

<b>APPLICATION NO:</b>	18/00289/FUL
<b>LOCATION:</b>	Ivy Cottage, 106 Runcorn Road, Moore
<b>PROPOSAL:</b>	Proposed erection of dwelling with access from Moss Lane within rear garden area
<b>WARD:</b>	Daresbury
<b>PARISH:</b>	Moore
<b>AGENT(S) / APPLICANT(S):</b>	Mr and Mrs Steele
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2018) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Green Belt Within Moore Conservation Area
<b>DEPARTURE</b>	No (See below)
<b>REPRESENTATIONS:</b>	11
<b>KEY ISSUES:</b>	Principle of Development; Green Belt, Design, Highway Safety, Trees, Contamination, Impact on Heritage Assets
<b>RECOMMENDATION:</b>	Approve Subject to Conditions

**SITE MAP**



## **THE APPLICATION SITE**

### The Site

Site of approximately 1,460m<sup>2</sup> forming part of the rear garden of the existing Ivy Cottage which is a Grade II Listed Building. The site fronts, and will be accessed from Moss Lane utilising an existing, currently unlawful, access. The site, which lies in Moore Conservation Area, includes a number of trees which are protected by Tree Preservation Order

### Planning History

A previous planning application Ref: 17/00136/FUL for the proposed erection of bungalow with access from Moss Lane within the rear garden area of the property was withdrawn.

## **THE APPLICATION**

### The proposal

Proposed erection of dwelling within rear garden area of existing house with access from Moss Lane.

### Documentation

The applicant has submitted a planning application, drawings and the following reports:

Design and Access Statement

Phase 1 Contamination Risk Assessment

Arboricultural Impact Assessment

## **POLICY CONTEXT**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2018 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that "planning law requires for planning permission 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."

Paragraph 11 and paragraph 38 state that "plans and decisions should apply a presumption in favour of sustainable development" and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

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

The site lies entirely within Green Belt as defined by the Halton Unitary Development Plan. The site also lies within boundary of Moore Conservation Area and is within the grounds of a listed building (Grade II). The following policies are considered to be of particular relevance: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE10 Protecting the Setting of Listed Buildings
- BE12 General Development Criteria – Conservation Areas
- GE1 Control of Development in the Green Belt
- GE27 Protection of Trees and Woodlands
- PR14 Contaminated Land
- H3 Provision of Recreational Greenspace
- TP1 Public Transport Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All

#### Halton Core Strategy Local Plan (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS6 Green Belt
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

## Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management

WM9 Sustainable Waste Management Design and Layout for New Development

### Supplementary Planning Documents (SPD)

New Residential Development SPD

Draft Open Space Provision SPD

Designing for Community Safety SPD

### CONSULTATIONS

The application has been advertised via the following methods: site notice posted near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The application was originally advertised as a departure on the basis that, prima facia, it related to a dwelling in the Green Belt. For reasons set out in the 'Principle of Development' section of this report the proposals are not considered to represent a departure from the development plan.

The following organisations have been consulted and, where relevant, any comments received have been summarised below in the assessment section of the report:

United Utilities – No Objection in Principle

Network Rail – No Objection

#### Council Services:

HBC Contaminated Land – No Objection in Principle

HBC Highways – No Objection in Principle

HBC Drainage – No Objection in Principle

HBC Open Spaces – No Objection in Principle

### REPRESENTATIONS

11 letters of objection have been received. These raise the following issues:

- Traffic impacts, highway visibility and safety
- Impact on wildlife
- That it will exacerbate flooding issues
- That it represents garden grabbing/ profiteering
- Impact on protected trees
- Questioning the applicants justification for the scheme

- Impact on adjoining neighbours/ properties
- Impact on character of village, Green Belt, Conservation Area and adjoining Listed Buildings
- Building in such areas should be a last resort, will neither improve nor enhance
- Querying future boundary provision
- Construction work disruption

Two letters of objection have been received from Moore Parish Council. The first states as follows:

***Design and Access Statement / Heritage Asset Assessment***

*This Statement has been prepared under the old guidelines and does not reflect the current guidance, significantly it does not address the impact on the Heritage Assets, Ivy Cottage and The Old School (now Moore Scout HQ), both Listed Buildings.*

*The statement that the garden is large and requires demanding levels of maintenance for the Owners isn't a planning justification. The large garden area adds to the Conservation Area and provides the context for the setting of 2 Listed Buildings; the Applicant needs to address the adverse impact the new dwelling will have on both the Conservation Area and the Historic Assets. Halton should, in our view, have required the Applicant to deal with this before registering the Application.*

*There will be a significant adverse impact / damage to the setting of the Listed Buildings and Halton should be refusing the Application on the grounds of irretrievable harm to the setting of 2 Heritage Assets and the Conservation Area.*

***Existing Land Use***

*The Applicant has stated under question 14 of the Application Form that the use is not particularly vulnerable to the presence of contamination. This is incorrect, residential applications must now be declared as potentially vulnerable and Halton will normally insist on a Stage 1 Contamination report to confirm that the site isn't vulnerable. Given the location we doubt it is vulnerable however Halton should have required the Applicant to provide a Report to confirm.*

*In addition to the comments above, the matters we have previously raised as below are applicable to this re-submission:*

***Local Planning Policy***

*The site sits within the Green Belt. The Halton Council Policy on Green Belt is set out in The Core Strategy. It generally prevents new development but states that:*

*In certain instances, small scale development may be necessary to maintain or enhance the sustainability of rural communities, such as for the provision of village services or for affordable housing. Any proposals for such development within Halton's Green Belt villages would need to demonstrate specific local need, such as a requirement for affordable housing.*

*This proposal is not a village service and is not affordable housing (housing that is targeted at low income / essential services providers / those requiring assisted living).*

*It should hence not be permitted under the Core Strategy.*

### **National Planning Policy Framework**

*Requires that a Local Planning Authority should regard the construction of new buildings as inappropriate within the Green Belt.*

*There are exceptions which include “limited infilling in villages and limited affordable housing.”*

*This remains a large scale house and is not “limited infilling” and hence should not be permitted under National*

*Planning Policy.*

### **Conservation Areas**

*The site sits within the Moore Conservation Area and Halton has a statutory duty to pay special attention to preserve or enhance the character or appearance.*

*National Planning Policy requires a Planning Authority to require the Applicant to describe affected Heritage Assets and to assess the impact of the proposal. As above, the Applicant has not done so and in my opinion there will be significant damage to the setting of 2 Heritage Assets.*

### **Design**

*The Applicant has alluded to mirroring the features some of the historic buildings in the area in the design but has actually not done so.*

*There are 8 Velux style rooflights, these are not a feature of the area.*

*The windows are noted as UPVC, this does not respect the historic setting.*

*Fascias are noted as UPVC which again does not respect the historic setting.*

*Brickwork proposed is a modern mix with engineering blue brick banding, this would be highly inappropriate at this location.*

*This is a modern design house of mediocre / poor design quality using modern materials that would sit uneasily on the site and damage the setting of the Heritage Assets and the Conservation Area.*

### **Highways**

*Whilst there is an existing highway access at this location it is in a dangerous position on a blind bend. The intensification of use would create a hazard.*

*There are hence several Planning Policy grounds on which Halton could decide to refuse this Application:*

- 1. It is in breach of the Core Strategy Green Belt Policy.*
- 2. It is in breach of NPPF Green Belt Policy*
- 3. It is inappropriate design with in a Conservation Area that will cause harm to the Conservation Area.*
- 4. It is in close proximity to 2 Heritage Assets and will cause harm to the setting of the Heritage Assets.*
- 5. There are Highway and Access issues which would create hazard.*

*Taking into account all of the above; Moore Parish Council urge Halton Borough Council to reject this planning application, which quite clearly does not accord with either local or national planning policies.*

The second letter of objection has been received from Moore Parish Council following a re-consultation undertaken with respect to amended plans received following design changes.

These state as follows:

*The Parish Council have now received and reviewed the amended proposals for the dwelling within the grounds of Ivy Cottage.*

*The Parish Council continue to strongly object to the proposals as a clear breach of the Guidelines for Development within the Green Belt and, whilst noting some minor changes in design, continue to consider that the proposal will cause significant harm to the adjacent heritage assets.*

*The amendments to the proposed design do not respect or reflect the character of the surrounding area. We have serious misgivings about the introduction of a mock canal side warehouse detail along with a false crane, which whilst appropriate in a setting adjacent to the canal, is completely out of context in an area surrounded by tees, well away from the canal.*

*The design does not seek to respect the proportions and character of the existing buildings on the site and the array of Velux rooflights as an attempt to minimise the mass of this building will be very unsightly.*

*This is a very poor design given the context/setting within the historic environment.*

*The amended plans do not appear to address the previous concerns raised with respect to materials. If a building is to be erected in this position it should be constructed using recycled brickwork to match as closely as possible that on Ivy Cottage, comprise a stone or slate roof with period timber sash windows.*

*We would ask that the Council refuse this application or require very significant redesign.*

## ASSESSMENT

### Principle of Development

Permission is sought for the proposed subdivision of an existing residential garden and the erection of a single dwelling to the rear of the existing house. The existing house is a Listed Building (Grade II) and the site lies within Moore Conservation Area. The site is currently identified as Green Belt in the Halton Unitary Development Plan.

Since the submission of the application, Government has issued the revised National Planning Policy Framework dated July 2018. The application must therefore be assessed against this updated policy.

The principle of the development in such cases is addressed at para. 144 and 145 of the NPPF and the green belt policies contained within the Halton Core Strategy CS6 and UDP GE1. Para 145 of the Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.” It then provides that exceptions to this include “limited infilling in villages”.

No definitive boundary for Moore Village is available. Whilst the site and surrounding development is relatively spacious in character the site does sit at a fairly central location within the buildings of Moore. It is not considered that it could be reasonably argued that the site and surrounding buildings are remote or significantly detached from the village or part of any associated ribbon development. As such it is considered that the site can be considered to fall within the village.

Moore Parish Council have expressed a view that “this remains a large scale house and is not “limited infilling”. No definition of what constitutes “limited infilling” is provided and this must therefore be a judgement of fact and degree. Design and character considerations are addressed elsewhere within this report however, the development proposes a single dwelling having two storeys and is not so large to be out of character with the size of the site and surrounding buildings. The proposed development is therefore considered to constitute limited infilling for the purposes of consideration against para. 145 of the Framework.

Whilst national and local planning policy with respect to the historic environment do include protectionist policies including considerations of character and setting they do not seek to restrict development in principle. Both the adopted Halton Unitary Development Plan and Core Strategy pre-date the updated Framework. The principle of development is considered acceptable when assessed against Policy CS6 and GE1 insofar as those policies are consistent with the Framework. The development is not therefore considered to be a departure from the development plan.

On this basis it is considered that an argument can be made that the development of the plot for a single dwelling as proposed could be considered as “limited infilling in villages” per para.145 and can therefore be considered acceptable in principle.

### Design, Character and Heritage Impacts

The garden proposed to be subdivided is an existing residential garden. The existing house is a Listed Building (Grade II) and the site lies within Moore Conservation Area.

Further Listed Buildings are also located to the west of the site at Old Hall Farm and Cottages and Moore Old Primary School (now Scout Hut). These are similarly listed as Grade II but are separated from the site by the adjoining Milner Institute Building and its grounds which is not listed. Other listed buildings are located in the area but further afield.

The Council's retained adviser has confirmed that historic map evidence suggests that the listed building formed part of a wider site and complex of buildings which have been subdivided and infilled with other buildings over time. The proposed is somewhat removed from the parent dwelling and the adjoining listed building and on that basis it is advised that scope exists for a building on the plot. It is further advised that the overall form and massing of the proposed dwelling as amended are considered more appropriate to the setting of both the frontage building and the Old Primary School.

Further amendments have been requested including amendments to the design of some windows, the removal of proposed timber cladding and hoist bracket features and replacement of current uPVC windows and fascias with painted timber. A formal response is awaited from the applicant in this regard and members will be updated orally.

Moore Parish Council has identified that National Planning Policy requires a Planning Authority to require the Applicant to describe affected Heritage Assets and to assess the impact of the proposal. Para. 189 of the Framework states that:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."*

The Council's retained adviser is satisfied that sufficient information exists to enable the decision maker to "identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise" in accordance with para. 190 of the Framework.

The proposed dwelling is two storeys and is considered of a scale and character suited to the site and surrounding buildings. An analysis of the characteristics of buildings within the vicinity has been undertaken and this has informed the design, which the Council's retained adviser confirms is welcomed.

On the basis of advice from the Council's retained adviser it is not considered that the proposals could be argued to result in "substantial harm", lead to "less than substantial harm" or be harmful to the character of the area or amenity of adjoining occupiers so as to justify refusal of planning permission in this case.

### Highway Considerations

The scheme will be accessed from an existing vehicle access from Moss Lane. This access is currently unlawful but is believed to have been in place since circa. 2010. The existing house will revert to its original lawful access from Runcorn Road.

In light of initial concerns raised by Highways Officers and objectors the Council's Highways Officer has carried out a traffic speed assessment of the access on Moss Lane. He reports that the 85 per cent speeds are 16 mph and 13 mph in each direction. On the basis that speeds are considered to be low on the road he advises that it is considered reasonable to adopt a relaxed standard with respect to highway visibility of 25.5m in either direction in accordance with Department for Transport technical guidance contained within Manual for Streets.

The Council's Highways Officer has advised that current visibility of 30 metres to the right and 24 metres to the left can be achieved on egress from the driveway. Given the shortfall to the left is only slight, the Council's Highways Officer advises that they would not object on highway safety grounds.

Given that the existing vehicle access uses an unlawful crossing point, it will be necessary for the applicant to apply to the Highways department to have the access constructed to the appropriate standard. This can be addressed by way of informative attached to any planning permission. Sufficient space and provision exists within the scheme for parking and servicing.

### Trees and Ecology

The site includes a number of trees afforded Statutory Protection by Tree Preservation Order and the site sits within the Moore Conservation Area.

The proposal requires the removal of 3 no. trees (T1, T2 and T3) to facilitate the build. Though the tree's involved are graded C (low quality) they are nevertheless afforded statutory protection. The report also identifies one tree (T35) for removal for arboricultural reasons. Additionally, the submitted Arboricultural Impact Assessment identifies three further trees (T5, T7 and T8) as retention category U (unsuitable for retention) due to their condition. The report advises that no action is required with respect to these three trees but that these trees should be re-inspected post-development to assess their condition and risk.

The Council's Open Spaces Officer has advised that, providing the applicant mitigates the loss of these low quality trees with replanting, no objection is raised to this element of the proposal.

The Council's Open Spaces Officer has identified that the current Arboricultural Impact Assessment does not mention the encroachment into the RPA of retained trees to the west of the plot previously raised in relation to withdrawn application 17/00136/FUL.

Similarly he states that the comments submitted for 17/00136/FUL are still applicable which read:

*“The encroachment into the RPA’s to trees to the west of the plot is minimal however any encroachment into RPA’s is a potential risk. The trees involved here are Lombardy poplars recorded at 22mtrs high (submitted Arb Impact Assessment). This species is columnar in habit and prone to wind throw and wind blow (a Lombardy poplar on the opposite side of this garden suffered wind damage during the recent storm event and knocked down part of the properties perimeter wall).*

*A further concern associated with the location of the proposed property is that if the building goes ahead, there is very little room between the rear of the property and the Lombardy poplar tree line. As the rear of the building is west facing, and the trees nearby are significant in size, I suspect there may be future requests to remove a number of the trees to improve light etc. Also the amount of canopy debris (leaves, twigs etc) that probably falls from these trees would I suspect be significant and could cause considerable nuisance. Any failure of these trees during a storm event would almost certainly result in the tree hitting the proposed property.”*

These comments do not however appear to account for the reduction in footprint and re-orientation of the proposed building when compared with the previously withdrawn scheme which has removed areas of encroachment of the development into the root protection areas of trees to be retained. This also has the effect of providing an increased separation between the proposed property and the retained trees. It is considered that the current scheme makes adequate provision for the retention of protected trees and it is not considered that refusal of planning permission could be justified on these grounds.

There is no submitted ecological information. The Bridgewater canal and at least one pond sit within 250mtrs of the proposed development site, but the west coast main line railway bisects them. This significant barrier would likely prohibit migration of Great Crested Newt from the canal or the pond to the development site.

It is advised that where any trees are removed they should be checked for bats and that all works should comply with current bird nesting legislation. It is considered that this is covered by other legislation and the applicant can be reminded of their duties in this regard by way of informative attached to any planning permission.

#### Flood Risk and Drainage

The Lead Local Flood Authority (LLFA) have advised that the development is in Flood zone 1 and therefore the proposed use is considered compatible. It is not within a critical drainage area but the site is primarily considered to be greenfield. It is therefore advised that development should seek to replicate existing surface water runoff conditions, in accordance with the Sustainable Urban Drainage Systems (SUDS) hierarchy. In accordance with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) it is advised that surface water drainage from roofs and hard standings etc. should be dealt with in order of preference by i) infiltration/soakaway (where infiltration tests have shown this is feasible), ii) watercourse iii) Surface water sewer iv) combined sewer.

United Utilities has also stipulated this requirement but confirmed that in the event of surface water draining to public sewer, appropriate attenuation will be required. The LLFA and United Utilities raise no objection in principle. It is considered that an appropriate drainage strategy and attenuation can be secured by appropriately worded planning condition.

### Contaminated Land

The application is supported by a Phase 1 land contamination risk assessment for residential development. The report presents the results of a preliminary assessment based upon desk study review and site reconnaissance.

The historical review does not identify any major potentially significant contamination sources; the site has been open land or garden with no associated buildings (bar 106 Runcorn Rd to the south).

The report makes a recommendation regarding ground gas protection measures due to the presence of a potentially infilled pit to the north east but that a 'modern building regulations compliant floor' is likely to provide sufficient protection. A detailed specification is not provided. The Council's Contaminated Land Officer has stated that he is satisfied that the pit referred to is still in existence and has not been filled. As such he is satisfied that the level of risk posed by possible ground gases is negligible.

The report does not recommend any remedial measures but does suggest that a 'watching brief' be maintained during the course of the development for evidence of unanticipated contamination. On that basis the Council's Contaminated Land Officer advises that he raises no objection, but would recommend that a condition is included in any planning permission regarding unexpected contamination being identified. This is included in the recommendation section of this report.

### Waste

The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

### Conclusions

Permission is sought for the proposed subdivision of an existing residential garden and the erection of single dwelling to the rear of the existing house. The existing house is a Listed Building (Grade II) and the site lies within Moore Conservation Area. The site is currently identified as Green Belt in the Halton Unitary Development Plan. In accordance

with para. 145 of the Framework the proposals are considered to represent limited infilling in villages and can therefore be considered acceptable in principle.

At the time of writing a formal response is awaited from the applicant with respect to a number of outstanding design changes. In order to minimise further delay in determining the application the report has been prepared in anticipation that these outstanding matters will be resolved. Members will be updated accordingly. The proposals offer the opportunity for much needed housing in the Borough albeit limited to a single dwelling. Subject to a response on the outstanding amendments it is considered that the proposals accord with the development plan and National Planning Policy and Guidance.

### RECOMMENDATION

The application be approved subject to the following:

1. Standard 3 year permission to commence development (BE1)
2. Condition specifying approved and amended plans (BE1)
3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; Wheel cleansing facilities/ strategy, construction and delivery hours (BE1)
4. Condition(s) requiring the submission and approval of the materials to be used (BE2)
5. Landscaping condition, requiring submission and agreement of hard and soft landscaping. (BE2)
6. Condition(s) requiring submission and agreement of drainage details (PR16)
7. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
8. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
9. Requiring submission and agreement of site and finished floor (BE1)
10. Condition relating to discovery of previously unidentified contamination. (PR14)
11. Conditions relating to tree protection during construction (BE1)
12. Condition(s) requiring replacement tree planting (BE1)
13. Condition(s) requiring submission and agreement of drainage details (PR16)
14. Submission and agreement of Site Waste Management Plan (WM8)

### SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework;
- 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.