

APPLICATION NO:	21/00613/FUL
LOCATION:	Former Site Of Express Dairies Perry Street / Sewell Street Runcorn Cheshire
PROPOSAL:	Proposed development comprising 5no. 3 storey residential blocks containing 33 no. Use Class C3 - 1 and 2 bedroom apartments with access, parking, landscaping and associated works at
WARD:	Bridgewater
PARISH:	None
APPLICANT:	AKM Homes Ltd & Bandbrand Ltd
AGENT:	Smith Young Architecture Ltd
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013) Emerging Halton Delivery and Allocations Local Plan	ALLOCATIONS: Primarily Residential Area (Policy H8) Housing Allocation R55
DEPARTURE	No
REPRESENTATIONS:	7 representations have been received from the publicity given to the application.
KEY ISSUES:	Principle of Development, Design and Appearance, Amenity, Highways and Access, Habitat Protection.
RECOMMENDATION:	Approve subject to conditions and S106 agreement securing of a commuted sum in lieu of on-site open space provision and affordable housing by S106 or condition .
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site is located in the residential area off Picton Avenue, Runcorn. The site comprises a vacant, underused and previously developed parcel of land, approximately 0.2 hectares (1978.00sq.m) in area. The site was a former milk depot known as Express Dairies, which stopped operating and was cleared of buildings in the late 2000's.

1.2 Planning History

Since the site stopped operating as Express Dairies, there have been the following relevant planning permissions granted for the site:

- 11/00018/FUL Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation on 07/00832/FUL (permitted 12/12/2012)
- 07/00832/FUL Proposed redevelopment of former milk depot to provide 81 No. apartments in single block (up to seven storeys high) (permitted 30/01/2008)

2. THE APPLICATION

2.1 The Proposal

Proposed development comprising 5no. 3 storey residential blocks containing 33 no. Use Class C3 - 1 and 2 bedroom apartments with access, parking, landscaping and associated works.

2.2 Documentation

The application is accompanied by the associated plans in addition to a design and access statement, transport statement, drainage strategy, SI report, affordable housing statement, noise impact assessment, preliminary ecological appraisal, arboricultural impact assessment, invasive species management statement.

3. POLICY CONTEXT

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Unitary Development Plan 2005 (UDP)

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
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- PR2 Noise Nuisance
- PR5 Water Quality
- PR8 Noise Sensitive Development
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All
- H1 Provision for New Housing
- H3 Provision of Recreational Greenspace

3.2 Halton Core Strategy 2013 (CS)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- 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
- CS24 Waste

3.3 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 of New Development.

3.4 Emerging Delivery and Allocations Local Plan

RD1 Residential Development Allocations. A number of policies within the DALP are relevant to the determination of this application. The modification to some of the policies are not considered to reduce the weight given to the policies at this stage of the plan process. Therefore, these policies should be given significant weight. The policies within the DALP are considered to result in the same assessment as those set out below in relation to the UDP and Core Strategy Policies.

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.5 National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published in July 2021, this sets out the Government's planning policies for England and how these should be applied.

3.6 Supplementary Planning Documents (SPD)

The Design of New Residential Development SPD (May 2012); Affordable Housing SPD (January 2014); and Draft Open Space SPD (October 2007).

3.7 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

3.8 Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

4. **CONSULTATIONS**

Highways and Transportation Development Control

No objection to the proposed development, comments have been incorporated into the Highways and Access section below.

Contaminated Land Officer

Comments not yet received, member will be updated of these via the AB list.

Environmental Protection

No objections subject to conditions relating to the standard of glazing and trickle vents to minimise noise disturbance to future occupiers from the expressway.

Open Spaces

No objection to the proposed development, comments have been incorporated into the Trees and Landscaping section below.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objections, the HRA concludes that the development would not have an adverse effect on the integrity of the European sites in combination provided that the mitigation in the form of an awareness raising information leaflet in householder information packs secured by condition. Other conditions are recommended for the protection of nesting birds, badger and hedgehog, and the implementation of the method statement for dealing with invasive plant species.

Lead Local Flood Authority (LLFA)

No objections, however further information is required therefore conditions are recommended for an updated detailed drainage strategy. The detailed comments from the LLFA have been incorporated into the Flood Risk and Drainage section below.

Designing Out Crime Officer - Cheshire Police

Has provided advice and recommendations relating to standard of windows and doors, lighting and the use of audio visual door entry systems.

United Utilities

No objection subject to a conditions.

Natural England

No objection, Natural England advise that the mitigation measures in the form of an awareness raising information leaflet in householder information packs secured by condition, this will ensure no adverse effect on the integrity of the European sites in combination.

The Environment Agency

No comments received

5. REPRESENTATIONS

Seven representation have been received from the publicity given to the application. These include 1 in support, and six raising the following concerns:

- Three storey height of the buildings is too tall
- Would cause loss of sunlight to the rear of neighbouring properties on Picton Avenue
- Would cause overlooking and loss of privacy to occupiers of neighbouring houses on Picton Avenue
- Noise from the apartments
- Noise and disturbance during construction
- Impact on outlook
- Potential for parked vehicles to block accesses/drives to the rear of houses off Picton Avenue

- Proximity to expressway and safety
- Need to ensure adequate parking
- Need to ensure adequate services, suitable access and road surfaces.
- Landscaping and need to retain the line of trees at the rear of 20-40 Picton Avenue
- Houses would be more appropriate for this site
- Loss of views
- Loss of property values

6. ASSESSMENT

6.1 Principle of Development

The application site falls within an area designated as Primarily Residential on the Halton Unitary Development Plan Proposals Map. The principle of residential use of the site is therefore considered to be acceptable in principle. Furthermore it would be consistent with the emerging Delivery and Allocations Local Plan which proposes to allocate the site for housing (Ref. R55).

6.2 Design and Appearance

The proposal is to construct a three storey apartment building, constructed parallel to Sewell Street, with multiple entrance points and window proportions to give it a terraced like appearance. The roof would have a mixture of pitched and flat elements so as to break up the mass of the building and minimise its overall visual impact.

The elevations would include a contrasting palette of materials (a mix of facing brick, render, and glazing) that would provide for a quality modern finish. It is recommended that approval of final building materials be approved prior to commencement.

The proposed design and appearance is considered to be acceptable, it would not harm the character and appearance of the area, and would not cause loss of privacy or harm the living conditions of neighbouring occupiers. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

6.3 Living Conditions

Concerns have been raised by neighbouring residents in relation to the potential overlooking and loss of privacy to the rooms at the rear of their properties and gardens.

The nearest dwelling houses are the terraced properties to the east along Picton Avenue. These have habitable room windows to the rear, but long rear gardens providing for a good degree of separation from the proposed apartments. In such instances Halton's Design of New Residential Development SPD advises an interface distance of 21m plus an additional 3m as the new building would be three storey. The proposed habitable room

windows would be approximately 27m away from the nearest rear elevation on Picton Avenue, therefore exceeding the above guidance.

Whilst it is acknowledged the upper floors would overlook the rear gardens to some degree, Sewell Street and the footway does provide approximately an 8m separation from their rear boundary walls, this degree of overlooking of gardens would be similar to many existing residential settings.

Consequently, a refusal on loss of privacy, overshadowing or loss of light could not be sustained. Overall, the proposal ensures that a good standard of living conditions to existing surrounding occupiers would be maintained. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

6.4 Highways and Access

The application has been submitted with a Transport Statement (TS) to support the proposal, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level. The proposed vehicle and pedestrian access will be taken from Perry Street / Sewell Street via Picton Avenue, and the submitted plans demonstrate that this will ensure suitable visibility and safe access for vehicles and pedestrians.

The level of car parking is considered to be acceptable for the 33 apartments. The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are satisfactorily constructed, and for the provision and a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It would not have an unacceptable impact on highway safety, and accords with Policies BE1, TP6, TP7, TP12, TP15, TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan, and the NPPF.

6.5 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 1 therefore a flood risk assessment is not necessary. The applicant has provided a drainage strategy as well as micro drainage and infiltration testing results. The Lead Local Flood Authority has been consulted, and whilst they have no objection in principle they have made the following comments.

It appears that it is proposed that surface water would be discharged to main sewer via an attenuation tank and a hydrobrake to restrict discharge to 5l/s. Whilst infiltration test results are included there is no interpretation of these.

Therefore, it is unclear whether the discharge of surface water to sewer is justified.

There is no justification given for the proposed discharge rate of 5 l/s. As a brownfield development within a critical drainage area, the Halton Strategic Risk Assessment requires that discharges are limited to 50% of the existing runoff rate, greenfield rate or as close to this as possible. The LLFA does not accept that 5l/s is the minimum that can be safely achieved to avoid a risk of blockages and this should not be used as a justification for the proposed runoff rate.

Whilst no interpretation is provided with the micro drainage calculation. The proposed drainage system appears to be surcharged within the 30% AEP flood event and at risk of surface flooding during the 1% AEP +40%CC flood event. It is therefore unclear what the proposed standard of service is and whether the development would be safe from flood risk and would not increase risk elsewhere throughout the life of the development.

They also note that there is no maintenance management plan.

However, the LLFA is satisfied that the above could be satisfactorily addressed by conditions. The applicant has been provided these comments, notes that the information could be conditioned, and have contacted the LLFA directly to address what is required.

Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.6 Ecology

The applicant has submitted a preliminary ecological appraisal (Ref. P.1538.21, Ascerta, September 2021), and the Council's ecology advisor (MEAS) has been consulted, their comments on the proposals are summarised below.

Vegetation on site may have potential to be used as nesting sites by birds. A condition is recommended to ensure their protection. The proposed development will also result in the loss of bird breeding habitat. To mitigate for this loss, a condition is recommended for details and to secure the provision of bird nesting boxes.

The site has also been identified as having potential for badger and hedgehog which are classed as priority species, therefore to prevent any harm to the species conditions are recommended for reasonable avoidance measures including gaps in fencing to allow for connectivity in the area for hedgehogs.

The development site is near to the Mersey Estuary is a European and international protected site (SPA and Ramsar). Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region.

Therefore, MEAS have carried out a Habitats Regulations Assessment (HRA) for likely significant effects on behalf of the Council. The HRA concludes that the development would not have an adverse effect on the integrity of the protected sites in combination provided that an awareness raising information leaflet is provided in householder information packs for residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of European sites with particular regard to the Mersey Estuary SPA and Ramsar. This can be secured by condition.

Natural England have been consulted on the HRA and also advise that the mitigation measures in the form of an awareness raising information leaflet in householder information packs is secured by condition.

Cotoneaster and Montbretia are present within the site boundary, these are classed as invasive plant species, and therefore the applicant has submitted a method statement to prevent it from spreading, and for its treatment and removal. The implementation of this can be secured by condition.

Subject to attachment of the conditions suggested above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.7 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report. Whilst the site itself is relatively clear are trees, the report does identify two groups of trees along the western and northern boundaries of the site that slightly encroach into the site, these would require some removal in part whilst being able to retain and protect the rest during construction. The report also identifies two lime trees adjacent to Sewell Street, and proposes protective fencing. The tree protection measures can be secured by condition. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

Planning conditions would ensure that a suitable landscaping scheme and the replacement planting is secured, implemented and maintained, and that any new tree planting that is lost is replaced within a reasonable time frame.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.8 Public and private amenity space

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

The open space requirement calculator has identified that there is a deficit of amenity greenspace and allotments in this particular neighbourhood. The deficiencies generated by the development would be met through a financial contribution in lieu of on-site provision. It is recommended that the financial contribution be secured by Section 106 agreement.

It is acknowledged that there is minimal provision of useable private amenity space onsite, the majority of the external areas being utilised for parking, bin and cycle storage, with limited areas of soft landscaping along the northern edge of the site. However, Rock Park is located adjacent to the southern part of the site, and can be accessed directly off Sewell Street. Whilst this may not constitute private amenity space, it would provide an easily assessable opportunity for future residents to enjoy an outside space on their doorstep, and it is considered that a refusal on the lack of on-site private amenity space could not be a substantive reason for refusal.

Representations have been made asking that the trees behind 20-40 Picton Road are retained and that the site is appropriately landscaped. The above trees fall outside of the application site, and would not be affected by these proposals. Planning conditions will ensure that the proposed landscape plans are implemented satisfactorily.

Based on the above, it is considered that the proposal would meet the local needs of the people living there, with regards to public open space provision and private amenity space. It would also be in compliance with Policy H3 of the Halton Unitary Development Plan.

6.9 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.

In this particular instance the proposal is for 33 apartments. The applicant has stated on the application form and within the submitted affordable housing statement that all of the proposed apartments would be 100% affordable housing.

For the avoidance of doubt it is recommended that a policy compliant affordable housing scheme, and its subsequent implementation, is secured in accordance with the Council's adopted Affordable Housing SPD.

Subject to the above being secured by way of condition or S106 agreement, the proposal is considered to be compliant with Policy CS13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

6.10 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development. Paragraph 10.7 of the applicant's design and access statement outlines the energy efficiency measures including highly efficient heating, high levels of insulation, and low energy lighting amongst other measures.

Furthermore, the NPPF seeks to ensure that development proposals are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development. A condition is recommended to secure this.

Based on the above, the proposal is considered consistent with the requirements of Policy CS19 of the Halton Core Strategy Local Plan.

6.11 Ground Contamination

The application is accompanied by a site investigation report (Ref. A3888/21, January 2021). A condition to secure any necessary further site investigations and, if needed, a remediation strategy, its implementation and verification reporting to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.12 Noise and Disturbance

The application is accompanied by a BS8233:2014 noise report which assesses the impact of the proximity of the adjacent expressway on the future noise levels at the apartments. The Environmental Protection Officer has been consulted and has no objections. The reports sets out the necessary mitigations measures including upgraded window specification and trickle

vents. A condition is recommended to secure these mitigation measures to protect the living conditions of future occupiers of the apartments.

With regards to noise and disturbance during construction, the applicant has provided a pre commencement management plan outlining the hours of construction (Working hours would be Mon-Fri 08:00 to 16:30 except bank holidays, and 08:00 to 13:00 on Saturdays, with deliveries only Mon-Fri 09:30 to 15:00). The plan also includes noise and dust mitigation measure during construction, and vehicle cleaning measures. This plan can be secured by condition.

The attachment of the above conditions above will help mitigate against noise and disturbance to existing residents during construction, and the living conditions of future occupiers once complete, and ensure compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan.

6.13 Waste Management

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

The proposal is a 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) and Planning Practice Guidance (paragraph 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.

The applicant has provided sufficient information in the Proposed Site Plan (Drawing No. 20.045 002 dated August 2021), Design and Access Statement and Transport Statement (Axis doc ref: 2955-01-TS01 dated September 2021) to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

6.14 Designing Out Crime

The designing out crime officer (DOCO) at Cheshire Police has been consulted and has provided guidance and advice relating to the standard of

windows and doors, lighting a video door entry system is installed to the apartments. Any communal areas and bin /cycle stores should all be fitted with an access control system. This advice can be forwarded to the applicant as an informative attached to any planning permission.

6.15 Other issues

Residents have also raised concerns over the loss of views and property prices, however these are not material planning consideration and can therefore not constitute a reason for refusal.

7. CONCLUSIONS

In conclusion, the proposed apartments are acceptable in principle. The overall design and appearance of the apartments is considered to be acceptable, they would respect the character and appearance of the area and fully support the high quality design standards required for new development.

The proposal provides for a good standard of living conditions for future residents, and would ensure that the amenity of existing surrounding occupiers is not harmed.

The proposed vehicle and pedestrian access, and the level of car parking is considered to be acceptable for the 33 apartments. The provision of secure cycle parking and condition to secure EV charging with provide choice of travel and support low carbon modes of transport.

The proposals are consistent with the Council's standards and complies with the design of New Residential Development SPD and Policies BE1, BE2, GE21, PR14 and H3 of the Halton UDP, as well as Policies CS18 and CS19 of the Halton Core Strategy Local Plan.

8. RECOMMENDATION

That the application is approved subject to the following:

- a) The entering into a legal or other agreement relating to securing financial contributions in lieu of on-site open space provision and affordable housing (this could be secured either by way of a condition or the legal agreement).
- b) Conditions relating to the following:
 1. Standard time limits condition (BE1)
 2. Approved plans condition (BE1 and TP17)
 3. Securing pre construction management plan (BE1)
 4. External facing materials (BE1 and BE2)
 5. Conditions for landscaping, planting, management and maintenance (BE1 and BE22)

6. Breeding birds protection (GE21 and Policy CS20)
7. Bird nesting boxes scheme (GE21 and Policy CS20)
8. Information leaflet for Mersey Estuary (GE21 and Policy CS20)
9. Method statement for invasive species (GE21 and Policy CS20)
10. Electric Vehicle Charging Points Scheme (CS19)
11. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
12. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23)
13. Securing report mitigation measures (PR8)
14. Drainage strategy and verification conditions (PR16 and CS23)
15. Foul and surface water on a separate system (PR16 and CS23)
16. Use class restriction to C3 (BE1)

c) That if the S106 Agreement or alternative arrangement 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.

9. BACKGROUND PAPERS

The submitted planning applications 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

10. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.