

APPLICATION NO:	19/00020/FUL
LOCATION:	Land Bounded By Pitts Heath Lane And Otterburn Street, Sandymoor, Runcorn
PROPOSAL:	Proposed development of local district centre comprising Convenience Store (Use Class A1), 5 no. Retail Units (Use Classes A1, A3, D1 with a maximum of 1 unit to be D1), Children's Nursery (Use Class D1), 43 no. Residential Apartments and 5 no. Dwellings (Use Class C3) to provide living facilities for the over 55's together with ancillary development.
WARD:	Daresbury
PARISH:	Sandymoor
AGENT(S)/APPLICANT(S):	PRP Architects, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
DEPARTURE:	Yes
REPRESENTATIONS:	At the time of writing the report, 81 representations have been received from the publicity given to the application.
KEY ISSUES:	Principle of Development, Design, Parking and Highway Safety, Drainage, Ecology, Trees, Community facilities
RECOMMENDATION:	Approve subject to conditions

SITE MAP:



1. APPLICATION SITE

1.1 The Site

The application site is currently unoccupied grassed land surrounding the existing Sandymoor Community Hall comprising an area of approximately 1.37 hectares in Runcorn.

The site lies between Pitts Heath Lane to the west, Otterburn Street to the south and a Morris Homes development 'The Meadows' to the East. Along the northern boundary of the site is an area of woodland known as Sandymoor Wood. Opposite the application site to the south is a large expanse of grassed open space, including a football pitch and children's playground, this area is known as the Village Green.

The site is currently accessed off Pitts Heath Lane which is the primary road servicing the site. The currently un-adopted Otterburn Street serves as a secondary road and provides access for the existing Sandymoor Community Hall. There is also an established network of foot and cycle paths around the site, together with a Greenway Network along the southern site boundary, connecting surrounding housing estates to the proposed Local Centre.

The application site is designated as a location for a Proposed Local Centre within the Halton Unitary Development Plan and a Key Area of Change in the Core Strategy Local Plan. The Sandymoor Supplementary Planning Document and Sandymoor Local Centre Development Brief therefore apply.

1.2 Planning History and Background

- 04/00431/OUT - Outline application (with all matter reserved) for development of Sandymoor Local Centre, including 34 No. houses/apartments and 3000sqm of commercial, health, recreation and leisure floorspace. **Permitted 14.07.04**
- 07/00681/OUT - Outline application (with all matters reserved) for development of Sandymoor Local Centre including up to 34 No. dwellings and including up to 3,000 sq.m of commercial, retail, health, recreation and leisure floorspace. **Permitted 06.12.07**
- 10/00482/OUT - Application to extend time limit for implementation of extant planning permission (07/00681/OUT). **Permitted 05.05.11**
- 12/00049/FUL - Proposed development of 2 no. storage buildings, 1 tank cleaning shed and siting of storage tanks and associated wall upon existing car park. **Permitted 26.03.12**

2. THE APPLICATION

2.1 The proposal

The application seeks planning permission for the development of a Local District Centre comprising:

- Convenience Store (Co-Op) – Use Class A1
- 5No. retail units
 - o Retail Unit 1 – Use Class A5 (hot food takeaway)
 - o Retail Unit 2 – Use Class A1/A3 (Shops/Restaurants/Cafes)
 - o Retail Unit 3 – Use Class A5 (hot food takeaway)
 - o Retail Unit 4 – Use Class A1 (Shops)
 - o Retail Unit 5 – Use Class D1 (Vets)
- Nursery – Use Class D1
- 5 bungalow properties – C3 Open Market dwellings
- 43 Apartments
 - o 23x one bedroom units
 - o 20x two bedroom units

The proposed 43 'Retirement Housing Apartments' will also include communal facilities comprising lounge with kitchenette, communal gardens and a buggy store. There will also be a manager's office, to provide support to residents.

Information has been provided in support of the application confirming the proposed scheme is part of Housing 21's Shared Ownership and Affordable Housing Programme 2016-2021.

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement
- Transport Assessment, December 2018, Ref 2356
- Landscape Strategy Rev P03, July 2019
- Arboricultural Impact Assessment (AIA) Ref 11834-01 Rev C
- Ecological Assessment (EA) Ref 11834-01 Rev 01
- Habitat Regulations Assessment – Screening (HRA) Ref 11834-01
- Noise Impact Assessment Report 26504/NIA1 Issue 1
- Combined Preliminary Risk Assessment and Geo-Environmental Assessment Project No.18-0914.01 Issue 2
- Drainage Design Report, Flow+v8.0
- Proposed Drainage Strategy, Ref. CL8355, Dated 27.08.2019
- Flood Risk Assessment project no.18-0914.02 Issue No.3

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 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 to 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”.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as a proposed Local Centre in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development;
- BE2 Quality of Design
- BE18 Access to New Buildings Used by the Public
- BE20 Disabled Access in Public Places
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- GE22 Protection of Ancient Woodlands
- GE27 Protection of Trees and Woodlands
- PR2 Noise Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk

- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP9 The Greenway Network
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- LTC5 Protection of Community Facilities
- LTC6 Children's Day Care Provision
- TC1 Retail & Leisure Allocations
- TC5 Design of Retail Development
- H3 Provision of Recreational Green Space

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development;
- CS3 Housing Supply and Locational Priorities
- CS5 A Network of Centres
- CS11 East Runcorn
- CS12 Housing Mix
- CS13 Affordable Housing
- CS18 High Quality Design
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout for New Development.

3.5 Supplementary Planning Documents

- Sandymoor Supplementary Planning Document (2009)
- Design of Residential Development (2012)
- Designing for Community Safety (2005)
- Affordable Housing (2014)
- Hot Food Takeaway (2012)

4. CONSULTATIONS

4.1 The application has been advertised via the following methods: site notice posted near to the site and on the Council Website. Surrounding residents have also been notified by letter.

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

- **Environment Agency**
1st round consultation: objection based on Flood Risk Assessment
2nd round consultation: No objection subject to condition
3rd round consultation: No comments received at time of report
- **Merseyside Environmental Advisory Service**
1st round consultation: No objection subject to conditions
2nd round consultation: No comments received at time of report
- **Natural England**
1st round consultation: No objection
2nd round consultation: No comments received at time of report
- **The Woodland Trust**
1st round consultation: Objection
2nd round consultation: Maintained objection discussed in sections below
- **United Utilities**
1st round consultation: No objection subject to conditions
2nd round consultation: No comments received at time of report
- **Cheshire Police**
1st round consultation: No objection, comments discussed below
2nd round consultation: No comments received at time of report

Council Services:

- **HBC Highways and Transport**
1st round consultation: Objection
2nd round consultation: Sustained objection, see section below
- **HBC Environmental Protection**
1st round consultation: No objection subject to condition
2nd round consultation: No comments received at time of report
- **HBC Contaminated Land**
1st round consultation: No objection
2nd round consultation: No comments received at time of report
- **Lead Local Flood Authority**
1st round consultation: No objection subject to condition
2nd round consultation: No objection however more information required or to be conditioned

- **HBC Major Projects**
1st round consultation: No comments received
2nd round consultation: No comments received at time of report
- **HBC Planning Policy**
1st round consultation: No comments received
2nd round consultation: No comments received at time of report
- **HBC Ward Councillors**
1st round consultation: No comments received
2nd round consultation: No comments received at time of report
- **Sandymoor Parish Council**
1st round consultation: Support application but concerns raised
2nd round consultation: No comments received at time of report

5. REPRESENTATIONS

5.1 The application has been advertised by 141 neighbour notification letters sent on 24.01.19 and 29.08.19. At the time of writing the report, a total of 81 representations have been received containing a mix of support and concerns regarding the application. These are summarised below:

Concerns

- De-valuation of surrounding properties
- Inconvenience to residents on Biggleswade drive
- Better suited locations in Sandymoor for this type of development
- Pre-school/nursery is not necessary
- Sandymoor is a family area and not suitable for over 55 housing
- Proposed new nursery would put the current community hall nursery out of business resulting in loss of jobs
- Nursery would not benefit the community
- Access to the community hall
- Parking
- Close proximity of residential dwellings to the community hall
- No retail assessment carried out
- Consequences on the viability of the community hall
- Scale and massing of over 55's accommodation
- Overlooking from apartments to the community hall
- Access to the site possible creation of Biggleswade Drive as a through road
- Pedestrian safety
- Increased traffic
- No provision for larger delivery vehicles to the Community hall
- Over development of the site
- Residential uses so close to the community hall could restrict the type of functions available to be hosted by the community hall and result in noise complaints

- Noise concerns from deliveries and waste management
- Community hall will no longer be the focal point of the village centre
- Disturbances caused by construction
- Not suitable for shops to be so close to residential dwellings
- Need the existing bollards on Otterburn Street to be retained
- Increase in anti-social behaviour and rubbish

Neutral

- Sandymoor is void of a gym, would like one incorporated into scheme
- A dentists would be a good addition
- Plans should include a café or tea room facility
- We need a doctors surgery instead of a nursery
- There's a need for local pubs
- Consideration should be given to security measures such as CCTV

Support

- Welcome the local shopping area
- Welcome bungalows for older generation to downsize and stay in the area
- Retails units would be a great asset for the area and are much needed
- Looking forward to the development being built
- The area is in desperate need of a village centre with shops and services
- The nursery looks first rate, and pleased to see housing for the elderly provided

6. ASSESSMENT

6.1 Principle of Development

The site is allocated as a Proposed Local Centre, as designated by the Halton Unitary Development Plan and as such Policy TC1 of the Halton Unitary Development Plan applies. The development land is allocated for a new neighbourhood centre to serve the local community through new local shops and community facilities.

The proposed development includes the provision of a convenience store (it is known to be Co-op) and 5 retail units with a mix of A1, A3, A5 and D1 uses.

Policy CS5 of the Halton Core Strategy Local Plan also indicates that new retail development of an appropriate scale to meet local need will be required in Sandymoor. As the application site is allocated as a Local

Centre in the current up to date Unitary Development Plan, the application is not subject to sequential assessment, in accordance with Policy CS5 of the Halton UDP. This is also supported in Paragraph 86 of the National Planning Policy Framework (NPPF).

Although the application includes proposed retail uses outside of a town centre, as the land allocation is in accordance with the Unitary Development Plan and the retail floorspace threshold of 2500m² of gross floor space is not exceeded, there is no requirement for an impact assessment as supported by Paragraph 89 of the NPPF.

The application site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a mix of uses and continue the development of Runcorn in line with the long term vision for the Borough. The application proposes a mixed use of retail, residential and a new nursery facility which in accordance with Paragraph 92 of the NPPF ensures an integrated approach to enhance the sustainability of the community in the form of a working Local Centre.

The Core Strategy also states that the continued development of Sandmoor will be achieved by delivering residential units in line with outstanding consents including a new local centre and public transport connections. Previous outline planning permissions have permitted residential units within a Local Centre application and therefore the proposal for the residential element has been established on site and is acceptable in principle.

Given the application site is allocated as a Proposed Local Centre location in the Halton Unitary Development Plan, in accordance with policy TC1 of the UDP, the principle of the proposed Local Centre is considered to be acceptable.

6.2 Layout

The adopted 2009 Sandymoor Supplementary Planning Document sets out broad design principles for Sandymoor with the aim to strengthen the community. As such, development will be arranged to focus on the Local Centre, Community Centre, school, Village Green and leisure and sports activities.

The northern boundary of the application site is essentially dead frontage due to the interface with the Sandymoor Wood woodland area. The southern boundary of the site interfaces with Otterburn Street and the Village Green beyond. The scheme has been arranged so that the main

amenities such as the retail units and proposed nursery face and address the Village Green and remain open to create a visual open linkage to the green space, encouraging movement between the village green and the Local Centre.

The eastern boundary of the site, in particular the proposed residential apartments, will interface with housing frontages on Biggleswade Drive. The properties on the corner of Biggleswade Drive consist of three storey dwellings and town house style properties. The presence of three storey properties has therefore been established within the area.

The proposed bungalow dwellings will interface with existing 2 storey properties to the north-west of the site which is considered to be appropriate. The western boundary of the site will face Pitts Heath Lane and the proposed convenience store will provide good natural surveillance in addition to a more active frontage.

In accordance with the Sandymoor Local Centre Development Brief, parking provision has been accommodated within the scheme, the level of which will be assessed in the Highway section below. There is also provision for a dedicated public 'village square', the size of which has been reduced in accordance in advice from Cheshire Police to avoid creating a gathering place and an opportunity for anti-social behaviour.

In terms of Housing Mix, the proposal seeks to deliver a range of property sizes including 1 and 2 bedroom apartments. In terms of tenure, the applicant is aware of the Council's affordable housing policy and has confirmed acceptance to the attachment of a condition which would secure the provision of affordable housing as per the definition set out in the NPPF.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE 1 & BE 2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered to be compliant with Policy CS12 of the Halton Core Strategy Local Plan.

6.3 Scale

Members will note that some representations have been received raising concerns that the proposed three storey element of the development comprising the apartments would be out of character with the area.

It is noted that there are other three storey developments in this area including the three storey properties directly adjacent to the proposed apartments along Biggleswade Drive within the Morris Homes housing

estate. Although larger in massing, the height of the proposed apartment block has been established within the immediate surrounding area. The Sandymoor Local Centre Design Brief also indicates that the buildings should range in height to a maximum of three storeys thus the scale of the proposed apartments are considered to be appropriate.

The design brief also highlights that the layout of the local centre units should successfully incorporate the existing Sandymoor Community Hall and respect the height of it. The proposed nursery building would mirror the scale and height of the existing Community Hall with a slightly taller ridge height over the entrance of the nursery to create a feature.

There is a variety of property types and styles in the locality with two storey properties located to the west and North West of the site. It is considered that the proposed bungalow properties and the height of the proposed retail units relate well to the scale of the surrounding dwellings within the area.

The scheme is considered to be acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.

6.4 Appearance

In line with the guidance set out within the Sandymoor Local Centre Design Brief, the proposed materials form a simple palette of colours and styles.

The proposed materials are indicative at this stage, as the submitted design and access statement highlights; specific materials, products and colours have yet to be identified. A combination of light brick with elements of brick detailing, timber boarding and standing seam roofs are described. This is considered to be acceptable.

The submission of precise external facing materials and their subsequent implementation will be secured by condition. This would ensure compliance with Policies BE1 and BE2 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.

6.5 Landscaping and Trees

There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area.

The application is accompanied by an updated Arboricultural Impact Assessment. It is noted that a number of trees are highlighted as needing to be removed from the site to facilitate the proposed development. More

detail has been requested from the applicant with regards to the trees to be removed as these may be located within Sandymoor Wood. The Merseyside Environmental Advisory Service (MEAS) Ecologist has advised that if tree felling is now required (which was not originally proposed in the first submitted Arboricultural Impact Assessment (Ref:11834-01 Rev A) then it is contrary to previous comments made by the applicant that a 20m buffer will be maintained (as stated in 4.1.1 of Ecological Assessment). The Ecologist consulted has advised that loss of trees in this area may be significant given the ancient nature of the woodland as listed in the LWS designation, therefore mitigation (or compensation if the woodland is ancient and consequently irreplaceable) may be required.

Supplementary comments provided by the Merseyside Environmental Advisory Service, received 19.09.19, have advised that the amended plans require additional ecological assessment. There is a requirement to investigate possible harm to the badger set which is part of the tree group G12 (now proposed to be selectively felled). Trees beyond the G12 woodland edge also require bat roof assessment. The same goes for mature trees south of the site which now require removal or pruning as part of the access revision. Bat root assessment cannot be conditioned and should be dealt with prior to determination.

A response from the applicant is awaited.

Whilst the loss of trees is regrettable, this must be balanced against the overall benefits of the scheme.

A soft landscape plan has been submitted to support the application. The Designing Out Crime Officer has provided comments on behalf of Cheshire Police advising that more defensible landscaping should be included around the ground floor of the proposed apartments. These comments have been passed on to the applicant and their response is awaited.

A fencing and furniture plan has also been submitted and is considered to be acceptable. The Designing Out Crime Officer has requested clarification on the proposed gates between the different blocks and has advised a minimum of 1.8m but preferably 2.1m fence along the rear boundary of the bungalow properties to shield potential noise from the proposed service yard. This acoustic fence has also been requested by the Council's Environmental Health Officer. This is detailed within the scheme and will be secured by condition as discussed in the noise section below.

The proposed landscaping is considered to be acceptable in accordance with Policies BE1 and BE2 of the Halton Unitary Development Plan. Members will be updated accordingly on any responses from the applicant.

6.6 Site levels

No details of site or finished floor levels have been supplied, however based on the site's topography and submitted site elevations (Drawing AA7504 2005 Rev C), it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation. This would ensure compliance with Policy BE1 of the Halton Unitary Development Plan.

6.7 Highway considerations

The Council's Highway Officer has provided comments based on the drawing number AA7504 2002 Rev P. The Highway Officer has advised that in general, the site is considered suitable for the proposed use and the applicant has given due consideration to the potential impact on the existing highway network.

The proposed scheme has undergone several alterations throughout the planning process with the Highway Authorities advice sought on the various revisions.

Access to the site will be as existing, taken off Pitts Heath Lane via the existing un-adopted horseshoe road arrangement utilising a formalised one way system with an emergency bollarded link onto Biggleswade Drive. The existing bollards at the end of Biggleswade Drive will be retained as existing and this will be secured by condition.

Space has been provided within the site for parking, circulation and servicing and it is the Highway Officers considered opinion that there would be no significant impact on road safety or operational capacity.

A signage and road marking strategy is requested to be developed and submitted for approval to ensure that public access to the site and deliveries are legible. Although Otterburn Street will remain a private road, the Highways Officer has also recommended that a series of road safety audits be undertaken to ensure public safety is fully considered where vehicles and pedestrians interact.

The application has been supported by the following document:

- Transport Assessment, December 2018, ref:2356 Issue 1

The Highways Officer is in agreement that the detail contained within the assessment is an accurate consideration of the proposed impact of the development. The Officer has also advised that the trip generation and distribution is proportionate to a development of this scale and nature and the assessment of impact raises no Highway concerns.

It should be noted that the general site layout has evolved since the submitted report was produced and the access arrangements have now changed in that the existing horseshoe road alignment off Pitts Heath Lane is to remain. This change does not result in a material change to the number of movements or operation of the highway but will need to be considered in terms of the signage strategy and road markings mentioned previously.

Additional tracking diagrams have been received to reflect the latest layout and have been accepted as superseding those within the appendices of the original document.

Given the potential number of trips generated by customers, residents and employees, the Highways Officer has recommended that the applicant submits a travel plan for approval prior to the development being brought into use to promote sustainable modes of travel. This travel plan should be managed and updated throughout the life of the development.

As the proposal is a mixed use development with shared parking provision, the Highways Authority have considered each element utilising the maximum parking standards contained within the Halton Unitary Development Plan document.

The bungalows to the north of the development are a standalone aspect and are served by two car parking spaces each, meeting the desired standard.

With regards to the retail units; the 395 sq.m A1 foodstore would require 22 spaces, the 241 sq.m of A1 retail units would require 12 spaces as would the A5 units. In terms of the D1 nursery provision no employee details have been provided and therefore an assumption of 3 staff members per room has been used giving a requirement of 21 spaces (including 3 visitor spaces). The maximum requirement for the C3 apartments (mix of 23 x 2 bedroom and 20 x 1 bedroom) with an open tenure would be 50 spaces. For completeness the Highways Officer has

considered the existing community hall as D1 public hall with a maximum requirement of 30 spaces.

Provision has been made for accessibly sized bays with a suitable percentage marked for the use of disabled users.

The cumulative total maximum number of car parking bays for the development has been calculated to be 147 spaces, with the number of proposed spaces on site being 132. Given the potential for linked trips and differing peak demand times for the individual units, the shortfall of 15 spaces on balance is considered to be acceptable.

Given the scale of the development and the mixed use nature, the Highways Authority has advised that a car parking strategy be put in place by the developer's management company to ensure adequate measures of control to ensure safe operation whilst meeting the differing demands of the users.

It is noted that there is no mention of parking fees within the submission and the Highways Officer has raised concern over the potential for charging implementation during the life of the development, without prior approval by the Local Planning Authority. The reason for this is to mitigate impact of potential displaced car parking to avoid charges. The applicant has been contacted for comment and members will be updated at committee meeting.

The development should promote the use of electric vehicles via provision of suitable charging facilities, further guidance can be found in the document produced by the Liverpool City Region – 'Electric Vehicle Strategy'. Specific regard should be paid to section 3.2.2 Table 3 "Min. provision of parking bays and charging points in new developments". The provision of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved within the scheme and is something that has previously been discussed with and requested from the applicant/agent. A condition requiring details of EV charging points for vehicles prior to commencement of works and the subsequent implementation prior to the development being brought into use is considered reasonable.

Although cycle parking is shown, there is no detail with regards to the type of provision. Sheffield style stands are suitable for short term use but longer dwell times would require covered, secure and overlooked provision to encourage the use of cycles for commuting. Details of cycle storage can be secured by a suitably worded condition.

Suitable provision has been made within the service yard to turn a large articulated delivery vehicle although a carefully considered management plan would be required to ensure all the end user needs can be met. It is also noted that staff parking has been provided within the service area which will need to be suitably managed.

Tracking diagrams have been provided for the community hall and apartment block to demonstrate that a large refuse collection vehicle can reach a point that will allow suitable drag distances for bins.

It is noted that tracking information has been submitted for a vehicle to gain access to the rear of the existing community hall. This movement would require an area of grass to be replaced by a surface that is suitable to carry large vehicles. As the community hall is excluded from the red line planning boundary the Highway Officer is unclear of the exact nature of the proposals and therefore have only accounted for servicing from the car park south of the hall.

Given the existing use of Otterburn Street by users of the Community Hall and by pedestrians in wider terms including a walking route to school a detailed construction phase management plan should be submitted prior to the commencement of work with detailed phasing set out. The plan would need to ensure that the safety of users of the existing amenities and adjacent highway is ensured.

6.8 The Greenway Network

The site is well connected to the wider area by good quality pedestrian links and has access to bus services along Pitts Heath Lane. There is a requirement to provide a formalised greenway connection to the south of Otterburn Street connecting Pitts Heath Lane and Biggleswade Drive. This aspect has been stressed by the Highway Authority throughout the planning process and should take the form of a 3m shared use cycleway/footway connection.

It is noted that the red line boundary has been expanded to include where the greenway should sit, but despite the applicants assurances that provision will be made in line with provided comments the latest plans do not show the necessary link. The Highway Officer would seek to object to the proposal under TP9 as the development fails to meet the policy requirements. The design for the pathway, its connections to existing infrastructure and the developer's intention to offer the link for adoption should be submitted for approval prior to any permission. The greenway link should be constructed and open to use by the public prior to the development being brought into use.

6.9 Protection of Community Facilities

Policy LTC5 of the Halton Unitary Development Plan defines a community facility as an essential element of local life and somewhere that provides a venue for a wide range of community activities such as sports clubs, youth clubs, interest groups, playgroups, community groups and general leisure activities.

Sandymoor Community Hall provides a popular community use within the locality. It is used by local organisations on a weekly basis and hosts community events and fundraisers throughout the year.

The Sandymoor Community Hall has raised a number of objections to the proposed development together with concerns regarding the Hall's viability and loss of income that would stem from the provision of a new purpose built nursery which would be in direct competition with the existing Sandymoor Pre-school that has operated from the Community Hall since 2003.

Policy LTC5 states that development that would result in the loss of community facilities will not be permitted if they serve an important local need unless a replacement facility or equivalent community benefit is provided by the developer in a no less convenient location.

Discussions are ongoing with the applicant and chair of the Community Hall to resolve these concerns and members will be updated accordingly.

6.10 Provision of childcare

Policy LTC6 of the Halton Unitary Development Plan sets out the criteria that will apply to Children's Day Care Provision. The proposed nursery is of an adequate size with appropriate outdoor facilities to provide a satisfactory environment for children. The outdoor play area is separate from any car park or servicing area and so satisfied the criteria for highway safety.

Parent and child parking spaces are provided within close proximity to the nursery entrance for adequate dropping-off and pick up arrangements. There are good pedestrian links and the site is accessible by public transport off Pitts Heath Lane.

On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy LTC6 of the Halton Unitary Development Plan.

6.11 Hot food takeaway

Two hot food takeaway units are proposed within the scheme and therefore the Hot Food Takeaway Supplementary Planning Document applies.

The takeaways are proposed within a defined Local Centre as listed in Appendix 5 of the Hot Food Takeaway SPD and in accordance with HFT1, the hot food takeaways would not result more than two units or 10% of the total ground floor units being a hot food takeaway.

HFT2 states that planning permission for hot food takeaways will only be granted provided that they are located beyond a 400m exclusion zone around any school or playing fields and children's play spaces. However exceptions to this are defined Town, District and Local centres. As the application site is a designated Local Centre, the site is excluded from the 400m exclusion zone.

The proposal for two hot food takeaway establishments is considered to be in line with the guidance set out within the Hot Food Takeaway Supplementary Planning Document and is therefore acceptable in principle. A condition will be attached to any subsequent decision restricting the hours of operation.

6.12 Noise

The application is supported by the following document:

- Noise Impact Assessment Report, Sandymoor District Centre, Hann Tucker Associates, ref: 26504/NIA1, Dated 22 Feb 2019

The Council's Environmental Protection Officer has been consulted on the application. The main concern, regarding noise, highlighted by the Environmental Protection Officer is the impact that noise from the delivery yard will have on the 5 bungalows during overnight deliveries. The submitted report has assumed that deliveries will be limited to one overnight delivery, and that without any mitigation this will result in an increase in noise levels of +11dB. Further mitigation has therefore been proposed in the way of an acoustic fence, which will reduce the noise levels by 10dB. The acoustic report also refers to best practice guidance with regards to noise from deliveries.

The Council's Environmental Health consultant has no objection to the application on the basis that an acoustic fence (to the specification identified within the report) is put in place and operate to best practice.

A suitably worded condition is suggested to secure the provision and retention of an acoustic fence along the rear boundary of the bungalow

properties. This would demonstrate compliance with the development plan having particular regard to Policy PR2 of the Halton Unitary Development Plan.

Concerns have been raised during the public consultation regarding noise levels during events held at the existing Sandymoor Community Hall and the impact it might have on the proposed residential properties, specifically the proposed apartments, resulting in noise complaints and restrictions on future community hall events.

The Council's Environmental Health Officer has been approached for further comment. Comments are awaited and Members will be updated at Committee meeting.

6.13 Affordable housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided, in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. Affordable housing will be sought at 25% of the total residential units proposed.

Information has been provided in support of the application confirming the proposed scheme is part of Housing 21's Shared Ownership and Affordable Housing Programme 2016-2021 and will contribute to Halton Council's most recent Housing Strategy.

The proposed 43 'Retirement Housing Apartments' will consist of 23x two bedroom units and 20x one bedroom units and communal facilities comprising lounge with kitchenette, communal gardens and buggy store. There will also be a manager's office, to provide support to residents.

Summary of affordable housing provision:

27 apartments for affordable rent – 63%

16 for shared ownership – 37%

The 5 proposed bungalows are open market dwellings.

The proposed scheme therefore exceeds the affordable housing requirement and therefore on that basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Core Strategy Policy CS13. The provision of the above mentioned affordable housing will be secured by condition.

6.14 Open space

The requirements for the provision of recreational greenspace within new residential developments are set out in Policy H3 of the Halton Unitary Development Plan.

No on-site open space provision is being proposed by the applicant and therefore the scheme is considered deficient with regards to open space provision when measured against UDP policy H3.

In accordance with the Council's adopted Provision of Open Space Supplementary Planning Document (SPD) financial contributions would normally be required for off-site provision.

There is provision in the policy for exceptions to on-site requirements. The applicant has provided a statement confirming that the proposals are to provide 100% affordable housing and as such additional costs can affect the viability of a scheme and the availability for planning gain to be secured through the scheme. The site is also in close proximity to Sandymoor Village Green which provides significant green space and recreational functions. It is not considered that further contribution can be justified in this case.

6.15 Ground contamination

The application is supported by the following document:

- Combined preliminary risk assessment and geo-environmental assessment, ref 18-0914.01, Delta-Simons Ltd, November 2018

The report details the findings of a desk study and site reconnaissance, and an intrusive site investigation based upon the preliminary risk assessment.

The site has been undeveloped except for a short period when it was used for the temporary location of Sandymoor School. As such very little in the way of potential sources of contamination were identified, however the report recommended site investigation to assess the soil quality, with particular reference to the possibility of made ground as a result of the temporary use, and to determine any geo-technical constraints posed by the site conditions.

The site investigation comprised the drilling of shallow boreholes and the hand-digging of small trial pits. Samples of soil were taken for chemical testing and a programme of ground gas monitoring undertaken (although the preliminary risk assessment determined that such monitoring was not necessary).

All the testing and analysis confirmed that the site can be considered uncontaminated and that no remedial measures are required to ensure the site is suitable for the proposed use.

The Council's Contaminated Land Officer has advised that he is in agreement with the report's conclusions and has no objection to the proposed development and there is no requirement for further works.

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR14 and Core Strategy Policy CS23.

6.16 Flood risk and drainage

The application is supported by the following document:

- Flood Risk Assessment, Sandymoor District Centre, Delta-Simons Project No. 18-0914.02, March 2019

The Lead Local Flood Authority (LLFA) has indicated that the site is partly within Flood Zone 3 but benefits from flood defences, and therefore the proposed use is considered to be compatible. The site has some existing risk of surface water flooding and the LLFA has advised that this should be accounted for in final levels; development slab levels may need to be set in accordance with Environment Agency advice.

Originally, the proposed drainage strategy was still to be finalised and the Lead Local Flood Authority advised that pre-commencement conditions be attached to any decision to require submission of details and implementation of a sustainable drainage scheme and a verification report.

The following document was submitted on the 6th September 2019 following a revision of the proposed site plan and general arrangement:

- Sandymoor District Centre, Proposed Drainage Strategy, SWF Consultants, Ref. CL8355, Dated 27.08.2019

The Lead Local Flood Authority have been re-consulted on the submitted Proposed Drainage Strategy. Comments from the LLFA are awaited at the time of report, Members will be updated at Committee meeting.

The Environment Agency have been consulted on the submitted Flood Risk Assessment (FRA). Comments received advised that the FRA is considered acceptable in principle and that the proposed development will only meet the requirements of National Planning Policy Framework if flood resilient construction methods are incorporated in the proposed

development. No specific details of such methods have been provided however the Environment Agency has advised that this would ensure compliance with Policy PR16 of the Halton Unitary Development Plan.

United Utilities have also provided comments highlighting that there is insufficient evidence to show that water discharge into the watercourse is not an option. They have however suggested conditions relating to foul water and surface water drainage. United Utilities have been re-consulted on the submitted Proposed Drainage Strategy. Comments from United Utilities are awaited at the time of report, Members will be updated at Committee meeting.

6.17 Ecology

The application is supported by the following documents:

- Habitat Regulations Assessment – Screening (HRA), Urban Green, August 2018
- Ecological Assessment (EA), Urban Green, July 2018, ref:11834-01

The Merseyside Environmental Advisory Service (MEAS) has been consulted given that the site is in close proximity to the Mersey Estuary SPA and the Mersey Estuary Ramsar Site which are European sites protected under the Habitats Regulations 2017. Policy CS20 of the Halton Core Strategy also applies.

The MEAS Ecologist has advised that given the small-scale of the construction, when taken into account with the distance to Mersey Estuary and lack of functionally-linked land in the urban fringe vicinity, significant impacts are unlikely. In addition to this, the reduced recreational pressure from elderly residents will result in reduced recreational pressure impacts when compared to standard development and further assessment is not required. The consultant is in agreement with the conclusions drawn in the Habitats Regulations Assessment submitted by the applicant.

The development site is located adjacent to Sandymoor Wood Local Wildlife Site (LWS) and in close proximity to Dorchester Park Local Nature Reserve (LNR) and LWS, and Lodge Plantation LWS. The Merseyside Environmental Advisory Service Ecologist has advised that on this occasion, the development is unlikely to harm the features for which the sites have been designated. The site is already subject to recreational pressure from walkers and dog walkers and any increase will not be significant.

There is potential for noise and light disturbance from construction to impact on the southern border of the woodland, however a condition for

the submission of a Construction Environmental Management Plan (CEMP) will manage and mitigate the main environmental effects during the construction phases of the proposed development.

Dorchester Park and Lodge Plantation are located at distances considered too great to be impacted by the proposed development.

Sandymoor Wood is adjacent to the site and may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of this area. MEAS have advised that a lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitat in line with NPPF (paragraph 108) in line with recommendations of the Ecological Assessment, this can be secured by condition.

The proposed development would result in the loss of bird breeding habitat. To mitigate this loss, details of bird nesting boxes that will be erected on the site for agreement with the Council are required, in line with recommendations in the Ecological Assessment. This can be secured by a suitably worded condition.

The Merseyside Environmental Advisory Service has also advised a condition requiring a pre-commencement check for badgers and hedgehogs to comply with the Protection of Badgers Act 1992 and the Natural Environment and Rural Communities Act 2006, however this detail can be included in the suggested Construction Environmental Management Plan condition mentioned in the section above.

Natural England have been consulted and has advised that based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.

It is also advised that all works comply with current bird nesting legislation (Wildlife & Countryside Act 1981 Part 1 Section1 (1) with amendments). This information will be attached as an informative.

Updated comments from the Merseyside Environmental Advisory Service received on the 19th September 2019 provided in response to the 2nd round of consultation have advised that the amended site plan and Arboricultural Impact Assessment require additional ecological assessment. As discussed in the Trees section above there is a requirement to investigate possible harm to the badger set which is part of the tree group G12 (now proposed to be selectively felled). Trees beyond the G12 woodland edge also require bat roof assessment. The same goes for mature trees south of the site which now require removal or pruning as part of the access revision. Bat root assessment cannot be conditioned and should be dealt with prior to determination. The applicant has been approached for comment and Members will be updated accordingly.

6.18 Sandymoor Woods

The proposed Local Centre site lies adjacent to Sandymoor Wood. Sandymoor Wood is not defined as Ancient Woodland on the adopted Unitary Development Plan proposals map, nor is it identified on Natural England's register of Ancient Woodland. Although Sandymoor Wood is named in Policy GE22 of the Halton Unitary Development Plan, it is not considered to be afforded the added protection in accordance with Policy GE22 of the UDP.

The Sandymoor Supplementary Planning Document (SPD) seeks to protect existing ancient and semi-natural woodlands at Sandymoor and specifically identifies Sandymoor Wood as a "Designated Woodland". It further advises that "development proposals should not cause damage, directly or indirectly, to ancient and semi-natural woodland....and must conform to the requirements of the Woodland Trust. In this regard, the SPD indicates a minimum stand-off distance of 15m between the tree canopy and any buildings must be implemented and maintained to protect the woodland and states that no back gardens will be permitted along woodland boundaries in compliance with Woodland Trust Requirements.

None of the existing trees within close proximity to the application site are protected by a Tree Preservation Order, are in a Conservation Area, nor could it be argued that the proposed development is likely to damage or destroy a woodland of the scale and character identified by UDP policy GE27.

Where they exist, areas of non-compliance with the above guidance are considered limited to the southern boundary of Sandymoor Wood and any encroachment within the Root Protection Area is in limited locations. Any requirement for further protection would require a redesign of the scheme and perhaps reduction in unit numbers. Given the above policy position it is not considered that refusal of planning permission could be justified in this case.

The application is supported by the following document:

- Arboricultural Impact Assessment (AIA), Urban Green, August 2019, Ref:11834-01 Revision C

The Woodland Trust have been consulted on the application and objected based on concerns regarding noise, light and dust pollution as well as trampling and other human activity; fragmentation as a result of destruction of adjacent semi-natural habitats and changes to the hydrology altering ground and surface water.

Both Natural England and the Merseyside Environmental Advisory Service have no objection to the proposed development as discussed in the section above. In addition to this, mitigation measures have been suggested to be included in the Construction Environmental Management Plan, which will be secured by condition.

The existing Sandymoor Community Hall and properties to the west of Sandymoor Wood along Seaton Park are both within a 15m stand-off distance between the tree canopy. Policy CS5 of the Halton Core Strategy Local Plan highlights that new retail development, of an appropriate scale, is required in Sandymoor to meet the local need and serve the new residential and business populations and therefore on this occasion it is considered that the public benefit of new local amenities outweighs the potential harm caused to the Woodlands.

The submitted Arboricultural Impact Assessment and Tree Protection Plan identifies Root Protection Areas for retained trees and woodland in accordance with current British Standards including recommendations for protection of trees throughout the course of the development. The report has limitations as there is indication that a section of the group of trees labelled G12 will need to be removed to facilitate the development around the nursery school. Although the trees in this location are not protected under a Tree Preservation Order and have been described as self-set scrub trees of low quality and value, more detail needs to be provided to have a clear understanding of exactly how many trees will be removed. The applicant has been approached for comments and Members will be updated accordingly.

6.19 Waste prevention/management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application.

The proposal involves major 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.

In terms of waste management, the applicant has demonstrated the proposed locations for bin stores within the proposed nursery, apartment blocks, adjacent to the bungalows and within the service yard to serve the retail units. Swept path analysis have been submitted

to support the application (DRAWING NUMBER: 2356-SP10) and demonstrate the acceptable movements of a Large Refuse Vehicle (3 axle) as well as access to enable collection.

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.

6.20 Designing out crime

The Designing for Community Safety Supplementary Planning Document outlines guiding principles which should be incorporated into new developments to achieve safer places.

Cheshire Police Designing Out Crime Officer has provided comments on the original proposed scheme and noted that the development meets the objectives set out in the National Planning Policy Framework (NPPF). The convenience store has good natural surveillance from Pitts Heath Lane and adequate secure provision should be made for the siting of an ATM.

Original comments highlighted that the open grass area at the front of the development provides an opportunity for this to become a gathering area. Amended plans have shown this space has been re-arranged to provide additional car parking spaces to address the original parking shortage thus addressing this point. Comments from the 2nd round of consultation for the submitted amended plans have not been received at the time of writing the report and members will be updated if comments are received.

7. CONCLUSIONS

The proposal seeks to bring forward the development of a new Local Centre to supply social infrastructure to serve existing and future residents of Sandymoor. The site is allocated as a Proposed Local Centre, as designated by the Halton Unitary Development Plan and as such Policy TC1 of the Halton Unitary Development Plan applies. The development land is allocated for a new neighbourhood centre to serve the local community through new local shops and community facilities.

The site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a

mix of uses. The application proposes a mixed use of retail, residential and a new nursery facility which in accordance with Paragraph 92 of the NPPF ensures an integrated approach to enhance the sustainability of the community in the form of a working Local Centre.

The Core Strategy also states that the continued development of Sandmoor will be achieved by delivering residential units in line with outstanding consents including a new local centre and public transport connections.

Given the application site is allocated as a Proposed Local Centre location in the Halton Unitary Development Plan, in accordance with policy TC1 of the UDP, the principle of the proposed Local Centre is considered to be acceptable.

At the time of writing, comments are awaited from the applicant in response to queries raised which have been outlined in the sections above, these are expected to be resolved by the time the application is reported to Committee and Members will be updated accordingly. The principle of the development however is considered to be acceptable and outstanding matters are considered predominantly of a minor or technical nature.

8. RECOMMENDATIONS

The application be approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development (BE1)
2. Specifying approved/amended plans (BE1)
3. Materials condition, requiring the submission and approval of the materials to be used (BE2)
4. Requiring site and finished floor levels be carried out as approved. (BE1)
5. Phasing condition requiring that development be carried out in accordance with the approved phasing plan but that phases may be developed in any order providing conditions have been discharged for that phase.
6. Landscaping conditions, to be carried out as approved. (BE2)
7. Boundary treatment condition, requiring development be carried out as approved (BE2)
8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
10. Condition to retain the existing bollards on Biggleswade Drive
11. Highways condition including details of signage and road marking strategy, road safety audit, travel plan, parking strategy, electric vehicle charging points, cycle storage, service management plan, greenway link.

12. Provision of affordable housing (CS13)
13. Construction Environmental Management Plan
14. Conditions relating to tree protection during construction (BE1)
15. Conditions relating to surface water/ highway drainage (BE1/ PR5)
16. Requiring noise mitigation measures to be implemented in accordance with the submitted Environmental Noise Assessment Report (PR2)
17. Submission and agreement of Site Waste Management Plan (WM8)
18. Condition relating to ecology protection

9. INFORMATIVES

1. Breeding birds protection (Policy GE21)
2. Construction Method Plan and considerate constructors

10. SUSTAINABILITY STATEMENT

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).