


<b>APPLICATION NO:</b>	22/00203/FUL
<b>LOCATION:</b>	Land North Of Chester Road Between Preston Brook Bridge And Windmill Lane.
<b>PROPOSAL:</b>	Proposed residential development of 136 homes, with associated garages, infrastructure, landscaping and services.
<b>WARD:</b>	Norton South & Preston Brook
<b>PARISH:</b>	Preston Brook Parish Council
<b>APPLICANT:</b>	
<b>AGENT:</b>	Morris Homes Ltd
<b>DEVELOPMENT PLAN:</b> Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b> Residential Allocation Ref: P2
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	A total of 43 representations have been received in response to the public consultations. A summary of the responses is set out in the report.
<b>KEY ISSUES:</b>	Highways, principle of development, ecology, developer contributions, residential amenity, design, affordable housing, contaminated land, drainage and flood risk, open space provision and noise.
<b>RECOMMENDATION:</b>	Approval subject to conditions and legal agreement.
<b>SITE MAP</b>	
	

## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application consists of 6.96 hectares of undeveloped greenfield land. The site is roughly triangular in shape and is currently farmland pasture.

The application site forms part of site allocation P2 as defined by Policy RD1 and the Halton DALP policies map.

The site is located in Preston-on-the-Hill, north of Chester Road from which it takes its current singular primary access, and just south of Junction 11 of the M56 Motorway. Adjacent west to the site lies the Bridgewater Canal and Preston Brook Bridge. South of Chester Road is further greenfield land, which is currently used as a motorsport track but is also designated for housing in the newly adopted DALP (site allocation P1).

In the wider context, the site is located within Preston Brook village to the south-east of Runcorn and south-west of Warrington.

### **1.2 Planning History**

The application site is an undeveloped parcel of land, as a result there is no relevant planning history.

A telecommunications mast is situated to the north eastern corner of the site, which is proposed to be retained.

## **2. THE APPLICATION**

### **2.1 The Proposal**

Permission is sought for the erection of 136 dwelling houses with associated garages, infrastructure, landscaping and services. The proposed breakdown of dwellings is set out at Table 1 of this report. The houses are a combination of flatted, terraced, semi-detached and detached properties ranging from 2-bed apartments to 4-bed detached houses.

The proposed scheme proposes 25% affordable dwellings. A breakdown of sizes is set out at Table 1 of this report. Tenure is proposed in the following terms: 26% (9 dwellings) delivered as First Homes; 18% (6 dwellings) intermediate; and 56% (19 dwellings) affordable rent.

The proposed vehicular access will be provided via two new priority access from Chester Road. The proposed access will comprise of two 5.5m wide carriageway, lined with a 2m wide grass service verge with trees to form a boulevard, with 2m wide paths either side.

The existing hedgerow along Chester Road is proposed to be removed and replanted within the site to allow for a widened 3m footpath / cycle way.

The Applicant proposes a traditional materials pallet consisting primarily of red brick façades and slate grey roof, with some off-white rendered properties.

The site raises significantly to the north edge where a telephone mast is present in the north east corner. Along the north/north-west boundary is dense vegetation beyond which lies the M56 motorway. The centre of the site is agricultural land growing crops, excluding the southern corner. The south-west and south-east edges of the site are denoted by runs of semi-mature and mature trees, and an extensive hedgerow. The boundary adjacent to Chester Road also has two agricultural gates for farming vehicles.

## 2.2 Documentation

The planning application is supported by the following documentation:

- Associated Plans (all viewable through the Council's Website)
- Planning Statement (May 2024)
- Design & Access Statement (plus Addendum December 2023)
- Arboricultural Impact Assessment
- Ground Level Tree Assessment
- Flood Risk Assessment
- Concept Drainage Strategy plus Technical Note
- Framework Travel Plan
- Heritage Statement
- Landscape Masterplan and Precedents
- Landscape and Visual Impact Assessment
- Open Space Strategy
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Assessment
- Preliminary Ground Investigation Report
- Noise Assessment (original) plus Statement of Conformity
- Transport Assessment
- Utility Feasibility Report

## **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 Delivery and Allocations Local Plan (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 Housing Supply and Locational Priorities;
- CS(R)6 Green Belt;
- CS(R)7 Infrastructure Provision;
- 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)21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- CS24 Waste;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC10 Education;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and the Historic Environment
- 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;
- GR5 Renewable and Low Carbon Energy;
- RD1 Residential Development Allocations;
- RD4 Greenspace Provision for Residential Development;
- RD5 Primary Residential Areas.

### **Supplementary Planning Documents (SPD)**

- Design of Residential Development SPD
- Designing for Community Safety (2005)
- Draft Open Spaces Supplementary Planning Document (2007)

### **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.

## **MATERIAL CONSIDERATIONS**

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

### **3.3 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was updated in December 2024 to set out the Government's planning policies for England and how these should be applied.

### **3.4 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.

### **3.5 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 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**

The application was advertised via the following methods: Site notice posted near to the site, press notice, and Council website. Surrounding properties were notified by letter. The following organisations have been consulted and any

comments received have been summarised below and in the assessment section of the report where appropriate:

United Utilities

No objection, subject to condition.

Environment Agency

No comments.

Scottish Power

No objection.

Network Rail

No objection.

Natural England

No objection.

PEEL Holdings

No objection.

**Council Services**

Highways

No objection, subject to conditions.

Lead Local Flood Authority

No objection, subject to conditions.

Environmental Protection

No objection, subject to conditions.

HBC Contaminated Land

No objection, subject to conditions.

Archaeology

No objection. Site does not hold archaeological interest.

Open Spaces

No objection.

Landscape Architect

No objection, subject to condition.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection, subject to condition.

Conservation & Design

No objection.

Preston Brook Parish Council

Objection.

Cheshire Archaeology

No objection.

Norton South & Preston Brook Councillors

No objection.

## **5 REPRESENTATIONS**

The application has been publicised by neighbour notification letters and a site notice in the vicinity of the site. The application was also advertised in the Local Press.

A total of 43 representations have been received. A summary of the objections received is set out below.

- Increase risk of accidents and additional traffic
- Increased car usage and emissions
- There is insufficient information
- Loss of green belt land
- Loss of green spaces and impact on wildlife
- Ruin the character of area
- Light pollution
- Poor high density layout of buildings
- Already a large number of housing developments approved in the area, why is more needed in an already busy village?
- Local infrastructure can't sustain further development
- Impact on mental health
- Impact on property values within the area
- Telecom mast more visible to residents on Preston-on-the-Hill
- Overlooking/loss of privacy of proposed flats on canal side
- Excess surface water discharged near the railway bridge, which already floods
- Building materials not in-keeping with the local area
- Impact on the setting of Listed Building
- Impact on the operations of the Bridgewater Canal and boaters
- Has the community been consulted enough?
- Impact on wildlife
- Poor reputation of developer

## 6 ASSESSMENT

### 6.1 Principle of Development / DALP Allocation

The Residential Allocation of the site by the Halton DALP has established that developing the site for residential purposes is acceptable in principle. Policy RD1 of the Halton DALP contains a table that presents a notional capacity for all the of the allocated residential sites. Such figures are indicative only, developments can exceed or fall short of this capacity depending on site circumstances. The suggested capacity of the application site identified as site P2 on the DALP Policies Plan is 146 residential units. Whilst the proposed quantum of 136 dwellings is less than the notional value, as is set out later in the report, the development site has a significant land level constraint that has necessitated a development proposal to take place on two development levels. This has an implication in terms of the site capacity, such a constraint would not have been taken into account at the time of the DALP assessment of the call for site. On this basis it is considered that the proposed development is consistent with the DALP housing delivery strategy.

The DALP residential allocation for the application site establishes the precedent that a form of residential development is acceptable in principle. The remaining planning policies identified above will consider whether the form and quantum of development is acceptable. The consideration of such policies is set out below.

### 6.2 Housing Mix

DALP policies CS(R)3 and CS(R)12 require sites of 10 or more dwellings to deliver a mix of new property types that contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. The Mid-Mersey SHMA 2016 sets out the demographic need for different sizes of homes, identifying that the majority of market homes need to provide two or three bedrooms, with more than 50% of homes being three bedroomed. The policy justification recognises that a range of factors including affordability pressures and market signals will continue to play an important role in the market demand for different sizes of homes. Evidence from the Mid-Mersey Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for a greater diversity of housing types and sizes across market housing as well as in affordable accommodation. The housing type profile in Halton currently differs from the national pattern with higher proportions of medium/large terraced houses and bungalows than the average for England and Wales. Consequently, there is under provision of other dwelling types, namely detached homes and also to a certain extent, flatted homes. The SHELMA (LCR) shows an above average representation of detached and semi-detached sales, however, does not breakdown for bedroom requirements. In Halton this is due to a particularly high proportion of new build sales that upwardly skew the figures for detached and semi-detached sales.

It is important to rebalance the type and size of housing across the Borough and to ensure that the most appropriate form of housing is provided by listening to the market to ensure the requirements are met for current and future residents.

Table 1. illustrates the proposed residential mix.



	Market	Affordable	Total
2bed apartment	16 (11.8%)	12 (8.8%)	28 (20.6%)
2 bed house	-	13 (9.5%)	13 (9.5%)
3 bed house	45 (33%)	9 (6.6%)	54 (39.6%)
4 bed house	41 (30.2%)	-	41 (30.2%)
Total	102 (75%)	34 (25%)	136

**Table 1. Proposed residential mix**

Table 2 below provides the objectively assessed housing need breakdown as presented in the 2016 SHMAA that formed the original evidence base for the DALP.

	Market	Affordable
1 bed units	6.5%	44.8%
2 bed units	30.4%	28.4 %
3 bed units	52.7%	23.8%
4+ bed units	10.5%	3.0%

**Table 2. 2016 SHMA evidence base**

Since the adoption of the DALP, the Liverpool City Region Authority has undertaken a HEDNA study into housing needs of the Liverpool City Region (HEDNA 2023). The local need set out in this evidence base is set out in the Table 3 below.

	Market	Affordable
1 bed units	25%	25%
2 bed units	45%	45%
3 bed units	25%	25%
4+ bed units	6%	5%

**Table 3. 2023 HEDNA Study**

From the tables set out above, noting the inconsistencies between the 2016 DALP evidence base and the evidence base of the emerging Liverpool City Region Spatial Development Strategy, the Applicant is not meeting the locally identified needs.

The proposed development sets out a provision of market housing in the 2 to 4 bedroom tenure range. Affordable housing is proposed at the 1-3 bedroomed range. With regard to market housing, using the 2016 SHMAA as a basis for comparison, the evidence base demonstrates a need for housing primarily in the 2-3 bedroomed need. As set out in Table 1 the Applicant proposes 28 two bedroomed apartment units, 13 two bedroomed houses, 54 three bedroomed dwelling units and 41 four bedroomed dwelling units. No single units are proposed. The evidence base identifies a need for single bedroomed units of 6.5%. When compared against the evidence base the proposed development is under providing in 1 bedroomed properties, providing 2 bedroomed properties in line with the evidence base and over providing in four bedroomed properties.

The Applicants view is that the needs of the smaller properties can be met within larger properties. Whilst this may be the case from a volumetric perspective, it does

not necessarily follow from an affordability perspective. Notwithstanding, the Applicant asserts that the development will deliver affordable units in line with DALP planning policy CSR13 and that the delivery of such affordable housing is typically larger than what is set out in the evidence base.

In terms of social housing, the evidence base is skewed toward the delivery of need in 2-3 bedroomed properties. Taking two and three bedroomed unit need together represents 52.2% of social housing need in new developments. The Applicant is proposing to deliver 100% of its social housing provision in this tenure size. The Applicant proposes no one bedroomed properties. Whilst this is not in strict keeping with the need, affordable housing provision across the plan period will vary according to site and situation. A large provision of single bedroomed properties will be at odds with the delivery of a large housing scheme but would not necessarily be so in the context of an apartment building. Furthermore, it is of note that the needs of a single bedroomed property can be met in a two bedroomed property, the same cannot be said in a reversal of such a consideration. The Applicant is providing 25% affordable housing in line with paragraph 1b of DALP policy CS(R)13. With regard to the tenure mix of this provision, the Applicant is to provide social housing in the following terms 26% (9 dwellings) delivered as First Homes; 18% (6 dwellings) intermediate; and 56% (19 dwellings) affordable rent. The proposed tenure does not conform fully to the tenure requirements of paragraph 2 of Policy CS(R)13 which sets a requirement of 74% social rent or affordable rent and 26% intermediary measure. Whilst this is clearly a matter of non-compliance, it is considered that this is not sufficient to justify a reason for refusal of the planning application particularly given the Applicant's compliance with delivering 25% affordable housing.

It is of note that the Council has received notifications from registered social housing providers as part of its consideration of the other Runcorn based DALP housing allocations. Such notifications identify a need of properties in the range of 1No to 3No bedroomed dwellings. The proposed social housing mix offered as part of this development site is consistent with such opinion of social housing sector need.

With regard to market housing, the Applicant has set a focus on delivering 4 bedroomed detached properties accounting for 30.2% of the proposed market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less (95% HEDNA). It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families, where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality. The Applicant has bought the development site with a view to implementing a sensitive development in line with the proposed plans commensurate in scale to the land allocation table set out at Policy RD1 of the Halton DALP.

### 6.3 Affordable Housing

As per the terms of planning policy CSR13, residential development proposals on non-strategic housing sites are required to deliver 25% affordable housing as part of the proposed housing mix. Paragraph 2 of CSR13 sets out the Council's ambition for affordable housing delivery, at 74% social rent and 26% intermediary. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the DALP examination in public. The Council accepts that First Homes are a form of intermediary housing. The Applicant is proposing that of 25% of the affordable dwellings 26% (9 dwellings) delivered as First Homes; 18% (6 dwellings) intermediate; and 56% (19 dwellings) affordable rent.

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Eligibility criteria apply to their occupation. First homes are required to fulfil the following nationally set criteria:

- Must be discounted by a minimum of 30% against the market value
- Sold to persons meeting the first homes eligibility criteria
- On their first sale will have a restriction registered on the Land Registry title to ensure that other restrictions are passed on at each subsequent title transfer
- A market price cap of £250,000 is applied
- Purchasers of a First Home should have a combined household income not exceeding £80,000 in the tax year immediately preceding the year of purchase
- A purchaser of a First Home should have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price

In addition to the above nationally set criteria, it is intended for the following locally set criteria to be applied. The Applicant has agreed to the following locally set criteria:

- Applicant must be a former British Armed Service Member or ex member of no longer than 5 years inc. civil partners, spouses, ex spouses/partners
- A Halton resident for a continuous period of not less than 24 consecutive months.
- A parent/child family with association to Halton resident
- A requirement to living in Halton due to employment as a key worker
- Past resident who has living the Borough for 5 years or more
- A key worker employed in Halton Public Sector for 12 months
- Key worker employed in health and education and childcare, public safety and national security

The provision of 26% (9 dwellings) First Homes does not conform with paragraph 4b of policy CSR13. However, as noted above the Council does not consider that this is sufficient reason to justify refusal of the application.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units throughout the scheme and has confirmed that they will use the same building

material pallet. There will be a noted difference in the appearance of the properties compared to the free market properties, however, this will primarily be the result of the differences in size and scale of the properties rather than design or build quality. It is therefore considered that the Applicant has had full regard for the requirements of paragraph 4a of the planning policy CS(R)13.

The proposed affordable housing will be secured by means of suitably worded clauses within an accompanying S106 agreement. First homes eligibility criteria would also form part of the S106 wording with a requirement for criteria to be entered into the title deeds to ensure market discount is retained in perpetuity. The development proposal will deliver the 25% minimum affordable housing requirement which meets the primary requirement of planning policy CS(R)13. It is not considered that the percentage split in the type of affordable housing units would warrant the refusal of the application.

#### 6.4 Design and Appearance

The development comprises a visually attractive layout with good quality design of the Applicant's line of housing that is consistent with the appearance of other Morris Homes schemes. As a result of the significant level differences across the site, the scheme includes for significant level changes across the site including a number of retaining structures to account for level changes across the development including and embankment fronting the Bridgewater Canal. As a result of the proximity to the M56 and need to mitigation associated noise, the scheme also includes a significant acoustic bund along the boundary of the site with the M56 Motorway. These are set out within the submitted plans and extracted within the plans pack accompanying this report. The applicant has worked with the Case Officer and consultees and submitted an amended layout to address expressed concerns/advice relating to site challenges ranging from steep levels, proximity to the M56, proximity to the Bridgewater Canal and how the site is connected to Chester Road. The most notable amendment to the layout includes the creation of two self-contained development parcels with two separate vehicular access points from Chester Road. Layout amendments to the internal road design, parking arrangement, servicing, and site connectivity were also incorporated. Such amendments are discussed further within the 'Highways' section of the report.

The amended development proposal is a well-designed housing scheme with good quality architectural design. The Applicant has chosen a collection of house types that are well suited to one another and the site layout. There are no properties surrounding the site that could be classed as existing neighbours, as discussed further within the 'Residential Amenity' section of the report. It is considered that the impact of the level changes, retaining structures and acoustic bund have been minimised as far as possible through the design. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation.

The appearance of the proposed scheme will be consistent with that seen in existing housing developments within Windmill Lane, the Canalside Cottages & Waterfront, and Bridgewater Grange. The proposed development is therefore consistent with that envisaged by the DALP land allocation. The final appearance

will result in a well-designed addition to the Preston Brook Village. The Applicant has given consideration to the semi-rural character of the site frontage. The application sites existing hedge and tree lined boundary along Chester Road is proposed to be removed and re-planted within the site to allow for a widened (3m) footpath / cycle way.

Based on the above, the proposal is considered acceptable in respect of its design and external appearance in compliance with Policies CS(R)18 and GR1 of the DALP.

#### 6.5 Residential Amenity

The proposed development layout has taken into account the guidance set out in the Design of Residential Development SPD (the SPD) and follows good urban design principles with complementary plot layouts that ensure good natural surveillance and convey a pedestrian and community safe sense of place. The proposed layout is considered to provide active frontages which is assisted through the use of dual aspect properties on corner plots.

The Design of New Residential Development Supplementary Planning Document sets out the following interfacing distance standards:

Where a principal window directly faces a principal window of another neighbouring property, a minimum distance of 21 metres must be maintained.

Where principal windows directly face a blank elevation, a minimum distance of 13 metres must be maintained.

The application is accompanied by a number of plans setting out existing and proposed site levels and sections through the site. In addition to the levels difference between the two development parcels these demonstrate a number of levels differences between plots including a need for tiered gardens within plots. As a result of there are areas of shortfall in separation and privacy distances when measured against the Design of Residential Development Supplementary Planning Document. The scheme is however considered to have been well designed having regard for the constraints of the site and they are not considered to be to the significant detriment of residential amenity which would warrant the refusal of the application on this basis.

Circa 50m would be retained between the proposed new dwellings and existing properties at Preston Brook Wharf. It has been highlighted that these properties are separated by a row of mature trees, and a 1.8m high weldmesh fence is proposed along the boat yard boundary. Circa 155m would be retained between the proposed dwellings and the properties along Windmill Lane. It is also noted that within the amended layout additional community orchard trees are proposed at the bottom end of the development to further screen the site.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that in calculating the required size of usable private outdoor space for houses the following minimum standards should be used as a guide:

- Houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit;
- Houses having 3 bedrooms shall have a minimum private outdoor space of 70sqm per unit;
- Houses having 4 or more bedrooms shall have a minimum private outdoor space of 90sqm per unit.

The scheme has been designed so that it generally accords with this standard and would ensure that each property has a usable private outdoor space however a number of plots (18.5% of the scheme) fall short of this standard. It is not considered that this will be significant to the detriment of residential amenity or the quality of the overall scheme, which would warrant the refusal of the application. Just because the gardens would be modest, it does not follow that unacceptable harm would necessarily be caused to future occupiers. The gardens would provide sufficient space for sitting out, hanging laundry and for children to play. The proposed ratio of garden to space per plot would appear proportionate. A small area of amenity space has also been provided for the proposed apartment building.

A number of objections have been received from existing properties adjacent to the application site with regards to the high density layout. The scheme however provides for a lower number of dwellings than the notional capacity set out within Policy RD1 of the DALP and has been reduced based on the scheme as originally submitted. On this basis and having regard to the constraints of the site, it is considered that the scheme offers a good balance of design whilst making efficient use of land.

Representations were also raised in relation to the telecom mast being more visible to residents on Preston-on-the-Hill. It is however noted that this is an existing constraint and that the trees and vegetation surrounding the mast are proposed to be retained. It is also considered that there is a sufficient separation distance maintained; the closest neighbour are located circa 90m away from the mast.

The scheme comprises a range of property types including apartments, terrace/mews, semi-detached and detached houses. The scheme provides variety in parking solutions for properties with some located to the sides of properties and some frontage parking. It should be noted that the proposal makes appropriate parking provision for each property to meet the Council's standards.

Sufficient space for soft landscaping to the front of properties which improves the overall appearance of the scheme is provided. The proposed scheme does detail an area of open space within the application site boundary within the upper parcel. This will comprise of a Local Equipped Area of Play (LEAP) and area of formal open space. The lower parcel includes more limited areas of informal green space and a Local Area of Play (LAP). These features will provide an outdoor area of open space for informal recreation as well as an area of outdoor activity for children and such detailing has been secured by condition. Appropriate boundary treatments are proposed which are reflective of the positioning in terms of appearance, privacy and durability.

With respect to protecting the amenity of existing residents during the construction phase it is considered necessary to attach a planning condition to restrict the hours of construction.

It is considered that the development proposal is acceptable having had regard to Policies GR1 and GR2 of the Halton DALP.

#### 6.6 Open space, Greenspace and Green Infrastructure

Policy CS(R)21 of the DALP highlights that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate, and sets out how the delivery and maintenance of green infrastructure will be achieved. The policy states this will be achieved by ensuring that new development maximises opportunities to make provision for high quality and multifunctional green infrastructure taking account of deficiencies and the standards for green space provision.

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision of open space and green infrastructure in new developments. Policy RD4 underlines the importance at para 9.18 of the DALP where it states:

*The provision of greenspace underpins people's quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities.*

Paragraph 9.23 of the DALP goes on to say:

*The provision of attractive and functional open space has an important role to play in ensuring a satisfactory housing estate design. It is vital that it should be considered as an integral element of the overall residential layout. The type, location and amount of areas of open space must be one of the starting points in drawing up the design of a new development. However, it should be noted that not all residential development will create a need for all types of open space and the type and amount will be guided by site specific circumstances.*

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

The application site lies within Neighborhood 7, which is identified as having deficiencies in the provision of natural and semi natural open space, amenity green space, provision for children and young people and allotments.

The proposal includes an area of open space. However, the proposal falls short of the requirements of Policy RD4 as set out in the table below.

Open Space Typology	Amount Required By Policy RD4	Amount Provided By Development Proposal	Deficit Amount of Development
Parks & Gardens	6,900 SQM	6,628 SQM	272 SQM
Natural & Semi-Natural	15,180 SQM	4,776 SQM	10,404 SQM
Amenity Greenspace	5,520 SQM	5,400 SQM	120 SQM
Children & Young People	1,104 SQM	520 SQM	584 SQM
Allotments	497 SQM	1,141 SQM	Surplus 644 SQM
<b>TOTAL</b>	<b>29,201 SQM</b>	<b>18,465 SQM</b>	<b>10,380 SQM</b>

As shown in the table above there remain shortfalls in provision based on the levels of need set by Neighbourhood 7. In order to overcome these shortfalls the Applicant has agreed to pay a financial contribution to deliver off site open space provision.

The agreed financial contribution is necessary for the planning application proposal to comply with DALP policy RD4. Having assessed the merits of the proposal against the Local Plan requirements set out above, it is considered that the blended approach of on-site provision and offsite open space payments are acceptable and are therefore held to be in compliance with Policies RD4, HE4 and HE5 of the Halton DALP.

#### 6.7 Residential development on former Green Belt Sites

Paragraph 3 of RD1 states that; '*Residential development on Green Belt sites, or former Green Belt sites allocated in this Plan, will need to provide appropriate mitigation for the loss of green belt land in line with NPPF requirements*'.

Policy CSR6 'Green Belt', paragraph 3 states, '*Development proposals for the sites removed from the Green Belt and allocated or safeguarded in this plan should include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt*'.

Paragraph 7.71 in the policy justification to CSR6 provides clarification as to the form such compensatory measures can take; '*Compensatory improvements could include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, new or enhanced walking or cycling routes and improved access to new, enhanced or existing recreational and playing field provision*'.

Prior to the adoption of the DALP in March 2022 the application site was designated as Green Belt land. Therefore the requirements of RD1 para 3 and CSR6 para 3 apply. In order to address this policy requirement, the Applicant has agreed to a financial contribution to enhance the land which remains within the Green Belt at Wigg Island. The local parish council have also requested that some of this contribution is used to fund local open space projects too. This



would supplement the substantial benefits achieved within the site as set out above, which arise from 31% of the site area being devoted to open space.

It is considered that the above can be adequately secured and, as such, that the Applicant has had sufficient regard to the policy based requirement to undertake suitable compensatory measures with the development of a former Green Belt site. It is considered that the proposals accord with the Development Plan having particular regard to Policies RD1 and CSR6.

#### 6.8 Landscaping

Policy HE5 of the DALP, sets out requirements for landscaping in new developments. The application is supported by a Landscape and Visual Impact Appraisal together with a Landscape Masterplan which is considered to be acceptable.

In addition to the above, the application is also supported by an Arboricultural Impact Assessment. There are no Tree Preservation Orders in place within the site, nor is the site located within a conservation area. The proposed development seeks to retain as many existing trees as possible and incorporate measures to enhance tree cover throughout the development. A number of new trees are proposed to be planted as shown on the submitted Landscaping Masterplan. The final detailed landscaping design can be secured by condition in line with comments from the Council's Open Spaces Officer .

It is considered that the proposed development can demonstrate compliance with Policies CS(R)20 and HE5 of the Delivery and Allocations Local Plan.

#### 6.9 Ecology

The Applicant has undertaken an Preliminary Ecological Appraisal (PEA), Tree Survey, Ground Level Tree Assessment (GLTA), Arboricultural Impact Assessment (AIA), Ecological Walkover, Landscape Masterplan, Ecological Enhancement Plan, and Biodiversity Net Gain Assessment in support of the application. These have been reviewed by the Council's retained ecology advisor. The comments provided by the Council's ecology advisor are summarised below:

##### Bats

There are no buildings on site that could be used by bats, and the electrical substation to the north of the site has no Potential Roosting Features that would be suitable for roosting bats. Of the trees present within the site, they all offered either Low or Moderate suitability for roosting bats during the 2022 GLTA and confirmed to still hold value for bats within the 2023, and 2024 updates.

The AIA shows that T6 (Ascerta) / T26 (UES) is due to be removed to facilitate development, which offers Low suitability for roosting bats, and therefore soft felling techniques are recommended for such removal.

##### Designated Sites

The following designated sites are present from within 1km of the site:

- Daresbury LWS (approx. 100m north)

- Murdishaw Wood and Valley LNR & LWS (approx 100m east)
- Red Brown Cutting SSSI (approx 650m north) 15.

The following internationally protected sites are present within close proximity to the site:

- Mersey Estuary SPA; (approx. 7km west)
- Mersey Estuary Ramsar; (approx. 7km west) 16.

There is a potential hydrological connection between the site and designated sites via Preston and Keswick Brook. However, due to the separation of the site from the nearby watercourse by a vegetated buffer and infrastructure associated with the canal tow path along Preston Brook, and Preston Brook Wharf, a HRA is not considered to be required. A Construction Environmental Management Plan (CEMP) condition is recommended to include suitable pollution prevention measures in order to reduce potential impacts to designated sites in the local area.

### Terrestrial Mammals

#### Badgers

The PEA submitted for the site detailed that no evidence of badger was observed at the site, however the site may offer suitable foraging and commuting opportunities for badgers. The updated walkover survey conducted in February 2024 identified the presence of a potential badger sett within the north-western cover of the northern extent of the site, adjacent to the retained substation. No development activities are proposed within this area. However, the Ecology Response to Consultation Comments letter report details that RAMS for badger to include a 30m development free buffer should be implemented throughout development. The proposed RAMS for badger are accepted and included as part of the CEMP.

#### Hedgehog

The site is confirmed to remain suitable for hedgehog, the proposed RAMS for badger will also be suitable to mitigate for the presence of hedgehog within the site. Therefore, measures to mitigation for hedgehog can be secured within the same condition.

#### Other and Water Vole

The 2023 PEA states that there are no aquatic habitats are present within the site to support otter or water vole and whilst the Bridgewater Canal is located approx. 20m from the site boundary. This is considered to be enough distance in that should any of these species be present within the canal, they would not be adversely impacted.

Whilst this was broadly accepted, Cheshire Wildlife Trust had submitted an objection to the development based upon records of Water Vole and Otter recorded at Preston Brook Wharf in 2022 and 2023. These records were requested from Record (received Friday 12th January 2023) and are also now detailed within the Ecology Response to Consultation Comments letter report along with further assessment of the site and adjacent habitats.

Based upon the information provided within the Ecology Response to Consultation Comments letter report, no further survey or mitigation for otter or water vole will be required. Suitable pollution prevention measures into the adjacent watercourse is included within the CEMP condition. A sensitive lighting strategy is recommended, to ensure that there is no light spill onto habitats associated with the Bridgewater Canal. This will be secured by an appropriately worded planning condition.

#### Amphibians

The Ecology Response to Consultation Comments letter report details that a single record of great crested newt (GCN) was returned within 1km of the site located at Preston Brook Wharf approx. 25m south of the site. There are also three ponds present from within 250m of the site, however the site is separated from these ponds by the A56 highway and M56 motorway which are considered to be significant barriers to amphibian dispersal. The Bridgewater Canal and Preston Brook Wharf to the south of the site is also considered to be suboptimal for GCN and amphibian breeding, this is where a sighting record of GCN observed in March 2022.

The majority of the site is considered to be suboptimal for GCN due to its well managed nature as an arable crop, however habitats including hedgerows, woodland, scrub and tall ruderal vegetation may offer suitable habitat for amphibian shelter and foraging.

Due to the lack of connectivity between the site and habitats suitable for GCN breeding, it is highly unlikely that GCN would be present within the site, and the record of GCN at Preston Brook Wharf is likely isolated and incidental. No further survey or mitigation for GCN at the site is therefore considered. However, the site may support common amphibians and Reasonable Avoidance Measures for common amphibians detailed within the Ecology Response to Consultation Comments letter report is included as part of the CEMP.

#### Biodiversity Net Gain

The applicant has submitted a Biodiversity Net Gain Metric and the baseline habitats within the site and their condition is accepted. The native tree species selected and their girth at planting will allow for these trees to be classified as 'Medium', and is accepted.

In relation to Lines of Trees at the site, the report letter states that these trees have been considered as 'groups or stands of trees' 'within and around the perimeter of urban land' in line with the Biodiversity Metric 4.0 condition assessments. Whilst it is considered that some of the trees within site could qualify under this interpretation. The remaining street trees forming a continuous line of trees along proposed highways should have been input into the metric as a 'Line of Trees'. This is considered to be a limitation of the BNG information provided.

The development overall is required to achieve a gain in biodiversity post-development. Irrespective of the allocation of trees within the site as Urban trees as opposed to Lines of Trees, it is considered that the development would achieve a gain in biodiversity post-development and proposed landscaping within the submitted Landscape Masterplan is accepted. The Landscape Masterplan should be secured as an approved document, with a Landscape and Ecological Management Plan secured by a suitably worded planning condition. The Plan should include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives including any measures to meet the stated habitat condition, this should directly reference BNG condition assessment criteria;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring. This should include the frequency of any reporting to the Council.

Based on the above, the proposed development is considered to be acceptable and in accordance with Policy CS(R)20, HE1 and HE4 of the Halton Delivery and Allocations Local Plan.

#### 6.10 Waste Planning Policy

The development proposal is a major development. Such developments typically involve excavation and activities which are likely to generate significant volumes of waste. As a result, 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 Policies 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 prior to development commencing. This can be secured by a suitably worded planning condition.

#### 6.11 Waste Collection and Storage

The applicant has provided sufficient information in the Proposed Planning Layout to comply with policy WM9 'Sustainable Waste Management Design and Layout for New Development' of the WLP and the National Planning Policy for Waste (Paragraph 8). The Proposed Planning Layout can be secured as an Approved Document by a suitably worded planning condition.

### 6.12 Sustainable Development and Climate Change

In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level.

Policy CSR19 of the DALP requires all new development to be sustainable and be designed to have regard to the predicted effects of climate change. The policy recommends that developers consider national guidance to ensure development is sustainable and appropriate to the location.

DALP policies CSR24 and GR5 encourage suitable construction practices including the incorporation of low carbon energy into new developments to address carbon emissions arising from housing. It is therefore considered reasonable to attach a condition requiring the submission, agreement and implementation of measures for reducing carbon emissions and adapting to climatic conditions.

### 6.13 Highways

The development proposal has been reviewed by the Council's Highways Officer on behalf of the Local Highway Authority in response to the consultation exercise.

Comments provided indicate that the Development will have an impact on the local highway network pursuant to the quantum of development sought. The residential allocation of the application site by the DALP Allocations Plan does not call for specific infrastructure to be implemented ahead of the schemes delivery or occupation.

The Applicant has worked closely with the Council's Highways Officer in addressing the site challenges and agreed an amended internal spine road layout to divide the layout into two self-contained development parcels with individual vehicular access from Chester Road. It is considered that the amended layout has adequate provision of off road parking spaces along with visitor parking. The development layout adequately serves the proposed dwellings and tracking of the layout has demonstrated that it is appropriate for large service vehicles. Site egress has been assessed and determined in line with good practice and having regard for standards set out in the manual for streets guidance document. Full updated comments received from the Highways Officer are set out below:

*The principle of the development on this allocated site is fully supported.*

*The provision for active travel journeys northward, especially for disabled and vulnerable users, is an existing constraint which is accepted could not reasonably be overcome by the applicant alone. However, future utilisation of proposed infrastructure within the development site would enable connections to be made for onward walk/cycle journeys to the north.*

*The proposal satisfactorily complies with policies and guidance and no Highway objection is raised, subject to conditions, and informatives, including that the applicant offers a means by which the Council can revisit the development site's connectivity of the northern parcel to deliver an active travel link in the future, in line with wider aspirations.*

*This would involve the development and installation of an acceptable scheme that utilises the proposed vehicular access track, that is to serve as maintenance access to the telecoms equipment sited in the far north of the site, to also be considered as a 3m shared walking/cycle path which would continue beyond the site boundary, connecting to existing provision opposite the junction with Windmill Lane and onwards to the Preston Brook Interchange (M56 J11).*

*It is recommended that the Local Planning Authority secure this by an appropriate mechanism e.g. a planning condition or appropriately worded clause in a legal agreement.*

*Standard highway related planning conditions are also to be applied, including a Construction Management Plan.*

*Given the size, location and constraints of the proposed development we would request that a suitable phasing and construction management plan to include, but not be limited to, the following is offered pre-commencement:*

- *Parking for workers and visitors; sufficiency for all is required off-highway,*
- *Timing of Operations, avoiding peak local hours, wherever possible,*
- *Delivery arrangements, including route and timings,*
- *Signage to the site, from main links,*
- *Arriving and leaving in a forward gear, and safe access provision of all modes*
- *Wheel washing,*
- *Dust suppression,*
- *Highway cleaning,*
- *Ensuring no water discharges on to the highway,*
- *Noise and vibration, and*
- *Ensuring that existing/nearby residents are suitably considered.*

*A condition is also required to cover the Highway improvements to active travel provision proposed about the site frontage, and beyond - from the northern access point southward to, and including, The Wharf - within a s278 Agreement; see drawing titled Planning Layout 136 Unit Scheme, Dwg No. N1160-PL01 Rev Z. These improvements include, but are not limited to; the widening of existing footway to provide a 3m shared walking/cycling route in line with LTN 1/20 guidance, and associated works including crossing points, and junction arrangement*

*improvements for safety and improved accessibility for all modes. Resurfacing of all frontage footway will be required.*

*Whilst landscaping plans have been submitted as part of the application these are considered to contain insufficient detail to allow the Highway Officer to consider impact of planting to the rear of highway.*

*Inappropriate species can result in damage to highway infrastructure, health and safety risks due to dropped fruit and encroachment issues. Either additional information should be submitted for consideration, or a suitable pre-occupation condition applied.*

*The removal of permitted development rights for the conversion of garages and front boundary treatments is recommended.*

*Informatives:*

- Notwithstanding any LFFA response, provision shall be made within the site for the disposal of surface water such that none runs onto the highway. The applicant should ensure that they have met their obligations under NPPF and the Flood and Water Management Act 2010, particularly with regard to discharge rates.*
- The developer will be responsible for paying for the installation and/or relocation of any existing signs/columns, or other Highway assets, which must be agreed in advance.*
- Where the applicant wants the Council to adopt the highways that will serve the development, the developer would be expected to enter into a Highways Act 1980 section 38 agreement with the Council.*
- If there are deemed to be works to be carried out within the an existing adopted highway then the developer would be expected to enter into a Highways Act 1980 s278 agreement with the Council, prior to the commencement of any construction work, see above.*

A thorough assessment has been undertaken by the Highways officer with regard to potential highway impacts on the existing highway network and the design and layout of the proposed housing development. The Highways Officer has confirmed a position of No objection. A number of conditions are recommended in the interests of highway safety, the applicant has raised no objection to the use of such proposed planning conditions. On this basis it is considered that the development proposal complies with DALP planning policy C1.

#### 6.14 Drainage And Flood Risk

The application site is located entirely in Flood Zone 1. The application is supported by a Flood Risk Assessment, Concept Drainage Strategy, and Technical Note. The details of this assessment has been considered by the

Council's Drainage Engineer whom is in agreement with the assessment of flood risk and confirmed the applicant has provided a clear drainage strategy, subject to the conditioning of further detail prior to commencement as to where the pumped surface water main will discharge to.

A condition is also recommended by the Council's Drainage Engineer and United Utilities for a sustainable surface water drainage scheme and foul water drainage scheme shall be submitted to the LPA. Drainage verification will also be secured as condition.

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 Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan together with the NPPF.

#### 6.15 Contaminated Land

As part of a package of supporting documentation, the Applicant has submitted an Preliminary Ground Investigation Report. This has been reviewed by the Council's Contaminated Land Officer who raises no objection subject to a condition requiring conformity with the proposed methodology and a separate condition requiring the submission of a validation report.

The Applicant has reviewed the details of the Contaminated Land Officer and confirmed that they accept the recommended conditions. Subject to the Contaminated Land Officers recommendations being implemented, the application site is found to be a suitable use of land for residential purposes with no risk to human health. It is considered that the proposed development complies with planning Policies CS23 and HE8 of the Halton DALP.

#### 6.16 Heritage

Brook House (Grade II) is located within the vicinity of the site, with The Old Number One (Grade II) is located over 200m to the south. Both listing buildings are associated with the canals historic industrial use and would originally have contributed to a larger area of industrial development. The application is supported by a Heritage Statement, which has been reviewed by the Council's Conservation Officer. Comments from whom are set out below:

*The application site is adjacent to Brook Cottage and is currently an area of open land separated from the listed building by existing vegetation and a grass embankment. The proposal seeks to retain this embankment and provide addition planting along with an open area as a buffer zone between the development and the canal corridor. For this reason, the proposal would not be expected to impact on the significance of Brook Cottage and its setting linear to the canal. While the development itself may be sufficiently screened from the listed building, an element that may be visible is the 1.8m high weldmesh fence along the boundary of the boat yard. I do have some concerns over the increase in height of this boundary treatment, and how this style of boundary treatment impacts the setting of the canal corridor. The current treatment maintains the open nature of the canal corridor to the land beyond, with the proposed having the potential to impact on the*



*openness currently experienced. Due to the distance of The Old Number One from the application site it is also not expected the proposal would impact upon it setting as it is currently experienced.*

*Overall, the impact on the adjacent listed buildings by the development itself is considered to be neutral, but we do have some concerns over boundary treatment. If additional visuals can be provided to show the proposed impact on the setting, then we may be in a position to support this. Similarly, if the boundary treatment is to be redesigned to be lower and more in keeping with rural nature then this may also be supported.*

The Case Officer requested the applicant to demonstrate such visuals of the proposed 1.8m high weldmesh fence, which was reviewed further by the Council's Conservation Officer. Further comments from whom are set out below confirming no objection:

*Thank you for sending this through. I think while the proposed fencing is not typical of the canal side setting, once installed, combined with the existing and proposed landscaping, the fencing would have little to no impact on the overall setting. For this reason we would consider the fencing to cause no harm to the heritage assets and therefore have no objection.*

Overall, it is considered that the proposal maintains the character of the Conservation Area, preserve and allow investment into the Listed Building whilst ensuring a liveable accommodation that is suitable for long term habitation and as such complies with Policies HE2 and CS(R)20 of the DALP.

#### 6.17 Archaeology

The application is supported by a Heritage Statement, which has been reviewed by the Cheshire Archaeological Planning Advisory Service (CAPAS) along with the information held on the Cheshire Historic Environment Records. Comments from whom are set out below:

*Within the supporting documentation is Heritage Statement prepared by Mosaic town planning, which outlines the history of the site and potential impact of the proposed development on the surrounding heritage assets. The document shows that there is likely to be minimal impact on below ground remains within the proposed development area, and therefore it is unlikely to require archaeological mitigation. It is advised that there are no archaeological provisions required for this proposed development.*

The proposed development demonstrates compliance with Policy HE2 of the DALP and is therefore considered acceptable in this regard.

#### 6.18 Noise Pollution

The planning application was initially accompanied by a Noise Assessment to which the Applicant has worked closely with the Council's Environmental Health Officer in amending the site layout. Such layout changes include:

- Reorganising the internal arrangement to place the non-habitable rooms on the facades which overlook the canal and M56 motorway.

- The incorporation of acoustic glazing in accordance with the specialist acoustician advice.
- The acoustic bund to the north/west boundary has been designed in strict accordance with the previously established agreed parameters. The overall noise barrier is 6.5m (at its highest) when associated with the ground level for the dwellings within the site in the closest proximity. The overall bund reduces in height to 4m where the noise is reduced as it makes its way into the site from the M56.

A further addendum to the originally submitted Noise Assessment plus Statement of Conformity has been further submitted by the Applicant and reviewed by the Council Environmental Health Officer whom raise no objection to the amended proposal, subject to conditions. Comments from whom are set out below:

*Environmental Health would recommend that the following conditions to the following effect shall be included in any planning consent notice:*

- 1- *The bund construction specified in the diagrams appended in attachment 1 of the addendum ref JW2417/18444 (Bund Cross Section Locations) shall be implemented in the final construction of the development.*
- 2- *All façade treatments, acoustic glazing and ventilation specified in attachment 3 of the addendum ref: JW2417/18444 shall be implemented into the final scheme.*
- 3- *Consistent with the comments made by the acoustic consultant in the addendum ref:JW2417/18444 no bedrooms in the apartment block shall be facing or have direct line of sight to the M56 in the final scheme.*

The acoustic impacts on future residents as set out in the applications accompanying acoustic report have been considered by the Council's EHO who is satisfied that the applicant has given due care and consideration to noise impacts on future occupiers. Conditions recommended have been accepted by the Applicant.

It is considered that subject to the above acoustic standard being achieved on site, the development site is a suitable location for human habitation and therefore the development complies with Policies CS23 HE7 of the Halton DALP insofar as it is relevant to sound pollution.

#### 6.19 Air Quality

The applicant has not submitted an Air Quality Assessment. The Council's Environmental Health Officer has however provided the following comments set out below:

*There are various elements that will mitigate any vehicle emissions from the motorway. Most air quality issues, due to vehicle emissions are experienced on congested roads with high buildings fronting directly onto the road. This creates an environment where the residents in the building may be exposed low air quality as the pollutants can't disperse readily. Pollution disperses and dilutes readily as you move further away from the carriageway, a matter*

*of just a few metres can make a clear difference. The following features attributable to the site mitigate the impact of emissions on future residents.*

- 1. The traffic along this stretch of the motorway is mostly free flowing.*
- 2. The design of the development combined with the need for a bund along the perimeter of the site adjacent the M56 gives a clear distance between the carriageway and the housing, allowing for dispersal and dilution of emissions.*
- 3. The height of the bund and barrier that is to be installed adjacent the M56 will provide further mitigation between the carriageway and the housing.*
- 4. Emissions from vehicles have reduced due to improved engine technology over the past 20 years.*

*Based on the 4 factors above, I would not foresee any issue with air quality on the future site.*

It is considered that the Application site is fit for human habitation and that subject to the above recommended planning condition the development proposal complies with Policy HE7 of the Halton DALP insofar as it is relevant to the consideration of air pollution.

#### 6.20 Impact on Local Services

A key feature in the responses received to the public consultation exercise has centered on the concerns regarding this development and the impact it will have on local services, specifically education places in primary and secondary schools, health services regarding GP surgery places and dentists.

**EDUCATION** - The Local Education Authority have stated that there is sufficient capacity within the Halton Borough in terms of primary and secondary school provision based on existing population levels. In addition it should also be noted that latest population projections do not predict significant increases in the number of school age residents over the Plan period to 2037. On this basis there is no anticipated shortfall in this provision as a result of the DALP site allocations. Therefore, no financial contribution is sought toward a pooled fund to increase existing capacity.

**HEALTH SERVICES** - No request for additional funding finance has been received from any public body as a result of this application or in response to the Council's allocation of residential sites by the DALP. The concerns raised in response to the public consultation exercise relate to existing service levels, such objections are based on an existing situation albeit one that additional households borne from the development would marginally worsen. Notwithstanding, no policy justification or scheme exists to justify mitigation or financial contributions in this regard and it is not considered sufficient reason for refusing a grant of planning permission for residential development on a strategic housing site.

#### 6.21 S106

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having

had full regard to the individual matters and the strategic importance of underlying policy justification.

This report has set out a number of planning considerations that following an examination of planning policy have resulted in the Applicant agreeing to a package of off-site commuted sum payments in order to comply with the DALP. The following sets out the value of contributions sought from the development in order to mitigate harm.

The Applicant is providing 25% affordable housing in line with DALP policy CSR13. This will be secured through suitably worded clause to ensure delivery.

As set out in the report, the Applicant has agreed off site cumulative contributions towards the following:

- Mitigating against the recreational pressures placed upon sensitive habitats in line with the Halton Interim Strategy
- Off site open space improvements including Green Belt compensation

Securement of the above items will ensure that the scheme complies with national and local planning policies with regard to ecology and nature conservation as set out in the ecology section of the report.

The agreed contribution is considered sufficient to comply with the requirements of planning policy RD4. The S106 funds have been allocated having full regard to planning policy. They will ensure that the scheme is delivered in a sustainable manner and that any harms are sufficiently mitigated.

#### 6.22 Other issues raised in representations

All issues raised in the representations received, which are material to the planning application's consideration are responded to above.

Formal comments from Preston Brook Parish Council (PBPC) were received on the original submission on 29.06.2022 on behalf of the businesses and residents of Preston Brook Wharf, and shared with the Applicant to address within their amended proposal. Where not addressed through the body of the report the concerns raised are discussed in sections below:

##### Boundary Encroachment

PBPC raised concerns in relation to boundary encroachment beyond the original fence line onto Preston Brook Wharf and Midland Chandlers. Within the amended layout, there has been a correction in the legal and physical site boundary along the boat yard.

##### Security Issues

Within PBPC comments reference was made to the lack of fencing mentioned within the application between the site and The Wharf, and thus worries regarding site security. The Applicant responded confirming that a 1.8m high weldmesh fence will be placed along the boat yard and attached visuals.

Additional community orchard trees are also proposed in the amended layout to further screen the site at the bottom end of the development.

#### Drainage and Surface Water Run Off

Concerns were raised by the PBPC in relation to the drainage planned to enter the Bridgewater Canal. Although consent was given by Bridgewater Canal Company, the Applicant changed the surface water drainage solution so that it no longer drains through the Wharf and into the canal, but instead are providing a pumping solution to an existing culvert in Chester Road. This has been accepted by the Council's Drainage Officer.

#### Highways

PBPC raised concerns in relation to the original site access visibility and additional cars on the road as a result of the proposed development. Existing issues of speeding along Cheser Road were also raised as a point of concern.

The layout has since been amended in response to feedback from the Highway Authority to provide two access points with acceptable visibility and ensure that internal roads are of an appropriate gradient. Commitment is also made to Traffic Regulation Order to extend the 30mph zone all the way up the motorway junction. Whilst this would be subject to other legal processes the Council's Highways Officer has raised no objection subject to conditions, as such no reason for refusal based on highways grounds is apparent.

### **6.23 Planning Balance and Conclusion**

Whilst there is an element of non-compliance detailed in relation to housing and affordable housing tenure mix, this is not considered to be contrary to the development plan as a whole. Based on the above assessment and subject to the proposed to be issued with a planning approval conditions and legal agreement provisions, the proposal is deemed acceptable. The proposed development would provide residential development on an allocated housing site in a sustainable location, contributing to housing need in the Borough and delivery of high-quality development.

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

## **7. RECOMMENDATION**

That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to drainage and ecology.

Upon satisfactory resolution that the application be approved subject to the following:

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below.
- 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.

Recommended conditions as follows with any additional conditions recommended through the resolution of the details of additional surveys or mitigation for bats provided to be added to the list below:

### **CONDITIONS**

1. Time Limit
2. Approved Plans
3. External Facing Materials (Policy GR1)
4. Site levels (Policy GR1)
5. Soft Tree Felling – (Policy HE1)
6. Tree Protection - (Policies CS(R)21 and HE1)
7. Landscape and Ecological Management Plan – (Policies CS(R)20 and HE1)
8. Securing Landscaping/ Detailed Planting Plan – (Polies GR1, GR2 and HE5)
9. Construction Environmental Management Plan – (Policy HE9)
10. Lighting Strategy – (Policies HE1 and CS(R)20)
11. Standard Hours Condition – (Policy GR2)
12. Sustainable Drainage Management and Maintenance Plan – (Policy HE9)
13. Drainage Verification - (Policy HE9)
14. Off Site Highway Works including Hedgerow Replacement – (Policies C1 and C2)
15. Parking and Servicing – (Policies C1 and C2)
16. Site Waste Management Plan – (Policy WM8)
17. Climate Change - (Policy CS(R)19)
18. Securing Bund Construction and other noise mitigation– (Policies HE7 and GR2)
- )
19. Ground Contamination and remediation strategy – (Policies CS23 and HE8)
20. Securing LAP and LEAP - (Policy GR2)
21. Permitted Development Removal – Garages (Policies GR1 and GR2)
22. Permitted Development Removal – Fences (Policies GR1 and GR2)

## **6 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.

## **7 SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2024);
- 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.