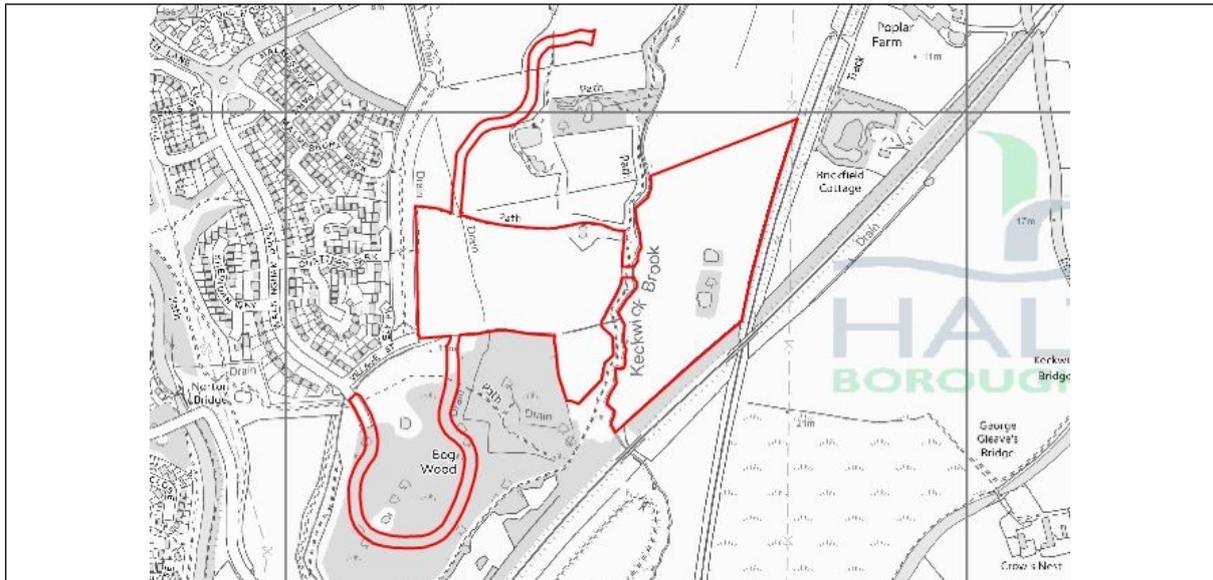


APPLICATION NO:	19/00325/FUL
LOCATION:	Open Land to North East of Village Street, to the East and West of Keckwick Brook and to the West of the West Coast Rail Line, Sandymoor.
PROPOSAL:	Proposed erection of 236 dwellings and 100 extra care apartments, together with car parking, landscaping, roads, bridges, footways, drainage infrastructure and associated works
WARD:	Daresbury
PARISH:	Sandymoor
AGENT(S) / APPLICANT(S):	Galliford Try Partnerships and Homes England
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	UDP Phase 2 Allocated Housing Site(s); Proposed Greenspace; Proposed Greenway and Important Landscape Features
DEPARTURE	Yes
REPRESENTATIONS:	56 representations (multiple letters from 2 authors have been counted as one representation. Includes 1 letter of support)
KEY ISSUES:	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
RECOMMENDATION:	Delegate to determine subject to resolution of outstanding information/ issues.
SITE MAP	



THE APPLICATION SITE

The Site

Site of 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. Our 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, Addendum Technical Note and Travel Plan
- Ecology Assessment, Ecology Update letter, Bat Potential and Kingfisher Nest Plan and Great Crested Newt Mitigation Strategy
- Rapid Health Impact 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
GE22 Protection of Ancient Woodlands
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
CS21 Green Infrastructure
CS22 Health and Well-Being
CS23 Managing Pollution and Risk
CS24 Waste

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 scheme layout was originally amended to address ecology, highways, drainage and planning issues. This resulted in the loss of one unit. A further round of consultation was undertaken in relation to those submitted amended plans and information. Whilst subsequent amendments have been made to the scheme these are considered to address technical or relatively minor issues. Further advice has been sought from consultees as required on an issues basis and these are addressed through the report where appropriate. The Planning Authority is considered to have fulfilled its statutory requirements in this regard.

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 – Updated Comments Awaited. See discussion under Flood Risk and Drainage.

United Utilities – No Objection Subject to Conditions

Cadent Gas – No Objection

HBC Contaminated Land – No Objection

LLFA – No Objection

HBC Highways - No Objection

HBC Open Spaces – No Objection

HBC Environmental Protection – No Objection

Merseyside Environmental Advisory Service – No Objection

Woodland Trust - Objects

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

This application was originally presented to Development Control Committee in October where the Committee resolved that this application not be considered at the meeting and that it be submitted to a future meeting for determination. It was explained to the Committee that material considerations had come to light at a late stage (since the summons to the meeting was issued). There had been no time for these matters to be analysed. Consequently, it would not be proper for this application to be

considered at that meeting. It is considered that those material considerations have now been so analysed and resolved.

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.

Principle of Development

The site is predominantly designated on the Unitary Development Plan (UDP) Proposals Map as a Phase 2 Allocated Housing Site. Areas of the residential development overlap onto areas designated as proposed greenspace as defined on the UDP Proposals Map.

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.

The application has been advertised as a departure from the development plan. This was a precautionary approach based on a prima facie conflict with areas of greenspace on the UDP Proposals Map. On review Core Strategy Policy CS11 identifies the area of Sandymoor, including the application site, as an “allocated housing site” with no proposed greenspace distinction. This policy is considered to take precedent over the UDP proposals map in this regard and the application is not therefore considered a departure from the development plan.

Where 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 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. Whilst the proposals will result in housing development coming closer to these designated features the application is for residential development on an allocated housing site. All these areas are to be retained through the scheme. The proposals are considered to have been designed to provide appropriate relationships to the retained areas.

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. 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”. Objectors to the scheme have questioned the need for extra provision within the scheme. The Councils Planning Policy Officer has reviewed the submitted report and confirmed that it accords with the emerging policies in the DALP in terms of need for housing mix and the specialist housing element. The report also highlights a need for bungalows and objectors have raised the absence of such provision within the scheme as an issue. There is however considered to be no policy requirement for provision of bungalows at the site and it is not considered that refusal of planning permission could be sustained on this basis. 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 and affordable housing 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

The proposed Extra Care housing is considered to fall within Use Class C3 by virtue of the Use Classes Order and does not therefore conflict with the sites allocation as a housing site. Members should however 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 substantial 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 the scheme represents an appropriate character and density of development when compared with that of surrounding developments.

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.

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. It is considered that suitable consideration has been given to providing active frontages to key highway and pedestrian routes and other public areas.

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

Highway Considerations

The application was 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 an update to the TA by way of technical note. This has been reviewed by the Council's Highways Officer and is considered to sufficiently address the issues previously raised. As anticipated the assessment acknowledges 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. The applicant and landowner, Homes England, have agreed in principle to such variation which it is considered can be addressed by exchange of correspondence. Members will be updated orally.

The Council's Highways Engineers have confirmed that, given the above referenced technical note update and agreement to the schedule variation, they raise no objection based on highway capacity or safety issues relating to the existing highway network. Other issues arising from the proposals relating to detailed and general highway arrangements within the scheme as originally submitted have also been addressed by amendments to the scheme. It has been confirmed that these issues have been satisfactorily addressed and that no objections are therefore raised.

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.

Further information and assurances have also been provided including with respect to drainage calculations, culvert sizing, design and location of compensatory storage and to ensure that proper provision is made for land drainage along the boundary of the site with previous developments.

The Council's Drainage Engineer acting as Lead Local Flood Authority (LLFA) has confirmed that they raise no objection subject to conditions. United Utilities and the Environment Agency raise no objections in principle subject to conditions. With respect to the queries raised with respect to initial comments by the Environment Agency further clarification has now been provided in this regard. The Agency has confirmed that the updated FRA is based on the more accurate topographical information whereas the zonation's provided within the EA's Flood Mapping resource are indicative only due to model / resolution of available data limitations.

They have confirmed that the submitted topographical information proves that for the development site area, that Flood Zone 2 &3 are limited to either the channel of Keckwick Brook or very close to it using the consultant's ground level data and, as such, the current proposed development area for the site will in reality be within an area that can be classified as Flood Zone 1.

To resolve this potential sticking point, the condition we have requested requires the development to be carried out in accordance with the FRA (which proves the development area is in Flood Zone 1). If needed the wording of our condition's initial bullet point could be changed/further clarified for avoidance of doubt to "Residential development shall be limited to areas of the site confirmed within the submitted flood risk assessment as being located within Flood Zone 1 (low risk areas)". "The additional request for a condition on floor levels is to ensure that issues such as climate change and freeboard contingency are factored into the finalised scheme design."

It is therefore considered that sufficient evidence has been provided with respect to drainage and flood risk and that any outstanding issues can be adequately address by planning condition.

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. The applicant has advised that:

- *Bog Wood is not an ancient woodland. The Ancient Woodland Inventory dataset can be viewed on DEFRA’s Magic Maps Application which does not identify any of the 4 named woods in the Sandymoor SPD as ancient. At present this is the metric by which it should be assessed and unless proven otherwise Natural England’s Standing Advice does not apply.*
- *The woodland can be protected in accordance with BS5837 throughout construction, a buffer of 15m will not be required.*

None of the trees are protected by Tree Preservation Order or within a Conservation Area. The submitted Arboricultural Impact Assessment and Tree Protection Plan identifies Root Protection Areas for retained trees and woodland including recommendations for protection of trees throughout the course of the development. Any encroachment within the plotted Root Protection Areas are limited to rear gardens in limited locations.

It is acknowledged that requirement for a further protection buffer would require a redesign of the scheme and/ or likely reduction of approximately 5-6 dwellings. At the time of writing officers remain to be convinced regarding the Ancient Woodland status of Bog Wood and that the 15-20m recommended by the Sandymoor SPD should not be maintained. The SPD is a clear policy statement which may have been overlooked by the applicant. Bog Wood might or might not be ancient woodland but a prima facie case has been made out. The ‘precautionary principle’ dictates that a survey should be undertaken to establish whether Bog Wood is ancient woodland. The answer to this question would be directly relevant to whether an application which does not comply with SPD could be acceptable.

The applicant has stated that there are contractual pressures and cost implications with further delay in receiving planning permission. In order to minimise potential for such further delay in bringing the application back to Committee and to avoid potential criticism of predetermination officers are requesting delegated authority to allow these matters to be satisfactorily resolved. It is possible that this matter could be resolved in good time but Members will be updated fully.

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.

The Council's retained adviser on ecology matters has identified no barriers to development subject to conditions. They have undertaken a Habitats Regulations Assessment for likely significant effects on designated sites which concludes that there are no likely significant effects including with respect to potential recreational pressure.

They have also assessed the application with respect to the three tests set out in the Habitats Regulations concluding that, providing appropriate mitigation is secured by suitably worded planning condition, the proposals would not be detrimental to maintain protected species populations. 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 further updated in this regard.

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

Waste

The Council's retained adviser on waste matters has advised that 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.

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.

Construction Impacts

A number of objections have been received raising concerns regarding a variety of construction impacts including routing 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.

Previous phases of development were served by a haul road constructed to connect across the Bridgewater Canal to Windmill Hill Avenue. Homes England has stated that that haul road was removed following the completion of the associated works as a requirement of the Natural England ecological licence. They state that the process of seeking planning consent, commissioning necessary studies and an ecological licence to reinstate the haul road would lead to extensive delays and new delivery risks and costs as well as interaction with the later phases of Sandymoor for which masterplanning work is being commissioned. For those reasons, they state that the haul road is not an option they would seek to progress.

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 highway construction 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 understood to be ongoing between the Council and Homes England in this regard with respect to a potential monitoring regime and potential mitigation measures. This is however a matter for the Council as Highway Authority and not for consideration through determination if this planning application.

In the past conditions have been recommended requiring submission and agreement of a Construction Environmental Management Plan including construction vehicle

routeing and management and wheel wash facilities in an effort to protect local residents. Experience has however lead 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 routeing 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 application is supported by an Environmental Noise Assessment Report (ENAR). The Council's Environmental Health Officer has advised that:

The ENAR assesses the suitability of the site for the proposed development taking into consideration the proposed layout, topography, on and off site uses and noise survey data.

The noise climate to the East of the site is dominated by rail noise and moving West, by distant road traffic noise. The noise monitoring was carried out between 1400hrs and 1800hrs and reports on the number of trains during that time frame. With regard to night-time noise and the potential for train movements to cause disturbance, noise levels during the pass-by of a freight train at night would peak at over 80dB_{LAFmax} in the properties backing onto the mainline. It should also be noted that there is the potential for the number of pass-bys to increase over time.

The report presents the layout of the site with a number of houses backing onto the rail line. It concludes that a scheme for glazing, ventilation and materials which will achieve a suitable level of internal amenity is deliverable across the site. It also indicates that the external noise levels at ground floor level across the site are generally predicted to achieve the desirable or upper external amenity noise limit. However, the report states that there are approximately 8 properties, located near to the WCML predicted to exceed the external amenity noise guideline limit.

BS8233:2014 states that for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LA_{eq,T}, with an upper guideline value of 55 dB LA_{eq,T} which would be acceptable in noisier environments. BS8233:2014 also states that where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved. It does recognize that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the

convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited. Therefore if the development is not necessary or desirable in planning terms or required to meet housing need, the planning application should fail on the noise criteria as there is no argument for relaxing the standard.

To meet the maximum level cited in the 1999 standard and the WHO guidelines, the noise levels would have to be reduced. It is feasible to reduce noise levels by choosing the appropriate building materials and employing enhanced glazing together with ventilation systems, and this is demonstrated in the report. However should a resident feel the need to open a bedroom window to ventilate their property, they would be exposed to levels of noise that would disturb most people.

On that basis it is advised that 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, it seems likely that the noise will fall into the Significant Observed Adverse Effect Level (SOAEL) criteria. 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 the design, orientation and managing the internal environment by the use of enhanced glazing with ventilation. The Council's Environmental Health Officer has therefore advised that they are satisfied with the mitigation measures as outlined in the applicants report and based on this, have no further comment to make.

On the basis of the noise report and current legislation and guidance it is not considered that refusal of planning permission could be justified on the basis of the identified noise exceedances. A suitably worded planning condition is however 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 subject to the outstanding matters referred to above.

At the time of writing this report a number of issues remain to be addressed particularly in regard to the potential impact on Bog Wood and whether a potential further redesign of the scheme and/ or reduction in housing units is required. The principle of development is however considered acceptable and outstanding matters are considered predominantly of a minor or technical nature. It is therefore not possible to make a final determination at this time. 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 authority is delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to determine the application and, if the determination is to approve the application, that it be subject to appropriate conditions and modification to the legal obligation.

Background Papers

The submitted planning applications and the Council's standard conditions are background papers to the report.

Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

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.