

<b>APPLICATION NO:</b>	20/00352/HBCOUT
<b>LOCATION:</b>	Former Tarmac Site and Former Stobart Site, Foundry Lane, Widnes, Cheshire
<b>PROPOSAL:</b>	Outline application for residential development (Use Class C3) up to 86 dwellings with all matters reserved except for access
<b>WARD:</b>	Ditton
<b>PARISH:</b>	Halebank Parish Council
<b>APPLICANT:</b>	Halton Borough Council - Investment & Development
<b>AGENT:</b>	Cassidy & Ashton
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Part Proposed Employment Development Site (Site Ref. 34/3)
Halton Core Strategy (2013)	Part Action Area Halebank
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE REPRESENTATIONS:</b>	Yes
<b>KEY ISSUES:</b>	7 no. representations have been received from the publicity given to the application. One Letter of Support has been received from Councillor Harris.
<b>RECOMMENDATION:</b>	Principle of Residential Development on Allocated Employment Land, Design and Layout, Highways and Access, Flood Risk and Drainage, Noise and Amenity of Future Occupiers.
	Approve subject to conditions.

#### SITE MAP



## **1. APPLICATION SITE**

### **1.1 The Site**

The application site is located approximately 1.5km West of Widnes Town Centre, to the South of the West Coast Main Line, the former Ditton Station and Ditton Brook which bounds the site to the North and East. The site has a total area of approximately 1.90 ha and includes parcels of land being the end of Foundry Lane, the former Stobart Energy and Tarmac sites.

### **1.2 Planning History**

The site has a lengthy Planning history associated with the former industrial uses. None are considered directly relevant to the current application.

## **2. THE APPLICATION**

### **2.1 The Proposal**

Outline application for residential development (Use Class C3) up to 86 dwellings with all matters reserved except for access.

### **2.2 Documentation**

The application is supported by the following:

- Application Form
- Design and Access Statement
- Location Plan
- Existing Site Plan / topographic survey
- Indicative Masterplan (application site only)
- Indicative Masterplan (wider regeneration area)
- Transportation Assessment
- Noise Assessment
- Preliminary Ecological Appraisal (Extended Phase 1 Habitat Survey)
- Flood Risk Assessment and Outline Drainage Strategy
- Phase 1 Geo-environmental & geotechnical desk-based assessment
- Phase 2 Geo-environmental investigation and risk assessment

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

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

The site is allocated for proposed employment development (Site Ref 294/1) on the Halton Unitary Development Plan Proposals Map. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- RG5 Action Area 5 Halebank
- BE1 General Requirements for Development;
- BE2 Quality of Design;
- GE21 Species Protection;
- H3 Provision of Recreational Greenspace;
- PR5 Water Quality
- PR8 Noise Sensitive Developments;
- PR12 Development on Land Surrounding COMAH Sites
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP14 Transport Assessment;
- TP15 Accessibility to New Development;
- TP17 Safe Travel For All;
- E1 Local and Regional Employment Land Allocations

### 3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities;
- CS7 Infrastructure Provision;
- CS12 Housing Mix;
- CS13 Affordable Housing;
- CS15 Sustainable Transport;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS20 Natural and Historic Environment;
- CS21 Green Infrastructure;
- CS22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste.

### 3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout of New Development.

## **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

### **3.4 Halton Borough Council – Affordable Housing Supplementary Planning Document.**

This SPD seeks to provide greater certainty and clarity for all parties involved in the delivery of affordable housing in Halton through the planning system. The National Planning Policy Framework<sup>1</sup> requires local authorities to assess and meet the full needs for affordable housing in their housing market area.

### **3.5 Halton Borough Council – Design of Residential Development Supplementary Planning Document.**

The purpose of the Design of Residential Development Supplementary Planning Document (SPD) is to provide additional practical guidance and support for those involved in the planning and design of residential development within Halton. It will also be used by the Council in its assessment of applications for planning permission for schemes of residential development or mixed use schemes containing a residential element.

### **3.6 Halton Borough Council – Provision of Open Space Draft Supplementary Planning Document**

The purpose of this Draft Supplementary Planning Document (SPD) is to complement those policies of the Halton Unitary Development Plan (UDP) that recognise the importance of open space within the borough. Added to this it will provide a stimulus for the enhancement in quality, quantity and accessibility of all types of open space within the borough. Specifically, it will help provide;

- a) Networks of high quality open spaces and sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
- b) An appropriate balance between new provision and the enhancement of existing provision;
- c) Clarity and reasonable certainty for developers and land owners in relation to the financial requirements and expectations of the Local Planning Authority in respect of open space, sport and recreation provision to serve new residential developments.

### **3.7 Halton Borough Council – Planning for Risk Supplementary Planning Document**

The purpose of this Supplementary Planning Document (SPD) is to: complement and expand upon policies set out in the approved Halton Unitary Development Plan (UDP) by providing additional and more detailed policies for:

- deciding how new developments which create significant potential off site accidental risks should be balanced against the benefits they will bring;
- deciding how new developments, in areas already exposed to significant existing potential accidental risks, should be balanced against the benefits they will bring, and;
- explain in more detail how UDP policies should be interpreted.

### 3.8 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

#### Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states so that *sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.* As set out in paragraph 11 below:

### The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

### Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

### Determining Applications

Paragraph 47 states that *planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.*

### Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act

which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

#### **4. CONSULTATIONS**

##### Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

##### Environmental Protection

No objection to the proposed development, subject to conditions and final design.

##### Contaminated Land Officer

No objection to the proposed development subject to condition(s).

##### Lead Local Flood Authority (LLFA)

No objection to the proposed development subject to conditions.

##### Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection to the proposed development, subject to conditions.

##### Environment Agency

No objection in principle, subject to conditions.

##### United Utilities

No objection to the proposed development, subject to conditions.

##### Natural England

No objection, subject to further consultation on HRA Assessment.

##### Cheshire Police

No objection. Advice provided on detailed design matters

##### Health and Safety Executive (HSE)

Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **5. REPRESENTATIONS**

7 no. representations have been received from the publicity given to the application with 4 letters stating in principle support but raising the following:

- That access rights to existing properties need to be maintained to existing properties but currently shown to be blocked by potential later phases as shown on the indicative masterplan/ That properties backing onto existing housing could be re-configured
- Concern that potential future phases show potential connections to existing estate roads and the potential impacts in terms of traffic and parking for existing estate roads
- That existing trees/ landscaping should be maintained through potential future phases to maintain screening/ privacy
- Concern over the potential for up to 4 storey development on future phases and impact on character, existing properties, privacy etc
- Querying why warehousing has previously been approved on other sites on Foundry Lane

A letter of support has been received from Cllr Harris confirming

*"I write in support of this planning application and the efforts of ward Cllrs to see this site redeveloped to residential from its current/previous uses.*

*This will help kick start the redevelopment of the wider industrial area for residential use and is to be welcomed. It contrasts with other applications which seek to build on green space sites, instead of using brownfield sites like this.*

*The development of these 86 new homes accord with the council's planning policy and the DALP."*

## **6. ASSESSMENT**

### **6.1 Background**

An area east of Hale Road and north of Foundry Lane was formerly occupied by Asda supermarket. Historically, this was the neighbourhood centre. After closing in 2004, the site was promoted by Widnes Regeneration Ltd and subsequently developed out with 158 dwellings by Barratts. The residential development is complete and fully occupied.

Since the closure of the Asda store and the redevelopment of that site a new neighbourhood centre has been established in the location of Hale Road / Pickering Road junction.

The regeneration of the wider area has since that time been an aspiration of the Council. For various reasons including financial and housing market considerations, those regeneration aspirations have since remained stalled. The current application is intended to re-invigorate and kick-start those aspirations. Historically, this regeneration was envisaged as comprising a

mixture of land uses, both commercial and residential, however, the balance has tipped towards principally residential development. This is reflected in the proposed housing allocations in the area, promoted via the emerging Delivery & Allocations Local Plan (2019), which has recently been submitted for Examination. These wider regeneration aspirations are reflected in an illustrative / concept masterplan that is put forward by way of context alongside the site that is the subject of this planning application.

## 6.2 Principle of Development

The site is brownfield land which is designated in part as a proposed Action Area for Regeneration and part allocated for Employment Development (Use Classes B1, B2 and B8) in Policy E1 of the Halton Unitary Development Plan and the associated proposals map as Site Ref 34/3.

UDP Policy RC5 Action Area 5 Halebank includes provision for residential development. Proposed residential development for that area as designated is therefore considered acceptable in principle.

For the area of the site allocated for employment uses, the use of housing on the site constitutes a departure from Halton's Development Plan. In accordance with the Development Management Procedure Order 2015 the application has therefore been advertised in the local press and by site notice, as a departure.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF require applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed employment site is of limited size and could be considered to offer limited prospect for commercial developers and operators. The site has remained vacant for some time since the removal of temporary offices located and operated in connection with the adjoining Stobart site. The loss of a relatively small employment site must also be balanced against the wider potential regeneration benefits.

A realistic view has to be taken on the likelihood of the land being brought forward for employment or whether it would currently be more sustainable to release the land for residential use. This is a position which is reflected within the emerging Delivery and Allocations Local Plan (DALP) and associated proposals map which proposes to allocate the land as part of a wider allocation for residential use. Whilst no weight can be attached to the provisions of the DALP it is considered that significant weight can be attached to the potential regeneration benefits of the scheme and provision of much needed housing and that the application should not be refused on the grounds of retaining the site for employment use any further.

## 6.3 Design and Layout

This outline planning application is for up to 86 residential units, with all matters reserved except for access. An indicative layout is submitted which indicates how the proposed site might be laid out. This indicative layout also indicates how a mixture of residential units can be incorporated into the scheme. It must be emphasised that this layout is submitted for illustrative purposes only and that the final layout, scale and amount of development will ultimately be dealt with through the approval of reserved matters.

The indicative layout shows 22 semi-detached houses, 32 terrace houses and 32 apartments. The future mix will however be determined at reserved matters stage. The proposal is put forward in isolation but with an indicative masterplan which shows how the site will form an initial phase of development designed in such a way that can easily connect with, and facilitate, future phases of development, this principally being the Golden Triangle area.

The Council's New Residential Development SPD requires development interface distances to achieve the 21m separation (between habitable room windows) and 13m separation (between habitable room windows and blank/non habitable elevations) to be measured from the centre of any habitable room window. Proposed layouts are also expected to comply with the Council's standards for private amenity space and provide sufficient internal access roads, parking and servicing as set out in the Design of Residential Development SPD.

Whilst indicative, the submitted plans provide enough information to demonstrate that there is sufficient space within the site to accommodate these standards upon the final design and submission of reserved matters. Also, that a scheme of up to 86 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

A number of comments have been raised through representations including with respect to the detailed layout, retention of existing landscaping, privacy and access rights. These largely relate to potential future phases of development as shown on the indicative masterplan for context. It is considered that all such issues are capable of resolution through future application including at reserved matters stage. Cheshire Police has also made a number of comments regarding the scheme with respect to measures to designing out crime. These have been provided to the applicant for information and again can be considered in more detail at reserved matters stage.

#### 6.4 Highways and Access

To comply with national and local planning policy, the application is supported by a Transport Assessment (TA). This considers the highways and transportation aspects of the proposed scheme.

Overall, it is concluded that there are no significant traffic or transportation effects that could be classified as severe or detrimental to safety. It is

considered that the trip impact can be accommodated on the local highway network and there are opportunities to further promote sustainable travel.

The Council's Highways Officer has confirmed that, in terms of access, the proposed development is considered acceptable for vehicular traffic with connection onto the adopted Highway Network that does not result in a significant impact on capacity nor road safety. Although it is acknowledged that the site applied for is hoped to become part of a larger development it should be noted that it currently fails to meet the required standards set out in TP1 in terms of access to public transport and sustainability for non-motorised users.

The application is in outline only with all matters reserved except for access. The Highway Authority has identified a number of design issues with the submitted indicative plan that would need to be and can be addressed as part of reserved matters applications.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP6, TP7, TP12, TP14, TP15, TP17 and TP18 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy. The site is well located for all necessary amenities. It is considered that any deficiencies with respect compliance with UDP Policy TP1 can be addressed through future phases of development as and when they come forward. In order to secure compliance at this stage would require securing access across third party land indicated for potential future residential development and anticipated to come forward in due course. The potential regeneration and kick-start to wider regeneration benefits of the scheme are considered to outweigh any harm resulting with such non-compliance in the interim.

## 6.5 Flood Risk and Drainage

The application is supported by a Flood Risk Assessment which has been reviewed by the Lead Local Flood Authority (LLFA) and Environment Agency. The LLFA has confirmed that the development proposed would increase the sites current vulnerability to 'More Vulnerable' according to NPPF guidance. The proposed development also involves a land use change which will likely reduce the site permeability. This change would likely increase the surface water runoff at the proposed site.

The Environment Agency Flood Map for Planning indicates that the site is primarily located in Fluvial Flood Zone 1, with areas of Flood Zones 2 and 3 along the sites northern and eastern boundaries and along Foundry Lane. Flood defence is shown to be present along the northern boundary of the site although the site is not shown to benefit from the presence of flood defences. The flood risk from surface water mapping indicates that the majority of the site is at very low risk of flooding from surface water. However there are two isolated areas shown to be at low risk of flooding representing minor depressions in the topography. Modelled extents show these are not expected to exceed 0.3m in depth. Ground water flood risk at the site is considered low.

The flood risk assessment indicates the flood risk to the site would be mitigated through the implementation of the measures including setting of minimum finished floor levels, ground re-profiling and that built development will be set back a minimum of 5 meters from the top of bank of Ditton Brook to allow for maintenance and access.

The applicant has provided a surface water management strategy to support the application. The drainage strategy indicates shallow groundwater is present at the site therefore disposal of surface water by infiltration is not considered feasible. Ditton Brook is located along the northern and eastern boundaries of the site therefore it is proposed to discharge surface water directly into this watercourse with appropriate attenuation.

Based on the observations above, the LLFA is satisfied that the proposal should not increase flood risk on or off site and the properties proposed should have a low risk of flooding. Advice is provided with respect to the final layout at reserved matters stage. The LLFA is satisfied that the site would be able to be drained, however further details would be required prior to development taking place. The Environment Agency has also confirmed that they raise no objection in principle subject to conditions.

Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

## 6.6 Noise

The applicant has provided a noise report in support of the application. The report is based on the methodology and assessment criteria contained within both BS4142 and BS8233. The aim is to demonstrate that future residents are not exposed to elevated levels of noise.

The proposed development is for housing on a recently vacated industrial site. Across Ditton Brook to the east of the site is the rear of the Eddie Stobart site and to the west is the Golden Triangle. The adjacent site to the south is a recently vacated industrial site. It is anticipated that this application is the first phase in redeveloping the area for residential use, which will eventually include the Golden Triangle and the site to the south. The application is outline in nature and therefore is liable to detail changes in the final build.

The report comments on the noise levels emanating from the Eddie Stobart site to the east and the EUKD site to the south.

The Council's Environmental Health Officer has advised that the noise from the Eddie Stobart site meets the requirements for internal noise levels with windows open for daytime hours, but exceeds this level for the night time hours in the properties the eastern side of the site. The report therefore recommends mitigation to ensure that the internal noise levels can comply with BS8233.

EUKD operates daytime hours only and noise emanates from the rear service yard to the south of the proposed development. Forklift trucks operate throughout the day and the cardboard compacter, which is the noisiest operation on site, operates approximately 20 times per day. Noise from this process will affect the proposed houses on the southern and western side of the site. Further mitigation is recommended in relation to the properties affected by noise from EUKD, taking into account noise from the site is daytime only.

The recommendation is for additional ventilation such that the windows can be kept closed and adequate ventilation can be maintained within habitable rooms together with a 2.5m barrier along the eastern boundary adjacent the Eddie Stobart and EUKD sites and along the western and southern boundaries as identified by the noise assessment.

The proposal is opposite a Stobart site used for processing waste wood for use in a biomass facility located further to the east. A number of other existing commercial and employment uses surround the site. Paragraph 182 of NPPF indicates that 'where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

The Council's Environmental Health Officer has confirmed that they would not therefore raise any objections to the proposed development. The noise survey will need to be updated at reserved matters stage to account for the detailed design. Based on the above and subject to approval of the final design, the proposal is considered acceptable from a noise perspective. Subject to appropriate mitigation no conflict with NPPF Paragraph 182 is considered to exist and the proposals are in compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy.

## 6.7 Ground Contamination

The application site is covered by a number of ground investigation reports, with an initial desk study covering the whole site area. The preliminary risk assessment (PRA) presents a detailed review of the available information and a site reconnaissance visit. A range of historical site uses both on and off site have been identified as having the potential to give rise to significant contamination of the site with respect to the proposed residential development. The site history includes the infilling of marshy ground and a former channel of Ditton Brook, railway land and the recent concrete batching plant. A number of possible pollutant linkages are presented in the preliminary conceptual site model, and a site investigation was recommended to determine the presence of such linkages and the relevant significance to the identified receptors (including ground and surface waters, future residents and construction workers).

The Council's Contaminated Land Officer has confirmed that the site investigation and supporting risk assessments are sufficiently robust to make

clear recommendations regarding the contamination status of the application site and for appropriate mitigation measures with respect to human health. With regard to the controlled waters risks (to ground water and to Ditton Brook) a number of assumptions have been made about the significance of the identified contamination and the conclusion that the site is low risk.

The Environment Agency has confirmed that they raise no objection subject to conditions relating to site remediation and verification, drainage and restricting the use of deep or piled foundation solutions.

For the protection of the site and its future residents the outline remediation strategy recommends gas protection measures for the new dwellings and a simple cover system for garden/landscaped areas.

The attachment of the condition above will ensure compliance with Policy PR5, PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

## 6.8 Ecology

The applicant has submitted a Preliminary Ecological Appraisal report in accordance with Core Strategy Policy CS20.

The Council's retained adviser on ecology matters has advised that the proposed development will result in the loss of bird breeding habitat and Core Strategy Policy CS20 applies. To mitigate for this loss, it is recommended that details of bird nesting boxes that will be erected on the site should be provided to the Local Planning Authority for agreement. This can be secured by appropriately worded planning condition

At this outline planning stage, detail of the surface water SUDs, outfall / discharge point on Ditton Brook has not been provided as all matters are reserved except access. Therefore, at reserved matters stage(s) once full details of the surface water drainage solution are known, it is advised that the Preliminary Ecological Appraisal (PEA) will need to be updated or an addendum provided to consider the impacts of the outfall construction/operation on bankside habitats of Ditton Brook. This can be secured by a suitably worded planning condition.

Due to the development's potential pathways and impacts on protected sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Core Strategy Policy CS20 applies. This concludes that, without mitigation/preventative measures, that there will be likely significant alone and in-combination effects on protected sites. An Appropriate Assessment has therefore been carried out in accordance with Regulation 63 (Habitats Regulations 2017). This concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of European sites.

The Preliminary Ecological Appraisal report states that buildings and trees on site have negligible suitability for roosting bats and no evidence of bat species

was found. Based on these findings it is advised that the Council does not therefore need to consider the proposals against the three tests (Habitats Regulations). It is advised that Natural England is consulted on the outcome of the Appropriate Assessment prior to determination. Whilst Natural England raise no objection in principle, they specifically request further consultation on the outcome of the appropriate assessment. Members will be updated orally.

Mitigation/preventative measures can be secured by appropriately worded planning conditions. Conditions relating to bird boxes and securing a ecological buffer to Netherley Brook and Ditton Brook' improvement corridor are also advised. The attachment of the conditions suggested above would ensure that the proposal from an ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy.

### 6.9 Open Space

The requirements for the provision of recreational greenspace within new residential developments are set out in Policy H3 of the Halton Unitary Development Plan.

The scheme is considered deficient with regards to open space provision when measured against UDP Policy H3. In accordance with the Councils adopted Provision of Open Space SPD financial contributions would normally be required for off-site provision. The proposals are a Council lead regeneration scheme and redevelopment of a brown field site. Such additional costs can affect the viability of a scheme and the availability for planning gain to be secured. On that basis it is considered that an exception to UDP Policy H3 can be justified in this case.

### 6.10 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided , in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. In accordance with Core Strategy Policy CS13 and the Council's adopted Affordable Housing Supplementary Planning Document affordable housing provision would ordinarily be required and secured by condition attached to any planning permission. As with Open Space addressed above, the proposals are a Council lead regeneration scheme and redevelopment of a brown field site. Such additional costs can affect the viability of a scheme and the availability for planning gain to be secured. On that basis it is considered that an exception to Core Strategy Policy CS13 can be justified in this case.

### 6.11 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development. The NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that any future developments should be located and designed where practical

to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development. A condition is recommended to secure this.

One of the principles referred to in the policy is Code for Sustainable Homes. Whilst it is desirable to meet such a standard, given links with Sustainable Development and Climate Change, following the Government's Written Ministerial Statement in March 2015, it is no longer for Local Authorities to secure the implementation of a particular level of Code for Sustainable Homes by planning condition. Based on the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

#### 6.12 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, a construction management plan will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan which can be secured by condition. In terms of waste management, it is considered that there will be sufficient space for the storage of waste including separated recyclable materials for each property as well as access to enable collection. This can be confirmed at reserved matters stage.

#### 6.13 Minerals Safeguarding

The development site was formerly partly occupied by a Tarmac concrete works. Concrete works form part of the essential infrastructure that underpins the built environment, and safeguarding of these sites is referred to in NPPF 2019. Paragraph 204 (e) states that "planning policies should safeguard existing, planned and potential sites for bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate".

Neither the Halton Core Strategy Local Plan 2013 nor the emerging Delivery and Allocations Plan translates this into a local planning policy. The Council's adviser on waste and mineral matters advises that, nevertheless, due weight should be given to the requirements of NPPF, and the site should be safeguarded. The adviser is unaware however that the concrete works have already vacated the site and the plant removed. Given this the requirements of NPPF are not considered an impediment to the grant of planning permission.

### 7. CONCLUSIONS

Although the proposal is a departure from Policy E1 of the Halton Unitary Development Plan, it is considered to be sustainable development consistent

with the economic, social and environmental roles of sustainable development outlined in paragraph 8 of the NPPF.

The proposal is in outline with layout, scale, appearance and landscaping matters reserved for future determination. The applicant has provided enough information to demonstrate that there is sufficient space within the site to accommodate the Council's standards in the final design and submission of reserved matters, and that a scheme of up to 86 dwellings can be designed and accommodated within the site that would comply with the design of New Residential Development SPD and Policies of the Halton UDP and CS18 of the Halton Core Strategy Local Plan.

Appropriate access points to the site from Foundry Lane would be achieved and the layout demonstrates sufficient space for movement within the site as well as an appropriate level of car parking.

A number of comments have been raised through representations including with respect to the detailed layout, retention of existing landscaping, privacy and access rights. These largely relate to potential future phases of development as shown on the indicative masterplan for context. It is considered that all such issues are capable of resolution through future application including at reserved matters stage.

The proposals are considered to offer a number of benefits in providing residential development involving the regeneration of a brownfield site in a sustainable location and potentially kick starting wider regenerative development.

The proposed development is considered to be acceptable and is therefore recommended for approval.

## **8. RECOMMENDATION**

That the application is approved subject to the following:

### **a) Conditions relating to the following:**

1. Standard outline conditions for the submission of reserved matters applications (BE1)
2. Plans condition listing relevant drawings i.e. site location / red edge, access details (BE1 and TP17)
3. Submission and agreement of a submission of a construction management plan including measures to prevent pollution of controlled waters to include an ecological buffer of 5m from the bankside of Ditton Brook (BE1/ GE21)
4. Submission of existing and agreement of proposed site levels ( BE1)
5. Restricting deep or piled foundation solutions (PR5/ PR14/ CS23)
6. Breeding birds protection (GE21 and Policy CS20)
7. Bat and Bird nesting boxes scheme (GE21 and Policy CS20)
8. Electric Vehicle Charging Points Scheme (CS19)

9. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
10. Securing updated noise report/ implementation of noise mitigation measures (PR2)
11. Submission of detailed remediation method statement, mitigation measures and validation (PR14 and CS23)
12. Drainage strategy based on the SUDS hierarchy, including its implementation, maintenance, management, and verification of the scheme (PR16 and CS23)
13. Foul and surface water on a separate system (PR16 and CS23)
14. Materials Management Plan/ Waste Audit – (WM8)
15. Submission and agreement of a householder information pack
16. Submission and agreement of Japanese knotweed eradication scheme and validation report confirming the site has been remediated for 12 months
17. Submission and agreement of as sensitive lighting scheme for Ditton Brook
18. Submission and agreement of ecological/ biodiversity enhancement scheme including 5m ecological brook buffer and native planting is designed into the scheme.

## **9. BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

## **10. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.