

DECISION DATE 6 July 2005	APPLICATION NO. 05/00562/REM A26	PLANNING COMMITTEE: 27 June 2005
DEVELOPMENT PROPOSED ERECTION OF TWO NEW B1/B2 COMMERCIAL UNITS		SITE ADDRESS HALTON MILL, MILL LANE, HALTON, LA5 8EU
APPLICANT: Time and Tide Homes Ltd., The Stables, Woodlands, Silver Street, Goffs Oak, Herts, EN7 5JD.		AGENT: Phillips Planning Services Ltd.

REASON FOR DELAY

N/A.

PARISH NOTIFICATION

Have raised objections to the scheme as proposed as it is built onto open land, external appearance and materials are also "wrong" - further observations awaited.

LAND USE ALLOCATION/DEPARTURE

Within an Area Designated for a mixed use employment led scheme in the District Local Plan.

STATUTORY CONSULTATIONS

Chief Engineer - highway details not acceptable - amended plans dealing with these issues anticipated in time for Committee.

Chief Environmental Health Officer - reply not yet received.

County Surveyor - reply not yet received.

Environment Agency - requires condition regarding floor levels.

United Utilities - Halton Treatment Plant operating at capacity - clarification of any increased flows would need to be assessed - private treatment plant may be required.

OTHER OBSERVATIONS RECEIVED

None to date.

REPORT

The Proposal

This is a reserved matters submission for part of the development at Halton Mills approved under outline application no. 01/01128/OUT. This was the outline application which dealt with proposals for the eastern half of the site and included a new factory unit on a greenfield area on the northern part together with a significant area of new build live work units along the river frontage. At the time it was envisaged that the new factory unit would accommodate Luneside Engineering and "Out of the Woods", two businesses occupying river frontage sites, although the permission was not conditioned to these two uses, it simply required the provision of specific floor areas for industrial/commercial purposes. The current application is therefore for two new industrial units comprising a total 3,500sq metres floor area in standard portal frame building to be served by the new access road from Low Road.

Background

As Members would expect with any application involving Halton Mills, consideration of this proposal is not straightforward. Committee will recall that there is still an application pending for the redevelopment of the whole site with the same general mix of development but distributed about the site in a more logical form. Planning Committee have approved this in principle but it still awaits the resolution of some outstanding matters including a Transport Assessment, affordable housing and the design of the live/work units. All parties are still hopeful that these matters can be resolved (the Parish Council are especially supportive) and that this more favourable scheme can be implemented. However, the applicants are having to safeguard their position by pursuing reserved matters proposals in respect of the two original outline applications covering the whole site in case they are forced to implement these consents and this submission is part of that "safeguarding operation".

The further complication in this instance is that these two units will provide an alternative location for the two units approved for Elro Products under the outline consent for the western half of the site, 00/00920/OUT. This is all to do with timing and the complicated inter-relationship between the three outline consents covering the site and other contractual obligations the developers have with existing users of the land.

In effect granting the developers this additional alternative siting for the two Elro units will allow them to commence development on this part of the site and thus meet their contractual obligations to Elro and also the development will meet the requirements of the pending new outline consent should the outstanding matters be resolved and this consent is issued.

It is appreciated that the position is complicated and as with previous submissions on this site plans will be displayed at Committee to try and more clearly demonstrate the issues involved.

Policy Position

The policy position is unchanged from the circumstances which prevailed when the original outline consent was approved. The site is allocated for mixed use employment led purposes. Although these new units are now unlikely to accommodate the engineering factory as originally thought they will still allow for expansion and retention of existing businesses on the site and are equally acceptable. As such the development is acceptable in terms of the position in the Local Plan.

Design and Access

The design as submitted is for standard portal framed buildings with PVC coated side cladding and roofs. As was concluded with the original buildings for Elro products approved under 00/00920/OUT,

this was not considered acceptable and it has been agreed with the applicants that conditions would be imposed to deal with the external treatment to include either stone effect cladding or tinted render walls with dark roofs. In addition the boundaries would be heavily planted to screen the development from the more open aspects.

The Chief Engineer has various concerns regarding the proposed access roads. These have been referred to the applicant and it is anticipated that amended plans addressing these matters will be available in time for the Committee meeting.

Other Responses

It is considered that other matters raised by consultees can be covered by appropriate planning conditions. Those consultees which have not yet responded will be reported and considered at the Committee meeting.

Section 106

The Council's Legal Service have confirmed that the Section 106 Agreement attached to application no. 00/00920/OUT which requires the industrial units to be required before housing approved under that permission can be modified and extended to include this part of the development site.

Conclusion

Having regard to all the above matters it is concluded that subject to the final views of consultees, this proposal can be supported with a suitable modification to the Section 106 Agreement and appropriate safeguarding conditions.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That subject to the completion of a supplementary Section 106 Agreement requiring the phased completion of the industrial units linked to the development of nearby housing units, PERMISSION BE GRANTED subject to the following conditions:-

1. As amended plans.
2. Highways layout and details to accord with plan no. T2204L(1) received on 3 March 2005 in connection with application no. 04/01301/REM.
3. Car parking and cycle storage to be provided before development is brought into use.
4. Access road to be completed to base course level before units are brought into use.
5. Landscaping details required.
6. Samples of materials to be used on external face of buildings to be submitted and agreed.
7. As required by consultees (if any).