

# Public Document Pack



## Development Control Committee

Monday, 7 October 2019 6.30 p.m.  
Boardroom - Municipal Building, Widnes

A handwritten signature in black ink, appearing to read 'David W R'.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

|                                      |
|--------------------------------------|
| Councillor Paul Nolan (Chair)        |
| Councillor Keith Morley (Vice-Chair) |
| Councillor Chris Carlin              |
| Councillor Ron Hignett               |
| Councillor Valerie Hill              |
| Councillor Joan Lowe                 |
| Councillor Carol Plumpton Walsh      |
| Councillor June Roberts              |
| Councillor Dave Thompson             |
| Councillor Bill Woolfall             |
| Councillor Geoff Zygadlo             |

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
ann.jones@halton.gov.uk for further information.  
The next meeting of the Committee is on Monday, 4 November 2019*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

| <b>Item No.</b>  | <b>Page No.</b> |
|--|-----------------|
| <b>1. MINUTES</b>  | <b>1 - 11</b>   |
| <b>2. DECLARATIONS OF INTEREST</b>   |                 |
| <p>Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.</p> |                 |
| <b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>  | <b>12 - 88</b>  |

*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 5 August 2019 at Boardroom - Municipal Building, Widnes*

Present: Councillors Nolan (Chair), Morley (Vice-Chair), Carlin, R. Hignett, V. Hill, J. Lowe, June Roberts, Thompson and Woolfall

Apologies for Absence: Councillors C. Plumpton Walsh and Zygadllo

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant, J. Eaton, G. Henry, L. Wilson-Lagan and P. Peak

Also in attendance: One member of the press

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

|  | <i>Action</i> |
|--|---------------|
| DEV1 MINUTES   |               |
| <p>The Minutes of the meeting held on 13 May 2019, having been circulated, were taken as read and signed as a correct record.</p>  |               |
| DEV2 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE   |               |
| <p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>  |               |
| DEV3 - 19/00240/FUL - PROPOSED DEVELOPMENT OF INDUSTRIAL UNIT WITH USE CLASSES B1, B2 AND B8 WITH ASSOCIATED EXTERNAL LIGHTING, ELECTRICITY SUBSTATION, SERVICE YARD AND CAR PARKING AT UNIT 1, LAND OFF GORSEY LANE, WIDNES |               |
| <p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>   |               |
| <p>Officers advised that since the publication of the agenda several updates were available and referred</p>   |               |

Members to the published AB Update List where these were explained in detail. Matters still unresolved were outlined and it was noted that further clarification was required on a number of technical details. Officers requested therefore that to avoid any unnecessary delay that authority be delegated to the Operational Director, in consultation with the Chair or Vice Chair, to determine the application subject to the usual checks, to allow those details to be resolved and allow any additional conditions to be attached as required.

After considering the application and updates before them and to avoid any delays in determination, the Committee agreed to the Officer's request and delegated powers were given to the Operational Director, as discussed above.

RESOLVED: That

- a) delegated authority be given to the Operational Director – Policy, Planning and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Development Control Committee, once all outstanding issues have been resolved; and
- b) that any planning permission be subject to conditions relating to the following and any additional conditions as required:
  - 1. Standard 3 year timescale for commencement of development;
  - 2. Specifying approved and amended plans;
  - 3. Materials condition(s) requiring external finishing materials be carried out as approved (BE2);
  - 4. Landscaping condition, requiring both hard and soft landscaping be carried out in accordance with details submitted/as approved (BE12);
  - 5. Boundary treatment condition(s) requiring fencing etc be carried out in accordance with details submitted/ as approved (BE2);
  - 6. Vehicle access, parking, servicing etc, to be constructed prior to occupation / commencement of use (BE1);
  - 7. Requiring submission and agreement of cycle parking details (TP6);
  - 8. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF);
  - 9. Conditions relating to/requiring submission and

- agreement of detailed drainage scheme including attenuation and detailed balancing pond details including planting/biodiversity creation (BE1/PR5);
10. Requiring site and finished floor levels to be carried out as approved (BE1);
  11. Submission and agreement of Site Waste Management Plan (WM8);
  12. Submission and agreement of an Operational Waste Management Plan (WM9);
  13. Requiring implementation of the measures recommended within the BREEAM pre-assessment report (CS19);
  14. Requiring submission and agreement of operational plant including noise assessment (PR2);
  15. Grampian style condition requiring off-site pedestrian/cycle crossing improvements;
  16. Condition(s) protecting trees to be retained (BE1);
  17. Submission and agreement of Travel Plan (TP16);
  18. Requiring implementation of cycle/pedestrian links (TP6); and
  19. Requiring external lighting be carried out as approved (PR4/GE21).

DEV4 - 19/00261/FUL - PROPOSED ERECTION OF 10 NO LIGHT INDUSTRIAL WORK UNITS AND ASSOCIATED ACCESS, EXTERNAL WORKS AND FENCING ON LAND TO THE NORTH WEST OF FOUNDRY HOUSE, WATERSIDE LANE, WIDNES, WA8 8UD

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Officers advised that since the publication of the agenda several updates were available and referred Members to the published AB Update List where these were explained in detail. Since the publication of this Members were advised that comments had now been received from Natural England confirming that additional information was required with regards to potential impacts on European protected sites and the need to carry out an assessment under the Habitats Regulations.

In light of the above requirements, Officers requested that delegated authority be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair, to make the decision once the Habitats Regulation Assessment had been completed by MEAS and any potential effects appropriately mitigated;

subject to the normal tests being carried out; and to add any conditions required as a result of the above mentioned assessment.

Members queried the potential uses for the units; it was confirmed that they would fall into the B1, B2 and B8 classes which would be consistent with other units in the area. With regards to queries regarding the land being contaminated, Officers confirmed that a phase one site investigation had been carried out and further survey work would be undertaken to inform any remediation and validation as required by condition listed within the recommendation.

After consideration of the information before them the Committee agreed that delegated authority be granted to the Operational Director to determine the application as discussed above and that it be subject to the conditions below and any additional conditions required following receipt of the Habitats Regulation Assessment.

RESOLVED: That

- a) delegated authority be given to the Operational Director – Policy, Planning and Transportation, to determine the application, in consultation with the Chair or Vice Chair of the Development Control Committee, once all outstanding issues have been resolved; and
- b) that any planning permission be subject to conditions relating to the following and any additional conditions as required:
  - 1. Standard 3 year timescale for commencement of development (BE1);
  - 2. Specifying approved/amended plans (BE1);
  - 3. Materials condition, requiring external finishing materials be carried out as approved (BE2);
  - 4. Implementation of proposed site and finished floor levels (BE1);
  - 5. Landscaping condition requiring implementation of landscaping scheme (BE1);
  - 6. Boundary treatment condition(s) requiring fencing etc be carried out as approved (BE22);
  - 7. Pre-commencement survey for invasive plant species;
  - 8. Drainage details/strategy to be implemented (UU surface water condition) (PR16);
  - 9. Foul water drained on separate system (PR16);

10. Conditions relating to further detailed site investigation; risk assessment; remediation strategy/verification (PR14/15);
11. Piling using penetrative methods shall not be carried out other than with written consent (EA applied);
12. No drainage for the infiltration of surface water to the ground (EA applied);
13. In accordance with Arb Method Statement (BE1);
14. In accordance with ecological appraisal (GE18);
15. Cycle storage details and implementation (TP6);
16. Bin screen details (BE1);
17. Vehicle access, parking, servicing etc. to be constructed prior to occupation/commencement of use (BE1);
18. Submission and agreement of Site Waste Management Plan (WM8);
19. Pollution control plan;
20. Hours of operation (BE1); and
21. No outdoor storage (E5).

DEV5 - 19/00285/FUL – PROPOSED EXTERNAL ALTERATIONS TO INSERT NEW WINDOWS AND DOORS. FLAT ROOFED EXTENSION TO REAR COURTYARD ELEVATION TO FACILITATE THE CREATION OF 2 NO DWELLING UNITS. CONVERSION OF BASEMENT TO 3 NO DWELLING UNITS AND BIN/CYCLE STORAGE FOR THE BUILDING (PLANNING APPLICATION);

19/00306/P3MPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR FROM FORMER BANK (USE CLASS A2) TO 2 NO INDEPENDENT ONE BED APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**);

19/00307/P3JPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR FROM OFFICES (USE CLASS B1) TO FORM 10 NO INDEPENDENT ONE BEDROOM APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**); AND

19/00309/P3JPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF GROUND FLOOR FROM OFFICES (USE CLASS B1) TO FORM 2 NO INDEPENDENT ONE BEDROOM APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**).

*Due to the interrelated nature of the applications they were presented as one report. Three of the four applications were prior approval applications made under Schedule 2,*

*Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended). The fourth application was a full planning application for the external changes required to facilitate the changes of use proposed.*

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

**CONSIDERATION OF APPLICATIONS 19/00307/P3JPA AND 19/00309/P3JPA**

Members were advised that both applications proposed a change of use from Class B1(a) offices to Class C3 (dwellinghouses) which was permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

It was agreed that none of the instances where development was not permitted by Class O – (a) to (g) set out in the report – applied to these proposals, so they were therefore permitted by Class O, subject to the condition that before beginning the development, the developer shall apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA would be required as to:

- a) transport and highways impacts of the development;
- b) contamination risks on the site;
- c) flooding risks on the site; and
- d) impacts of noise from commercial premises on the intended occupiers of the development (and the provisions of paragraph W shall apply in relation to any such application).

The report provided commentary on the four considerations listed above and based on these, the Committee agreed with the Officer's recommendation that the proposals were acceptable and prior approval was not required for either application.

**RESOLVED:** That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) was not required and development under Class O is permitted, subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

**CONSIDERATION OF APPLICATION 19/00306/P3MPA**

Members were advised that this application proposed a change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouses) which was permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

It was agreed that none of the instances where development was not permitted by Class M – (a) to (g) set out in the report – applied to this proposal, so it was therefore permitted by Class M, subject to the condition that before beginning the development, the developer shall apply to the LPA for a determination as to whether the prior approval of the LPA would be required as to:

- a) transport and highways impacts of the development;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building; and
- d) whether it was undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use:-
  - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there was a reasonable prospect of the building being used to provide such services, or
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area;
- e) the design or external appearance of the building (and the provisions of paragraph W (prior approval) of this part apply in relation to that application).

The report provided commentary on the considerations listed above and based on these, the Committee agreed with the Officer's recommendation that the proposals were acceptable and prior approval was not required for the application.

**RESOLVED:** That prior approval for the change of use from Class A2 (financial and professional services), to Class C3 (dwellinghouses) was not required subject to the following conditions:

1. Development under Class M(b) must be completed within a period of 3 years starting with the prior approval date; and
2. A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

**CONSIDERATION OF APPLICATION 19/00285/FUL**

It was reported that this application proposed external alterations to insert new windows and doors, flat roofed extension to the rear courtyard elevation to facilitate the creation of 2 no. dwelling units and the conversion of the basement to 3 no. dwelling units and bin/cycle storage for the building.

The error at the top of page 40 of the agenda as described in the AB update list was noted by Members. Since the publication of the agenda it was highlighted that the roller shutter doors to the entrance of the cycle and bin storage had been replaced with personnel doors, which matched the other entrance points to the building resulting in the enhancement of the High Street elevation. One representation had been received that raised concerns over the fact that the basement properties did not have any windows; it was reported however that two of the properties would be served by light wells and the third one did have windows.

Members queried the bin storage enhancement which was explained and were assured that debris currently being left on Council land next to the site would be removed. After consideration of the application the Committee agreed that it be approved, subject to the conditions listed below.

RESOLVED: That the application be approved subject to the following conditions:

1. Time limit;
2. Approved plans;
3. External facing materials; and
4. Implementation of bin and cycle storage.

DEV6 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

**18/00596/COND**

Application to discharge Condition No(s) 3 (Sightlines) and 12 (Mitigation Plan for Birds/Wildlife) of Planning Permission 18/00099/FUL at land Adjacent to the Old Post Office, Chester Road, Daresbury, Warrington, Cheshire.

**18/00608/FUL**

Proposed addition of 3 no. classrooms with ancillary facilities and extended glazed canopy at Daresbury Primary School, Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

**19/00159/S73**

Application under section 73 of the Town and Country planning act to vary condition 2 of permission 11/00007/FUL to substitute new plan drawing DRG no. 2 for previously approved plans to amend elevations and layout and to remove condition 12 restricting the use of the barn to agriculture for livestock barn and associated interpretation centre at Water Garden, Harefield Cottage, Warrington Road, Rainhill, St Helens, L35 6PG.

**18/00513/FUL**

Proposed development of Solar Photovoltaic Array including boundary treatment, control buildings and internal access track on Land Bounded by Dungeon Lane, Hale Road and Baileys Lane to the East of Liverpool John Lennon Airport.

**19/00239/FUL**

Proposed conversion of loft to habitable accommodation including the installation of front and rear facing dormer windows at 4 Lodge Lane, Runcorn, Cheshire, WA7 2AS.

**19/00281/PDE**

Proposed single storey rear extension projecting from the rear wall by 5.962 metres the extension has a maximum height of 3.698 metres and an eaves height of 2.550 metres at 84 Farnworth Street, Widnes, Cheshire, WA8 9LW.

**19/00271/PDE**

Proposed single storey rear extension projecting from the rear wall by 4.05 metres the extension has a maximum height of 3.672 metres and an eaves height of 2.686 metres at 73 Radnor Drive, Widnes, Cheshire, WA8 7PH.

**19/00310/P3PPA**

Prior notification for proposed change of use of basement from storage or distribution (use class B8) to form 3 no. independent one bed apartments at Victoria Buildings, High Street, Runcorn, Cheshire, WA7 1QS.

**19/00293/PDE**

Proposed single storey rear extension projecting from the rear wall by 4.04 metres the extension has a maximum height of 3.50 metres and an eaves height of 2.45 metres at 3 Littlestone Close, Widnes, Cheshire, WA8 9YU.

The following Appeals had been received / were in progress:

**Enforcement Notice**

Without planning permission, the change of use of an incidental residential annex to 256 Birchfield Road, Widnes, to a separate dwelling.

**18/00218/FUL**

Proposed erection of 1 no. dwelling attached to the side of the existing property at 20 Maple Avenue, Runcorn, WA7 5LB.

**18/00117/FUL**

Proposed removal of the existing equine and WC building and erection of 1 no. residential static park home at 'Ponderosa' land to the South West of junction between Newton Lane and Chester Road, Daresbury.

The following appeals had been determined:

**18/00363/OUT**

Application for outline planning permission with appearance, landscaping and scale reserved for single two storey dwelling in side garden area at 3 Nickleford Hall Drive, Widnes.

Appeal Dismissed.

**18/00526/COU**

Proposed change of use from Pharmacy to Hot Food Takeway at Croft Pharmacy, 4 Danescroft, Widnes.

Appeal Dismissed.

**19/00010/COU**

Proposed change of use from former Sandwich Shop to Hot Food Takeaway (use class A5) at 39 Beechers, Widnes, WA8 4TE.

*Meeting ended at 6.53 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 7 October 2019

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

**SUBJECT:** Planning Applications to be determined by the Committee

**WARD(S):** Boroughwide

| Application No                | Proposal  | Location  |
|-------------------------------|---|---|
| 19/00020/FUL<br><br>(Page 13) | 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. | Land bounded by Pitts Heath Lane and Otterburn Street, Sandymoor, Runcorn   |
| 19/00325/FUL<br><br>(Page 41) | Proposed erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works.   | Open Land to North East of Village Street, to the East and West of Keckwick Brook and to the West of the West Coast Rail Line, Sandymoor. |

|                               |   |
|-------------------------------|---|
| <b>APPLICATION NO:</b>        | 19/00020/FUL  |
| <b>LOCATION:</b>              | Land Bounded By Pitts Heath Lane And Otterburn Street, Sandymoor, Runcorn   |
| <b>PROPOSAL:</b>              | 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. |
| <b>WARD:</b>                  | Daresbury   |
| <b>PARISH:</b>                | Sandymoor   |
| <b>AGENT(S)/APPLICANT(S):</b> | PRP Architects, Croxley House, 14 Lloyd Street, Manchester, M2 5ND  |
| <b>DEVELOPMENT PLAN:</b>      | National Planning Policy Framework (2019)<br><br>Halton Unitary Development Plan (2005)<br><br>Halton Core Strategy (2013)<br><br>Joint Merseyside and Halton Waste Local Plan (2013)   |
| <b>DEPARTURE:</b>             | Yes   |
| <b>REPRESENTATIONS:</b>       | At the time of writing the report, 81 representations have been received from the publicity given to the application.   |
| <b>KEY ISSUES:</b>            | Principle of Development, Design, Parking and Highway Safety, Drainage, Ecology, Trees, Community facilities  |
| <b>RECOMMENDATION:</b>        | Approve subject to conditions   |
| <b>SITE MAP:</b>              |   |

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

#### **Council Services:**

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

- **HBC Major Projects**  
1<sup>st</sup> round consultation: No comments received  
2<sup>nd</sup> round consultation: No comments received at time of report
- **HBC Planning Policy**  
1<sup>st</sup> round consultation: No comments received  
2<sup>nd</sup> round consultation: No comments received at time of report
- **HBC Ward Councillors**  
1<sup>st</sup> round consultation: No comments received  
2<sup>nd</sup> round consultation: No comments received at time of report
- **Sandymoor Parish Council**  
1<sup>st</sup> round consultation: Support application but concerns raised  
2<sup>nd</sup> 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 2500m<sup>2</sup> 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 6<sup>th</sup> 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 19<sup>th</sup> September 2019 provided in response to the 2<sup>nd</sup> 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 2<sup>nd</sup> 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).

|  |  |
|--|--|
| <b>APPLICATION NO:</b>   | 19/00325/FUL   |
| <b>LOCATION:</b>   | Open Land to North East of Village Street, to the East and West of Keckwick Brook and to the West of the West Coast Rail Line, Sandymoor.  |
| <b>PROPOSAL:</b>   | Proposed erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works   |
| <b>WARD:</b>   | Daresbury  |
| <b>PARISH:</b>   | Sandymoor  |
| <b>AGENT(S) / APPLICANT(S):</b>  | Galliford Try Partnerships and Homes England   |
| <b>DEVELOPMENT PLAN ALLOCATION:</b><br>National Planning Policy Framework (2019)<br>Halton Unitary Development Plan (2005)<br>Halton Core Strategy Local Plan (2013) | UDP Phase 2 Allocated Housing Site(s); Proposed Greenspace; Proposed Greenway and Important Landscape Features   |
| <b>DEPARTURE</b>   | Yes  |
| <b>REPRESENTATIONS:</b>  | 56 representations (multiple letters from 2 authors have been counted as one representation. Includes 1 letter of support)   |
| <b>KEY ISSUES:</b>   | Principle of development; Allocated housing site; housing need; loss of green space; highway impacts; Landscape impacts, waste policy; design and character; flood risk and drainage; contaminated land; ecology and trees; Health Impacts; Noise; Construction Access and Impacts |
| <b>RECOMMENDATION:</b>   | Approve Subject to Conditions  |
| <b>SITE MAP</b>  |  |

### **THE APPLICATION SITE**

#### The Site

Site is approximately 11.4Ha within the Sandymoor development area. The site is predominantly greenfield with the exception of a partly constructed road designed to connect adjoining residential development through the site. The remaining site includes areas of grassland interspersed by areas of woodland and a number of ponds. Keckwick Brook runs north/ south through the site dividing the site into two parcels. Sandymoor Brook runs east west. Existing/ ongoing residential developments

adjoin the site to the north, north east and south west. The West Coast Rail Line and Chester/ Warrington Line runs along the east and south east boundaries of the site.

### Planning History

Sandymoor has a long and complex planning history. The records show that the site formed part of wider previous schemes with planning permission including outline planning permission (04/00342/OUT) previously approved for the proposed erection of 149 No. dwellings (with all matters reserved) and 13/00478/FUL for proposed phased highways infrastructure works which included parts of the site. Application 13/00479/S73 was previously approved to vary numerous conditions attached to planning permission 09/00129/OUT to allow use of Walsingham Drive as a construction access and residential access. This related to development of another part of the Sandymoor area but the issues raised are considered relevant to matters of construction impacts and access covered later within this report.

## **THE APPLICATION**

### Documentation

The planning application includes the relevant forms and plans and the following:

- Supporting Statement
- Design and Access Statement
- Environmental Noise Assessment
- Flood Risk and Drainage Assessment
- Key Messages and Evidence Report – Housing Needs
- Arboricultural Impact Assessment and Constraints Report
- Intrusive Site Investigations Report
- Transport Assessment and Travel Plan
- Ecology Assessment

## **POLICY CONTEXT**

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 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 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.”

Paragraph 59 states that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

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.”

### Local Policy Context

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

BE1 General Requirements for Development;  
BE2 Quality of Design;  
GE6 Protection of Designated Greenspace  
GE8 Development within Designated Greenspace  
GE21 Species Protection  
GE24 Important Landscape Features  
GE25 Protection of Ponds  
GE27 Protection of Trees and Woodlands  
PR8 Noise Sensitive Developments  
PR14 Contaminated Land;  
PR16 Development and Flood Risk  
T1 Public Transport Provision as Part of New Development  
TP6 Cycle Provision as Part of New Development  
TP7 Pedestrian Provision as Part of New Development  
TP12 Car Parking  
TP14 Transport Assessments  
TP16 Green Travel Plans  
TP17 Safe travel For All  
H1 Provision for New Housing  
H3 Provision of Recreational Greenspace

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

CS1 Halton’s Spatial Strategy  
CS2 Presumption in Favour of Sustainable Development

CS3 Housing Supply and Locational Priorities  
CS7 Infrastructure Provision  
CS11 East Runcorn  
CS12 Housing Mix  
CS13 Affordable Housing  
CS15 Sustainable Transport  
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)

- Sandymoor Supplementary Planning Document
- New Residential Development Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Draft Open Spaces Supplementary Planning Document

CONSULTATIONS

The application has been advertised via the following methods: site notices posted near to the site, press notice, and Council website. A wide range of surrounding properties have been notified by letter. Issues did arise from properties not being consulted in the first instance due to discrepancies in records for street naming and numbering. A subsequent period of neighbour consultation was undertaken for missed properties once this issue came to light.

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

Network Rail – No Objection  
Natural England – No Objection  
Environment Agency – No Objection Subject to Conditions  
United Utilities – No Objection Subject to Conditions  
HBC Contaminated Land – No Objection  
LLFA - Formal comments awaited  
HBC Highways - Formal comments awaited  
HBC Open Spaces – No Objection in Principle  
HBC Environmental Protection – Minded to Object

Merseyside Environmental Advisory Service – Formal comments awaited

## REPRESENTATIONS

55 representations (multiple letters from 2 authors have been counted as one representation). The following summary issues have been raised:

- Issues relating to consultation including missed consultations (see above) and questioning why all properties along access routes to the site had not been consulted.
- Scale of proposed extra care facility, unsightly/ out of character with area, impact on existing buildings, loss of light and view, lack of massing diagram showing relative heights and questioning what extra care means, poor design and materials contrary to nation and local policy/ guidance, lack of parking, should be a full design review undertaken, impact on Ride/ Sunflower path
- Questioning need for extra care/ over 55s provision, that a similar proposed at Sandymoor Local Centre, with easy access to transport, viability of local centre will be threatened
- That extra care housing did not form part of masterplan or previous planning permissions
- Construction impacts including mud on roads, damage to existing roads, dust, noise, safety concerns, working hours, construction parking, heavy plant and machinery, loss of privacy
- That alternative route exists , was used for previous schemes and should be used
- Quality of materials not in keeping with existing buildings
- Impacts on public rights of way
- Loss of trees, impacts on trees, ensuring adequate tree protection, impacts on wildlife, querying whether the Woodland Trust have been consulted and what is their response.
- Loss of privacy and overlooking
- Traffic volumes, congestion and pollution, highway safety, increase in traffic speeding, road design will increase traffic on Walsingham Drive, need for traffic calming on surrounding roads
- Flood risk
- Lack of facilities, shops, GPs, access to public transport etc.
- Impact of rail noise which will be made worse by loss of trees
- Lack demand for extra care, lack of bungalows, that the demand/ need justification by applicant is poor/ generated little response/ expression of interest
- Questioning claims that extra care facility will relieve pressure on local health service whilst pressure on GP and community health services is likely to increase
- That the land has only been identified for private housing, housing out of character with earlier housing
- Loss of greenspace, that brownfield land should be used first, impact on value and appeal of existing housing, profiteering adding no benefit to local residents, should be more landscaping/ greenery

- That Homes England gave assurances that only 2 storey housing would be built
- Questioning whether the future population would be eligible for social housing
- Impact on health and well-being of existing residents/ children
- Lack of frontage development in key areas/ fails principles of secured by design
- No requirement for affordable housing, introduction of social housing will reduce house prices
- Disturbance from extra care from deliveries, ambulances etc
- Impacts on adjoining residential properties by proximity, loss of privacy
- Destruction of green belt and rural character, creating metropolis with merging of nearby residential areas, government should avoid unnecessary population growth/ foreign immigration and regulate multiple home ownership, should re-use derelict property/ brown field sites
- Complaint about state of land left by previous developer behind house resulting in flooding and requesting assurance that the proposed will not make this worse
- One letter of support for a four storey building as this would represent a more efficient use of the available land, welcomes bistro as good addition to the community if open to public, questioning whether there could now be demand for a train station in the area.

In addition a letter of representation has been received from Sandymoor Parish Council stating as follows:

*“SPC support the development overall but have a few concerns and comments regarding it.*

*Concern number 1 - Large extra care housing block.*

*The outline planning consent for this area of Sandymoor contain no reference to an extra-care/sheltered housing scheme.*

*There is also a second development in planning which contains an over 55yrs block of apartments, is there a need for 2?*

*The documents provided in the planning application do not include a massing diagram of the extra-care housing scheme and do not give a clear indication of the impact that a building of this size will have on the surroundings.*

*However, based on the height, scale and massing of the proposed extra-care sheltered housing scheme, we believe that it would be completely inappropriate for its proposed location in Sandymoor.*

*There are no other buildings of this height, scale and massing on the development.*

*The appearance of the extra-care housing block in its modern contemporary architectural form is completely out of character with its surroundings and the rest of the development of Sandymoor.*

*The extra-care block would create an unacceptable loss of privacy to the residents of the existing adjoining dwellings.*

*In previous meetings with representatives of Homes England (previously English Partnerships) assurances were given to residents that a similar form of development to that already constructed and over-looking the 'ride' would be provided on the opposite side i.e. 2 storey detached family housing, like the Morris home development that have been built further down the 'ride'.*

*The proposed extra-care block goes against these assurances and fails to provide continuity or a cohesive design for the remainder of the frontage of the 'ride'.*

*The size and positioning of the extra-care block would be detrimental to residents at the other side of the ride and will dominate the vista down the ride and will not follow the continuity of the area. Instead it could be located further into the development and maybe closer to Bog wood where there is a natural clearance to alleviate these issues.*

*Concern number 2 - Lack of bungalows on proposed development The developers Key Message & Evidence document dated May 2019 states there is a lack of bungalows in the area for the older generation, so I would have to question then why no bungalows feature within their design if they are so keen to provide a range of properties.*

*Concern number 3 - Entry and exit routes for construction traffic With 2 developers already using Wharford Lane and Pitts Heath Lane together with the school on that road means it would be totally unacceptable to use the Actons Wood entrance/exit into the new development.*

*The proposed access route for the construction traffic is running the full length of Walsingham Drive, I believe this road has an asphalt thickness of 185mm and the minimum requirement for construction traffic is 210mm.*

*However David Wilson Homes had a road built which connects Windmill Hill Avenue to the southern end of Walsingham Drive, about 300 metres from the proposed Galifords site, bypassing the northernmost 800 metres of Walsingham Drive. This road still appears to be intact.*

*If Galifords were to use this road, it would solve the issue of having to use the full length of Walsingham Drive.*

*These three issues - large extra care block, lack of bungalows and construction traffic routes - are the main points of concern as discussed in the Parish Council meeting of the 18th July."*

## ASSESSMENT

### The Proposal and Background

The application seeks permission for the erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works on land within the Sandymoor allocated housing area as defined by Core Strategy Policy CS11. The dwellings are proposed

as a mix of two, three and four bed houses of a traditional style being predominantly 2 storey and a mix of detached, semi-detached and terraced properties. The extra care element of the scheme will be provided within a single, four storey block. According to the applicant, “the accommodation will provide for people who are generally over 55 with a low to medium level of physical or mental health support needs, promoting independent living. The building will provide a range of services for residents on-site....with a higher than typical provision of shared ownership properties being proposed in response to local demand”.

The scheme is proposed to be developed as a phased development and the application includes a proposed phasing plan. The applicant has stated that this is to allow the early commencement of the extra care apartments. This is not considered to raise significant issue in determination of the application but, if planning permission is approved, then the format of the notice and any conditions attached would need to make allowance for this.

The scheme layout has been amended to primarily address highways and planning concerns. This has resulted in the loss of one unit. A full process of re-consultation has been undertaken. At the time of writing no additional responses have been received and Members will be updated orally with respect to any further comments and consultee responses received.

#### Principle of Development

The site is predominantly designated on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Housing Site.

The Core Strategy supports the greenfield expansion of East Runcorn. Policy CS3 seeks the development at an average rate of 552 units per annum. Policy CS11 sets out the requirement for an additional 1400 units to the south and west of the existing Sandymoor community. Development Plan policies are supplemented by the Sandymoor Supplementary Planning Document (SPD) adopted in 2009. This SPD sets out further detail on the development of the Sandymoor area, of which this site forms a component part.

Areas of the residential development overlap onto areas designated as proposed greenspace as defined on the UDP Proposals Map. These are most notable in the area to the south of UDP site allocation 406/18 and to a lesser extent land to the east adjoining the railway line. The areas of encroachment are however considered minor in the context of greenspace provision to be made within the scheme and the wider Sandymoor development area which is considered as providing sufficient compensatory provision.

The UDP proposals map identifies a proposed Greenway link running north/ south following the railway line along the eastern boundary of the site. On the basis of advice from the Council’s Highways Engineer alternative provision has been made, diverting

from the line shown on the UDP proposals map, to allow connection to an existing bridge across Keckwick Brook. Whilst future works will be required by the Council to upgrade that bridge and potential paths within the Keckwick Brook corridor The Councils Highways Officer has confirmed that this represents a preferable solution. On that basis it considered that appropriate provision has been made for bridleway connectivity and cycle and pedestrian links to accord with Unitary Development Plan Policies TP9 and GE6.

Keckwick Brook and Bog Wood are included within an area classified as Areas of Special Landscape Value in the Unitary Development Plan. All these areas are to be retained through the scheme.

Issues of tree protection are covered in greater detail elsewhere in this report. Any encroachment within the areas of designation (outside of the residential allocation) as defined by the UDP Proposals Map are considered minor and any harm as a result is not considered to justify refusal of planning permission when balanced against the benefits of the scheme.

The development proposal will deliver much needed housing on a long designated site and is considered acceptable in principle.

#### Housing Need and Affordable Housing Provision

The applicant has submitted a document referred to as “key messages and evidence May 2019” which seeks to present the case for the mix of family and older persons housing proposed within the scheme.

Under normal circumstances the development would be liable for the provision of affordable housing in accordance with Core Strategy Policy CS5 and provision of open space in accordance with UDP Policy and the Open Space SPD. The site falls within a wider area of the Sandymoor development subject to an overarching legal agreement. This is considered to cover all available compensatory measures and planning gain and has been negotiated to secure those benefits that have been prioritised by the Council. That agreement did not cover affordable housing provision but did include provisions with respect to Open Space and significant infrastructure. Provision of affordable housing is acknowledged to place a financial burden and it is considered that any additional requirements in this regard would open that legal agreement to full re-negotiation and is likely to affect the viability of the scheme.

The scheme does not propose affordable housing as defined by Policy CS19. According to the submitted statement the housing element of the scheme is aimed at first time buyers and families and suggests that housing will be cheaper than the previous offer in Sandymoor and therefore more accessible including for starter buyers and those buying first time homes.

With respect to the case for older persons the statement identifies that “as well as a shortage of suitable housing extra care element (for older members of the population), there is also an acute lack of Extra Care or supported housing in Halton” and that the need in Halton is “particularly pronounced” and “anticipated to grow”. The Councils planning policy officer has reviewed the submitted report and confirmed that it accords

with the emerging policies in the DALP in terms housing mix and the specialist housing element. Housing affordability has been well publicised as a national issue. Current national and local policy in no way precludes such lower cost housing or extra care housing in the Sandymoor area. In fact a mix of housing types and tenures is positively encouraged. Members should however be aware that there is no policy justification for restricting tenure, future occupiers or potential buy to let sales.

### Extra Care, Bistro and Other Facilities

The applicant indicates that they are working in partnership with Halton Housing Trust as a registered provider for the extra care facility. According to the submission documentation “the design is based on one and two bed self-contained apartments allowing for independent living, some for rent, shared ownership and open market sale. The building will also feature some communal facilities which will be accessible to the public during the day time. These include a bistro and multi-use room.” The submission states that the facility will provide independent living for people over 55 similar to previous developments at Naughton Fields and Barkla Fields. The following are listed within the facility:

- 4 No. one bed apartments
- 96 No. two bed apartments
- Guest suite for visitors
- Communal residents lounge(s)
- Commercial Kitchen and Bistro
- Staff offices and meeting rooms
- Assisted Bathroom
- Buggy store
- Laundry and stores/ refuse areas

Members should be aware that there is no policy justification for restricting tenure, future occupiers or potential buy to let sales.

### Design, Density and Residential Amenity

The application proposes a mix of two, three and four bedroomed, two storey dwellings of a traditional brick, render and tiled roof construction. The scheme also includes a block of 100 extra care apartments being 4 storeys with the additional height of a pitched roof over the central portion of the building.

The scheme layout has been amended to primarily address highways and planning issues. This has resulted in the loss of one unit with a reduction in the number of houses from 137 to 136.

The site area is stated as 11.4Ha. Based on an estimated 70 per cent developable area of 8.12Ha this provides an estimated net density of approximately 29 dwellings per hectare (dph). Core Strategy Policy CS3 provides that in order to ensure the efficient use of land a minimum density of 30 dwellings per hectare will be sought. Whilst marginally below this target figure it is considered that significantly higher densities could be argued to be out of character with the generally lower density of surrounding developments. The above figures are also estimates and an argument

could be made that the site is subject to further constraints in terms of stand-off distances from the rail line and brooks.

A number of objectors have raised issue with the height of the four storey block designed to contain 100 extra care apartments. Whilst efforts have been made to break up the massing with a variety of materials this building is designed as a single block and is undoubtedly substantial in scale when compared with more traditional two storey houses which would surround it. Houses up to three storeys are not uncommon through previous phases of the wider Sandymoor development. The Sandymoor SPD states that in relation to development at Brookwood, where the proposed extra care building will sit:

*“Residential development will comprise a higher density than the rest of Sandymoor, including in places the development of 3-4 storey properties.”*

Whilst pitch roof detailing adds to the mass of the building this will occupy the central portion of the building only with remainder being flat roof construction. The SPD does not make any provision requiring that such higher development shall not include pitch roofs.

For the remainder of the site to the south of the extra care block, this area is identified as Southride within the Sandymoor SPD for which it states:

*“Much of the development will be at medium densities with slightly higher (medium high) densities proposed along primary important frontages at the northern and southern ends of the site. Properties will generally comprise 3-4 storeys.”*

In line with officer advice, the amended application details subject to ongoing consultation includes an elevations comparison drawing which provides some context for the scale of the proposed building when compared against the existing Sandymoor School building which is contained within the report plans pack. Whilst larger, it is not considered that any argument could be sustained that the scale of the proposed building is so out of scale as to justify significant harm or refusal of planning permission.

Against this backdrop it is considered that proposals for residential development including for development of the scale proposed and a higher density than previous phases of development in the area is wholly consistent with the policy aspirations for the area. It is therefore, considered that the proposals represent housing to an appropriate density and an efficient use of land in accordance with Policy CS3. It is considered that suitable consideration has been given to providing active frontages to key highway and pedestrian routes and other public areas.

Whilst the extra care block will front existing residential development the scheme is considered to offer significant spacing to achieve satisfactory privacy standards and interface distances in accordance with the principles within the Council’s adopted Supplementary Planning Document for New Residential Development and as such complies with Policies BE1 and BE2 of the Halton Unitary Development Plan, Core Strategy and NPPF.

The scheme makes provision for the continuation of the Avenue to link through to Wharford Lane and Walsingham Drive through previous and ongoing residential development sites to the south and north including the Bloor Homes site to the north east which is currently under construction. Appropriate connection is made to the future phase development land to the south.

Issues relating to construction impacts on the amenity of existing residents are covered elsewhere within this report. Conditions relating to materials to be used, and requiring boundary treatments and landscaping provision in accordance with the submitted details are included within the recommendation.

### Highway Considerations

The application is supported by submission of a Transport Assessment (TA). The Council's Highways Engineer originally raised issues with the submission on the basis that the submitted TA had underestimated likely trip generation and had not considered junctions likely to be critical in understanding likely impacts on the network.

As a result the applicant has submitted a revised Transport Assessment which is currently being reviewed by the Council's Highways Officer. It is anticipated that the assessment will demonstrate that, with committed developments in place (Sandymoor North, Sandymoor South full build and Sandymoor School full occupation) the Pitts Heath Lane/ Wharford Lane junction will be over capacity. This is not unexpected and the performance of this junction has long been under review, with a view to an alteration to junction type or priority at some point in the future should this be required.

Under normal circumstances it would be recommended that a Section 106 agreement is required based on a financial contribution towards Pitts Heath/ Wharford Lane junction alterations. As outlined above, the site falls within a wider area of the Sandymoor development subject to an overarching legal agreement. That agreement did not cover provision to alter the junction anticipated to be affected but does include provisions to allow variation to the schedule of works which could be amended to include the required works. Discussions are ongoing with Homes England on this point.

On the basis of their initial assessment the Council's Highways Engineers have confirmed that they are likely to raise no objection based on highway capacity or safety issues relating to the existing highway network. The main issues arising from the proposals are considered to relate to detailed and general highway arrangements within the scheme. These latest proposals are currently being considered by the Council's Highways Engineers and, whilst further minor amendments may be required, it is considered that these can be resolved through ongoing negotiation with any outstanding matters resolved through further relatively minor amendments and/ or by condition. Members will be updated accordingly

### Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Outline Surface Water Drainage Strategy (FRA). This identifies the site as lying primarily within Flood Zone 1 but with areas lying in Flood Zone 2.

The LLFA raised a number of queries and issues with the FRA as originally submitted. An updated FRA and amended detail has been provided in response. A number of comments made by the Environment Agency have also raised a number of queries which require further investigation.

Updated detailed comments from the Council's Drainage Engineer acting as Lead Local Flood Authority (LLFA) are awaited. It is understood that no objection is raised in principle and that any outstanding issues will be capable of resolution. United Utilities and the Environment Agency raise no objections in principle subject to conditions. The advised conditions will need to be reviewed in light of advice to be received from the LLFA. Members will be updated orally.

### Contaminated Land

The application is supported by a detailed intrusive site investigation report. The report presents the results of a preliminary site assessment and a subsequent intrusive site investigation with associated revised risk assessment and conceptual site model.

The site is confirmed as having been the subject of very little development and no significant sources of contamination were identified. Testing of soils, groundwater and ground gases did not identify any significant risk to the proposed development.

The Council's Contaminated Land Officer has confirmed agreement with the conclusions drawn from the investigation and risk assessment and therefore raises no objection to the application and recommends that there would be no requirement for any planning conditions.

### Open Spaces, Ecology and Trees

The applicant has submitted an Arboricultural Constraints Reports, Impact Assessment and Tree Protection Plan. This identifies a number of trees and groups of trees to be removed to facilitate the development. Whilst a number of trees to be removed are identified as of good quality with a long remaining estimated contribution the majority are lower quality trees and tree groups. A significant majority of the existing trees and tree groups will however remain including along brook corridors. Whilst the loss of any good quality trees are regrettable it is considered that this is

necessary to facilitate the development and that sufficient scope exists for replacement planting through the scheme.

The Sandymoor SPD seeks to protect existing ancient and semi-natural woodlands at Sandymoor and specifically identifies Bog 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 it advises that "no development will be permitted within a protected building line stand-off distance of 15-20m stand-off from existing trees" and that "new housing units should only front woodland, and no back gardens will be permitted along woodland boundaries in compliance with Woodland Trust requirements".

Bog Wood is not defined as Ancient Woodland on the UDP proposals map nor is it identified on Natural England's register of Ancient Woodland. It is therefore not considered to be afforded the added protection in accordance with UDP Policy GE22. None of the trees are protected by Tree Preservation Order, are within a Conservation Area or could it be argued that the development is likely to damage or destroy a woodland of the scale and character identified by UDP Policy GE27.

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.

Where they exist, areas of non-compliance with the SPD guidance are considered limited to the eastern boundary of Bog Wood and any encroachment within the Root Protection Area limited to rear gardens 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 applicant has submitted Ecological Assessment reports, Great Crested Newt survey and mitigation strategy and an ecology update addendum report in accordance with Core Strategy policy CS20. In response to initial queries raised by the Council's Retained Adviser on ecology matters the applicant has also supplied a Tree Assessment for Bat Potential and Kingfisher Nest site plan.

The submitted reports identify the habitats of greatest ecological value as the mature trees, woodland areas and ponds along with wildlife corridors such as brook corridors as important commuting routes for many species which it states should be retained and enhanced.

The reports identify invasive species Japanese Knotweed and Himalayan balsam and that an invasive species method statement is required to manage or eradicate the species. Historical records identify Great Crested Newt (GCN) within two on-site ponds and there being two GCN breeding ponds within 250m and that an Amphibian Reasonable Avoidance Measures (RAMS) method statement is required. Recommendations are also made with respect to the potential impacts on bats and lighting in relation to the brook crossing, protection of trees and nesting birds, requirements for a water vole method statement and to mitigation and biodiversity enhancement.

A subsequent ecology update has been supplied by the applicant which identifies that one pond has tested positive for EDNA as having a presence of great crested newt. It states that this update is supported by a GCN Mitigation Strategy detailing the scope of amphibian mitigation works across the site identifying methods that will be employed to ensure no great crested newts will be affected by the works.

The submission also makes the following recommendations which will be undertaken prior to the commencement of any works as follows:

- Any mature trees not retained should be surveyed for bats and if presence is confirmed a European Protected Species licence will be obtained.
- A pre-commencement survey for water vole will be undertaken prior to works within 5m of Sandymoor or Keckwick Brook. If presence is confirmed a licence will be obtained.
- A badger pre-commencement survey will be undertaken; and
- Implementation of the GCN mitigation scheme to ensure long-term maintenance of the populations.

Whilst the reports identify no barriers to development detailed comments are awaited from the Council's retained adviser on ecology matters. The Council's Open Spaces officer has raised queries regarding the potential impact of raising/ lowering ground levels adjacent to retained trees, levels of filtration for surface water drainage and the gradients of land/ attenuation ponds and maintenance. Members will be updated accordingly

Natural England has been consulted and confirm that they raise no objection.

### Waste

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste paragraph 8, bullet point 3 and Planning Practice Guidance 49 apply. These

policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a 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. Detailed observations are awaited from the Council's retained adviser on waste matters. Members will be updated accordingly.

### Health Impact

In accordance with Core Strategy Policy CS22 the applicant has submitted a Health Impact Assessment undertaken to determine the possible health impacts, both positive and negative, that could result from this scheme.

A summary and conclusion of the assessment outcome identifies the following:

*Housing Quality and Design - The Proposed Development is likely to result in positive health effects relating to housing quality and design, particularly by meeting the needs of the both older people with the Extra Care facility, and buyers seeking starter homes.*

*Access to Healthcare Services and Other Infrastructure - Existing healthcare services are accepting new patients so the impact of the Extra Care facility and new residents on the existing population should be limited. Residents of the Extra Care facility are likely to experience a positive impact due to the tailored services for older people provided on site.*

*Access to Open Space and Nature - The Proposed Development includes an accessible open space for residents, both formally within the Extra Care facility garden and children's play area, and informally within the proposed green corridors and retained open space. These should result in positive impacts to health.*

*Air Quality, Noise and Neighbourhood Amenity - There are no predicted health impacts anticipated due to air quality, noise or neighbourhood amenity.*

*Accessibility and Active travel - The Proposed Development provides opportunities for pedestrians and cyclists, and also includes a bridleway, which all connect into existing routes around Sandymoor. Community facilities, such as the local Hall and secondary school, are a short walk from the Proposed Development. Access via public transport is likely to improve with the proposed new bus stops.*

*Crime Reduction and Community Safety - The Proposed Development design ensures residents will feel safe by using Secure by Design measures, with active frontages and secure private amenity spaces, which is likely to have an overall positive health effect for new residents.*

*Access to Healthy Food - There are no predicted health impacts anticipated due to access to healthy food.*

*Access to Work and Training - Information to make a complete judgement on this topic is not fully available, though the creation of employment opportunities during the construction of the Proposed Development is likely to have a positive health impact, as is the provision homes for commuters working in local urban centres.*

*Social Cohesion and Lifetime Neighbourhoods - Improvements to public open space, and links into existing pedestrian and cycle networks, will enhance the local area for residents, enabling the opportunity for greater social interactions which could lead to improved health effects.*

*Minimising the Use of Resources - Information to make a complete judgement on this topic is not fully available and therefore resulting health impacts are uncertain.*

*Climate Change - Consideration of climate change, particularly for biodiversity and flood risk, in the design of the proposed development is likely to result in positive health effects.*

*The assessment concludes that health impacts upon the existing and future population as a result of the proposed Development are anticipated as being generally positive.*

The Council's Public Health Officer has been consulted. Members will be updated orally on any comments received.

### Construction Impacts

A number of objections have been received raising concerns regarding a variety of construction impacts including routeing of construction traffic. The applicant has submitted a Construction Access Plan indicating access via Walsingham Drive and leaving via Actons Wood Lane and Wharford Lane. For the reasons set out below it is not recommended that this should be included within any approved list of plans.

Construction impacts such as traffic, noise and dust etc are an inevitable effect of such large scale construction activity. Whilst alternative or preferable means of access for construction traffic may exist any such traffic does have the right to use any adopted Highway subject to compliance with weight restrictions where they exist. Where recent roads within Sandymoor are used to provide such access but are not yet adopted by the Council, any control over rights of use would be a private matter. Officer advice

has previously confirmed that Walsingham Drive is capable of accommodating construction traffic and that construction traffic is not likely to result in significant highway safety issues or loss of amenity to residents as evidenced through a report previously presented to Committee. In that case, planning application 13/00479/S73 was previously approved to vary numerous conditions attached to planning permission 09/00129/OUT to allow use of Walsingham Drive as a construction access and residential access during an earlier phase of the Sandymoor development.

It is acknowledged by both the applicant and the Highway Authority that there could be some issues with the ability of Walsingham Drive and other local carriageway construction to withstand the number of HGVs proposed over the likely duration of construction without some deformation of the carriageway pavement. This could potentially affect future adoptions of previously completed schemes. Discussions are ongoing with Homes England in this regard with respect to a potential monitoring regime and potential mitigation measures. Members will be updated orally.

In the past conditions have been recommended requiring submission and agreement of a Construction Environmental Management Plan including construction vehicle routing and management and wheel wash facilities in an effort to protect local residents. Experience has however led to a realisation that such conditions are unenforceable and lead to unrealistic expectations on the level of control available. On that basis it is not considered that imposition of conditions relating to construction management, use of wheel wash facilities or routing and parking of vehicles could be justified with respect to the 6 tests for use of planning conditions set down within the National Planning Policy Framework. A condition restricting hours of construction and delivery in order to minimise construction impacts is considered appropriate.

### Noise

The site is bordered by two railway lines to the East and the South. The West Coast Main Line (WCML) runs along the Eastern side of the site and the Chester to Manchester Line (CML) to the South and both of these tracks are active and carry both passenger trains and freight. Given the proximity of the proposed houses to the mainline, there is concern that future residents may be exposed to unacceptable levels of noise, particularly at night when sleep may be disturbed due to the level of noise. It is well accepted that exposure to elevated levels of noise can have an adverse effect on people's feeling of wellbeing, quality of life and health particularly if it results in loss of sleep.

The applicant has provided an Environmental Noise Assessment Report (ENAR) to support the application. This has been carried out in consideration of BS8233:2014 which looks at different types of buildings and the 'desirable' noise environment required for different activities and thereby different rooms.

At the levels described in the noise report, and without any guidance on how to apply the standards in the Noise Policy Statement for England, The Council's Environmental Health Officer (EHO) has advised that it seems likely that the noise will fall into the SOAEL (Significant Observed Adverse Effect Level - This is the level above which significant adverse effects on health and quality of life occur). In terms of the hierarchy of methods employed to reduce the impact, it appears that it would be impossible to avoid the noise, therefore it can only be minimised. To this effect noise mitigation has been considered in managing the internal environment by the use of enhanced glazing with ventilation. However the orientation of the properties and the layout of the site does not appear to have been considered.

Based on the above information supplied, the Council's Environmental Health officer advises that there is the potential for the residents in the properties closest to the rail line to be exposed to noise levels which can have a significant impact on health and quality of life and that the developer has not adequately addressed this issue. Therefore unless there is a good planning argument to support the application Environmental Health would be minded to object.

The applicant has responded that the acoustic report assesses the scheme incorporating a design for background ventilation requirements in the absence of open windows (i.e. using mechanical ventilation). They argue that:

*“from an acoustic perspective we would suggest this does not constitute SOAEL as there is a strategy in place to provide internal noise levels commensurate with the day and night time internal noise limits while meeting the relevant (Building Regulations) Part F ventilation requirements.*

*It is accepted that providing background ventilation by means of opening windows would result in internal noise levels exceeding the maximum night time noise criteria; and so clearly where windows are opened to provide purge ventilation or thermal comfort at the occupiers discretion this would be at the expense of increased internal noise levels in excess of the night time maximum criteria. We would expect this to be the case in almost any residential development situated in proximity to main transport infrastructure/arterial routes, i.e. in any situation where providing Part F background vent by opening windows is not acoustically feasible.”*

The Council's Environmental Health Officer maintains their position that should the occupiers wish to open windows during high temperatures at night, “this would impact upon their rest/sleeping levels. Occupants may be able to open windows at their discretion but only at the expense of increased noise levels.” The orientation of these properties has been considered but only in the sense that it acts as an acoustic screen to the remainder of the site and not to reduce noise impacts on these nearest affected properties.

On the basis of the noise report and current legislation and guidance it is not considered that refusal of planning permission could not be justified on the basis of the identified noise exceedances. A suitably worded planning condition is recommended to ensure that the acoustic glazing and ventilation meets the standards specified within the report.

### Conclusions

This proposal seeks to bring forward much needed housing on an allocated site identified for development through the local plan process over 10 years ago. The development proposal submitted is consistent with Halton's Development Plan Policies. UDP Policy H1 and Core Strategy Policies CS1, CS3 and CS11 provide policy support for the development of this site at East Runcorn. Policy CS2 and NPPF set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is considered consistent with the aims of the policies relative to this site.

At the time of writing consultations are ongoing with respect to the amended scheme but are expected to have expired by time the application is reported to Committee. The principle of development is however considered acceptable and outstanding matters are considered predominantly of a minor or technical nature. To avoid delay in presenting to a future Committee and avoid the planning process being blamed for delaying construction of much needed housing the application is being reported to committee at the earliest opportunity. Members will be updated orally as required.

### RECOMMENDATION

That the application is approved subject to the following:-

- (a) The amendment to the overarching Sandymoor legal agreement to include use of such financial contribution for alterations to Pitts Heath/ Wharford Lane junction.
- (b) Conditions relating to the following:
  1. 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.
  2. Standard 3 year permission (BE1)
  3. Specifying Approved and Amended Plans (BE1)
  4. Materials condition, requiring the submission and approval of the materials to be used (BE2)
  5. Landscaping condition, to be carried out as approved. (BE2)

6. Boundary treatment condition, requiring development be carried out as approved (BE2)
7. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
8. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
9. Condition restricting permitted development rights relating to frontage boundary fences etc. (BE1)
10. Conditions relating to tree protection during construction (BE1)
11. Conditions relating to surface water/ highway drainage (BE1/ PR5)
12. Requiring site and finished floor levels be carried out as approved. (BE1)
13. Requiring noise mitigation measures to be implemented in accordance with the submitted Environmental Noise Assessment Report (PR2)
14. Condition requiring a scheme of protective fencing to Brooks to secure buffer zone (GE21)
15. Submission and agreement of Site Waste Management Plan (WM8)

Such additional conditions as are required as a result of the ongoing consultation. Members will be updated orally.

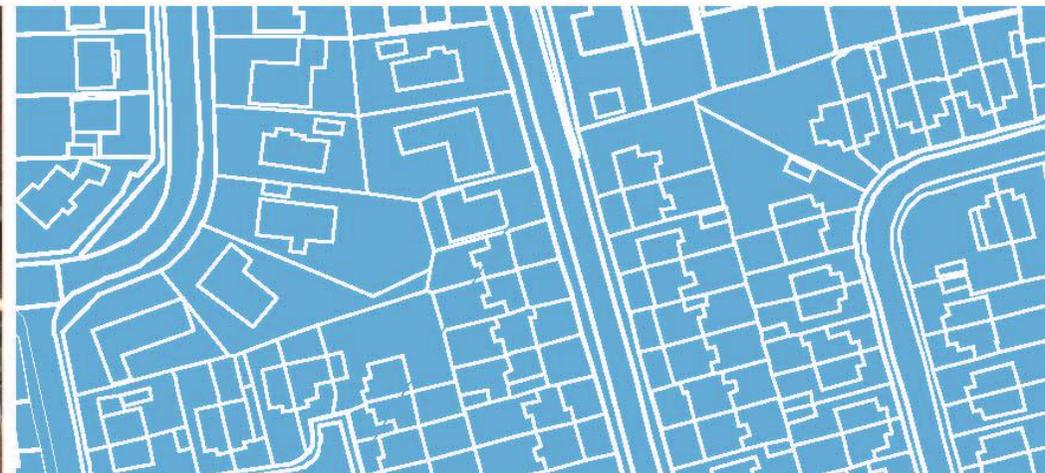
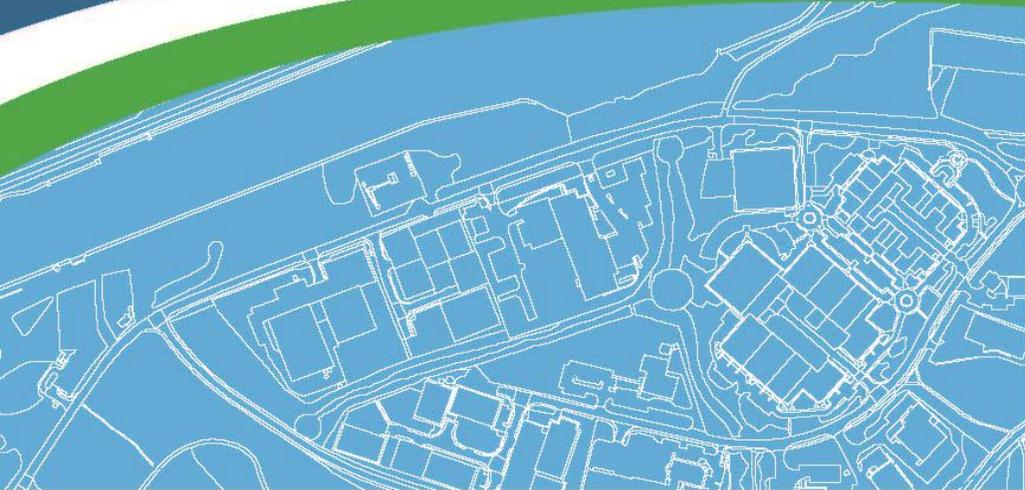
(c)That if the amendment to the overarching Sandymoor legal agreement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

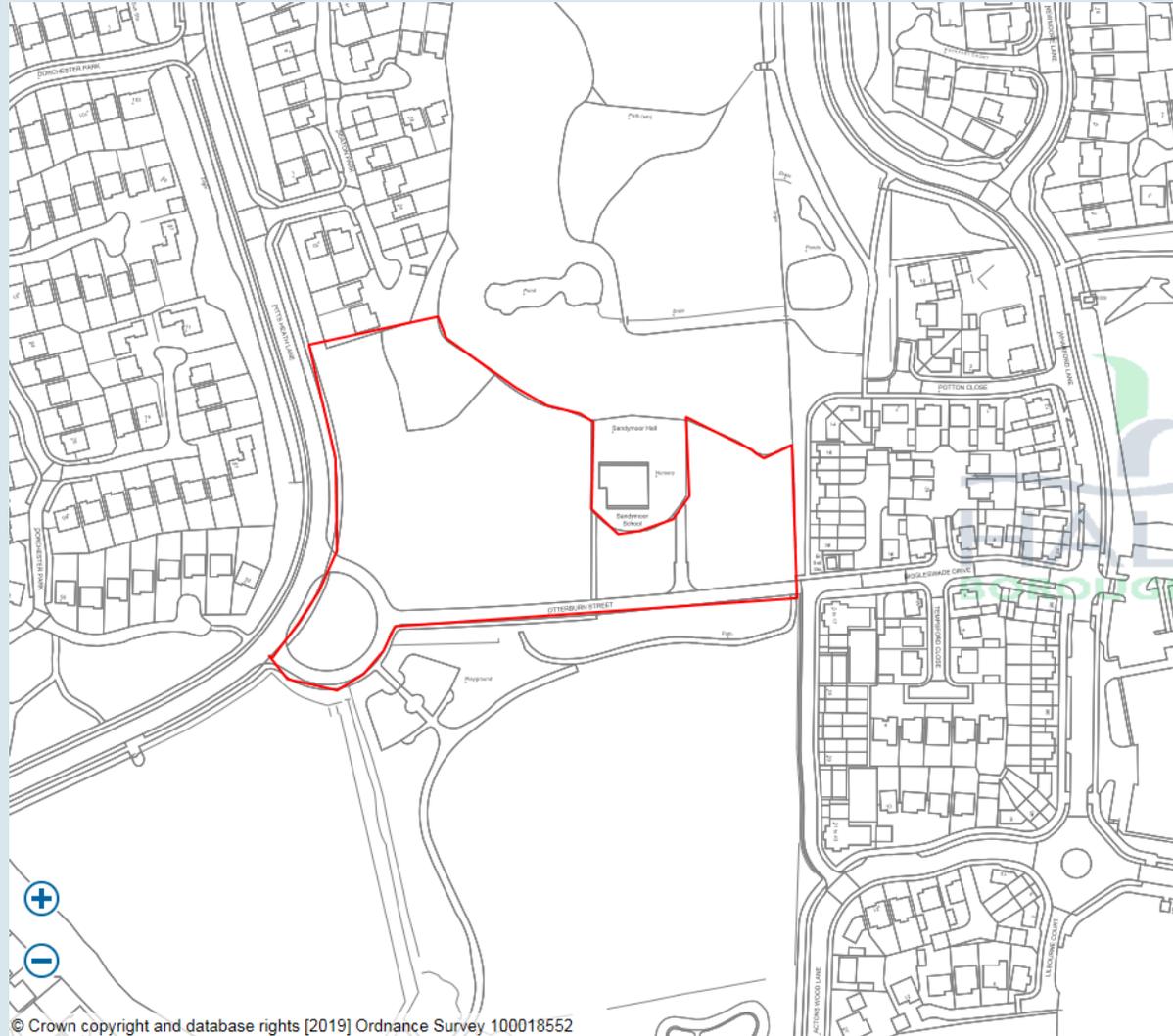
#### SUSTAINABILITY STATEMENT

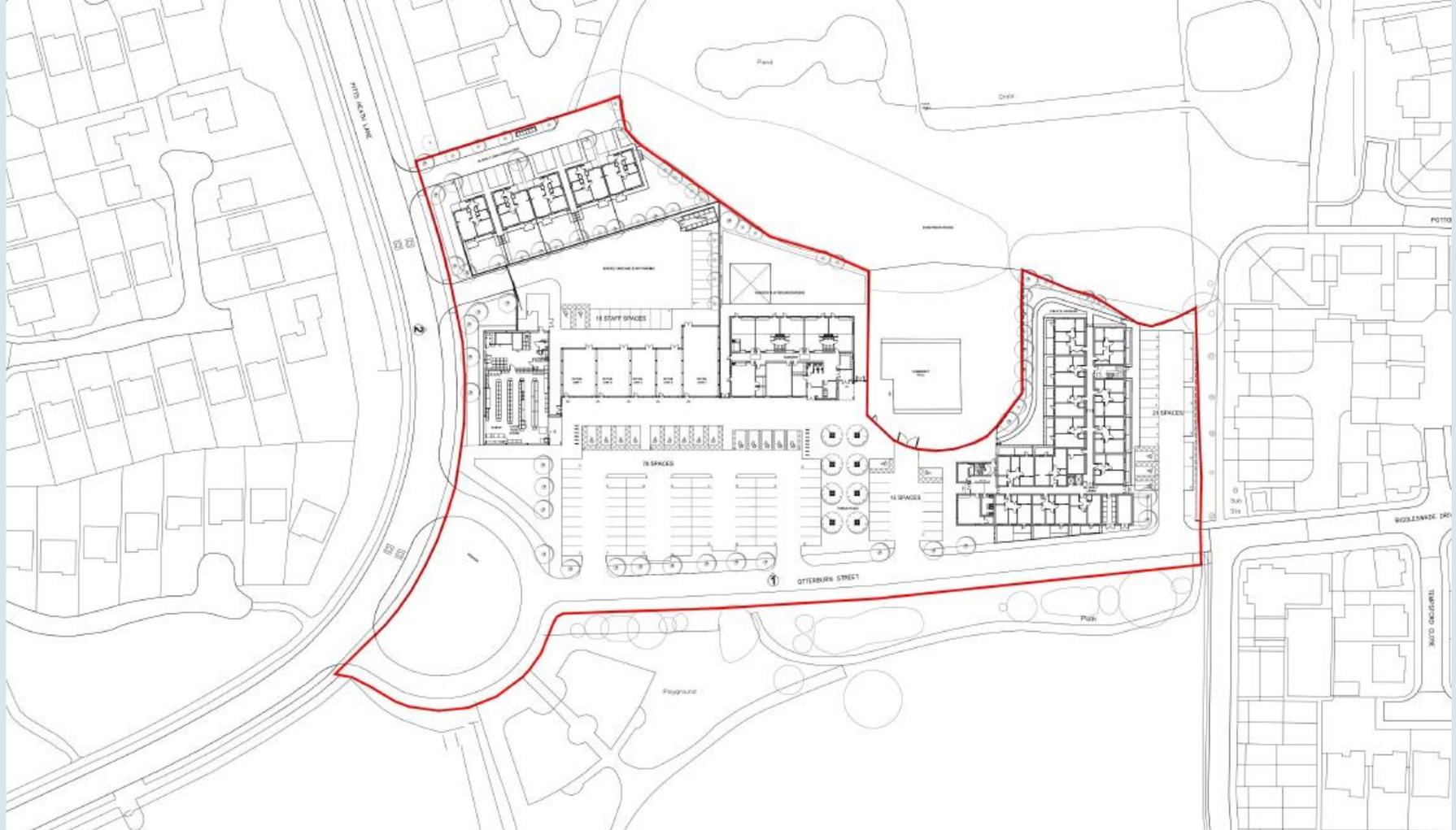
As required by:

- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.









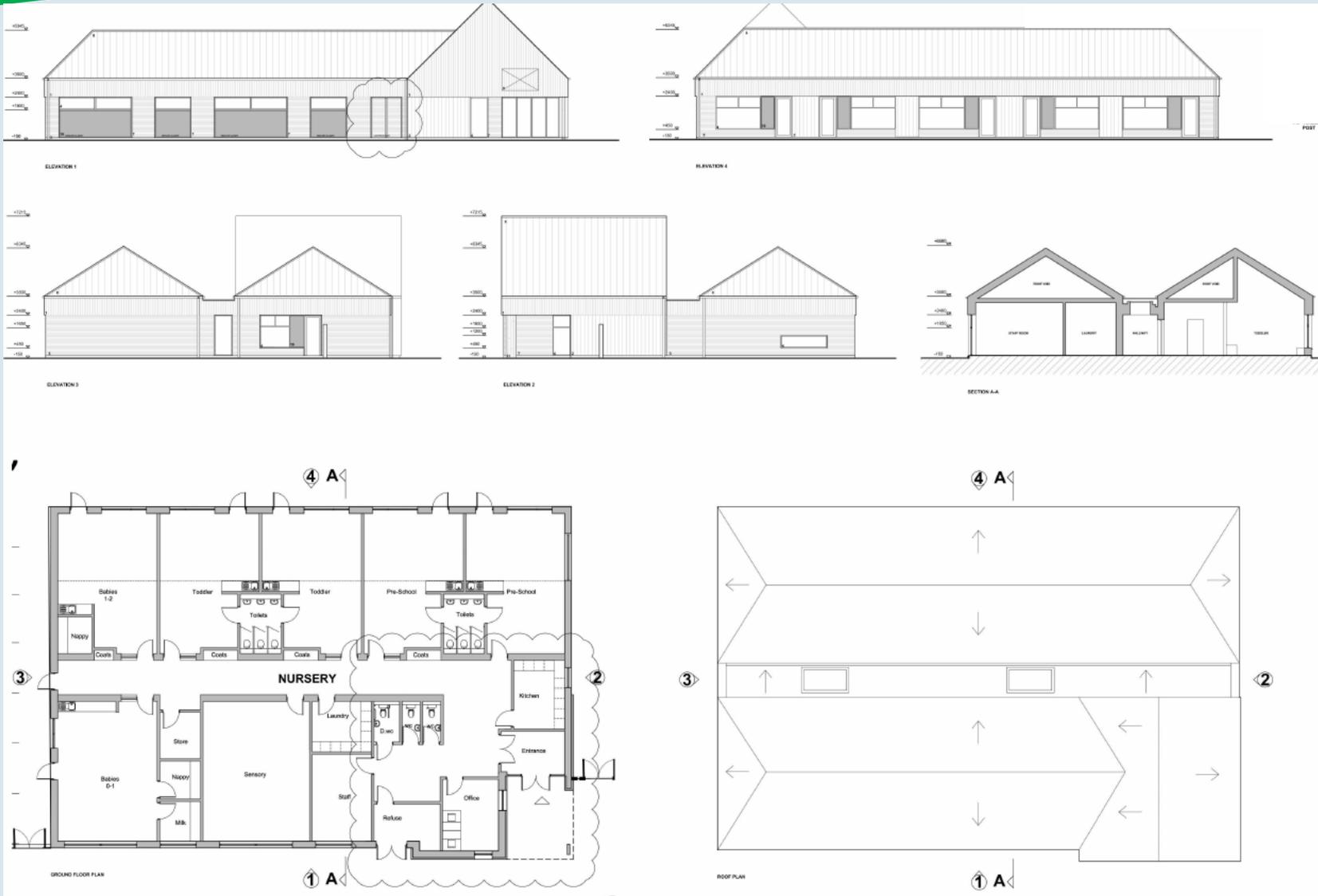
ELEVATION 1



ELEVATION 2











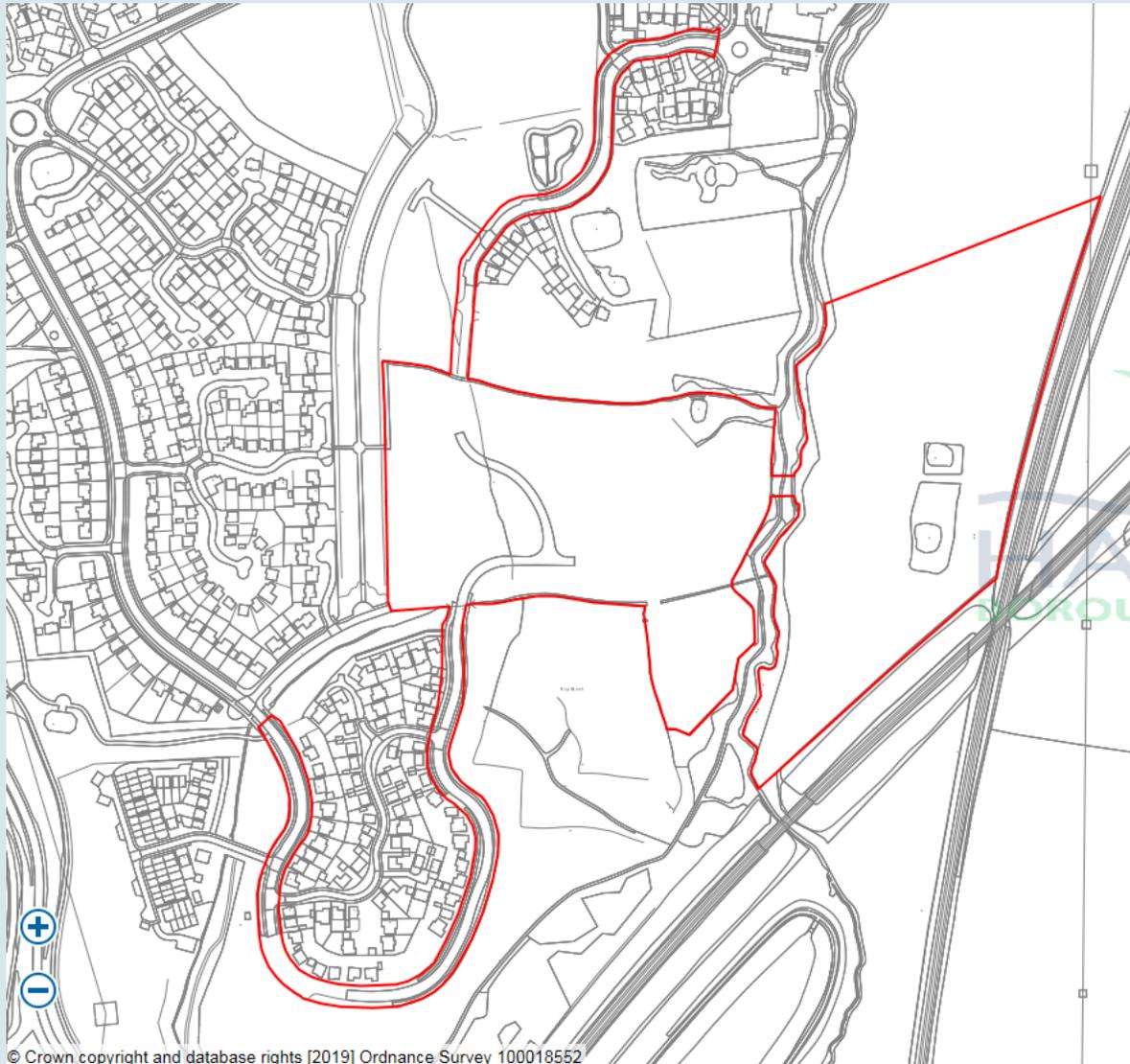




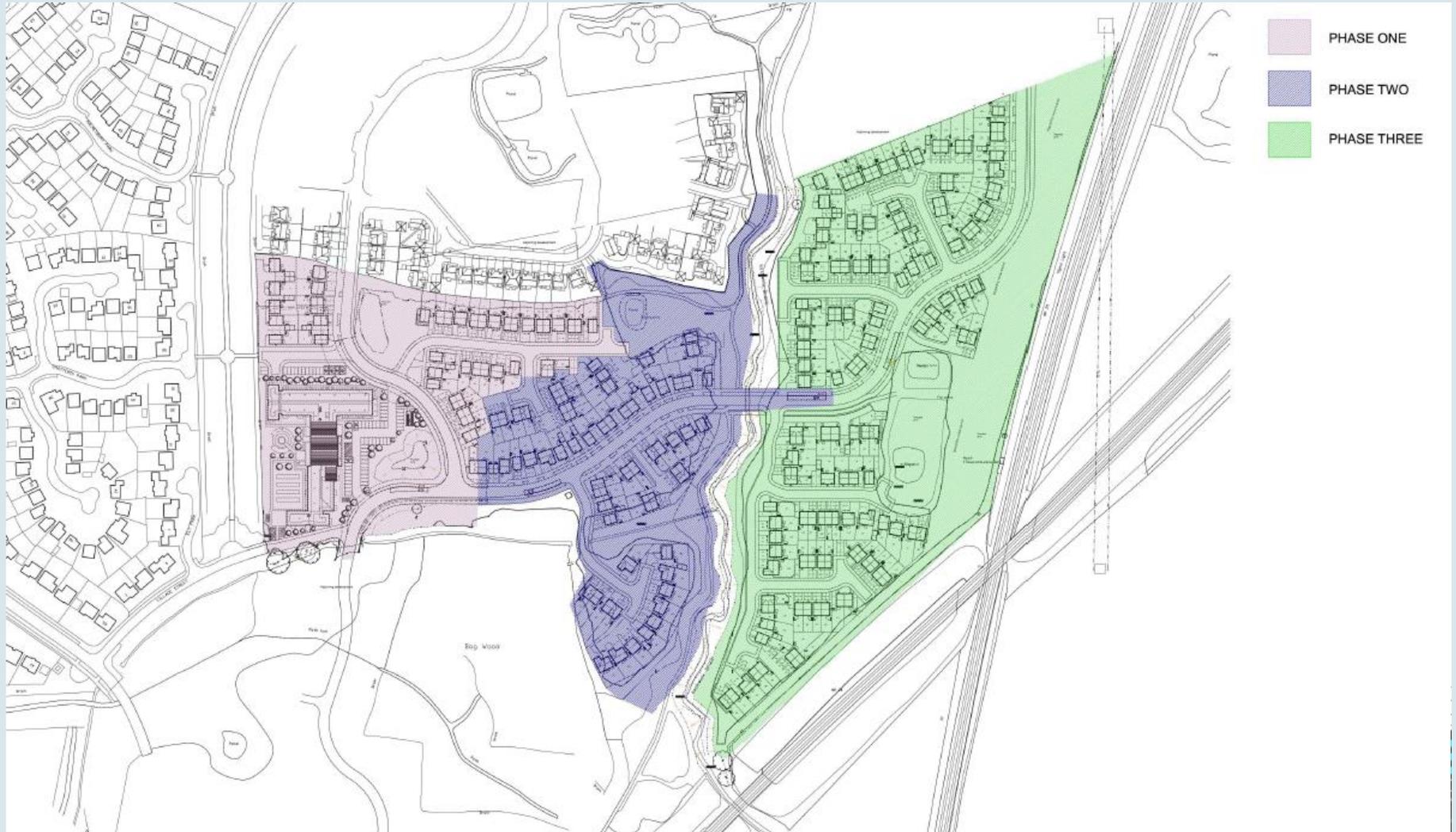


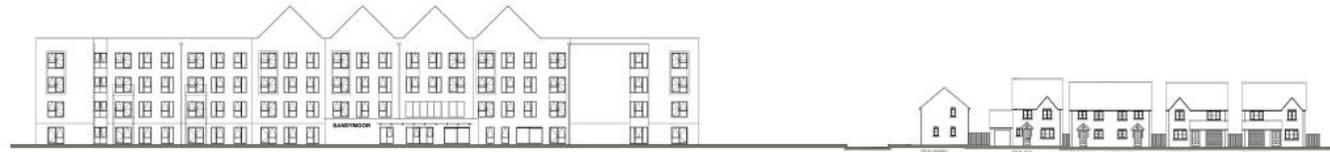












STREET SCENE A-A @ 1:200



STREET SCENE B-B @ 1:200



STREET SCENE KEY (NTS)









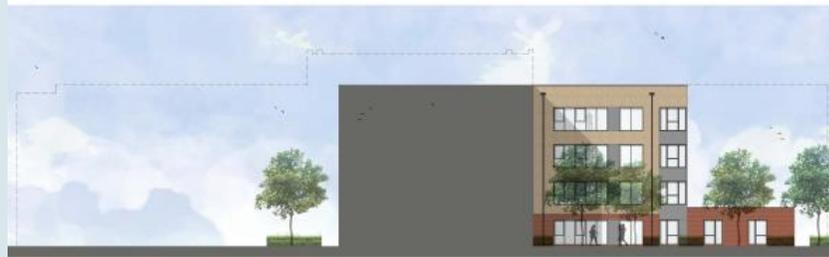
East Facing Elevation [1]



West Facing Elevation [1]



North Facing Elevation (1)



North Facing Elevation (2)



South Facing Elevation (1)



South Facing Elevation (2)



