

REPORT TO: Development Control Committee

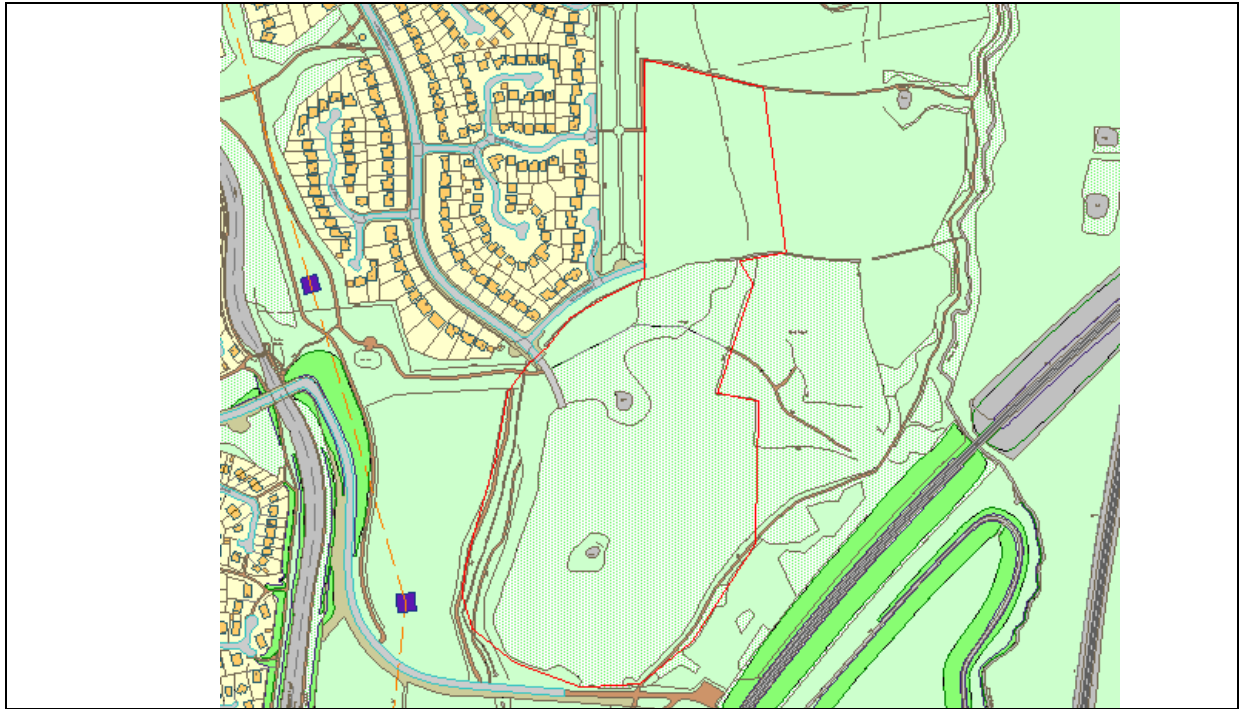
DATE: 10 March 2014

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

APPLICATION NO:	13/00478/FUL
LOCATION:	Land off Walsingham Drive, Sandymoor, Runcorn
PROPOSAL:	Proposed phased highways infrastructure works.
WARD:	Daresbury
PARISH:	Sandymoor
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Ms Rhian Davitt, Homes And Communities Agency.
DEVELOPMENT PLAN ALLOCATION: Halton Unitary Development Plan (2005)	The site covers allocated Housing Sites in the Halton Unitary Development Plan. It also covers areas of designated Green Space and Important Landscape Features and proposed Greenways.
DEPARTURE REPRESENTATIONS:	No 9 letters of objection received
RECOMMENDATION:	Approve subject to Conditions.
SITE MAP	



1. APPLICATION SITE

1.1 The Site and Surroundings

Site of approximately 10.1Ha located within the Sandymoor South development area. The Site is located on the eastern edge of Runcorn, bounded by the Bridgewater Canal to the west and south. To the east lies Bog Wood and the Manchester - Chester Railway Line and to the north, the Sandymoor Free School is currently under construction on land to the north.

1.2 Planning History

The site has a history of planning applications and decisions. Outline planning permission 09/00129/OUT was approved in June 2009 and confirms the principle of residential development at the area for an area measuring approximately 28ha referred to as Sandymoor South. 09/00129/OUT provides planning consent for up to 469 dwellings and was granted with all matters reserved for subsequent approval. The consent is due to expire in June 2019.

Outline planning permission 06/00318/OUT was approved in July 2006 for 149 dwellings on approximately 4.9ha referred to as 'Site 12'. That planning permission was superseded by 09/00129/OUT.

Outline planning permission 07/00111/OUT was approved in May 2007 for up to 320 dwellings on approximately 22 ha of land at Sandymoor South. That planning permission was superseded by 09/00129/OUT.

Outline planning permission 04/00342/OUT was approved in March 2005 for up to 149 dwellings on approximately 4.3 ha of land referred to as 'Site 16', Sandymoor North. This planning permission lapsed in March 2008.

A parallel application (13/00479/S73) is also being considered under S73 of the Town and Country planning Act to vary conditions 6,7,23,24,28,31,32,33 of Planning Permission 09/00129/OUT to allow use of Walsingham Drive as a construction access and residential access

1.3 Background

The site and all the surrounding land is owned and controlled by the Homes and Communities Agency (HCA) and has been formally designated for development since the 1960s and more specifically since the publication of the Runcorn New Town Master Plan

Outline permission 09/00129/OUT)? for 469 dwellings was approved by Committee in June 2009. This proposed new road is designed to serve the new dwellings approved by this outline permission. This application, along with parallel application 13/00479/S73 has been submitted with the intention of implementing the outline consent. The HCA has stated its intention to tender for expressions of interest from developers for residential development in the near future.

Subject to approval of this application (13/00478/FUL) the HCA has stated its intention to fund the construction of part of the road, and works would start as soon as possible on receipt of permission, subject to discharge of conditions. This planning permission is also identified as critical to facilitating the implementation of the 2008 Great Crested Newt (GCN) relocation strategy being a pre-requisite to the granting of the necessary license by Natural England (NE).

2. THE APPLICATION

Proposal Description

The application seeks permission for the construction of a section of highway and associated infrastructure works to take advantage of available funding to open up physical access to development and create utilities linkages to aid the feasibility and deliverability of future residential development in the Sandymoor area. Although previous masterplanning work has to date led to little development in the area (reported to be due mainly to recessionary economic conditions which have prevailed since the adoption of Sandymoor

SPD), the HCA, as land owner, proposes a series of enabling works to help stimulate new development.

The proposed road is identified to be constructed in 2 phases. Phase 1 is proposed to be delivered by the HCA and anticipated to start on site, summer 2014. This phase will include a proposed bridge over Sandymoor Brook and terminate at the Sandymoor North Phase 1 development area. Phase 2 of the proposed road is anticipated to be delivered by the future residential developer with a view to starting on site in early 2015 subject to planning permission. This phase will link Phase 1 of the proposed road, south through the Sandymoor South development area and then linking up with Walsingham Drive, utilising the existing bridge over Sandymoor Brook. In order to access the western part of the Sandymoor South development area, the future developer will need to provide a bridge over Sandymoor Brook which will be subject to detailed design at reserved matters stage.

Construction Access

In order to provide construction access for phase 1 of the proposed road, a temporary haul road will be constructed. This will take access from the end of Walsingham Drive and cross Sandymoor Brook to the north via a temporary bridge.

2.1 Documentation

The planning application is submitted in full with all matters for approval supported by:

1. Planning Statement (AECOM, 2013);
2. Design and Access Statement (DAS) (AECOM, 2013);
3. Transport Assessment incorporating Residential Outline Travel Plan and Construction Impact and Management Assessment (AECOM, 2013);
4. Ecological Constraints Report (AECOM, 2013);
5. Sandymoor Drainage Strategy 2013 (AECOM, 2013);
6. Phase 1 Geo-environmental and Geotechnical Desk Study (AECOM, 2013);
7. Arboricultural Impact Assessment (AECOM, 2013); and,
8. Design Basis Statement (AECOM, 2013) (confirming outline design specification of the proposed highway).

Additional information has also been provided as a copy of information requested in support of the Great Crested Newt licence pre-submission consultation to Natural England.

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.

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.

3.2 Halton Unitary Development Plan (UDP) (2005)

The proposals fall predominantly within allocated Housing Sites in the Halton Unitary Development Plan and in the Supplementary Planning Document for Sandymoor. The proposed road route also crosses an area of designated greenspace which follows the line of Sandymoor Brook. The line of a proposed greenway follows the eastern boundary of the site. The following Unitary Development Plan policies and policy documents are of particular relevance: -

- BE1 – General requirements for development;
- BE2 – Quality of design;
- GE21 – Species protection;
- PR 14 – Contaminated Land

- PR16 – Development and flood risk;
- TP6 – Cycle Provision as Part of New Development
- TP7 – Pedestrian provision as part new development;
- TP14 – Transport Assessments;

3.3 Halton Core Strategy (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough. The policies of relevance to the application are:

- CS1- Halton Spatial Strategy Key Diagram;
- CS2 – Presumption in favour of sustainable development;
- CS11 – Key area of change – East Runcorn;
- CS15 – Sustainable transport;
- CS18 – High quality design;
- CS19 – Sustainable development and climate change;
- CS21 – Green infrastructure;
- CS23 – Managing Pollution and Risk

3.4 Relevant SPDs

The adopted Sandymoor SPD is of particular relevance

4. REPRESENTATIONS

1. CONSULTATIONS

- 1.1 HBC Highways– No objection in principle
- 1.2 HBC Open Spaces_– No objection in principle
- 1.3 HBC Contaminated Land –No objection in principle
- 1.4 HBC Highways – No objection in principle
- 1.5 National Grid – No objection in principle.
- 1.6 The Woodland Trust - No objection
- 1.7 The Environment Agency- No objection in principle

1.8 Natural England – Comments Expected to Follow

1.9 Cheshire Wildlife Trust - Comments Expected to Follow

1.10 Sandymoor Parish Council - Comments Expected to Follow

1.11 Bridgewater Canal Company Limited (BCCL) – Questions the clarity around whether it is the intention to abandon the Windmill Hill Avenue East vehicular/construction route or whether it might ultimately form part of a wider access link; That the local plan identifies the Windmill Hill Avenue Route as an “All Purpose Route” and a “Strategic Gateway” and indicates a requirement for a pedestrian/ cycle/ emergency vehicle link; That BCCL has no specific comments to make and trusts that the Council will secure appropriate access arrangements for communities of Sandymoor and surrounding areas and will continue to seek that development makes the most of its potential interface with the canal and make appropriate contributions to its ongoing enhancement and maintenance.

2. REPRESENTATIONS

2.1 9 letters of objection have been received raising the following issues:

- Noise pollution created from the construction of the new road.
- The existing infrastructure cannot cope with the proposed levels of increased traffic.
- Traffic levels within the surrounding area would be detrimental highway safety and potentially endanger local children.
- Damage to the existing roads within Sandymoor.
- Increased noise and pollution created by new road.
- Congestion that the construction will bring for the next 7 to 15 years.
- Loss of property value during construction.
- Extent/ lack of public consultation
- That a previously approved alternative and more suitable route for construction traffic exists which would have less impact
- Impact on ecology.
- Spoil setting/ impact on residential character
- Not consistent with the master plan
- Public consultation was not listened to during process and views of residents have been ignored.
- Not consistent of previous planning decisions in Sandymoor.

3. ASSESSMENT

3.1 Principle

The proposals fall predominantly within allocated Housing Sites in the Halton Unitary Development Plan and as identified in the Supplementary Planning Document for Sandymoor. The proposed road route also crosses an area of designated greenspace which follows the line of Sandymoor Brook. The line of a proposed greenway follows the eastern boundary of the site.

The proposed road and associated development is directly related to the future residential development of the area subject to extant planning permission 09/00129/OUT. Loss of a relatively small area of greenspace to allow the road to cross Sandymoor Brook is considered of little significance in the wider context of the development of Sandymoor and provision for such a crossing is envisaged through the Sandymoor SPD. The proposals are not considered to prejudice aspirations for Greenway routeing.

The masterplan which forms part of the Sandymoor SPD provided an indicative alignment of streets as guidance for future development proposals. The proposed road alignment differs from that indicative alignment. The SPD alignment envisaged The Avenue running further south and tying into Windmill Avenue East before looping to join Walsingham Avenue. The applicant indicates that since the adoption of the Sandymoor SPD in 2009 and given “deliverability and feasibility considerations”, changes have been necessary to shorten the loop of the Avenue to run further north. Whilst acknowledging that the alignment has altered, the shortened loop still connects to Walsingham Avenue and the Village Street to the north. It is considered that future potential connectivity to Windmill Hill Avenue East is maintained and as such, the aspirations and principles of the SPD may still be met. The proposals are therefore not considered to conflict with or prejudice the wider aspirations of the Sandymoor SPD or Core Strategy Policy CS11.

On this basis the proposals are considered acceptable in principle.

Highways and Construction Impacts

This application seeks to gain detailed planning consent for key sections of The Avenue and The Village Street. The Avenue is the primary street type within the Sandymoor SPD hierarchy, providing the principal means of circulation around Sandymoor, and connecting back into the existing network. The SPD envisages the Village Street to be a calmed route which gives priority to pedestrians and cyclists. This will also be reflected in the housing typologies and landscaping located along its length. The proposed section of

the Village Street, within the application boundary, will link the proposed section of The Avenue to the development at Sandymoor North, providing access to the future local centre and Sandymoor Free School. It is anticipated that this proposed section of The Village Street will have a more informal character than The Avenue, but will still be constructed and designed to allow buses to use it in the interim period, until the full length of The Avenue has been constructed (to the east of Keckwick Brook). Provision is made within the scheme for shared cycleway and pedestrian routes.

The application is supported by an overarching Transport Assessment prepared in support of an outline planning application for a residential development on the Sandymoor South development site in Runcorn. A draft Construction Impact Assessment and Management Plan has also been submitted to accompany the planning application.

Accident data was obtained for the latest five year period covering the extent of the local highway network in the vicinity of the development site. The accident analysis suggests that in general there is a low collision occurrence rate at the key junctions within the study area. A cluster of accidents occurred at the Daresbury Expressway / Pitts Heath Lane / Wharton Lane junction, however, this junction is subject to a committed highway improvement scheme, which will improve capacity and consider previous accidents in its design. It is indicated that the development would not have an adverse impact on the safety record on the local highway network in the vicinity of the site.

It is proposed to provide access to the development site via an extension of Walsingham Drive. It is anticipated that the development will therefore connect to the wider highway network via the existing Pitts Heath Lane / Walsingham Drive / Malmesbury Park roundabout. The design of Walsingham Drive is considered adequate for use as the primary access road for the future residential development including associated construction traffic. This is supported by the findings of the Transport Assessment and agreed by the Council's Highways Engineer.

It is acknowledged by both the applicant and the Highway Authority that there could be some issues with the ability of Walsingham Drive carriageway construction to withstand the number of HGVs proposed over the likely duration of construction, without some deformation of the carriageway pavement. However the applicant has been open about this fact and their report recommends a monitoring regime and potential mitigation measures, which the Council would seek to secure by appropriate agreement. The Highway Authority would also require remediation of any deterioration of the carriageway and pavement attributed to the construction traffic.

With regards to vehicle numbers it is advised that the stated figure of 28504 quoted is the total number of HGV movements over 7 years. The traffic report submitted with the application breaks this down into a maximum number of daily movements of 36 HGVs during construction (i.e. 18 in and 18 out). This is stated as a maximum occurring during limited periods. On this basis it is advised that the feared capacity problems will not occur.

The application is accompanied by a Construction Impact Assessment and Method Statement including recommendations with regards measures to reduce construction impacts. Based on the expected traffic flows the change in noise level is predicted to result in a minor magnitude impact

Mitigation measures to minimise the potential impact of construction vehicles include the following:

- Scheduling of large/long construction delivery vehicles to least noise sensitive times of the day;
- Time slots for bulk deliveries to ensure that convoys of vehicles do not arrive simultaneously;
- Strict control to prevent temporary parking on kerbside nearby the construction works;
- The use of sufficient clear signage to ensure that construction vehicles use only designated routes;
- Keeping the access routes clear of mud/ use of road sweeper;
- Restrictions on times when construction traffic can use the access road; and
- Regular communication with local residents and have a complaint number/ contact person.

All of the above measures are included within the draft Construction Traffic Management Plan. It is considered that a full detailed plan can be adequately secured by condition along with conditions restricting hours of construction and wheel cleansing.

The Council's Environmental Health and Highways Officers have been consulted on the application. Whilst a number of technical questions have been raised neither raise objection in principle to the proposals and it is considered that any outstanding issues can be adequately resolved by condition.

A number of objectors have stated their view that there exists an alternative and preferable means of access for construction traffic. Officer advice has confirmed that Walsingham Drive is capable of accommodating the anticipated levels of construction traffic and that the evidence indicates that

construction traffic is not likely to result in significant highway safety issues or loss of amenity to residents. On this basis it is considered that any efforts to restrict construction traffic routing to an alternative route by condition would fail the six tests for planning conditions as outlined by circular 11/95 and as such could not be considered valid and would be unenforceable.

Contamination

The application is supported by a Geo-environmental and Geotechnical Desk Study Phase 1. Due to the historical use of the site and low sensitivity of the proposed end use, the Council's Contaminated Land Officer has advised that detailed ground investigation is not required and that they raise no objection. As a precaution it is suggested that, should unexpected contamination be found, work shall cease in that area until appropriate characterisation of the material is undertaken and an appropriate strategy for remediation measures is agreed. It is considered that this can be secured by appropriate planning condition.

Drainage and Flooding

The site is located in an area of flood risk. The proposed development is itself considered to be at limited risk from flooding. In seeking to ensure that flood risk is not increased elsewhere as a result of the development the applicant has previously produced an overarching Flood Risk Assessment for the area and the application is supported the Sandymoor Drainage Strategy 2013.

On this basis The Environment Agency has confirmed that it raises no objection subject to conditions.

Aboricultural Impact

The proposals will result in the loss of a number of mature and semi-mature trees from the site. The application is supported by a detailed tree survey which has been used to inform the alignment of the road, the extent of future potential development parcels and aims to minimise tree loss and mitigate any loss.

The survey concludes that a high percentage of trees to be lost are within the over mature age category and that a number of significant and valuable mature trees can remain within the site unaffected by the proposed scheme providing protective measures are undertaken in the form of protective fencing. The remaining trees and the greater site can be enhanced with suitable mitigation planting and deadwood management. It is argued that this will ensure that ongoing aboricultural and environmental benefits such as

amenity and wildlife habitat are maintained and enhanced for future generations far beyond the existing useful life expectancy of the existing tree stock.

One of the key influences in determining the alignment of the new road has been the locations of existing trees and Bog Wood. Previous guidance provided by the Woodland Trust has established that the new road should stand off Bog Wood by a distance of 20m so as not to diminish the integrity of the woodland. Whilst this distance has been largely maintained a marginal encroachment has been necessary as the road crosses Sandymoor Brook and curves to the east. However, this is necessary in order to achieve the corner radii required for buses to use the route and also to minimise loss to the existing tree group located immediately north. Furthermore, at this point Bog Wood and the new road are separated by Sandymoor Brook which helps to minimise the potential impact on the woodland.

Whilst the trees are considered to offer amenity value and loss of trees is regrettable, it is not considered possible to retain the trees through the development. It is considered that a detailed compensation planting plan can be adequately secured through the outline permission 09/00129/OUT. Detailed landscaping including tree planting associated with the road scheme itself can also be secured by planning condition. The Woodland Trust and the Council's Open Spaces Officer has not raised objection.

Ecology

With regards to ecology the application is supported by an Ecological Constraints Report including detailed implications and recommendations.

The pond located to the west of Bog Wood, inside of the proposed Avenue loop has historically been found to contain Great Crested Newts (GCN), a protected species. Although in recent surveys (TEP Amphibian Survey Report 2011) no newts have been identified the pond is still regarded as a GCN pond and must be dealt with as such.

The presence of GCN on the Sandymoor South site means a DEFRA Development Licence from Natural England (NE) will be required to permit development within 500m of a GCN breeding pond. In order to do this, it is necessary to demonstrate to NE, the imminence of development through the gaining of detailed planning/reserved matters consent in close proximity to the pond. If the HCA were to wait for the appointed developer to receive the required consent, delays due to the gaining of the necessary permit to migrate the GCN, could have a profound effect on the proposed delivery timeline.

Therefore, it is the intention of the HCA to try to gain a licence prior to appointing a preferred developer, through the submission of this detailed application. If successful, this will allow the movement of the newts and necessary monitoring periods to be completed prior to the appointment of a developer.

A review of all previous survey reports relating to the site have been reviewed and summarised. In addition, an ecological walkover survey of a section of the proposed road route (including habitat along the Sandymoor Brook) has been carried out. The survey included the assessment of the trees in relation to bats, an assessment of the watercourse (Sandymoor Brook) for signs of water vole, and a survey for signs of badger. In summary the report recommends:

- Further tree inspection prior to any pruning/felling works with an endoscope by a competent person and a soft fell method statement followed due to the large cavity found and potential for bat roost
- An active outlier badger sett was recorded in October 2013. The proposed road is to cross at the point where the set is located and as such the sett will need to be closed and destroyed. It is recommended that further badger surveys are undertaken to monitor the badger sett and to search for the main badger sett and potential provision of a man made sett by way of compensation. A Natural England Development Licence would be required to close the outlier sett.
- Signs of water vole including active burrows have been found along Sandymoor Brook. The proposed road crosses Sandymoor Brook and it is recommended that the submitted water vole mitigation strategy is followed. Further detailed water vole surveys are also recommended to be undertaken to update the water vole mitigation strategy where necessary.
- As a matter of precaution it is recommended that a nesting bird check is carried out by an ecologist prior to construction (including enabling works) if the works are to be carried out during the breeding bird survey (March to August inclusive).

At the time of writing detailed comments are awaited from Natural England and the Council's retained adviser on ecological matters. Comments on the planning application are inextricably linked to the reasonable likelihood of Natural England being able to issue the relevant licences. They have advised that detailed comments are expected to be provided in time for the Council's Development Control Committee on March 10th 2014. In order to avoid unnecessary delay in determining the application and the potential loss of the funding for carrying out phase 1 of the road scheme works, the report has been prepared in advance and members will be fully updated orally.

4. CONCLUSIONS

The application seeks permission for the construction of a section of highway and associated infrastructure works to take advantage of available funding to open up physical access to development and create utilities linkages to aid the feasibility and deliverability of future residential development in the Sandymoor area.

The principle of development of the site is established through the Halton UDP designation. The land at Sandymoor South already has the benefit of an extant outline planning permission for up to 469 dwellings (09/00129/OUT). In order to facilitate delivery, the HCA have decided to fund and implement elements of the new highway infrastructure relating to the development of Sandymoor South. The submission of this planning application for the new road forms part of this. The nature and scale of the development are considered wholly consistent with that envisaged through the allocation of the site for residential development. It is considered that on the basis of the evidence and advice of relevant officers of the Council that Walsingham Drive is capable for use as the primary access road for a residential development of the size approved including associated construction traffic. This is supported by the findings of the Transport Assessment as agreed in principle by the Council's Highways Engineer. It is also considered that sufficient regard can be given to minimising impact on residents through the imposition of planning conditions and that refusal of planning permission or conditions preventing use of the routes of construction access proposed cannot be justified in this case.

Detailed comments relating, in particular, to ecology issues are outstanding at the time of writing and members will be updated fully as required. Subject to confirmation that no objections or significant issues are raised by Natural England, the proposals are considered to accord with the overall objectives of the adopted Sandymoor SPD, the Halton Unitary Development Plan, Core Strategy and the National Planning Policy Framework and are therefore recommended for approval.

RECOMMENDATIONS

Approve subject to conditions relating to the following:

1. Standard 3 year permission to commence development.
2. Confirming the permission as a phased development and that prior to commencement of any phase all conditions relating to that phase must be discharged.

3. Submission and agreement of a full and detailed Construction Management Plan and Construction Traffic Management Plan Requiring development to be carried out in accordance with Construction Method Statement.
4. Materials condition, requiring the development to carried out as approved
5. Submission and agreement of landscaping details including aquatic planting to ponds and replacement tree planting and requiring the development to carried out as approved.
6. Conditions requiring that development be carried out in accordance with the approved FRA and the Sandymoor Drainage Strategy, requiring submission and agreement of a scheme for the regulation of surface water discharge, management of overland flow and drainage details.
7. Construction and delivery hours to be adhered to throughout the course of the development.
8. Submission and agreement of site and finished levels.
9. Condition relating to measures to be undertaken should unexpected contaminated material be uncovered.
10. Conditions relating to tree protection during construction.
11. Requiring submission and agreement of a scheme of deadwood mitigation.
12. Requiring development be carried out in accordance with the submitted ecological constraints and its associated recommendations and mitigation strategies.