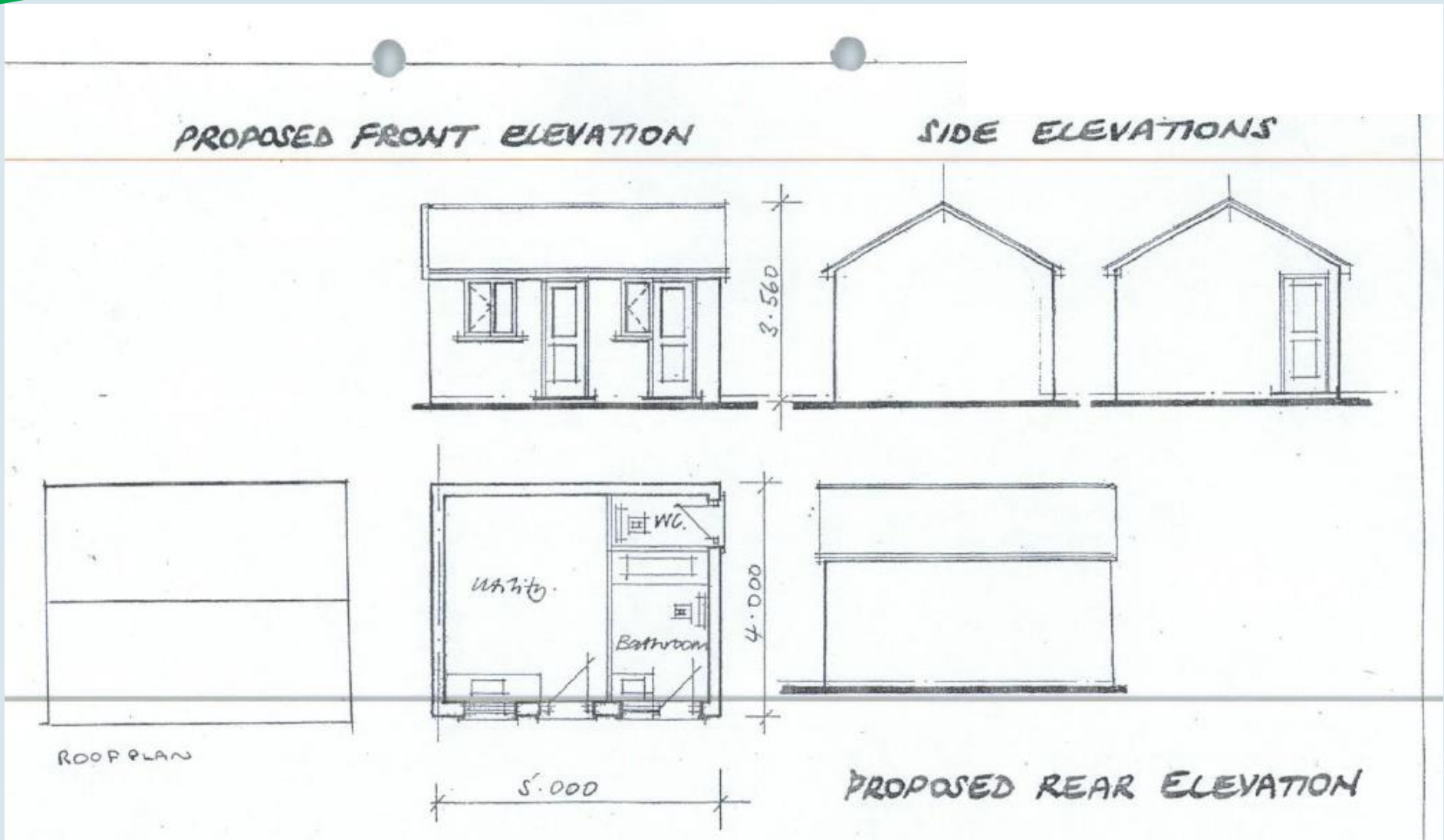
- post & rail fence - - - - -
- surface water drain shown - SW
- foul water drain shown - FW
- gully • G
- tree & hedge planting shown thus 
- caravans 
- Mobile Home Touring 
- Existing trees 
- Existing hedgerow 
- Gravel hardstanding 
- Grass 

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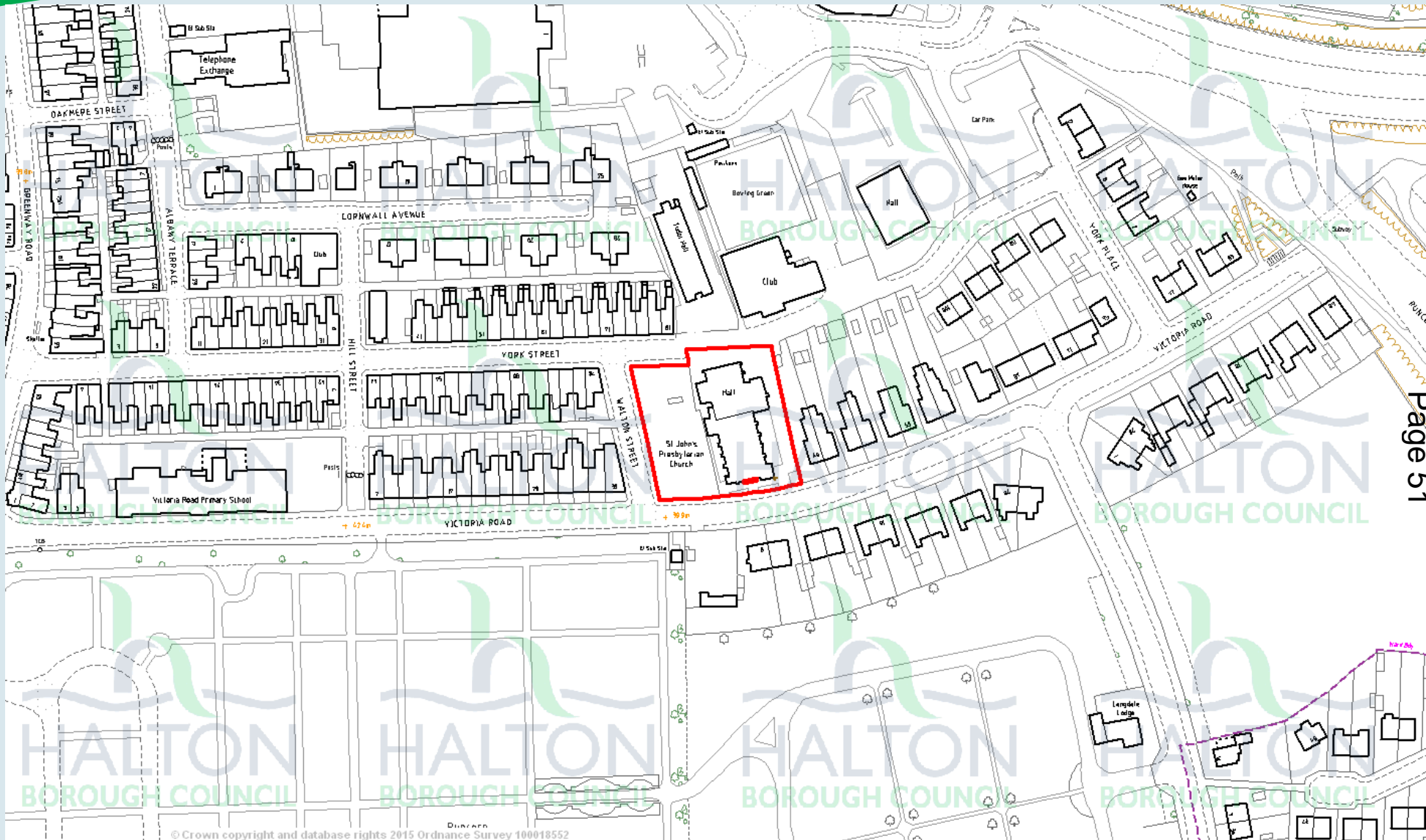


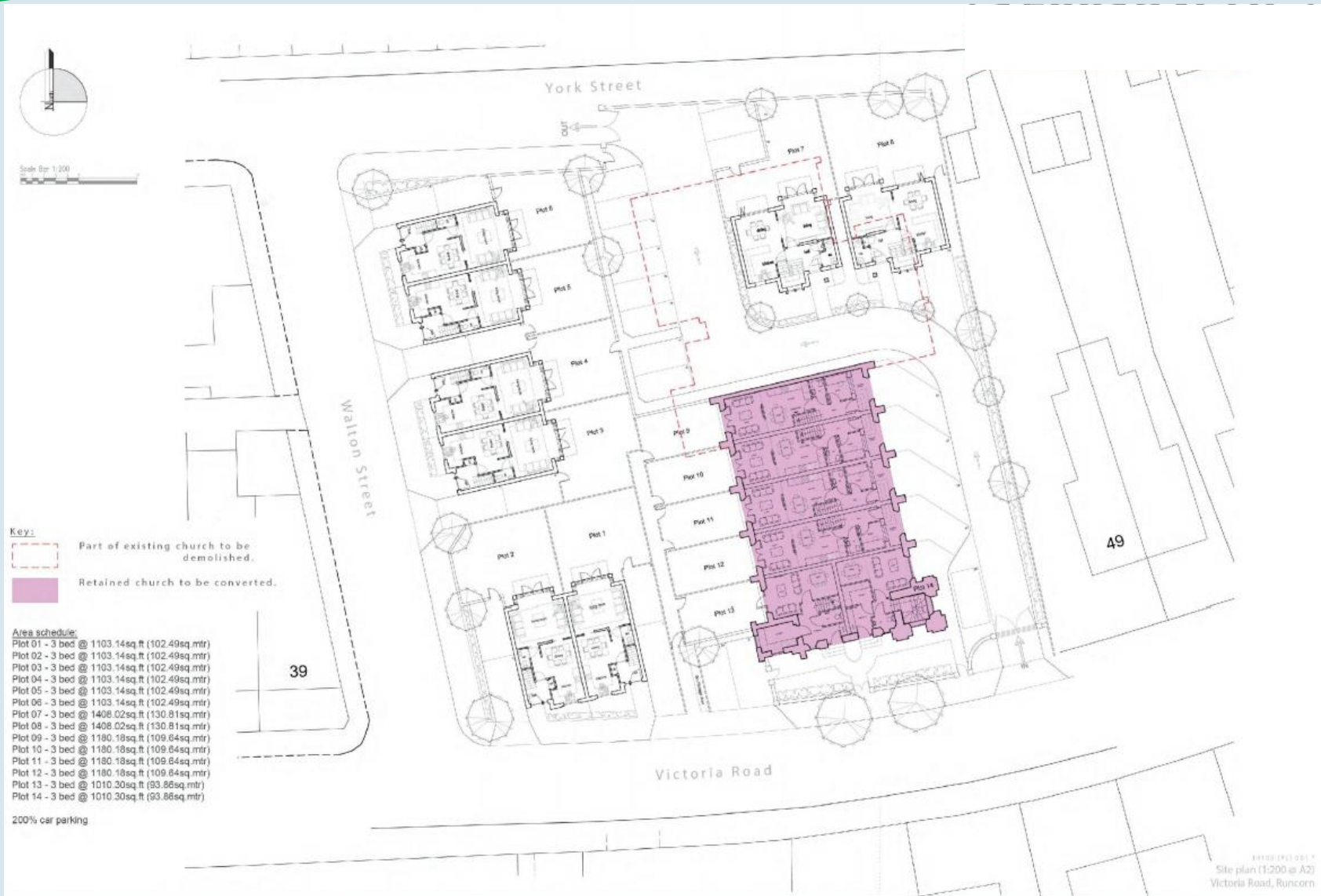


















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REPORT TO: Development Control Committee
DATE: 8 June 2015
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Planning Applications to be determined by the Committee – AB Update List
WARD(S): Boroughwide

PAGE NO.	LIST A	LIST B	Updated Information
5		15/00108/S73	
22		15/00115/COU	
34		15/00194/FUL	

REPORT TO: Development Control Committee
DATE: 8 June 2015
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Miscellaneous Items
WARD(S): Boroughwide

The following applications have been withdrawn:

- 15/00020/PLD** Application for a Certificate of Proposed Lawful Development for single storey rear and side extension, roof alterations and insertion of velux roof lights at 143 Birchfield Road, Widnes, Cheshire
- 14/00094/FUL** Proposed two storey side extension, addition of two no. bay windows, change of use of vacant land to residential curtilage, and creation of new vehicular access at 2 St Aidan's Drive Widnes Cheshire.
- 15/00073/FUL** Proposed construction of 1 no. detached dormer bungalow with associated landscaping and access on part of the rear garden of 117 Birchfield Road Widnes Cheshire
- 15/00060/FUL** Proposed construction and operation of a solar photovoltaic farm and gas powered fast response power plant, including perimeter fencing, inverter and transformer stations, cabling, CCTV, substations, internal access road and landscaping/biodiversity enhancem Land Bounded By Dismantled Railway And Situate To The South Of Johnsons Lane, Widnes
- 15/00118/PLD** Application for certificate of Proposed Lawful Development for installation of solar P.V. panels to roof at Silver Blades Ice Rink The Hive Widnes
- 15/00249/FUL** Proposed demolition of existing conservatory and construction of single storey extension on the same footprint and alterations to front elevation at 94 Malpas Road Runcorn