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| <b>DECISION DATE</b><br>29 December 2006   | <b>APPLICATION NO.</b><br>06/01197/REM A18 | <b>PLANNING COMMITTEE:</b><br>18 December 2006  |
| <b>DEVELOPMENT PROPOSED</b><br><br>RESERVED MATTERS APPLICATION FOR THE ERECTION OF AN APARTMENT BLOCK COMPRISING OF 36 TWO BEDROOM UNITS WITH ASSOCIATED CAR PARKING AND SERVICING. |  | <b>SITE ADDRESS</b><br><br>HALTON MILL<br>MILL LANE<br>HALTON<br>LANCASTER<br>LANCASHIRE<br>LA5 8EU |
| <b>APPLICANT:</b><br><br>Time And Tide Properties Ltd<br>C/o Agent   |  | <b>AGENT:</b><br><br>Phillips Planning Services Ltd   |

**REASON FOR DELAY**

N/A

**PARISH NOTIFICATION**

Copy of observations attached. These relate to initial plans - comments on amended plans will be reported. Council's sentiments regarding the applicants actions will no doubt remain unaltered.

**LAND USE ALLOCATION/DEPARTURE**

The site forms part of an area identified as Halton Mills, in Policy EC7 of the Local Plan. This policy identifies the whole site as a rural employment opportunity site and indicates that proposals for a comprehensive, employment-led, mixed-use development including housing and informal recreation will be permitted. This is subject to various criteria including the removal of all dereliction and contamination from the site and ensuring that employment remains the dominant use of any mixed development.

**STATUTORY CONSULTATIONS**

**County Surveyor** - No objection in principle subject to provision of cycle parking but query level of car parking at only 100% - see report.

**United Utilities** - Raise objection re capacity of sewerage treatment plant subject of further discussions - see main report.

**Environment Agency** - No objections - provided provisions of flood risk study are implemented.

**Archaeological Unit** - Archaeological investigation required.

**OTHER OBSERVATIONS RECEIVED**

**Conservation Officer** - Has been involved in discussions re detailed design - considers amended plans satisfactory subject to conditions.

10 letters of objections from residents have been received. Concerns include the following:- development is not in keeping with the village, too high, existing development is poor in quality and inappropriate for village as a whole, over intensive dwellings "crammed in", increased traffic, pressure on village infrastructure and loss of beautiful River views.

One letter has been received from a business owner on the site - development has detrimentally affected his business, right of access is often obstructed, alternative not acceptable, developers are obstructive and unco-operative, scheme has lost jobs rather than secured them.

## **REPORT**

### **Background**

This site is situated between the Low Road and the River Lune in the village of Halton. As most Members will be aware it forms part of a much larger area identified as a mixed use employment led site within the adopted Local Plan. The larger site has the benefit of two outline consents - 00/00920 which covers the western half for a mix of commercial units, housing and open space and 01/01128 for new commercial/industrial units and a live/work development scheme. While the developer has continued to progress reserved matters submission under the terms of these original outlines (development has now commenced on site) most Members will be aware that over the last 2 years Officers have been negotiating a new outline consent. This new outline permission provided for the same general mix of uses located in more suitable manner around the site. A range of additional community benefits including more realistic affordable housing, transport and highways contributions, additional open space had also been agreed via a Section 106 Agreement. Officers had been advised that the delay in signing this Agreement was due to a technical problem with United Utilities. Regrettably the applicants have indicated that they are no longer prepared to continue with this new development proposal and are reverting to the original approvals. They have suggested that the development value in the site is not sufficient to realise the community benefits that had been agreed. Extensive negotiations and discussions have failed to persuade them to agree to even a reduced range of such benefits and they are adamant that they wish to revert to the original permission.

This sudden reversal has been a complete surprise and is considered a backward step. However, as these permissions are still 'live', Committee has no alternative but to consider the reserved matters submission before then under the terms of the original approvals. This current application and the following Agenda Item 06/001196/REM are the remaining reserved matters submissions to be approved under the terms of the original outline consent (00/00920) for the western half of the site. Plans will be displayed at the Committee meeting to assist in explaining the somewhat complicated background.

### **Development Proposal**

The proposed scheme is for a 3 storey apartment block comprising 36 two bedroom units together with access road, car parking and landscaping. To further complicate matters, Committee have previously agreed a larger 48 unit apartment block on part of the site. This permission has also not been issued due to a separate Section 106 Agreement being delayed and this scheme has now also been jettisoned as part of the wider problems discussed above.

The scheme now proposed is similar in scale and external design to the previously agreed larger block comprising 3 storeys with ashlar stone walls and a traditional slate roof. It could be described as a modern interpretation of a mill building with a repetitive rhythm of door and window openings with a contemporary twist in terms of the materials and some elements of the design. Negotiations have been undertaken and minor detailed amendments have been agreed to ensure the final design is acceptable in visual terms and will make a positive contribution to the riverside landscape.

Parking provision is presently shown at 100% but negotiations are ongoing to increase to 133% to provide some visitor car parking spaces. A further update will be given at the Committee meeting.

Further information is also being sought on the provision of public open space and the route of the riverside walk.

### **Policy and Other Considerations**

There are no objections to the principle of development as this was clearly established through the Local Plan allocation, together with the granting of the outline permission for residential development on this part of the site.

It will be noted that United Utilities have raised objections on the grounds that the nearby sewerage treatment plant is at capacity. They did not, however, raise objections at the outline stage. Meetings are taking place with United Utilities and the developers seeking to resolve these objections. It is anticipated a final report will be available by the time of the Committee meeting.

Members will note the concerns of those residents who have written in - many of these are to the principle of the scheme or relate to the housing presently under construction rather than that proposed. The views of the Parish Council relate to the initial plans - views on the amendments will be reported. Their disappointment regarding the abandonment of the replacement scheme is understandable and shared by Officers but the existing submissions must be considered on their merits and in the context of the original outline permission:

### **Conclusion**

It is considered that the development conforms with the terms of the outline approval and the negotiated amendments to the design have produced an attractive contemporary design. Subject to satisfactory agreement regarding car parking provision and the final views of United Utilities, permission is recommended subject to the undernoted 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 **PERMISSION BE GRANTED** subject to the following conditions:-

1. Amended plans.
2. Landscaping details including the provision of public open space and the route of the riverside walk.
3. Measures for the protection of T.P.O'd trees to be agreed and implemented.
4. Samples of external materials to be submitted.
5. Details of rainwater goods, windows and doors to be agreed.
6. Archaeological survey to be carried out.
7. Car parking and cycle parking to be agreed and provided before any of the units are occupied.
8. Floor and surrounding site levels to be agreed.
9. Details of refuse storage areas to be agreed and provided before any units occupied.
10. No dwellings to be occupied until new industrial access road completed and Mill Lane upgraded to adequate level.
11. Overflow visitor car parking area to be provided on adjacent industrial land and to be subject to management agreement.