


APPLICATION NO:	21/00628/FUL
LOCATION:	Land Bounded By Pitts Heath Lane And Otterburn Street, Sandymoor, Runcorn
PROPOSAL:	Proposed development of a local district centre to include: Retail units 1& 2: Display or retail sale of goods, other than hot food, Use Class E(a) and/or Restaurants and Cafes, Use Class E(b); Retail units 3 & 4: Takeaways, Use class Sui Generis - hot food takeaways; Retail unit 5: Veterinary Practice, Use Class E(e). Elderly living facilities for the over 55's in the form of: an apartment block providing 20no. one bed flats and 24no. two bed flats, and 5no two bed bungalows - all Use Class C3(a) Dwelling houses; together with ancillary development including cycle stores for 20no cycles, and landscaping
WARD:	Daresbury, Moore & Sandymoor
PARISH:	Sandymoor Parish Council
AGENT(S)/APPLICANT(S):	PRP Architects, Sandymoor Development Company Ltd.
DEVELOPMENT PLAN:	National Planning Policy Framework (2021) Delivery and Allocations Local Plan ('DALP') (March 2022). Joint Merseyside and Halton Waste Local Plan (2013) Allocated: retail and town centre allocation
DEPARTURE:	Yes – Due to residential elements
REPRESENTATIONS:	3 objections
KEY ISSUES:	Principle of Development, Design, Parking and Highway Safety, Drainage, Ecology, Trees, Hot Food Take Away element
RECOMMENDATION:	Approve subject to conditions
SITE MAP:	

1. APPLICATION SITE

1.1 The Site

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

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

The application site is identified as a Retail and Town Centre Allocation within the Halton Delivery and Allocation's Local Plan. The Sandymoor Supplementary Planning Document and Sandymoor Local Centre Development Brief therefore apply.

Following the approval of planning application 19/00020/FUL, the site currently consists of an active construction site. The co-op store has been completed together with the associated parking provision and the remainder of the site is currently under development.

1.2 Planning History and Background

- 04/00431/OUT - Outline application (with all matter reserved) for development of Sandymoor Local Centre, including 34 No. houses/apartments and 3000sqm of commercial, health, recreation and leisure floorspace. **Permitted 14.07.04**
- 07/00681/OUT - Outline application (with all matters reserved) for development of Sandymoor Local Centre including up to 34 No. dwellings and including up to 3,000 sq.m of commercial, retail, health, recreation and leisure floorspace. **Permitted 06.12.07**
- 10/00482/OUT - Application to extend time limit for implementation of extant planning permission (07/00681/OUT). **Permitted 05.05.11**

- 12/00049/FUL - Proposed development of 2 no. storage buildings, 1 tank cleaning shed and siting of storage tanks and associated wall upon existing car park. **Permitted 26.03.12**
- 19/00020/FUL - Proposed development of local district centre comprising Convenience Store (Use Class A1), 5 no. Retail Units (Use Classes A1, A3, D1 with a maximum of 1 unit to be D1), Children's Nursery (Use Class D1), 43 no. Residential Apartments and 5 no. Dwellings (Use Class C2) to provide living facilities for the over 55's together with ancillary development. **Permitted 16.12.20**

2. THE APPLICATION

2.1 The Proposal

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

- 5No. retail units
 - Retail Units 1&2 – Use Class E(a) Display or retail sale of goods other than hot food and/or Use Class E(b) restaurants and cafes
 - Retail Units 3&4 – Use Class Sui Generis, hot food take-away
 - Retail Unit 5 – Use Class E(e) Veterinary Practice
- Elderly living facilities for the over 55's in the form of:
 - 20x one bedroom flats
 - 24x two bedroom flats
 - 5x two bedroom bungalows

All Use Class C3(a) Dwelling houses

Together with ancillary development including cycle storage for 20no cycles, car parking and landscaping.

The proposed 44 'Elderly Living Apartments' will include communal gardens, a buggy store and a manager's office, to provide support to residents.

2.2 Documentation

The planning application is supported by the following documents:

- Design and Access Statement, October 2021 Rev D
- Combined Preliminary Risk Assessment and Geo-Environmental Assessment Project No.18-0914.01 Issue 2, 2018

- Flood Risk Assessment project no.18-0914.02 Issue No.3, 2019
- Eddisons Car Park Management Plan – July 2021
- Croft Transport Assessment, December 2018, Ref 2356
- Urban Green Arboricultural Impact Assessment (AIA) Ref 11834-01 Rev A
- Habitat Regulations Assessment – Screening (HRA) Ref 11834-01, 2018
- Urban Green Preliminary Ecological Appraisal, Project No.: UG11384, Issue No.:01, 2021
- Urban Green Landscape Strategy Rev P03, July 2019

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.

3.1 Halton Delivery and Allocations Local Plan (DALP) (2022)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton’s Spatial Strategy;
- CS(R)3 Hosing Supply and Locational Priorities;
- CS(R)5 A Network Of Centres;
- CS(R)12 Housing Mix and Specialist Housing;
- CS(R)13 Affordable Homes;
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS24 Waste;
- RD4 Greenspace Provision for Residential Development;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC1 Vital and Viable Centres;
- HC2 Retail and Town Centre Allocations;
- HC8 Food and Drink;
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;

- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls.

3.2 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

3.3 Supplementary Planning Documents

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

MATERIAL CONSIDERATIONS

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

3.4 National Planning Policy Framework

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

3.5 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:

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

3.6 Other Considerations – Human rights

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons 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.

4. CONSULTATIONS

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

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

- **Environment Agency**
Objection based on Flood Risk Assessment. Information that has been submitted to support the application was an approved document under the previous application (19/00020/FUL) and so the outstanding information required can be secured by planning condition.
- **Merseyside Environmental Advisory Service**
No objection subject to conditions
- **Natural England**
No comments to make on this application
- **The Woodland Trust**
Objection, discussed in sections below
- **Cheshire Police**
No objection, comments discussed below
- **Sandymoor Community Association**
No comments received at time of report
- **Forestry Commission**
No comments received at time of report

Council Services:

- **HBC Highways and Transport**
No objection subject to conditions and informatives
- **HBC Environmental Protection**
No comments received at time of report
- **Open Space Service**
No objection
- **HBC Contaminated Land**
No objection subject to conditions
- **Lead Local Flood Authority**
Objection, however information that has been submitted to support the application was an approved document under the previous application (19/00020/FUL) and so the outstanding information required can be secured by planning condition.
- **HBC Major Projects**
No comments to make on this application
- **HBC Planning Policy**
No comments received at time of report
- **HBC Ward Councillors**
No comments received at time of report
- **Sandymoor Parish Council**
No comments received at time of report

5. REPRESENTATIONS

The application has been advertised by 196 neighbour notification letters sent on the 4th November 2021 and site notices posted near to the site on 04.11.2021. At the time of writing the report, three objections have been received raising the following concerns:

- Too many food businesses proposed
- Smells from food units
- Late night opening hours will cause noise
- Anti-social behaviour
- Local residents don't want take-aways
- Not enough parking
- Highway safety and traffic generation
- High frequency of pedestrians and cyclists who will be at risk of speeding vehicles
- Design and Access statement makes reference to the nursery and co-op from the previous scheme

6. ASSESSMENT

6.1 Principle of Development

The application site is identified as a Retail and Town Centre Allocation, as designated by the Halton Delivery and Allocations Local Plan, and as such Policy HC2 of the Delivery and Allocations Plan applies.

The proposed development includes the provision of 5 retail units with a mix of E(a), E(b), E(e) and Sui Generis Uses.

Policy CS(R)5 of the Halton Delivery and Allocations Local Plan lists Sandymoor Local centre as a focus for local convenience and service retail and complementary community facilities. The policy also indicates that new retail development of an appropriate scale to meet local need will be required.

As the application site is allocated as a Local Centre in the current up to date Local Plan, the application is not subject to sequential assessment, in accordance with Paragraph 87 of the National Planning Policy Framework (NPPF).

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

The application has been advertised as a departure from the Development Plan due to the residential elements of the proposal, however previous planning permission (19/00020/FUL) has permitted residential units within a Local Centre application and therefore the proposal for the residential element has been established on site and is acceptable in principle. In addition to this previous outline planning permissions have also been permitted to support this further (04/00431/OUT, 07/00681/OUT, 10/00482/OUT).

Two hot food takeaway units are proposed within the scheme and as such policy HC8 of the Halton Delivery and Allocations Local Plan and the Hot Food Takeaway Supplementary Planning Document apply.

The takeaways are proposed within a defined Local Centre as listed in Appendix 5 of the Hot Food Takeaway SPD and in accordance with Policy HC8, the hot food takeaways would not result more than two units or 10% of the total ground floor units being a hot food takeaway (whichever is the greater).

Policy HC8 states that planning permission for hot food takeaways will only be granted provided that they are located beyond a 400m exclusion zone around any school or playing fields and children's play spaces. However, exceptions to this are defined Town, District and Local centres. As the application site is a designated Local Centre, the site is excluded from the 400m exclusion zone.

The proposal for two hot food takeaway establishments is considered to be in line with the guidance set out within the Hot Food Takeaway Supplementary Planning Document and the Local Plan and is therefore acceptable in principle.

Given the application site is allocated as a Proposed Local Centre location in the Halton Delivery and Allocations Local Plan, in accordance with policy HC2 of the Local Plan, and given the recent planning history for the site, the principle of the proposed Local Centre is considered to be acceptable.

6.2 Layout

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

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

The current proposed scheme follows the format of the recently approved planning permission 19/00020/FUL and so has been deemed acceptable and approved in principle. There are no significant changes proposed to the layout of the development under the current scheme.

The scheme has been arranged so that the retail units face and address the Village Green and remain open to create a visual open linkage to the green space, encouraging movement between the village green and the Local Centre.

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

The proposed bungalow dwellings will interface with existing 2 storey properties to the north-west of the site which is considered to be appropriate.

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

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

The layout of the proposed development is considered to be acceptable and compliant with Policies GR1 and GR2 of the Halton Delivery and Allocations Local Plan. In terms of Housing Mix, the proposal is considered to be compliant with Policy CS(R)12 of the Halton Delivery and Allocations Local Plan.

6.3 Scale

The scale of the proposed development has been established by the previously approved planning permission 19/00020/FUL and is considered to be appropriate and acceptable.

With regards to the residential apartment block, it is noted that there are other three storey developments in this area including the three storey properties directly adjacent to the proposed apartments along Biggleswade Drive within the Morris Homes housing estate. Although larger in massing, the height of the proposed apartment block has been established within the immediate surrounding area.

The Sandymoor Local Centre Design Brief also indicates that the buildings should range in height to a maximum of three storeys thus the scale of the proposed apartments are considered to be appropriate.

The design brief also highlights that the layout of the local centre units should successfully incorporate the existing Sandymoor Community Hall and respect the height of it. There is a variety of property types and styles in the locality with two storey properties located to the west and North West of the site. It is considered that the proposed bungalow properties and the height of the proposed retail units relate well to the scale of the

surrounding dwellings within the area and the Sandymoor Community Hall.

The scheme is considered to be acceptable in terms of scale and compliant with Policy GR1 of the Halton Delivery and Allocations Local Plan.

6.4 Appearance

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

Although materials have been approved for the 19/00020/FUL scheme, the approved details have not been submitted to support the current application. The proposed materials are therefore indicative at this stage, as the submitted design and access statement highlights; specific materials, products and colours have yet to be identified. A combination of light brick with elements of brick detailing, timber boarding and standing seam roofs are described. This is considered to be acceptable.

The submission of precise external facing materials and their subsequent implementation will be secured by condition. This would ensure compliance with Policies GR1 and CS(R)18 of the Halton Delivery and Allocations Local Plan.

6.5 Site Levels

Although site levels and finished floor levels have been approved for the 19/00020/FUL scheme, no details of site levels or finished floor levels have been supplied, however based on the site's topography, submitted site elevations (Drawing AA7504 2005 REV D) and information supplied outside of this application, it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the submission of existing and proposed site levels for approval and their subsequent implementation. This would ensure compliance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

6.6 Landscaping and Trees

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

The application is supported by the following document:

- Urban Green Arboricultural Impact Assessment (AIA) Ref 11834-01 Rev A

The Council's Tree and Woodland Officer has provided the following comments:

Following a site visit, it would appear that works on this site has already progressed with the installation of site security/construction fencing around the boundary. The main sewer and surface and surface water drainage has already been installed too.

The red line development boundary is the same as the consent obtained for application 19/00020/FUL. It is assumed therefore trees around the perimeter have already been felled as part of that application and are no longer a consideration for consent.

The red line development boundary is partially different to the 19/00020/FUL scheme given the nursery and co-op elements have been omitted, however the perimeter of the red line boundary is essentially the same.

During the assessment of the 19/00020/FUL application, significant discussion took place with regards to the protection of trees and the impact of the development on Sandymoor Wood.

As stated above, none of the existing trees within close proximity to the application site are protected by a Tree Preservation Order, are in a Conservation Area, nor could it be argued that the proposed development is likely to damage or destroy a woodland of the scale and character identified in Policy HE5 of the Halton Delivery and Allocations Local Plan.

Under the 19/00020/FUL scheme, the applicant provided a Development Appraisal and Viability Scheme which was reviewed by relevant Council Officers, who advised that the proposed reduction in units and revised layout of the scheme to achieve a stand off distance from the affected trees would affect the viability of the scheme to such an extent that would not enable the development to proceed.

The previous planning permission 19/00020/FUL has set the precedent for the acceptable layout of the proposed scheme, and this reflects the relationship with any surrounding trees. As stated above, significant ground works have started and the tree protection measures required for the 19/00020/FUL scheme will still be relevant and in place.

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

The proposed landscaping is considered to be acceptable in accordance with Policy GR1 and HE5 of the Halton Delivery and Allocations Local Plan.

6.7 Sandymoor Woods

The proposed Local Centre application site lies adjacent to Sandymoor Wood which is partly owned by the Woodland Trust. The Woodland Trust have been consulted on the application and have objected to the proposed development on the basis of damage and potential loss of Sandymoor Wood, an Ancient Semi-Natural Woodland designated on Natural England's Ancient Woodland Inventory.

As stated above significant discussion took place with regards to the protection of trees and the impact of the development on Sandymoor Wood during the assessment of the 19/00020/FUL application.

The previous planning permission 19/00020/FUL has set the precedent for the acceptable layout of the proposed scheme, and this reflects the relationship with Sandymoor Wood. As stated above, significant ground works have started and the tree protection measures required for the 19/00020/FUL scheme will still be relevant and in place.

Both Natural England and the Merseyside Environmental Advisory Service have no objection to the proposed development. The proposed development is therefore considered to be acceptable in accordance with Policy GR1 and HE5 of the Halton Delivery and Allocations Local Plan.

6.8 Ecology

The application is supported by the following documents:

- Habitat Regulations Assessment – Screening (HRA) Ref 11834-01, 2018
- Urban Green Preliminary Ecological Appraisal, Project No.: UG11384, Issue No.:01, 2021

The Merseyside Environmental Advisory Service (MEAS) has been consulted given that the site is in close proximity to the Mersey Estuary SPA and the Mersey Estuary Ramsar Site which are European sites

protected under the Habitats Regulations 2017. Policy CS(R)20 of the Halton Delivery and Allocations Local Plan also applies.

Due to the development's potential pathways and impacts on the above sites, the proposal requires a Habitats Regulations Assessment for likely significant effects. Whilst the former (19/00020/FUL) and current applications are not too divergent, the number of dwellings has increased from 48 to 49 over-55's dwellings and an updated HRA is required.

The Merseyside Environmental Advisory Service (MEAS) Ecologist has provided an updated Habitats Regulations Assessment report which concludes that there are no likely significant effects. The applicant has submitted a Preliminary Ecological Appraisal (PEA) in accordance with Policy CS(R)20 (*Preliminary Ecological Appraisal, Urban Green, July 2021*) which meets BS 42020:2013. The MEAS consultant has confirmed that this report is acceptable.

The PEA confirms that the site is now under active construction and as such on-site ecological value is negligible as the site comprises bare ground and both ditches remained dry as in 2018. The MEAS consultant has confirmed that this conclusion is also acceptable due to the current site conditions.

The Preliminary Ecological Appraisal recommends Reasonable Avoidance Measures (RAMs) for badger in 5.4.2 (partially completed as pre-construction check of vacated badger sett in 2020) and sensitive construction and operational lighting to protect the adjacent Sandymoor LWS in 5.4.1. Previous impacts to breeding birds can be discounted due to clearance of scrub and trees on site.

The Environment Bill has now been enacted and the development should aim to achieve 20% Biodiversity Net Gains. Section 7 of the Preliminary Ecological Appraisal (PEA) recommends bat and bird nesting boxes onto new buildings and retained trees. This can be secured by a suitably worded planning condition and could also include invertebrate boxes.

The development site is adjacent to or in close proximity to the following designated sites and Local Plan policy CS20 applies:

- Sandymoor Wood LWS is immediately adjacent to the site and forms the northern boundary;
- Dorchester Park LNR and LWS; and
- Lodge Plantation LWS.

The Merseyside Environmental Advisory Service (MEAS) Ecologist has advised that on this occasion, the development is unlikely to harm the features for which the sites have been designated:

- The LWS citation for Sandymoor Wood states the site contains Coastal and Floodplain Grazing Marsh and Deciduous Woodland BAP Priority Habitats. The development site does not contain either of these habitats and no direct land take from the LWS is proposed;
- Good practice measures employed in accordance with the required Construction Environmental Management Plan (CEMP) will ensure impacts from dust and rubbish are kept to a minimum;
- There may be an increase in recreational pressure from proposed new residents. However, the elderly nature of the residents means that recreational pressure is likely to be reduced when compared to standard residential development. In any event, survey of the LWS as part of the Ecological Assessment report found the site is already subject to recreational pressure from walkers and dog walkers and any increase will not be significant;
- There is potential for noise and light disturbance from construction to impact upon the southern border of the woodland. However, plans include no heavy machinery to be used within 30m of the woodland boundary. Lighting is to be directed away from the woodland during both construction and operation phases; and
- Dorchester Park LNR and LWS and Lodge Plantation LWS are located at distances considered too great to be impacted by the development.

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to Policy HE1 of the Halton Delivery and Allocations Local Plan.

6.9 Highway Considerations

The Highways Officer has reviewed the proposed scheme and has provided the following comments:

The site was subject to a recent application and subsequent approval, 19/00020/FUL, following collaboration and amendment between the applicant and Halton Borough Council Highways Authority to come to the agreeable layout and design, with parking being one such consideration modified, with a significant increase in provision now resultant, the revised proposal being supported by Highways.

This local centre, with accessibility to the services and amenities offered for all modes from the surrounding residential areas, is now subject to a new application, as above.

It should be noted that in the time between the approved and this application there have been changes to the Use Class Order and the Unitary Development Plan being replaced by the Delivery and Allocation Local Plan, with policies therein accordingly updated e.g. parking provision and other Highway related guidance.

The proposal presented now offers a slightly amended version of the previous permission.

The Co-op convenience store and Nursery elements are effectively unaffected, and are excluded from the red-line in this current application. The nature of the retail units in the cluster, in terms of proposed use, has altered in some instances; though the Veterinary unit remains; the other units are now open for takeaway, or, restaurants/café/retail use.

The potential differences in usage, in terms of highway considerations e.g. traffic generation, parking provision, highway safety etc. are not considered significant with regards to the overall scheme nor present concerns that would amount to a sustainable highway objection.

With regards to the residential units, there has been an increase, by one, in the number of +55 apartments, with a modification to the number of 1 and 2 bed units now offered, whilst the bungalows have been slightly altered in layout; this has not affected Highway consideration of this element.

The parking provision is considered appropriate for the proposal, given the aforementioned favourably accessible location, the amount offered and the previously approved levels, in accordance with Policy C2 of the Delivery and Allocations Local Plan.

All conditions will be carried forward from the extant permission, including a Car Park Management Plan condition to manage the demand and supply of the on-site parking provision.

A Car Park Management Plan condition will detail the practical measures enabling the building management organisation to control who parks in the available spaces, with supporting monitoring and enforcement measures and be an integral part of a Residential Travel Plan which should serve to demonstrate the developer's commitment to controlling residents', and other site users, future parking habits, long after initial occupation, through ongoing and dynamic measures.

Additional condition suggestions are proposed to further safeguard any potential detrimental highway impact as a result of the development and/or improve the overall development and parking provision for all modes.

Concerns of potential harmful impact on the street scenes, displaced parking or availability of on-street parking on the immediate and local network are therefore satisfactorily mitigated and Highways has no objection to the proposal.

The proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy C1 and C2 of the Halton Delivery and Allocations Local Plan.

6.10 The Greenway Network

The site is well connected to the wider area by good quality pedestrian links and has access to bus services along Pitts Heath Lane. There is a requirement to provide a formalised greenway connection to the south of Otterburn Street connecting Pitts Heath Lane and Biggleswade Drive. This aspect has been negotiated and agreed during the 19/00020/FUL application and will be carried forward for this current amended scheme and will take the form of a 3m shared use cycleway/footway connection.

The proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy HE4 of the Halton Delivery and Allocations Local Plan.

The greenway link should be constructed and open to use by the public prior to the development being brought into use.

6.11 Noise and Odour Pollution

Members will note that representations have been received raising concerns that the proposed take-away units will emit odours and result in additional noise caused by late night opening hours.

- A distance of 74.8m would be maintained between the nearest flat located within the over 55s apartment block and the closest hot food take away unit.
- A distance of 38m would be maintained between the nearest proposed bungalow unit and the closest hot food take away unit.
- A distance of 63m would be maintained between the nearest existing residential property to the north of the site on Pitts Heath Lane and the closest hot food take away unit.
- A distance of 75m would be maintained between the nearest existing residential property to the west of the site on Dorchester Park and the closest hot food take away unit.
- A distance of 136m would be maintained between the nearest existing residential property to the east of the site on Biggleswade Drive and the closest hot food take away unit.

It is acknowledged that the nature of restaurants/cafes/hot food takeaways have the potential to omit associated smells and some noise, however it is considered that there are sufficient separation distances in place to mitigate any potential noise or smell pollutions. In addition to this, it is not without precedent to have a premises of a similar nature (food services) within close proximity of residential properties. These types of units are regularly located within residential

areas and it is for the premises to adequately manage their business to prevent noise and smell problems.

Given that the end user of the food/retail and hot food take away units has not been confirmed, no information or details regarding flues or extraction systems have been included in the planning application submission. The units and businesses there within will be required to comply with the Environmental Health Regulations in terms of any noise or odour emissions. Any subsequent external plant equipment required or associated with the units in the future in terms of extraction units or flues will require planning permission prior to their installation.

The Council is satisfied that the retail units could operate on the basis of the information that has been provided, without causing undue disturbance or issues to the proposed and existing residential neighbours. The development is required to comply with the Environmental Protection Act (1990) which does not fall under planning legislation.

On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy HE7 of the Halton Delivery and Allocations Local Plan.

6.12 Affordable Housing

Policy CS(R)13 of the Halton Delivery and Allocations Local Plan states that affordable housing units will be provided, in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.5 hectares or greater for residential purposes. Greenfield development will be required to deliver 25% affordable housing of the total residential units proposed.

Information has been provided in support of the application confirming the proposed scheme will be owned and managed by Livv Homes and will contribute to Halton Council's most recent Housing Strategy.

The proposed 44 'Retirement Housing Apartments' will consist of 24x two bedroom units and 20x one bedroom units and communal facilities comprising communal gardens and buggy store. There will also be a manager's office, to provide support to residents. All residential units, including the bungalow dwellings fall within the "social, affordable or intermediate rent" category.

100% of the residential properties will be delivered as affordable housing in line with the definition contained in Annex 2 of the National Planning Policy Framework.

The proposed scheme therefore exceeds the affordable housing requirement and therefore on that basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy CS(R)13 of the Halton Delivery and Allocations Plan. The provision of the above mentioned affordable housing will be secured by condition.

6.13 Open Space

The requirements for the provision of recreational greenspace within new residential developments are set out in Policy RD4 of the Halton Delivery and Allocations Local Plan.

No on-site open space provision is being proposed by the applicant and therefore the scheme is considered deficient with regards to open space provision when measured against DALP policy RD4.

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

There is provision in the policy for exceptions to on-site requirements. The applicant has provided a statement confirming that the proposals are to provide 100% affordable housing and as such additional costs can affect the viability of a scheme and the ability for planning gain to be secured through the scheme. The site is also in close proximity to Sandymoor Village Green which provides significant green space and recreational functions.

As with the previous planning consent 19/00020/FUL, it is not considered that further contribution can be justified in this case.

6.14 Ground Contamination

The application is supported by the following document:

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

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

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

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

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

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

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

6.15 Flood Risk and Drainage

The application is supported by the following document:

- Flood Risk Assessment project no.18-0914.02 Issue No.3, 2019

This is an approved document included in the 19/00020/FUL application. As part of the 19/00020/FUL application, additional information was submitted by way of a Proposed Drainage Strategy. Further drainage information was secured by planning conditions and have since been submitted for approval via discharge of condition applications.

The drainage information for the 19/00020/FUL has been approved and implemented, as stated in the sections above, work has commenced.

The current application 21/0628/FUL is deficient of this approved information and as such, the Council's Lead Local Flood Authority and Environment Agency have objected based on a lack of information.

The Lead Local Flood Authority have approved the submitted information in relation to the discharge of conditions applications and the Environment Agency had no objection to the additional information supplied for the 19/00020/FUL application.

In addition to the drainage already installed on the application site, it is considered that the proposed development is capable of demonstrating

compliance with the development plan, having particular regard to Policy HE9 of the Halton Delivery and Allocations Local Plan. The approved documents relating to application 19/00020/FUL that have not been submitted with this application can be secured by suitably worded planning conditions.

6.16 Waste Prevention/Management

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

The proposal involves major construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

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

It is considered that sufficient scope exists within the scheme with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.17 Designing Out Crime

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

Cheshire Police Designing Out Crime Officer has provided comments on the original proposed scheme and noted that the development meets the objectives set out in the National Planning Policy Framework (NPPF).

Comments contained within one objection raise concerns regarding anti-social behaviour surrounding the hot food takeaways.

The Cheshire Police Designing Out Crime Officer states that local centres can often attract antisocial behaviour and become a gathering place for young people. As such they have recommended greater defensible space around the elderly peoples apartments to prevent

unauthorised access, these comments have been passed on to the applicant.

In addition to this, the Designing Out Crime Officer advises that the development will help foster a good sense of community and the range of businesses will result in increased natural surveillance/informal guardianship of the site.

6.18 Sustainable Development and Climate Change

The Design and Access Statement refers to a fabric first approach to reducing energy consumption. It states the design of the proposed development considers all aspects of sustainability including but not limited to energy efficiency; high insulation levels; sustainable and responsibly material sourcing; use of natural and durable materials ; embodied energy in materials/components; use of recycled materials and end of life recyclability, long life low maintenance design and minimising wastage in design/.construction.

Electric Vehicle Parking spaces have been incorporated into the scheme as standard and cycling provision to promote sustainable transport has been included.

7. CONCLUSIONS

The proposal seeks to bring forward the development of a new Local Centre to supply social infrastructure to serve existing and future residents of Sandymoor. The site is allocated as a Proposed Local Centre, in a Retail and Town Centre Allocation as identified by the Halton Delivery and Allocations Local Plan and as such Policy HC2 applies. The development land is allocated for a new local centre to serve the local community through new local shops and community facilities.

The site was subject to a recent application and subsequent approval under application 19/00020/FUL. This application agreed the layout and design together with key elements of proposed use such as the residential apartments, bungalows and the retail units.

The local centre site is now subject to a new application, with the proposed amendments of an additional apartment, change of use to include two hot food take away units and the provision of a cycle storage block and sub-station.

The Co-op convenience store and Nursery elements of the original application are unaffected and omitted from the new application. The nature of the retail units in the cluster, in terms of proposed use, has altered in some instances;

though the Veterinary unit remains; the other units are now open for takeaway, or, restaurants/café/retail use.

The takeaways are proposed within a defined Local Centre as listed in Appendix 5 of the Hot Food Takeaway SPD and in accordance with Policy HC8, the hot food takeaways would not result more than two units or 10% of the total ground floor units being a hot food takeaway (whichever is the greater).

The proposal for two hot food takeaway establishments is considered to be in line with the guidance set out within the Hot Food Takeaway Supplementary Planning Document and the Local Plan and is therefore acceptable in principle.

Given the application site is allocated as a Proposed Local Centre location in the Halton Delivery and Allocations Local Plan, in accordance with policy HC2 of the Local Plan, and given the recent planning history for the site, the principle of the proposed Local Centre is considered to be acceptable.

National Planning Policy Framework sets 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 and as such the application is recommended for approval.

8. RECOMMENDATIONS

The application is recommended for approval subject to conditions relating to the following:

1. Time
2. Approved Plans
3. Site Levels
4. Material Details
5. Affordable housing
6. Over 55 residency age restriction
7. Retain bollards on Biggleswade Drive
8. Road safety audit
9. Signage and road marking strategy
10. Travel plan
11. Car park strategy/management plan
12. Electric Vehicle Charging
13. Cycle and motorbike storage
14. Construction Management Plan – Phasing Plan
15. Car parking details
16. Delivery and service plan
17. Site access gates

18. CEMP (MEAS requested)
19. Ecology Lighting scheme
20. Bird, Bat and Invertebrate boxes
21. Badger & Hedgehog RAMs
22. Site waste management plan
23. Bin storage
24. Drainage information
25. Drainage verification
26. Noise Mitigation
27. Opening hours of retail units
28. Hours of construction

9. INFORMATIVES

1. Biodiversity Net Gains
2. Biodiversity Enhancements
3. Construction Method Plan and Considerate Constructors
4. Highways informatives

10. 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

11. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2021);
- 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.