

APPLICATION NO:	13/00087/FUL
LOCATION:	Land To The East Of 109 - 132 Halton Brook Avenue, Runcorn, Cheshire
PROPOSAL:	Proposed three storey extra care facility containing 50 No. 2 bedroom apartments with communal facilities, 21 No. new build homes comprising 6 No. 2 bedroom bungalows, 4 No. 2 bedroom wheelchair user bungalows, 10 No. 2 bedroom houses and 1 No. 4 bedroom wheelchair user bungalow
WARD:	Halton Brook
PARISH:	
CASE OFFICER:	Andrew Evans
AGENT(S) / APPLICANT(S):	Halton Housing Trust DK-Architects 26 Old Haymarket Liverpool Merseyside L1 6ER
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005) Halton Core Strategy April (2013)	Site is designated as Greenspace.
DEPARTURE	No
REPRESENTATIONS:	4
RECOMMENDATION:	Approve
SITE MAP	

APPLICATION SITE

The Site and Surroundings

The application site is the main site of the Halton Brook residential development approved under applications 07/0002/FUL and 09/00430/FUL.

Planning History

Planning permission 07/00002/FUL granted in March 2007 for a 'Proposed redevelopment of Halton Brook Neighbourhood Centre and erection of 114 No. new dwellings with associated landscaping and public open space'.

Planning permission 09/00430/FUL granted in January 2010 for 'Proposed residential development comprising 18 No. (2, 3 and 4 bedroom) houses and 8 No. (2 bedroom) apartments with private areas of hard standing for access, parking and servicing, secured private gardens and landscaped areas'.

THE APPLICATION

Proposal Description

Proposed three storey extra care facility containing 50 No. 2 bedroom apartments with communal facilities, 21 No. new build homes comprising 6 No. 2 bedroom bungalows, 4 No. 2 bedroom wheelchair user bungalows, 10 No. 2 bedroom houses and 1 No. 4 bedroom wheelchair user bungalow.

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.

1.1 Regional Spatial Strategy (RSS)

North West RSS Policies of relevance include:

Policies within Section 3 Sustainable Development (Policy DP1 Spatial Principles)

Policy LC3 The Outer Part of the Liverpool City Region

1.2 Halton Unitary Development Plan (UDP) (2005)

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

BE1 General Requirements for Development

BE2 Quality of Design

BE22 Boundary Walls and Fences

PR14 Contaminated Land

TP12 Car Parking
H3 Provision of Recreational Green Space
GE6 Protection of Designated Greenspace

1.3 Halton Core Strategy (2012)

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

CS2 Presumption in Favour of Sustainable Development
CS7 Infrastructure Provision
CS12 Affordable Housing
CS15 Sustainable Transport
CS18 High Quality Design

1.4 Relevant SPDs

Design of Residential Development

CONSULTATIONS

The application has been advertised by way of a press notice. A number of site notices were posted around the site. In addition 127 properties were written to, and all Local Ward Councillors have been consulted.

In terms of internal Council Consultees, the following service areas were consulted: Highways, Open Spaces, The Mersey Gateway Team, Environmental Health, and Contaminated Land.

- Open Spaces has no objection to the scheme
- The Mersey Gateway Team has raised no objection.
- Highways has raised no objection.
- Contaminated land officers have no objection to the scheme in principal. Discussions are on-going to ensure all site ground works are carried out under the appropriate environmental legislative control.
- Environmental Health has no objections to the scheme.

In terms of external consultees, United Utilities and the Environment Agency were consulted. United Utilities have responded to say they have an objection to the schemes proposal. The Applicants representing agent is undertaking discussions with the Applicants drainage engineer, United Utilities and the Environment Agency. Further update on this issue will be presented to committee.

REPRESENTATIONS

Of the 127 properties consulted 4 objections have been received; they are summarised as follows:

- Concerned about loss of car parking space next to number 7 also the footpath that goes along side number 7 and impact upon residents of affected bungalows from making improvements to their properties.

- There are too many houses in the area, with even more being built recently.
- There is disruption by building traffic and noise and dust.
- The proposal takes away all green space around my property taking all available space in which children play.
- Proposed properties will have larger gardens than existing properties.
- My property will be overlooked, my view will now be of someone else's property.
- I support the provision of extra care working for a care charity, however as a resident directly affected by the plans I feel me and my children lose out considerably.
- My house will be situated next to a busy road.
- I was not consulted properly by HHT.
- Trees and bushes have already been removed to make way for the start of a new road.

The issues raised regarding the loss of a car parking space and a footpath have been clarified with the applicant's agent. The parking area refers to a turning head at the top of Littlegate adjacent to the residential property 7 Littlegate, this is included in the redline of the application. This redline denotes ownership not the boundary of development. The turning head will not be developed as part of this schemes proposal, therefore the turning head will remain in place.

The issue concerning the stopped up footpath raised during the public consultation exercise has been investigated. The applicant's agent has stated that it is not their intention as part of this scheme to develop upon or close off the footpath that runs down the side of 7 Littlegate. However, the footpath has been lawfully stopped up under the previous planning approval 07/00002/FUL.

Many of the representations repeat a common sentiment regarding the loss of green space and the fear of disturbance from a further phase of development.

It should be noted that there is an extant scheme for the site for the development of 114 No. free market houses of which 41 are approved to be built on this site; this proposal is an alternative to that scheme and approves both extra care facilities and social housing.

SUMMARY

The development site comprises of an area measuring approximately 1.1664 hectares and is designated as incidental open space. The application site is located off Halton Brook Avenue and forms part of a wider long term investment program approved by planning application 07/00002/FUL. The 2007 approval detailed the development of 114 No. new houses, 41 of which are approved to be built on this development site.

This development site was originally intended to be part of a wider long term development collaboration between Riverside Housing and Seddon Homes.

For reasons that have not been discussed in the application submission, the landowner and developer, Seddon Homes are seeking an alternative collaborative scheme in partnership with the Applicant Halton Housing Trust (HHT). The scheme

will be dependent upon a grant from the Home and Communities Agency (HCA). The award of grant monies is dependent upon HHT receiving planning permission.

The proposed scheme, to be accessed off Halton Brook Avenue is a mixture of housing types divided into two distinct forms of residential accommodation; 10 No. social rented accommodation houses, and an extra care provision consisting of 50 No. 2 bedroom apartments, 6 No. 2 bedroom bungalows, 4 No. 2 bedroom wheelchair user bungalows and 1 No. 4 bedroom wheelchair user bungalows.

Page 15 of the design and access statement sets out the premise for the development

“The extra care facility is a building offering a flexible level of care for its residents whilst also allowing residents to live as independently as they are able or wish to.....The housing stock in the area has been researched and analysed by Halton Housing Trust, and the proposed mixture of unit types has been developed based upon a need within the area”

Since the application was first submitted there has been a change in the description, changing the makeup of the bungalows, and a change in the positioning of said bungalows. The total number of units has remained unchanged.

A consultation exercise was undertaken after the changes to the proposed description and amended plans were received.

ASSESSMENT

Assessment against Planning Policy

In relation to National Planning Policy, the National Planning Policy Framework (NPPF) is of relevance. The key theme running through NPPF is a presumption in favour of sustainable development, which should then run through the plan-making process and be carried through when making a decision. The introduction of NPPF, does not change the decision making process in that the development should still accord with the development plan unless material considerations indicate otherwise. NPPF is a material consideration in relation to this development.

Affordable Housing

Policy CS12 of the Core Strategy sets out the requirement for the provision of affordable housing for all development proposals for 10 residential units or more.

This policy comments directly upon the provision of extra care

“Proposals for new specialist housing for the elderly, including extra-care⁹¹ and supported accommodation, will be encouraged in suitable locations”.

A footnote goes on to define extra care in the following terms:

“Extra-care housing is defined in Halton’s Housing Needs and Marketing Assessment Survey 2006 as housing which supports independent living and increases choice by providing older people with their own homes together with care and support that meets their individual needs”.

Further justification for the provision of extra care is given in paragraph 15.4 of the Halton Core Strategy.

Paragraph 4.2 of the affordable housing SPD states *'For housing schemes proposed by Registered Providers comprising of affordable housing the Core Strategy policy requirement for affordable housing is superfluous and will not apply'*

The 12 units that do not form part of the extra care scheme are to be social rented accommodation. The scheme taken as a whole is considered exempt to the affordable housing requirements.

Open Space Contributions

The extra care scheme falls within an exemption to the requirement for Open Space. The 10 No. social rent units will require a financial contribution of £12,864.30 secured by way of a section 106 legal agreement. This sum has been agreed by the Applicant.

It is declared in the planning application forms that the application site is owned by Seddon Homes. In order to preserve the site for the development of social rent, the Council will draft the associated legal agreement to be signed by HHT and withhold issuing the decision until it is demonstrated that HHT own the site.

Amenity to neighbours

The scheme complies with the interface distances set out in the Council's Design of Residential Development SPD.

The scheme has been drawn to limit the impact on the surrounding properties. The bungalow design of plot 21 has prevents any issues of direct overlooking or overshadowing with the existing bungalow property of 7 Littlegate. Moving further North into the development site, directly adjacent to plot 21 is the apartment building. The elevation labelled Street Scene B shows that the design of the apartment building stands at two storeys at its southern elevation before rising to three storeys. The design of the apartment block is designed to step up from the new build bungalows so as not to over dominate the site and its surroundings.

Interface Distances

The Supplementary Planning Document 'Design of Residential Development' (the SPD) sets out guidance for the layout and design of new residential developments.

Policy 5 a) of the SPD states:

'Ensure that new and existing residential development achieved and maintain the expected levels of privacy and outlook (Figure 3).'

Figure 3 shows that a rear to rear interface between properties of the same number of storeys should be positioned no closer than 21m. A further diagram shows that where there is an increase in height from one interfacing property over another, an interface distance of 24m should be achieved.

Paragraph 6.23 goes on to say *'In any case where it may be accepted that the development does not satisfy the minimum separation distances, the Council will utilise the 25^o assessment'*.

Policy 5 b) states

'Consider the position and orientation of habitable rooms and the location of their doors and windows to maintain privacy and minimise overlooking (Figure4)'

The 25° assessment found in figure 4 of the SPD has been undertaken. There is no impact upon existing properties 109-132 Halton Brook Avenue as a result of the shortfall in interface distances. The greater impact is felt by the new residents of the proposed plots 7-10 and plots 11-16. Notwithstanding, the interface complies with the 25° test shown in figure 4 of the SPD.

The proposed plots 1 & 2 share a proposed 13m rear to existing blank gable interface with 132 Halton Brook Avenue. This interface complies with the SPD. The proposed interface created between the existing blank gable of 109 Halton Brook Avenue and plot 20 is 12 metres. However, this rear elevation of the Bungalow does not detail a habitable room window; therefore the interface distance is considered to be compliant with policy.

Green space

There is a loss of incidental green space as part of this applications development which has been noted by some of the objectors to the proposal. It should be noted that this scheme is an adaptation of the earlier scheme approved by planning application 07/00002/FUL. This scheme will see a marginal increase to the footprint of the development approved. However, this is still within the redline of the scheme 07/00002/FUL for which the Council has already received compensation in line with UDP policy GE6; it is not considered that there is sufficient harm above what has previously been approved to refuse the scheme.

Reference was made in the response to consultation that there is to be a loss of mature trees. It is a fact that the proposal will result in the loss of a number of mature trees from the area. Whilst such a loss is regrettable, it is considered that the wider benefits of the scheme outweigh any harm resulting from the loss of green space and mature trees, especially in the context of the wider regeneration proposals for the area.

It should be noted that the majority of the land has been hoarded off from public access for over a year, which at no time has the application site been used for recreational use.

The loss of the green space was first recognised in the approved scheme ref:07/00002/FUL. This scheme will also rely upon the provision at Leaside for the provision of local neighbourhood play facilities.

CONCLUSIONS

In conclusion, the proposal follows the 2007 approval seeking a residential use of the land. The majority of the provision is comprised of an extra care facility with mixed provision. The need for this form of provision is particularly pronounced, as evidenced by Policy CS12 of the Core Strategy. Paragraph 15.4 of the justification of Policy CS12 states *"The need for extra care or supported housing in Halton is particularly pronounced because of low levels of existing provision. This level of*

need is anticipated to grow over the plan period given the Borough's ageing population..... Based on the current level of provision referred to above, evidence indicates that by 2017 there will be a need for 214 extra care units across the Borough, with an additional need by 2015 for 22 extra care units specifically for older people with learning difficulties".

The design of the development is of a high quality that is respectful of its surroundings and has incorporated a great deal of attention to detail in its final layout.

The loss of open space is considered harmful. However, when it is considered that the Council has previously approved a scheme for the same area in 2007 which sets a planning precedent and this factor is combined with the benefits of providing care for which there is an under supply in the borough, the benefits proposed outweigh the harm.

The proposal is considered to offer a good quality development and will play an important role in the redevelopment and regeneration of the area.

The scheme is recommended for approval.

RECOMMENDATIONS

Approval subject to conditions:

Conditions

1. Approved Plans – (Policy BE1)
2. Materials – (Policy BE2)
3. Drainage – (Policy BE1)
4. Boundary Treatments – (Policy BE22)
5. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/commencement of use – (Policy BE1)
6. Submission and Agreement of finished floor and site levels – (Policy BE1)
7. Site Investigation – (Policy PR14)
8. Prior to commencement waste recycling details of recycling facilities shall be submitted Policy – (Policy BE1)
9. Provision of appropriate refuse collection bins for use by the occupiers – (Policy BE1)