

REPORT TO: Development Control Committee

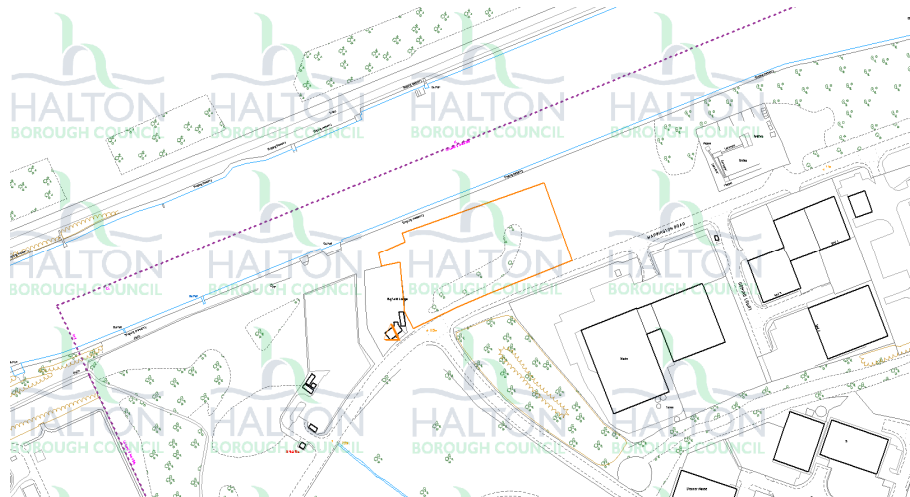
DATE: 4 November 2013

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

APPLICATION NO:	13/00267/HBCFUL
LOCATION:	Warrington Road, Runcorn, Cheshire.
PROPOSAL:	Development of a permanent Travellers site providing 12 pitches, including development of 12no. hard standings, 12no. brick single storey amenity buildings and timber boundary fencing to all pitches, access road with speed humps, street lighting, installation of water, gas and electrical services.
WARD:	Daresbury
PARISH:	Sandymoor
CASE OFFICER:	Jeff Eaton
AGENT(S) / APPLICANT(S):	Halton Borough Council, Municipal Building, Kingsway, Widnes, Cheshire, WA8 7QF.
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)	Greenspace, Site of Importance for Nature Conservation.
DEPARTURE	Yes
REPRESENTATIONS:	48 objections, 1 petition in objection, 1 representation of support.
KEY ISSUES:	Development on a Site of Importance for Nature Conservation, Traveller Site Provision, Ecology, Noise, Highways, Design.
RECOMMENDATION:	Grant permission subject to conditions
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site is located on Warrington Road in Runcorn opposite its junction with Longbenton Way. The majority of the site forms part of the Haystack Lodge Site of Importance for Nature Conservation (SINC) and is a designated greenspace in the Halton Unitary Development Plan.

Located to the west of the site is Bigfield Lodge which is a private site of mixed use with both residential and a residential caravan site. Further to the west beyond Bigfield Lodge, is an existing Council run Traveller Transit Site. Located to the north of the site is the Manchester Ship Canal. To the east of the site is an area of land which is designated greenspace and was previously part of the Haystack Lodge SINC, however it was removed in 2011 as this part of the site had not been managed and no longer met the criteria for a Local Wildlife Site (LWS). Located to the south east of the site on both Warrington Road and Longbenton Way are industrial and warehousing type uses.

2. THE APPLICATION

2.1 The Proposal

The application proposes the development of a permanent Travellers site providing 12 pitches. This would include the creation of 12no. hard standings. Each pitch would have its own single storey amenity space which would take the form of 6no semi-detached buildings. Timber boundary fencing would enclose all pitches and the overall site would be bounded by a mix of brick piers with concrete infills to the front and both sides and a weldmesh fence to the rear boundary adjacent to the Manchester Ship Canal. An access road with speed humps, street lighting, installation of water, gas and electrical services also form part of the proposal.

2.2 Documentation

The planning application is supported by a Design and Access Statement, Geo-Environmental Desk Study, Phase 2 Ground Investigation, Local Wildlife Site Description and Management Form, Warrington Road Traveller Site Supporting Statement, A Phase 1 Habitat Survey, Flood Risk Assessment, Bat Survey, Offsetting of land at Haystack Lodge Local Wildlife Site, Noise Impact Assessment.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

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

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

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Greenspace and forms part of a Site of Importance for Nature Conservation in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE6 Protection of Designated Greenspace;
- GE8 Development within Designated Greenspace;
- GE19 Protection of Sites of Importance for Nature Conservation;
- GE21 Species Protection;
- GE27 Protection of Trees and Woodlands;
- GE28 The Mersey Forest;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP12 Car Parking;

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development

- CS14 Meeting the Needs of Gypsies, Travellers and Travelling Show People
- CS20 Natural and Historic Environment

4. CONSULTATIONS

4.1 Highways

The Highway Officer has not raised an objection to the proposed development subject to the attachment of a number of conditions and informatives.

4.2 Environmental Health – Contaminated Land

The application was accompanied by a Geo-Environmental Desk Study and has more recently been followed up with the submission of a Phase 2 Ground Investigation. Both documents have been reviewed by the Council's Contaminated Land Officer and he has not raised an objection to the proposed development subject to the attachment of a full contaminated land condition as there still some outstanding issues with regard to ground contamination to be addressed.

4.3 Environmental Health - Noise

No objection to the proposed development subject to the fence detailed in Section 6 of the Noise Impact Assessment being implemented and maintained thereafter.

4.4 Cheshire Wildlife Trust

Cheshire Wildlife Trust would not advocate development on a Local Wildlife Site as a matter of principle, but it has also said each site should be looked at on its own merits. The current proposal site includes the plantation woodland but a large part is semi-improved grassland which, although over-grazed, remains restorable (BAP) Bio-diversity Action Plan habitat.

They have commented that as a last resort, offsetting is a possibility. The calculation of potential funds should be based on 'Costing potential actions to offset the impact of development on biodiversity' (Defra, March 2011) and 'Biodiversity offsetting pilots. Technical paper: the metric for biodiversity offsetting pilot in England' (Defra, March 2012).

An offsetting figure for compensation has been reviewed by Cheshire Wildlife Trust and based on the site being a semi-natural grassland of medium distinctiveness and moderate quality, the loss of 0.64 ha within the Haystack Lodge Local Wildlife Site may be compensated by the creation of 0.852 ha of high quality BAP habitat.

4.5 Environment Agency

The Environment Agency has no objection in principle to the proposed development but has suggested some conditions relating to mitigation measures outlined in the Flood Risk Assessment and for surface water runoff.

4.6 United Utilities

No objection to the proposed development. Its observations should be attached as an informative.

5. **REPRESENTATIONS**

5.1 The application has been advertised by a press advert in the Widnes & Runcorn World on 17/07/2013, a site notice posted on Warrington Road on 19/07/2013 and 275 neighbour notification letters sent on 11/07/2013. Following the submission of further supporting information and an amended site plan, a further period of consultation has been undertaken with 318 neighbour notification letters sent on 07/10/2013.

5.2 48 representations objecting to the application have been received from the publicity given to the application which included 14 circular style letters. 1 petition with 37 signatures was also received. A summary of the issues raised is below:

- The site is designated as a Greenspace and also as a Site of Importance for Nature Conservation (SINC) allocation and there are no material factors which should allow the destruction of the Greenspace and SINC.
- Given the lack of information provided, the application should not have been validated. The following documents should accompany the application:-

Biodiversity surveys and reports
Waste management plan
Contaminated land report
Transport assessment and travel plans
Tree survey
Noise survey

- The proposal fails to assess the effect on the land, mammals and amphibians.
- There is a potential conflict between the proposed development and the existing manufacturing facility in the locality.
- The new access on Warrington Road would create an additional hazard to the detriment of highway safety.

- Is an additional traveller site necessary?
- It appears that the existing traveller site has resulted in more incidents of trespass in the area and this would likely increase crime levels in the locality.
- Issues with employees of nearby businesses being harassed on their way to work.
- The proposal would destroy a Greenspace and remove trees.
- The site is not located in a sustainable location which would mean that residents would have poor access to facilities.
- These people should apply for Council housing.
- The Council has failed to undertake the statutory publicity required on this application.
- It would result in an overconcentration of traveller sites in one location.
- The proposal conflicts with the “Designing Gypsy and Traveller Sites: Good Practice Guide – Homes and Communities Agency”.
- A sequential approach to determine if an area of land is suitable for the proposed use.
- The proposal would compromise the future expansion of businesses in the local area.
- The proposal would not contribute to the Astmoor Business Improvement District.

5.3 1 representation supporting the application has been received from the publicity given to the application. This representation states that the use of the application site as a Travellers site is welcomed as an alternative to the site on Chester Road which is located in the Green Belt.

6. ASSESSMENT

6.1 Designation of the site as Greenspace

Within Policy GE6 of the Halton Unitary Development Plan, there is a presumption against development within a designated greenspace unless it is ancillary to the enjoyment of the greenspace. This proposal is not considered to be ancillary to the enjoyment of the greenspace.

Also within Policy GE6, there are some exceptions which may be made where there is a loss of the amenity value, which led to the designation of the site as greenspace that is adequately compensated for.

6.2 Designation of the site as a Site of Importance for Nature Conservation

The whole of the Haystack Lodge Local Wildlife Site of which the application site is part, qualifies as a Local Wildlife Site under selections:

- H7 – Neutral grassland.

- H11 – Restorable BAP grassland.
- H26 – Accessible neutral greenspace.

Policy CS20 and Policy GE19 of the Halton Unitary Development Plan sets out that development and land use change will not be permitted if it is likely to have a significant effect on a SINC, as defined on the proposals map, unless it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation of the site.

6.3 Requirement for Gypsy, Travellers and Travelling Showpeople Pitches in the Borough

The accompanying text to Policy CS14 of the Halton Core Strategy Local Plan states that the Cheshire Partnership Area Gypsy and Traveller Accommodation Assessment (GTAA) which was reported in 2007 concluded an additional need in Halton for up to 28-32 additional permanent pitches for Gypsies and Travellers in the period to 2016. Since this study, the Council has provided a new site in Runcorn (comprising 14 pitches, 10 transit and 4 permanent).

Policy CS14 states that the Council will work with its partners to ensure appropriate provision for Gypsies, Travellers and Travelling Showpeople's accommodation needs and there is evidence to support that there is requirement for additional pitches in the borough.

The policy also sets out criteria to be used when considering applications to meet the needs of Travellers. The relevant issues are considered below.

6.4 Principle of Development

It acknowledged that the site designations as a greenspace and a SINC are of particular importance with this proposal and the loss of either is not desirable. There are exceptions in both Policy GE6, GE19 and CS20 which allow for compensation for the loss of a greenspace and natural assets and if there is a case which can be demonstrated to outweigh the need to safeguard the substantive nature conservation of the site.

The supporting statement acknowledges the difficulties experienced over a number of years in managing the grassland area that forms part of the application site due to illegal trespass/grazing. Nutrient enrichment from horse manure and the overgrazing of the site leads to an alteration of the grass sward and its value as part of the Local Wildlife Site.

The conclusion within the supporting statement is that the valuable H7 neutral grassland is contained in another area of the site and is unaffected by the proposal. The remainder of the site still permits the H26 accessible neutral greenspace, therefore the Haystack Lodge site would still retain its Local Wildlife designation if the proposed development were to be acceptable.

The loss of habitat is acknowledged in the supporting statement and this would need to be compensated for, but in mitigation, improvements could be carried out on the remainder of the site with some degree of certainty.

Considering the issues raised in the supporting statement, the Council's Environmental Advisor – Cheshire Wildlife Trust understandably do not advocate the development of Local Wildlife Sites and are currently of the opinion that the semi-improved grassland on this site remains restorable BAP habitat. The concern with this is that it is unlikely to happen due to the trespass and overgrazing of the site. Cheshire Wildlife Trust has commented that overgrazing in the long term will increase the likelihood that species' diversity is decreased and other detrimental changes occur such as an increase in undesirables and bare ground. Based on this, it is likely that over time, the condition on this part of Haystack Lodge would reduce to the overall detriment of the Local Wildlife Site.

Given the management issues with this part of the Local Wildlife Site which is likely to result in terms of a reduction in habitat distinctiveness and condition, against the need for additional traveller pitches in the borough, the view taken in this case is that the loss of the greenspace and the SINC is by no means desirable, however for the reasons discussed, it is considered that compensation to mitigate for the loss could be appropriate subject to the proposal being considered acceptable in all other regards. This would ensure compliance with Policy GE6 and GE19 of the Halton Unitary Development Plan and CS20 of the Core Strategy.

6.5 Suitability of Land Use

The proposed travellers' site would be located directly adjacent to Bigfield Lodge, which is a private site of a mixed use with both residential and a residential caravan site, and an existing Council run Traveller Transit Site. In land use planning terms, it is considered that the proposed Travellers site would be compatible with the existing land uses located to the west of the site and essential services can be supplied to this site.

As noted in the site description, there are industrial and warehousing type uses located to the south east of the site on the opposite side of Warrington Road and Longbenton Way. A noise impact assessment accompanies the application. The conclusion of this assessment is that adequate ventilation and suitable noise levels for residential accommodation would be achieved, and hence the site is suitable for residential accommodation without further remediation. The Environmental Health Officer has reviewed the noise impact assessment and is satisfied with the methodology used in compiling the report and has raised no objection to the proposed development subject to the construction of 2.3m high imperforate fence (brick pillars with concrete infill panels) to the Warrington Road side and the two ends of the site which is what the noise impact assessment is based on. From an amenity perspective, the proposal is considered to be acceptable.

The site benefits from easy access to the major road network which allows access to employment opportunities and other facilities that are on offer in the borough.

The nearest facilities to the application site are located at Castlefields Local Centre which is approximately 1.6km from the site. Facilities such as schools, shops and a health centre are all provided in this location. Access to the public transport network is closer with the nearest bus stop being located on the busway in Astmoor. The site is located within the urban area and whilst not being located in very close proximity to facilities, it is not considered that a refusal on the basis of the site not being in a sustainable location could be sustained.

The proposal is generally considered to be compliant with Policy CS14 of the Halton Core Strategy Local Plan in this regard.

6.6 Ground Contamination

The application is accompanied by a Geo-Environmental Desk Study and a Phase 2 Ground Investigation. The Contaminated Land Officer is generally happy with the assessment and has not raised an objection, however there are a number of queries which need to be addressed. For this reason, it is considered reasonable to attach a full contaminated land condition to ensure that any ground contamination is dealt with appropriately to ensure compliance with both Policy PR14 of the Halton Unitary Development Plan and Policy CS14 of the Halton Core Strategy Local Plan.

6.7 Highway Considerations

The Highway Officer is satisfied that the proposed access arrangements are acceptable in terms of highway safety and that sufficient space for parking and servicing would be available within the site. The proposal is considered to be compliant with Policies BE1 and TP12 of the Halton Unitary Development Plan.

6.8 Flood Risk

The application site partly falls within Flood Zone 2. Paragraph 103 of the NPPF, which states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where they have been informed by a site-specific flood risk assessment. A Flood Risk Assessment (FRA) has been provided to accompany the application and has been reviewed by the Environment Agency. It has stated that it will only meet with the requirements of the NPPF if the measures detailed in the FRA are implemented and secured by condition. This would also ensure that the proposal is compliant with Policy PR16 of the Halton Unitary Development Plan and Policy CS14 of the Halton Core Strategy Local Plan.

6.9 Biodiversity

The application is accompanied by a Phase 1 Habitat Survey. The conclusion of this document based on the desk study and site survey findings was that it is not possible to adequately manage or exclude the risk of harm to protected species or habitats without the need for further surveys. The survey has confirmed that further surveys in relation to both bats and badgers were required.

A bat survey has been submitted to accompany the application. This concluded that no evidence of bat roosting was found and the site is considered to have a low potential for such. Cheshire Wildlife Trust have reviewed the survey and have confirmed that the survey has been carried out to an acceptable level of detail by a suitably-qualified surveyor and that they agree with the recommendations set out in the report.

A badger survey has also been submitted to accompany the application. This was undertaken based on the conclusions of the Phase 1 Habitat Survey following the identification of evidence of use on site.

The conclusions of this survey were that there is no sett located on the site or within 30m of the site. Badger activity was recorded during the surveys and it was evident that badgers were commuting and foraging within the site. Based on this, it is recommended that some mitigation measures are secured which would include fruit bearing trees, the creation of an invertebrate rich habitat area and badger fencing to prevent badgers from entering the site. It is considered reasonable to attach a condition which secures the submission of a mitigation plan to offset the impact that the proposed development would have on badgers.

Based on the above, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan.

6.10 Mitigation to offset the impact of the development on biodiversity

An offsetting calculation to mitigate the impact of the development on biodiversity has been undertaken and has been produced based on 'Costing potential actions to offset the impact of development on biodiversity' (Defra, March 2011) and 'Biodiversity offsetting pilots. Technical paper: the metric for biodiversity offsetting pilot in England' (Defra, March 2012).

This has been reviewed by Cheshire Wildlife Trust (The Council's Environmental Advisors) and based on the site being a semi-natural grassland of medium distinctiveness and moderate quality, the loss of 0.64 ha within the Haystack Lodge Local Wildlife Site may be compensated by the creation of 0.852 ha of high quality BAP habitat.

In order to secure the necessary mitigation to offset the impact of the proposed development on biodiversity, it is considered reasonable to attach a condition. This would secure the submission of a scheme which would detail

the precise detail of the mitigation to be undertaken in terms of timing and location.

The mitigation/compensation outlined above would ensure that the proposal is compliant with Policies GE6 and GE19 of the Halton Unitary Development Plan and CS20 of the Core Strategy.

6.11 Site Design and Visual Impact

The proposed development would no doubt have a significant impact on the visual appearance of this site. The loss of the designated greenspace and SINC and the required mitigation is considered above.

In terms of the design of the scheme, this has regard for the “Designing Gypsy and Traveller Sites: Good Practice Guide” produced by the Homes and Communities Agency in 2008. Each pitch would have an amenity building which would include a kitchen/day room, bathroom and a storage area, space for a large trailer and touring caravan, parking for two vehicles and a small garden area.

In terms of visual and acoustic privacy, the application proposes that the Warrington Road frontage and both sides of the site would be enclosed by a 2.3m high imperforate fence (brick pillars with concrete infill panels) with the rear boundary facing the Manchester Ship Canal being a mesh fence. The boundary treatments proposed are typical for this type of development and would not appear out of character with the other boundary treatments on the other sites on this side of Warrington Road. The noise impact assessment states that with the type of boundary treatment proposed, the site is suitable for residential development without any further mitigation measures.

The amenity buildings proposed would be of a brick construction with a tiled roof. In terms of its design, it would be functional in appearance and would have a floorplan similar to the example shown in the Designing Gypsy and Traveller Sites: Good Practice Guide. Details of the precise materials to be used can be secured by condition.

The proposal is considered to be compliant with Policies BE1 and BE2 of the Halton Unitary Development Plan and Policy CS14 of the Halton Core Strategy Local Plan.

6.12 Trees and Woodlands Considerations

The application would inevitably result in the loss of a number of trees. Regard also has to be given to the fact that the application site is located in an area identified for tree planting and other landscape improvements. The map which accompanies Policy GE 28 ‘The Mersey Forest’ of the Halton Unitary Development Plan indicates that woodland cover in this area of the borough should be between 20-30%. Whilst tree cover on this site would reduce as a result of the proposed development, the proposed site layout does show some indicative tree planting mainly along the front and rear boundaries of the

site. The provision of a fully specified landscaping scheme for the site should be secured by condition. Additional tree planting to accord with the requirements set out in Policy GE28 can be achieved in this instance through the mitigation measures which should be secured to offset the impact of the development.

Given that the proposal would result in the loss of grassland and tree felling, it is suggested that a condition which protects breeding birds is attached.

This would ensure that the proposal is compliant with Policies BE1 and GE28 of the Halton Unitary Development Plan.

6.13 Issues raised in representations not addressed above

This proposal has to be judged on material planning grounds and a refusal on the basis of who may reside at the site could not be sustained. It is not considered that a refusal on the basis that the proposed development would likely increase crime levels in the area could be sustained.

Publicity in excess of the statutory requirements has been undertaken on this application.

With regard to the proposal resulting in an overconcentration of travellers sites in one location, there is no planning reason to support a refusal on this basis.

In terms of a sequential approach being taken regarding site selection, this is applicable to main town centre uses that are not in an existing centre as detailed in paragraph 24 of the NPPF. This is a proposal which would provide a permanent residential site for Travellers and the site subject of the application needs to be considered on its merits.

It is not considered that the proposed development would compromise the expansion of businesses in the local area. As stated previously, the application is accompanied by a noise survey which demonstrates that a residential use on the site subject of the application is acceptable in amenity terms and it is not considered that locating a permanent Travellers site in this location would be to detriment of local businesses.

7. **CONCLUSIONS**

In conclusion, the proposed development would result in the loss of part of a designated Greenspace and Site of Importance for Nature Conservation. However, given the management issues experienced on the SINC (see paragraph 6.4), the overriding requirement for additional Traveller pitches in the Borough (paragraph 6.3) and the Council's commitment to ensure that appropriate provision for the needs of Gypsies, Travellers and Travelling Show People set out in Policy CS14, it is considered that the approach to mitigate for the loss of Greenspace and Site of Importance for Nature Conservation is appropriate in this instance.

The application sufficiently demonstrates the suitability of the site for the proposed use compliant with Policy BE1 of the Halton Unitary Development Plan and Policy CS14 of the Halton Core Strategy Local Plan.

The Highway Officer is satisfied that the proposed development would have no significant highways impacts, and that sufficient space for parking would be provided in compliance with both Policy BE1 and TP12 of the Halton Unitary Development Plan.

The application is accompanied by a Phase 1 Habitat Survey, a bat survey and a badger survey which has provided sufficient information to appropriately consider the impact of the proposed development on flora and fauna protected under national or international legislation. Appropriate mitigation as suggested by in the surveys should be secured by condition. This would ensure that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan.

The scheme has been designed having regard for the “Designing Gypsy and Traveller Sites: Good Practice Guide” produced by the Homes and Communities Agency in 2008. Each pitch would have an amenity building which would include a kitchen/day room, bathroom and a storage area, space for a large trailer and touring caravan, parking for two vehicles and a small garden area. The amenity buildings are considered to be of a functional appearance and precise details of external facing materials should be secured by condition. This would ensure compliance with Policies BE1 and BE2 of the Halton Unitary Development Plan.

The application is recommended for approval subject to conditions.

8. RECOMMENDATIONS

Grant planning permission subject to conditions.

9. CONDITIONS

1. Time limit condition
2. Approved Plans – (Policy BE1)
3. Submission of Precise External Facing Materials– (Policy BE2)
4. Landscaping Scheme – (Policies BE1 & GE28)
5. Breeding Birds Protection – (Policy GE21)
6. Hours of Construction – (Policy BE1)
7. Wheel Wash – (Policy BE1)
8. Implementation of Boundary Fencing - (Policy BE1)
9. Ground Contamination (Policy PR14)
10. Parking and Servicing Areas – (Policies BE1 & TP12)
11. Surface Water Regulation and Drainage Strategy – (Policy PR16)
12. Flood Risk Assessment Mitigation Measures – (Policy PR16)

13. Flood Management Plan – (Policy PR16)
14. Mitigation scheme to offset the impact of the development on biodiversity and loss of Greenspace – (Policies GE6 and GE19)
15. Mitigation measures for Badgers – (Policy GE21)

Informatives

1. Highways – Access to the site and pedestrian crossing point.
2. United Utilities Observations.

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.