

APPLICATION NO:	14/00081/FUL
LOCATION:	Lanark Gardens, Widnes, Cheshire
PROPOSAL:	Proposed development of 48 no. 2 storey 3 and 4 bedroom detached and semi-detached properties with associated works
WARD:	Birchfield
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Morris Homes Limited
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE	Yes
REPRESENTATIONS:	38 and 1 petition
KEY ISSUES:	Design appearance of house types Highway safety
RECOMMENDATION:	Approval
SITE MAP	

APPLICATION SITE

The Site and Surroundings

The site comprises land that is currently vacant but identified for development of a primary school in the Unitary Development Plan (Policy S24). It is located on the

corner of Lanark Gardens and Falkirk Avenue in north Widnes. To the west is the new local centre and to the north and east are existing residential areas.

Planning History

The site formed part of a wider area of land subject to outline permission 26575P granted in 1990 for the development of housing, school, shops, community facilities, park, amenity open space, roads and landscaping.

Outline planning permission 12/00142/OUT (with all matters reserved) granted for up to 35 no. two and three storey residential dwellings.

1. THE APPLICATION

Documentation

The application has been submitted with the requisite planning application form, a complete set of plans and supporting information including a design and access statement, flood risk assessment, and ecology report.

2. POLICY CONTEXT

The site is allocated as a school site under Policy S24 in the Halton Unitary Development Plan (UDP) which is of relevance. Policy CS1 of the Halton Core Strategy Local Plan is also of relevance.

The National Planning Policy Framework is now a material planning consideration, in particular chapters 6 'Delivering High Quality Homes' and 7 'Requiring good design,' are of relevance.

The other key policies of relevance are as follows:

Unitary Development Plan (2005)

BE1 General Requirements for Development
BE2 Quality of Design
H2 Design and Density of New Residential
H3 Provision of Recreational Green Space
TP12 Car Parking
PR5 Water Quality
PR16 Development and Flood Risk
GE21 Species Protection

Halton Core Strategy Local Plan (2013)

The Core Strategy provides the overarching strategy for the future development of the Borough, in this particular case the following Policies are of relevance

CS3 Housing Land Supply and Locational Priorities
CS12 Housing Mix

CS13 Affordable Housing
CS18 High Quality Design

Supplementary Planning Documents

The Council's New Residential Guidance Supplementary Planning Document and Draft Open Space Supplementary Planning Document are also of relevance.

3. CONSULTATION AND REPRESENTATION

The application has been advertised as a departure by means of a site notice, press notice and neighbouring properties have been consulted via letter. Consultation has been undertaken with the Environment Agency and Cheshire Fire Authority.

Cheshire Wildlife Trust (in its capacity as the Council's ecology advisors), and officers from the Council's Open Spaces, Environmental Health and Highways departments have commented on the application and the comments are covered in the relevant sections of the report.

38 individual representations have been received, including 36 objections, and two in general support. A petition of 43 signatures has also been received in objection to the proposed development.

Those who have objected have raised the following concerns:

- Concerns over the additional driveways onto Falkirk and additional cars parking in the street
- Conflict with new driveways and existing driveways, in particularly nos. 21 and 23, and nos. 1 and 3 Falkirk Avenue
- Concerns over highway safety on the existing bend in the road by no. 40 and 23 Falkirk Avenue, and that this would be exacerbated by the new development.
- Change in ownership of the highway in front of nos. 4, 6 and 8 and the inclusion of what has been referred to as an 'easement', and concerns that this would affect the resident's right of access.
- Alteration to Falkirk will result in reduced on street car parking in front of nos. 4, 6 and 8 Falkirk Avenue and interfere with existing driveways.
- Density of development
- Highway Safety specific comments in relation to children and emergency vehicles
- 3 bedroomed properties not in keeping with the area which has many 4 and 5 bed houses
- Accuracy of the design and access statement and the plans
- Loss of green space which is used for walking dogs and appears to have a fair amount of wildlife

Two representations have been submitted in general supporting the proposal, although one asks that the proposed road should be built prior the construction of the houses.

4. ASSESSMENT

The application has been submitted for 48 no. two storey, 3 and 4 bed roomed detached and semi-detached dwellings, and associated works at Lanark Gardens. Widnes, Cheshire.

Policy and Principle of Development

The site is located south of Lanark Gardens and the west of Falkirk Avenue, and it was previously identified for a primary school in Policy S24 of the Halton UDP, a policy which has since been replaced by the Halton Core Strategy Local Plan. Taking this into account the current proposal would not accord with current adopted development plan policy, the application has therefore been advertised as a departure.

At the Executive Board on 15th December 2011, it was advised that land at Upton Rocks had been reserved for a number of years for the development of a new school, should it have been needed. In Widnes, the published admission number for primary school children was for 736 pupils per year.

Members noted that there was no additional need for a new school to be developed in Widnes, as sufficient capacity would be achieved once development work at the two existing schools had been completed and , which

included anticipated increases predicted to peak by 2015. Consideration was given to retaining the reserved site. However, primary pupil numbers were deemed insufficient to justify any new development. Therefore, the Board resolved that the reserved school site at Upton Rocks be released.

Design, Character, and Amenity

The submitted layout shows a proposal of 48 dwellings, consisting of a mix of fifteen 3-bed dwellings and thirty three 4-bed dwellings, these would be two storey and predominantly detached dwellings, and four of the proposed properties would be semi-detached. The application site is 1.73 hectares, given the proposal is for 48 dwellings, this constitutes a density of 28 dwellings per hectare. Taking into account that the proposed development includes the provision of a new road, the density is considered to be consistent with development plan policy and in keeping with the character of the surrounding area.

A number of representations have raised concerns that the proposed 3 bed dwellings would not be in keeping with the existing dwellings in the area which are predominantly 4 and 5 bed detached dwellings. However, to the north of the site on Lanark Gardens there is a mix of dwelling types that actually

already include 3 bed/3 storey mews houses, and 2 bedroomed flats. Therefore, an objection on these grounds cannot be upheld.

The design, appearance and scale of the proposed house types is considered to be similar and in keeping with the existing house types in the surrounding area. The external materials will be similar to the adjoining existing residential properties and conditions are recommended to ensure that final external materials are approved by the local planning authority prior to commencement to ensure a good design and maintain the appearance.

The nearest existing residential properties are on the opposite side of Lanark Gardens to the north of the site, and along Falkirk Avenue to the east. The current proposal demonstrates that satisfactory interface distances between properties can be provided between existing and proposed dwellings so that the development would not result in any detrimental impact with regards to loss of privacy, visual impact or overshadowing. Furthermore, the minimum standards for private amenity/garden space for the proposed new properties can be achieved.

With regards to the provision of public open space in accordance with the Unitary Development Plan and the Draft Supplementary Planning Documents for Open Space, this would be provided for through a contribution to off-site open space. Given that this land is currently in the ownership of the local authority, adequate provision for a contribution has been made within the contractual arrangements in the sale of the land. It should also be noted that the site is located directly adjacent to an existing park and public open space. In this respect the proposal is considered to comply with development plan policy.

Concern has been raised over the loss of the currently undeveloped land which is used by local residents for walking dogs and how children informally play on there. However, the land is not designated as protected green space within the development plan, and under its allocation as a site for a primary school, it was always earmarked for development since the adoption of the Unitary Development Plan in 2005. Therefore, an objection on these grounds could not be upheld.

Ecology

The land is currently undeveloped, and representations received from local residents have raised potential wildlife value as an issue that needs to be addressed.

The application has been submitted with an extended phase 1 ecological survey and an amphibian survey which outlines a number of mitigation measures. The Council's ecological advisor (Cheshire Wildlife Trust) has been consulted and has requested that due to the age of the phase one site walk over, a further one be carried out. At the time of writing this report the applicant is currently undertaking this work, and will submit an

updated report prior to consideration of the application by Committee. Members will be updated regarding this matter.

With regards to nesting birds it is recommended that any works, including scrub clearance, should take place outside of the nesting bird season (1st March to 31st August inclusive), unless the site has been checked for nesting birds by a qualified ecologist immediately prior to commencement (within 48 hours). If nesting birds are found, an appropriate exclusion zone (as determined by the ecologist) should be established and maintained until nesting is complete and any young have fledged.

With regards to reptiles and amphibians, it is suggested that a planning condition is attached in accordance with the method statement provided by Mott MacDonald June 2012 (herpetofauna sensitive phased vegetation clearance including an inspection immediately before any clearance).

The measures referred to above for amphibians, reptiles and nesting birds should be secured by suitably worded planning conditions providing the additional phase 1 information has been evaluated and no further requirements are deemed necessary.

Flood Risk

The site is within an area not at risk of flooding. However, the site is over 1 hectare in size, and in accordance with the National Planning Policy the Application has been accompanied with a flood risk assessment. The Environment Agency has been consulted and has no objections subject to conditions being attached in relation to surface water runoff and a scheme to manage the risk from flooding from overland flow.

Highways

Representations have previously been received to the local centre and also to this application in relation to the provision of a relief road to take traffic off Falkirk Avenue. The proposed development includes the provision of this relief road to carry traffic from the southern extent of Falkirk Avenue and Dinnington Court to the south east, and linking up with Lanark Gardens opposite Greenock Mews.

The residents of numbers 4 and 6 Falkirk Avenue have raised concerns that the proposed development would result in what they refer to as an easement and a change in ownership and control of the land directly in front of their homes, and that this would affect the residents' right of access to their properties.

However, the land directly in front of these properties is adopted highway and in control of the Council as the Local Highway Authority. This would not change as a result of this development, and the residents would still have unfettered access from their existing driveways onto the adopted highway.

The main changes would only be physical alterations to the adopted highway, which would include an extension of the crossings between the carriageway and the residents' driveways.

Further concerns have been raised in relation to the proposed new driveways and potential conflict with the existing shared driveways of nos. 1 and 3, 21 and 22, and concerns over their proposed locations on exiting bends in the road. In response to this, the layout has been amended to provide a greater distance between the driveways and improved intervisibility between them.

The Council's Highway Engineer has been consulted and raises no objection, and considers the principle of the new access road, and the general internal site layout and parking provision to be in accordance with policy. Conditions are recommended for wheel cleaning facilities and for the submission of a construction traffic management plan.

Other Matters

Under policy CS13 'Affordable Housing' of the Halton Core Strategy Local Plan, the applicant is required to either provide 25% of the total proposed dwellings as affordable housing or demonstrate through the submission of a viability assessment that the provision would render the development unviable. The applicant will be providing a viability assessment in this respect, and members will be updated at Development Control Committee.

5. SUMMARY AND CONCLUSIONS

The application demonstrates that safe access can be achieved off Lanark Gardens and Falkirk Avenue, and that an internal access road can be provided to adoptable highway standards. The proposal demonstrates that this can be achieved whilst meeting the satisfactory standards for private amenity/garden space, interface distances, parking standards and design principles set out in the Council's Design of New Residential Guidance SPD.

Although the site is allocated for a school, the Council has identified that the site is no longer required, and the extant outline planning permission 12/00142/OUT for 35 dwellings has already established the principle of housing as acceptable.

The application therefore complies with the NPPF, Unitary Development Plan Policies BE1, BE2, H2, H3, TP12, PR5, PR16, GE21, Policies CS1CS3, CS12, CS13, CS18 of the Core Strategy Local Plan and the Design of New Residential Development SPD.

Subject to the completion of the outstanding phase 1 ecological survey/report and a satisfactory affordable housing viability appraisal the proposal is recommended for approval.

6. RECOMMENDATIONS

Providing the Local Planning Authority is in receipt of a satisfactory updated Phase 1 ecological report and a satisfactory affordable housing viability appraisal, the application is recommended for approval subject to the following conditions listed below: -

1. Standard condition relating to time limit for commencement.
2. Condition listing all plans / amended plans (BE1).
3. Wheel wash condition required for construction phase (BE1).
4. Submission of a construction traffic management plan (BE1)
5. Condition(s) in relation to submission of details of hard and soft landscaping including planting scheme (BE2).
6. Condition requesting submission and approval of materials (BE2).
7. Condition in relation to boundary treatment details (BE2).
8. Condition relating to the provision of bins prior to occupation (BE2).
9. Condition that the development is carried out in accordance with the submitted ecological reports and mitigation measures (GE21 and GE25).
10. Condition that no clearance works shall be carried out during bird nesting season (GE21).
11. Condition(s) in relation to construction and delivery hours to be adhered to throughout the course of the development (BE1).