


<b>APPLICATION NO:</b>	19/00020/FUL
<b>LOCATION:</b>	Land Bounded By Pitts Heath Lane And Otterburn Street, Sandymoor, Runcorn
<b>PROPOSAL:</b>	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 C3) to provide living facilities for the over 55's together with ancillary development.
<b>WARD:</b>	Daresbury
<b>PARISH:</b>	Sandymoor
<b>AGENT(S)/APPLICANT(S):</b>	PRP Architects, Lane End
<b>DEVELOPMENT PLAN:</b>	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)
<b>DEPARTURE:</b>	Yes – specific residential elements
<b>REPRESENTATIONS:</b>	At the time of writing the report, the following representations have been received from 74 Addresses from the publicity given to the application:  57 Objections 3 Neutral comments 14 Support
<b>KEY ISSUES:</b>	Principle of Development, Design, Parking and Highway Safety, Drainage, Ecology, Trees, Community facilities, noise
<b>RECOMMENDATION:</b>	Approve subject to conditions
<b>SITE MAP:</b>	

## 1. APPLICATION SITE

### 1.1 The Site

1.2 The Site comprises the now unoccupied site of the temporary secondary school (vacated once Sandymoor Comprehensive free school opened), and land adjacent to the existing Sandymoor Community Hall comprising an area of approximately 1.37 hectares in Runcorn.

1.3 The Site lies between Pitts Heath Lane to the west, and 'The Meadows' (a Morris Homes scheme) to the East. To the northern boundary is an area of woodland known as Sandymoor Wood. Otterburn Street forms the southern boundary, and on the opposite side of Otterburn is a large area of grassed open space, including a football pitch and children's playground, known as the 'Village Green'.

1.4 Pitts Heath Lane provides the primary road servicing for 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 southern site boundary, connecting surrounding housing estates into the proposed Local Centre.

1.5 The application site is identified as a location for a Proposed Local Centre within the Halton Unitary Development Plan and accompanying proposals map, and a 'Key Area of Change' in the Core Strategy Local Plan. The adopted Sandymoor Supplementary Planning Document is a material considering that expands upon UDP Policy TC1 (Retail & Leisure Allocations: New Local Centres).

### 1.6 Planning History

- 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**
- 12/00176/FUL - Proposed erection of temporary buildings, laying out of car parking, hard surfacing, erection of boundary fencing and ancillary development in connection with proposed use for temporary school

premises (use class D1) at land adjacent to Sandymoor Community Centre, Pitts Heath Lane, Sandymoor.

## **2.0 THE APPLICATION**

### **2.1 The proposal**

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

- Convenience Store (Co-Op) – Use Class A1
- 5No. retail units
  - o Retail Unit 1 – Use Class A5 (hot food takeaway)
  - o Retail Unit 2 – Use Class A1/A3 (Shops/Restaurants/Cafes)
  - o Retail Unit 3 – Use Class A5 (hot food takeaway)
  - o Retail Unit 4 – Use Class A1 (Shops)
  - o Retail Unit 5 – Use Class D1 (Vets)
- Nursery – Use Class D1
- 5 bungalow properties – C3 Open Market dwellings
- 43 Apartments
  - o 23x one bedroom units
  - o 20x two bedroom units

The proposed 43 'affordable apartments' will also include communal facilities comprising a lounge with kitchenette, communal gardens and a buggy store. There will also be a manager's office, to provide support to residents. Information has been provided in support of the application confirming the proposed affordable scheme will be part of a Registered Provider's shared ownership and / or affordable housing programme.

### **2.2 Submitted Documentation**

The planning application is supported by the following documents:

- Design and Access Statement
- Transport Assessment, December 2018, Ref 2356
- Landscape Strategy Rev P03, July 2019
- Arboricultural Impact Assessment (AIA) Ref 11834-01
- Arboricultural Technical Note September 2019 Project No.:11834
- Ecological Assessment (EA) Ref 11834-03 Rev 03
- Habitat Regulations Assessment – Screening (HRA) Ref 11834-01
- Noise Impact Assessment Report 26504/NIA1 Issue 1
- Combined Preliminary Risk Assessment and Geo-Environmental Assessment Project No.18-0914.01 Issue 2
- Drainage Design Report, Flow+v8.0
- Proposed Drainage Strategy, Ref. CL8355, Dated 27.08.2019
- Flood Risk Assessment project no.18-0914.02 Issue No.3
- Application Scheme Draft Development Appraisal. Prepared by TDC Nov 2019

- Viability Scheme Draft Development Appraisal. Prepared by TDC Nov 2019.
- Viability Scheme Development Appraisal (No residential). Prepared by TDC March 2020
- Arboricultural appraisal October 2020

### **3.0 POLICY CONTEXT**

#### **3.1 Halton Unitary Development Plan (UDP) (2005)**

The site is identified as a proposed Local Centre in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development;
- BE2 Quality of Design
- BE18 Access to New Buildings Used by the Public
- BE20 Disabled Access in Public Places
- BE22 Boundary Walls and Fences
- GE21 Species Protection
- GE22 Protection of Ancient Woodlands
- GE27 Protection of Trees and Woodlands
- PR2 Noise Nuisance
- PR7 Development Near to Established Pollution Sources
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP9 The Greenway Network
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- LTC5 Protection of Community Facilities
- LTC6 Children's Day Care Provision
- TC1 Retail & Leisure Allocations
- TC5 Design of Retail Development
- H1 Provision of New Housing
- H3 Provision of Recreational Green Space

#### **3.2 Halton Core Strategy (2013)**

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

- CS2 Presumption in Favour of Sustainable Development;

- CS3 Housing Supply and Locational Priorities
- CS5 A Network of Centres
- CS11 East Runcorn
- CS12 Housing Mix
- CS13 Affordable Housing
- CS18 High Quality Design
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

### 3.3 Joint Merseyside and Halton Waste Local Plan (2013)

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

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

### 3.4 **Material Considerations:**

#### 3.5 Supplementary Planning Documents (SPDs)

These documents supplement the policies set out in the development plan by providing specific guidance on how the development plan policies should be interpreted. SPDs are material considerations for the purposes of decision making.

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

#### 3.6 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 to set out the Government's planning policies for England and how these should be applied. Under planning law, the NPPF forms a material consideration in decision making as it does not form part of the 'development plan'.

3.7 Paragraph 47 states that "planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing".

3.8 Paragraph 11 and paragraph 38 state that "plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

- 3.9 Paragraphs 80-82 states the “need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area”.
- 3.10 Due to the presence of ancient woodland adjacent to the Site, Paragraph 175 is of relevance, particularly 175 c) this states “when determining planning applications, local planning authorities should apply the following principles:”
- 3.11 “c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 58) and a suitable compensation strategy exists”
- 3.12 Footnote 58 states “for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

#### **4.0 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**
    - 1<sup>st</sup> round consultation: objection based on Flood Risk Assessment
    - 2<sup>nd</sup> round consultation: No objection subject to condition
    - 3<sup>rd</sup> round consultation: Retained no objection
  - **Merseyside Environmental Advisory Service**
    - 1<sup>st</sup> round consultation: No objection subject to conditions
    - 2<sup>nd</sup> round consultation: Additional Ecological assessment is required
    - 3<sup>rd</sup> round consultation: No significant harm, suggested mitigation measures to improve habitats in the northern woodland.
  - **Natural England**
    - 1<sup>st</sup> round consultation: No objection
    - 2<sup>nd</sup> round consultation: Retained no objection, however see woodland section re designation and standing advice in relation to ancient woodland.
  - **The Woodland Trust**

1<sup>st</sup> round consultation: Objection  
2<sup>nd</sup> round consultation: Maintained objection discussed in sections below

- **United Utilities**

1<sup>st</sup> round consultation: Unacceptable in principle due to insufficient information, conditions recommended.

2<sup>nd</sup> round consultation: Acceptable in principle subject to conditions

- **Cheshire Police**

1<sup>st</sup> round consultation: No objection, comments discussed below

2<sup>nd</sup> round consultation: Original comments still stand

#### 4.3 Internal Consultees:

- **HBC Highways and Transport**

1<sup>st</sup> round consultation: Objection

2<sup>nd</sup> round consultation: Sustained objection

3<sup>rd</sup> round consultation: No objection subject to conditions

- **HBC Environmental Protection**

1<sup>st</sup> round consultation: No objection subject to condition

2<sup>nd</sup> round consultation: Retained no objection see sections below

- **Open Space Service** – objection in relation to stand off distance discussed below

- **HBC Contaminated Land**

1<sup>st</sup> round consultation: No objection

2<sup>nd</sup> round consultation: Retained no objection

- **Lead Local Flood Authority**

1<sup>st</sup> round consultation: No objection subject to condition

2<sup>nd</sup> round consultation: No objection however more information required or to be conditioned

- **HBC Major Projects**

1<sup>st</sup> round consultation: No comments received

2<sup>nd</sup> round consultation: No objection

- **HBC Planning Policy**

1<sup>st</sup> round consultation: No comments received

2<sup>nd</sup> round consultation: No comments received at time of report

- **HBC Ward Councillors**

1<sup>st</sup> round consultation: No comments received

2<sup>nd</sup> round consultation: No comments received at time of report

- **Sandymoor Parish Council**

1<sup>st</sup> round consultation: Support application but concerns raised

2<sup>nd</sup> round consultation: original concerns still stand, see sections below

## 5.0 REPRESENTATIONS

5.1 The application was originally advertised by 74 neighbour notification letters sent on the 24.01.2019 and site notices posted on 31.01.2019. Following amendments to the scheme the application was re-advertised by 140 neighbour notification letters sent on 29.08.2019.

5.2 At the time of writing the report, representations have been received from 74 addresses consisting of 57 objections, 14 support letters and 3 neutral comments. These comments are summarised below:

### 5.3 Concerns

- De-valuation of surrounding properties
- Inconvenience to residents on Biggleswade drive
- Better suited locations in Sandymoor for this type of development
- Pre-school/nursery is not necessary
- Sandymoor is a family area and not suitable for over 55 housing
- Proposed new nursery would put the current community hall nursery out of business resulting in loss of jobs
- Nursery would not benefit the community
- Access to the community hall – Developers have no right to move the access to the community hall
- Level of parking provided
- Close proximity of residential dwellings to the community hall
- No retail assessment carried out
- Consequences on the viability of the community hall
- Scale and massing of over 55's accommodation
- Overlooking from apartments to the community hall
- Opening Biggleswade Drive up to be a through road for site access
- Pedestrian safety
- Increased traffic
- No provision for larger delivery vehicles to the Community hall
- Over development of the site
- Residential uses so close to the community hall could restrict the type of functions available to be hosted by the community hall and result in noise complaints and licence restrictions
- Noise concerns from deliveries and waste management
- Community hall will no longer be the focal point of the village centre
- Disturbances caused by construction
- Not suitable for shops to be so close to residential dwellings
- Need the existing bollards on Otterburn Street to be retained
- Increase in anti-social behaviour and rubbish
- Drainage and potential site flooding
- Proposed materials are not in keeping with character of Sandymoor and will affect the character of the area.

### 5.4 Neutral



- Sandymoor is void of a gym, would like one incorporated into scheme
- A dentist would be a good addition
- Plans should include a café or tea room facility
- We need a doctors' surgery instead of a nursery
- There's a need for local pubs
- Consideration should be given to security measures such as CCTV

## 5.5 Support

- Welcome the local shopping area
- Welcome bungalows for older generation to downsize and stay in the area
- Retail units would be a great asset for the area and are much needed
- Looking forward to the development being built
- The area is in desperate need of a village centre with shops and services
- The nursery looks first rate, and pleased to see housing for the elderly provided

## 6.0 **ASSESSMENT**

### 6.1 Principle of Development

6.2 The site is identified as a Proposed Local Centre, as designated by the Halton Unitary Development Plan within Policy TC1. This policy, expressed on the Proposals Map, primarily identifies the Site for a new neighbourhood centre to serve the local community through new local shops and community facilities.

6.3 The proposed development includes the provision of a convenience store (it is known to be Co-op) and 5 retail units with a mix of A1, A3, A5 and D1 uses.

6.4 Policy CS5 of the Halton Core Strategy Local Plan also indicates that new retail development of an appropriate scale to meet local need will be required in Sandymoor. As the application site is allocated as a Local Centre in the current up to date Unitary Development Plan, the application is not subject to sequential assessment, in accordance with Policy CS5 of the Halton UDP. This is also supported in Paragraph 86 of the National Planning Policy Framework (NPPF). As an allocation and the retail floorspace threshold of 2500m<sup>2</sup> of gross floor space is not exceeded, there is no requirement for an impact assessment as supported by Paragraph 89 of the NPPF.

6.5 The application site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a mix of uses and continue the development of Runcorn in line with the long term vision for the Borough. The application proposes a mixed use of retail,

residential and a new nursery facility 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 viable Local Centre.

- 6.6 The Core Strategy also states that the continued development of Sandymoor will be achieved by delivering residential units in line with outstanding consents, including a new local centre and public transport connections. The application has been advertised as a departure from the Development Plan due to the specific locations of residential elements in the proposed development, however UDP housing allocation 406/31 is within the Site and previous outline planning permissions have consented residential units alongside a Local Centre. Therefore the proposal for the residential element has been established on site and is acceptable in principle (04/00431/OUT, 07/00681/OUT, 10/00482/OUT).
- 6.7 Given the Site is allocated as a Proposed Local Centre location, together with a proportion of housing on the UDP Proposals Map, and the proposal accords with policies TC1 and H1 of the UDP and the adopted Sandymoor SPD, the principle of the proposed Local Centre and housing is considered acceptable on the Site.
- 6.8 Layout
- 6.9 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.
- 6.10 The northern boundary of the application site is not an active frontage due to the direct interface with the Sandymoor Wood woodland area. The southern boundary of the site interfaces with Otterburn Street, and the Village Green beyond. The scheme has been arranged so that the main amenities such as the retail units and proposed nursery face and address the Village Green and remain open to create a visual open linkage to the green space, encouraging natural surveillance and movement between the village green and the Local Centre.
- 6.11 On the eastern boundary of the site, 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. Three storey properties are already present and established within the area.
- 6.12 The proposed bungalow dwellings will interface with existing 2 storey properties to the north-west of the site which is considered to be appropriate. The western boundary of the site will face Pitts Heath Lane and the proposed convenience store will provide good natural surveillance in addition to a more active frontage.

- 6.13 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 in advice from Cheshire Police to avoid creating a gathering place and an opportunity for anti-social behaviour.
- 6.14 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.
- 6.15 The layout of the proposed development is considered acceptable and compliant with Policies BE1 & BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan. In terms of Housing Mix, the proposal is considered compliant with Policy CS12 of the Halton Core Strategy Local Plan.
- 6.16 Scale
- 6.17 Members will note that representations have been received raising concerns that the proposed three-storey element of the development comprising the apartments would be out of character with the area.
- 6.18 However, 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 is not considered excessive given the other three storey properties within the immediate surrounding area.
- 6.19 The Sandymoor Local Centre Design Brief 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.
- 6.20 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. The proposed nursery building would mirror the scale and height of the existing Community Hall with a slightly taller ridge height over the entrance of the nursery to create a feature.
- 6.21 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.

- 6.22 The scheme is considered acceptable in terms of scale and compliant with Policy BE 1 of the Halton Unitary Development Plan.
- 6.23 Appearance
- 6.24 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.
- 6.25 The proposed materials are 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 acceptable.
- 6.26 The submission of precise external facing materials and their subsequent implementation will be secured by condition. This would ensure compliance with Policies BE1 and BE2 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.
- 6.27 Site levels
- 6.28 No details of site or finished floor levels have been supplied, however based on the site's topography and submitted site elevations (Drawing AA7504 2005 Rev C), it is considered that appropriate relationships can be achieved in terms of light, privacy, appearance and relationships to existing roads.
- 6.29 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 BE1 of the Halton Unitary Development Plan.
- 6.30 Landscaping
- 6.31 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.
- 6.32 A fencing and furniture plan has also been submitted and is considered to be acceptable. The Designing Out Crime Officer has requested clarification on the proposed gates between the different blocks and has advised a minimum of 1.8m but preferably 2.1m fence along the rear boundary of the bungalow properties to shield potential noise from the proposed service yard. This acoustic fence has also been requested by the Council's Environmental Health Officer. This is detailed within the scheme and will be secured by condition as discussed in the noise section below.
- 6.33 The proposed landscaping is considered to be acceptable in accordance with Policies BE1 and BE2 of the Halton Unitary Development Plan. Members will be updated accordingly on any responses from the applicant.

#### 6.34 Trees

6.35 There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area. It cannot be said that the proposed development is likely to damage or destroy a woodland of the scale and character identified in Policy GE27 of the Unitary Development Plan.

6.36 The application is accompanied by an Arboricultural Impact Assessment. It is noted that a number of trees are highlighted as needing to be removed from the site to facilitate the proposed development. More detail was requested from the applicant with regards to the trees to be removed as these may be located within Sandymoor Wood. Additional information was provided within an Arboricultural Technical Note dated September 2019 and further reports submitted to October 2020.

6.37 The most significant impact of the proposal is to the group of trees along the northern site boundary named as group G12 on the submitted Tree Constraints Plan Dwg No: UG\_11834\_ARB\_TCP\_04 Revision P05.

#### 6.38 Sandymoor Wood

6.39 The proposed Local Centre application site lies adjacent to Sandymoor Wood which is a Woodland Trust owned site. The woodland itself is a site of approximately 2.52 hectares. The Woodland Trust have been consulted on the application and have objected to the proposed development on the basis that although Sandymoor Wood is not registered as ancient woodland on Natural England's Ancient Woodland Inventory, the Trust is of the opinion that the site can be considered to be ancient woodland. During 2020, Natural England added Sandymoor Wood to their ancient woodland inventory using a boundary that coincides with the Woodland Trust's ownership boundary. As the proposed development is on land entirely outside of the Woodland Trust's ownership, the proposal is not on land that forms part of the Ancient Woodland Inventory.

6.40 Sandymoor Wood is not defined as Ancient Woodland on the adopted Unitary Development Plan proposals map, however, it is named in Policy GE22 (Protection of Ancient Woodlands) of the Halton Unitary Development Plan. Sandymoor Wood is also identified in the Sandymoor SPD (see SM23 on page 54) under the section on ancient woodlands and semi-natural woodlands, and it is clear from the SPD that the intention has always been to protect this area of woodland.

6.41 The National Planning Policy Framework (NPPF) defines ancient woodland as an area that has been wooded continuously since at least 1600AD.

6.42 The status of Sandymoor Wood is a significant material consideration given the level of protection that is afforded to Ancient Woodland. Paragraph 175c of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

6.43 NPPF paragraph 175, provides the following principle for decision making:

*175c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>(58)</sup> and a suitable compensation strategy exists;*

*(Footnote \*58): For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

6.44 Sandymoor Wood - Ancient Woodland

6.45 As the proposed development is on land entirely outside of the Woodland Trust's ownership, the proposal is not on land that forms part of the Ancient Woodland Inventory. The development does not therefore result in the direct loss of ancient woodland, ancient, or veteran trees.

6.46 There is however potential for an impact on the canopy and root protection areas that overlap from Woodland Trust's land onto the development site. This may give rise to the limited deterioration of the edge of ancient woodland habitat.

6.47 Sandymoor Wood - 15m Buffer Zone

6.48 The adopted Sandymoor SPD states that in order to protect Sandymoor Woodland a minimum standoff distance of 15m between the tree canopy and any buildings must be implemented and maintained. The Council's Open Spaces Officer has advised that the proposed development should respect this standoff.

6.49 The purpose of the 15m buffer is primarily to protect roots of the trees in the ancient woodland (source - Natural England Guidance: Ancient woodland, ancient trees and veteran trees: protecting them from development).

6.50 It should be noted that previous developments on the site have already infringed the 15m standoff distance. An area of the Site (adjacent to Pitts Heath) has been used for the Sandymoor temporary school and playing field. This scheme resulted in this part of the Site being cleared, hardstandings laid and the boundary with the woodland being fenced. The existing Sandymoor Community Hall and properties to the west of Sandymoor Wood along Seaton Park are within the 15m stand-off distance between the tree canopy. These facts are relevant when assessing the potential harm to the woodland from the proposed development as the context for assessing harm is one where development has already occurred on the woodland edge. That is not to say that the protective policies should be disregarded. The test in paragraph 175 of NPPF requires an

assessment of any loss or deterioration of irreplaceable habitat that would be caused by the development, therefore the current condition of the development and woodland interface is a significant factor in that assessment. The Arboriculture report submitted in support of the application states that 850sqm of vegetation will be cleared from the 15m buffer zone. The remaining area of the Site within the 15m buffer zone has already been previously cleared to make way for the temporary school and community hall and in this regard, there value of maintaining a full 15m buffer zone along the boundary has been significantly reduced

- 6.51 Specific aspects of the development will not comply with the SPD's suggested stand off distance of 15m. These positions are limited to points along the southern boundary of Sandymoor Wood. The north western edge of the Site, which will see clearance of a 350 sqm area of vegetation within the 15m buffer zone. The eastern side of the Site will see clearance of an area of approximately 500 sqm within the 15m buffer zone. The scheme will result in the loss of some trees within the 15m stand off zone. There is also potential for an impact on the canopy and root protection areas that overlap from the neighbouring land onto the development Site.
- 6.52 The consequence of developing within the 15m buffer zone will lead to:
- reducing the amount of semi-natural habitats next to ancient woodland
  - potentially damaging root systems
  - potentially increasing the amount of pollution, including dust
  - increasing disturbance to wildlife from adjacent activity
  - potentially increasing light or air pollution
  - changing the landscape character of the area
- 6.53 Given the strong guidance, considered above, options to avoid any loss or deterioration of habitat have been considered, including a revised local centre scheme and the availability and suitability of alternative sites for a local centre.
- 6.54 Sandymoor Wood – Other Objections
- 6.55 The Woodland Trust have objected to the proposed development based on concerns regarding noise, light and dust pollution as well as trampling and other human activity; fragmentation as a result of destruction of adjacent semi-natural habitats and changes to the hydrology altering ground and surface water.
- 6.56 Both Natural England and the Merseyside Environmental Advisory Service have no objection to the proposed development at the time of consultation, which was prior to the inclusion of Sandymoor Wood on Natural England's ancient woodland inventory.
- 6.57 Several measures have been recommended to reduce the likelihood of impacts to the woodland and also to alleviate The Woodland trusts's concerns regarding the proposed development. Lighting will be designed to reduce light spill onto the woodland and lighting after darkness will be minimised. Light machinery will

be used within a 10m buffer of the woodland site boundary to avoid compacting soils. Integrated bat bricks will be installed within the build of proposed buildings to provide rooting opportunities. Geotechnical investigations confirm that there are no likely adverse hydrological changes or flooding issues. It is noted that there are three existing public entrances into the wood from the adjoining land which lead onto a network of surfaced paths through the wood. The development is unlikely to lead to significant increases in visitor numbers, therefore the risk of damage and disturbance to the woodland arising from visitors to the proposed development is unlikely.

#### 6.58 Sandymoor Wood - Alternative Scheme and Sites

6.59 Following objections from the Woodland Trust, and the inclusion of the wood on the ancient woodland inventory, the developer put forward a variation of the scheme to maintain a 15m stand-off distance from the woodland.

6.60 This revised scheme was not acceptable to the Local Planning Authority or the Highway Authority for the following reasons:

- The layout was of a poor design and not well connected.
- The layout was poor in designing out crime and of poor quality
- The revised layout would not have resulted in acceptable relationship with the open spaces
- The proposed car parking format was poor
- Servicing is an issue and bin locations would be highly visible

6.61 The revised scheme had too many compromises in terms of quality, layout and public safety concerns for this scheme to be considered deliverable by both the Local Planning Authority and the Highways Authority.

6.62 No suitable alternative sites are available within the area surrounding the allocated local centre site. The wider local centre site already provides a community centre, a compatible use with the local centre. The allocated primary school site needs to be retained for a future primary school. The requirements of parking, playing fields and outdoor facility space, together with a secure site perimeter, results in a need for a larger site than the local centre site could provide. Swapping the locations of the local centre and primary school is therefore not feasible. The Village Green area is a central feature of the design of Sandymoor and the network of active travel routes connect into it. It is now well established and housing units have been sold overlooking this space. The Village Green is not considered a suitable alternative site for the local centre.

6.63 Alternatives locations for a different local centre site have been explore (at Sandymoor South and Wharford Farm), but would not be central to the Sandymoor residential area, would be a considerable distance from existing properties, and would also be many years away from delivery. The existing community has already waited a substantial amount of time (over 15 years) for the delivery of a local centre on the allocated site.



#### 6.64 Sandymoor Wood - Public Benefits

6.65 The Sandymoor residential area is a plan led development. The area was allocated by the 2005 Unitary Development Plan and has now been partially developed out. Many homes on Sandymoor have been sold to private individuals, and the statutory development plan has indicated to purchasers that a local centre will be provided on the site identified on the UDP Proposals Map and in the adopted Sandymoor SPD.

6.66 At a strategic policy level, Sandymoor is a strategic housing site planned as a sustainable urban extension with statutory development plan support in the UDP, Core Strategy and emerging DALP. Local centre facilities are a key component of successful housing areas as they provide residents with access to the goods and services required on a daily basis via sustainable transport modes.

6.67 A local centre on the Site was consented in outline back in 2004. Homes England have been searching for a delivery partner to construct the local centre since that time. Previously, other developers have entered into arrangements with Homes England to deliver the local centre but these have not come to fruition.

6.68 Therefore, there are very strong, legitimate, expectations of existing Sandymoor residents that the statutory development plan system will provide a local centre on the site that has been allocated.

6.69 The scheme is considered to provide essential community and social infrastructure that is critical to Sandymoor succeeding as a sustainable urban extension, which provides a significant amount of new housing for the Borough. The proposal therefore provides a significant amount of public benefit.

#### 6.70 Sandymoor Wood – Mitigation & Compensation Strategy

6.71 The applicant has proposed compensation and mitigation measures to address the loss of habitat caused by the infringement of the 15m buffer zone.

6.72 These measures can be included in the Construction Environmental Management Plan, which will be secured by condition.

6.73 A suitable compensation strategy has been proposed by the developer and consists of:

- planting new native woodland species on a 717sqm of the development
- seeking to connecting veteran trees separated by development with green bridges
- planting individual trees that could become veteran and ancient trees in future
- monitoring the ecology of the site over a 3 year period

6.74 The developer has proposed the following mitigation measures:

- putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution
- noise and light reduction measures
- root protection zones during construction
- Providing a payment to the Woodland Trust to be used for woodland management, monitoring the development, improving the condition of the woodland, and identifying and protecting trees that could become ancient and veteran trees in the future

#### 6.75 Sandymoor Wood - Conclusion

6.76 There is obvious conflict within and between elements of the development plan (for example GE22, TC1 and H1) and the relevant material considerations. The NPPF and SPD are very significant material considerations and are clear the woodland and a 15m stand-off distance should be protected. However, it is also clear that the development plan allocates the Site for housing alongside a Local Centre use, and the masterplan shown within the SPD indicates that the relationship between the development and woodland would have close proximity to each other.

6.77 Given the plan led system, the associated commitment to the local community for the delivery of a local centre in this location, the critical dependency of this sustainable urban extension on local facilities, together with a lack of alternative sites, there are wholly exceptional reasons for the proposed development to be permitted. In this case, the public benefit would clearly outweigh any potential deterioration of habitat caused by the infringement of the 15m standoff distance from the woodland canopy in certain places along the woodland boundary.

6.78 The compensation and mitigation strategy offered by the developer is provided as a last resort, alternative sites have been considered, as has a revised scheme.

6.79 Whilst the identified harm to this habitat is regrettable and a degree of risk remains relating to the deterioration of the woodland's fringe, this must be balanced against the overall public benefits of the social and community infrastructure provided through this local centre and housing allocation identified in the statutory development plan.

#### 6.80 Viability

6.81 The applicant has provided the following documents:

- Application Scheme Draft Development Appraisal Prepared by TDC Nov 2019
- Viability Scheme Draft Development Appraisal Prepared by TDC Nov 2019.

6.82 Upon review of these documents, the professional advice received is that a reduction in unit numbers to allow the full 15m standoff distance to be achieved

along the full boundary length would negatively affect the viability of the scheme to such an extent that would not enable the development to proceed. This conclusion is backed up by the land owner, a public body, Homes England, who have provided a statement indicating that scheme viability is substantially harmed by the reduction of housing numbers.

- 6.83 The identified housing allocation (site 406/31) on the Site has a specified density of 32 units per hectare and a capacity of 12. The current scheme provides only 5 bungalows in this area. The size of the apartment block would also have to be substantially reduced to accommodate the 15m standoff distance.
- 6.84 Homes England have indicated that the scheme is considered by them to be viable and reflective of what the market can deliver. Any significant amendments to the scheme would impact viability, leading to the withdrawal of the developer. In these circumstances Homes England would need to retender the local centre opportunity, with a real risk of Homes England being unable to find a developer to deliver the local centre development. It should be noted that a previous local centre scheme for the Site, promoted by a different developer, failed to be deliverable due to an over reliance upon retail and community facilities, rather than a scheme that included a stronger housing element.
- 6.85 Ultimately, the Local Centre must be provided on a commercial basis in order to fund future phases of Sandymoor, and the associated required infrastructure. and the scheme includes appropriate land uses for a local centre that will ensure the local centre is economically viable to be provided by a developer on a market basis. An element of housing development is required to finance the schemes and wider benefits. The developer has provided a viability appraisal that demonstrates the scheme is not viable without the full quantum of development set out in the submitted scheme.
- 6.86 Ecology
- 6.87 The application is supported by the following documents
- Habitat Regulations Assessment – Screening (HRA), Urban Green, August 2018
  - Ecological Assessment (EA), Urban Green, July 2018, ref:11834-01
- 6.88 The Council's retained ecology advisor, Merseyside Environmental Advisory Service (MEAS) have 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 CS20 of the Halton Core Strategy also applies.
- 6.89 The MEAS Ecologist has advised that given the small-scale of the construction, when taken into account with the distance to Mersey Estuary and lack of functionally linked land in the urban fringe vicinity, significant impacts are

unlikely. The consultant is in agreement with the conclusions drawn in the Habitats Regulations Assessment submitted by the applicant.

- 6.90 The development site is located adjacent to Sandymoor Wood Local Wildlife Site (LWS) and Dorchester Park Local Nature Reserve (LNR) and LWS, and Lodge Plantation LWS. The Merseyside Environmental Advisory Service Ecologist has advised that the development is unlikely to harm the features for which the sites have been designated. The site is already subject to recreational pressure from walkers and dog walkers and any increase will not be significant. Dorchester Park and Lodge Plantation are located at distances considered too great to be impacted by the proposed development
- 6.91 There is potential for noise and light disturbance from construction to impact on the southern border of the woodland. A condition for the submission of a Construction Environmental Management Plan (CEMP) will manage and mitigate the main environmental effects during the construction phases of the proposed development.
- 6.92 Sandymoor Wood is adjacent to the site and may provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of this area. MEAS have advised that a lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitat in line with NPPF (paragraph 108) in line with recommendations of the Ecological Assessment, this can be secured by condition.
- 6.93 Bird nesting boxes will be erected on the site, in line with recommendations in the Ecological Assessment. This can be secured by condition.
- 6.94 MEAS also originally advised a condition requiring a pre-commencement check for badgers and hedgehogs to comply with the Protection of Badgers Act 1992 and the Natural Environment and Rural Communities Act 2006, however the paragraphs below address this point.
- 6.95 Supplementary comments from MEAS received on the 19<sup>th</sup> September 2019 provided in response to the 2<sup>nd</sup> round of consultation advised that the amended site plan and Arboricultural Impact Assessment require additional ecological assessment and provided further advice that needed to be taken into consideration.
- 6.96 These comments were passed on to the applicant and further information was provided within the Arboricultural Technical Note dated September 2019. The MEAS consultant has reviewed the new information and has advised that the site has interest features which include ancient semi-natural woodland and is valuable for a range of species, including lesser spotted woodpecker and purple hairstreak butterfly. The submitted tree survey of the southern edge of the Local Wildlife Site concluded no ancient trees, with the majority being early mature. Habitat for lesser spotted woodpecker within this area was also classed as suboptimal.

- 6.97 In conclusion the MEAS consultant has advised that despite encroachment from the development meaning a loss of habitat, the areas of loss are not significant, not of high biodiversity value in line with the citation and will not lead to irreplaceable loss of habitat.
- 6.98 Mitigation to improve the quality of habitat in the woodland is therefore appropriate and can be secured by condition and reasonable avoidance measures for protection of badgers can be managed within the Construction Environmental Management Plan.
- 6.99 Natural England have also been consulted and has advised that based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.
- 6.100 It is also advised that all works comply with current bird nesting legislation (Wildlife & Countryside Act 1981 Part 1 Section1 (1) with amendments). This information will be attached as an informative.
- 6.101 On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to Policy GE21 of the Halton Unitary Development Plan.
- 6.102 Highway Considerations
- 6.103 The Council's Highway Officer has provided comments based on the drawing number AA7504 2002 Rev P. The site is considered suitable for the proposed use and the applicant has given due consideration to the potential impact on the existing highway network. Space has been provided within the site for parking, circulation and servicing and no significant impact on road safety or operational capacity is expected.
- 6.104 The proposed scheme has undergone several alterations throughout the planning process with the Highway Authorities advice sought on the various revisions. Access to the site will be as existing, taken off Pitts Heath Lane via the existing un-adopted horseshoe road arrangement utilising a formalised one-way system with an emergency bollarded link onto Biggleswade Drive. The existing bollards at the end of Biggleswade Drive will be retained as existing and this will be secured by condition.
- 6.105 A signage and road marking strategy is requested to be developed and submitted for approval to ensure that access to the site and deliveries are legible. Although Otterburn Street will remain a private road, the Highways Officer has also recommended that a series of road safety audits be undertaken to ensure public safety is fully considered where vehicles and pedestrians interact to ensure compliance with Policy TP7 of the Halton Unitary Development Plan.

- 6.106 The application has been supported by a Transport Assessment, December 2018, ref:2356 Issue 1.
- 6.107 It should be noted that the general site layout has evolved since the submitted report was produced and the access arrangements have now changed in that the existing horseshoe road alignment off Pitts Heath Lane is to remain. This change does not result in a material change to the number of movements or operation of the highway, but will need to be considered in terms of the signage strategy and road markings mentioned above.
- 6.108 The detail contained within the assessment is an accurate reflection of the proposed impact of the development. The trip generation and distribution is proportionate to a development of this scale and nature, and the assessment of impact raises no highway concerns.
- 6.109 Additional tracking diagrams have been received to reflect the latest layout and have been accepted as superseding those within the appendices of the original document.
- 6.110 Given the potential number of trips generated by customers, residents and employees, the Highways Officer has recommended that the applicant submits a travel plan for approval prior to the development being brought into use to promote sustainable modes of travel. This travel plan should be managed and updated throughout the life of the development.
- 6.111 As the proposal is a mixed use development with shared parking provision, the Highways Officer have considered each element utilising the maximum parking standards contained within the Halton Unitary Development Plan document.
- 6.112 The 5 bungalows to the north of the development are a standalone aspect and are served by two car parking spaces each, meeting the desired standard.
- 6.113 The 395 sq.m A1 foodstore would require 22 spaces, the 241 sq.m of A1 retail units would require 12 spaces, as would the A5 units. In terms of the D1 nursery provision no employee details have been provided and therefore an assumption of 3 staff members per room has been used giving a requirement of 21 spaces (including 3 visitor spaces). The maximum requirement for the C3 apartments (mix of 23 x 2 bedroom and 20 x 1 bedroom) with an open tenure would be 50 spaces. For completeness the Highways Officer has considered the existing community hall as D1 public hall with a maximum requirement of 30 spaces.
- 6.114 Provision has been made for accessibility sized bays with a suitable percentage marked for the use of disabled users.
- 6.115 The cumulative total maximum number of car parking bays for the development has been calculated to be 147 spaces, with the number of proposed spaces on site being 132. Given the potential for linked trips and differing peak demand

times for the individual units, the shortfall of 15 spaces on balance is considered to be acceptable, with particular regard given to Policy TP12 of the UDP.

- 6.116 Given the scale of the development and the mixed use nature, the Highways Officer has advised that a car parking strategy be put in place by the developer's management company to ensure adequate measures of control to ensure safe operation whilst meeting the differing demands of the users.
- 6.117 It is noted that there is no mention of parking fees within the submission and the Highways Officer has raised concern over the potential for charging implementation during the life of the development, without prior approval by the Local Planning Authority. The reason for this is to mitigate impact of potential displaced car parking to avoid charges.
- 6.118 The development should promote the use of electric vehicles via provision of suitable charging facilities, further guidance can be found in the document produced by the Liverpool City Region – 'Electric Vehicle Strategy'. Specific regard should be paid to section 3.2.2 Table 3 "Min. provision of parking bays and charging points in new developments". The provision of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved within the scheme and is something that has previously been discussed with and requested from the applicant/agent. A condition requiring details of EV charging points for vehicles prior to commencement of works and the subsequent implementation prior to the development being brought into use is considered reasonable.
- 6.119 Although cycle parking is shown, there is no detail with regards to the type of provision. Sheffield style stands are suitable for short term use but longer dwell times would require covered, secure and overlooked provision to encourage the use of cycles for commuting. Details of cycle storage can be secured by a suitably worded condition to comply with Policy TP6 of the Halton Unitary Development Plan.
- 6.120 Suitable provision has been made within the service yard to turn a large articulated delivery vehicle although a carefully considered management plan would be required to ensure all the end user needs can be met. It is also noted that staff parking has been provided within the service area which will need to be suitably managed.
- 6.121 Tracking diagrams have been provided for the community hall and apartment block to demonstrate that a large refuse collection vehicle can reach a point that will allow suitable drag distances for bins. It is noted that tracking information has been submitted for a vehicle to gain access to the rear of the existing community hall. This movement would require an area of grass to be replaced by a surface that is suitable to carry large vehicles. As the community hall is excluded from the red line planning boundary the Highway Officer is unclear of the exact nature of the proposals and therefore have only accounted for servicing from the car park south of the hall.

6.122 Given the existing use of Otterburn Street by users of the Community Hall and by pedestrians in wider terms including a walking route to school a detailed construction phase management plan should be submitted prior to the commencement of work with detailed phasing set out. The plan would need to ensure the safety of users of the existing amenities and adjacent highway.

#### 6.123 Greenway Network

6.124 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, taking the form of a 3m shared use cycleway/footway connection. The greenway link should be constructed and open to use by the public prior to the development being brought into use.

6.125 Amended plans have been received incorporating the red line boundary expansion to include the requested pathway connecting to existing infrastructure along the south border of the application site. This element of the scheme will be secured under a Section 106 Agreement, to comply with UDP Policies TP9 and TP7.

#### 6.126 Protection of Community Facilities

6.127 Policy LTC5 of the UDP relates to the protection of community facilities and defines a community facility as an essential element of local life and somewhere that provides a venue for a wide range of community activities such as sports clubs, youth clubs, interest groups, playgroups, community groups and general leisure activities. Community Facilities are particularly important elements of residential areas, providing a focus for local people and generating a feeling of community spirit and sense of place. Sandymoor Community Hall provides a popular community use within the locality.

6.128 Policy LTC5 states that development that would result in the loss of community facilities will not be permitted if they serve an important local need unless a replacement facility or equivalent community benefit is provided by the developer in a no less convenient location. The proposed development would not result in the loss of a community facility as there is no change proposed to the footprint of the existing community hall. There is no physical change proposed to the existing Sandymoor Community Hall, it can continue to function and provide the facilities used by a wide range of organisations from public, private and voluntary sectors and therefore the proposed development does not conflict with Policy LTC5.

6.129 The existing Sandymoor Community Hall is landlocked. The applicant has provided the Land Title document (CH540813) which confirms that the "Community Centre" has the right to pass on foot and with motor vehicles (as



appropriate) over and along such access road and/or footpath constructed on the land, and are designated from time to time for this purpose at the discretion of the owner of the property. An objection was received stating that the developers have no right to change the existing access to the Community Hall, however the information provided confirms that the property owner (of the land surrounding the Community Hall) can relocate the accesses to the Community Hall which they have done in the revised scheme.

- 6.130 There is an area of informal hardstanding to the front of the existing Community Hall which the users of the hall and local meeting groups utilise. It should be noted that this area of land currently used for car parking is not within the ownership of the Community Hall. Concerns have been raised regarding restricted and limited parking provision for Sandymoor Community Hall. Parking provision has been addressed in the Highway section of this report. Tracking diagrams have been provided to confirm the ability for the Community Hall to accept deliveries and continue to be serviced.
- 6.131 Sandymoor Community Hall has raised a number of objections to the proposed development together with concerns regarding the Hall's viability and loss of income that would stem from the provision of a new purpose built nursery which would be in direct competition with the existing Sandymoor Pre-school that has operated from the Community Hall since 2003. This is not considered to be a material planning consideration as it is an issue of competition. In the unfortunate case that the existing nursery would cease operation, the Community Hall would still be available for hire, or would even provide an opportunity for new or existing groups to utilise the available time slots; the Community Hall could still continue to function.
- 6.132 Representations commenting on the close proximity of the windows on the proposed residential apartment block have been received raising concerns regarding overlooking, in particular over the open space surrounding the Community Hall which is utilised occasionally by the Sandymoor Pre-school for outdoor play space. The proposed new windows on the apartment block would maintain a 23m interfacing distance between the Community Hall building which exceeds the policy guidance of 21m to protect the amenity of occupants and neighbouring parties. In addition to this, the land surrounding the Community Hall is not private amenity space, but instead is a community facility and shared space. There is no screening provided by the existing fencing.
- 6.133 Objections state that the close proximity of the residential apartment block to the Community Hall would result in noise complaints being made against the Hall, which would result in restrictions on future community hall events due to licence issues, which in turn would also affect the viability of the Hall. This is addressed in the Noise Section below.
- 6.134 The proposal is capable of demonstrating compliance with the development plan having particular regard to Policy LTC5 of the UDP.

#### 6.135 Noise

6.136 The application is supported by the following document -Noise Impact Assessment Report, Sandymoor District Centre, Hann Tucker Associates, ref: 26504/NIA1, Dated 22 Feb 2019.

6.137 Comments from Environmental Health (EH) regarding noise highlight the impact that noise from the delivery yard will have on the 5 bungalows during overnight deliveries. The submitted report has assumed that deliveries will be limited to one overnight delivery, and that without any mitigation this will result in an increase in noise levels of +11dB. Further mitigation has therefore been proposed in the way of an acoustic fence, which will reduce the noise levels by 10dB. The acoustic report also refers to best practice guidance with regards to noise from deliveries. On the basis that an acoustic fence (to the specification identified within the report) is put in place and operates to best practice there are no objections from EH on noise grounds. A condition is suggested to secure the provision and retention of an acoustic fence along the rear boundary of the bungalow properties to comply with UDP Policy PR2.

6.138 Concerns have been raised during the public consultation by members of the public and the existing Sandymoor Community Hall regarding noise levels during events held at the existing Sandymoor Community Hall and the impact that might have on the proposed residential properties, specifically the proposed apartments, resulting in noise complaints and restrictions on future community hall events. Information has been provided by the Community Hall specifying a catalogue of events held at the community hall. Details provided include the frequency of events, capacity and timings. Indicative noise level readings have also been submitted. However, there is no evidence of ever receiving a complaint of excessive noise from any of the events held on the Community Hall's property, bearing in mind that there are currently residential properties within the vicinity. Therefore historic noise complaints are not a valid ground of objection to the scheme. Premises engaged (pubs etc) in regulated entertainment within close proximity to residential properties are regularly located within housing estates, and it is for the premises to adequately manage the events to prevent noise problems.

6.139 Environmental Health is satisfied that the existing Sandymoor Community Hall could continue to operate, without causing undue disturbance to their proposed residential neighbours, by managing the events responsibly. The proposal is considered compliant with Policies PR2 and PR7 of the UDP.

#### 6.140 Provision of childcare

6.141 Policy LTC6 of the Halton Unitary Development Plan sets out the criteria that will apply to Children's Day Care Provision. The proposed nursery is of an adequate size with appropriate outdoor facilities to provide a satisfactory environment for children. The outdoor play area is separate from any car park or servicing area and so satisfied the criteria for highway safety.

6.142 Parent and child parking spaces are provided within close proximity to the nursery entrance for adequate dropping-off and pick up arrangements. There are good pedestrian links and the site is accessible by public transport off Pitts Heath Lane. On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy LTC6 of the Halton Unitary Development Plan.

#### 6.143 Hot food takeaway

6.144 Two hot food takeaway units are proposed within the scheme and therefore the Hot Food Takeaway Supplementary Planning Document applies.

6.145 The takeaways are proposed within a defined Local Centre as listed in Appendix 5 of the Hot Food Takeaway SPD and in accordance with HFT1, the hot food takeaways would not result more than two units or 10% of the total ground floor units being a hot food takeaway.

6.146 HFT2 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.

6.147 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 is therefore acceptable in principle. A condition will be attached to any subsequent decision restricting the hours of operation.

#### 6.148 Affordable Housing

6.149 Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided, in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes. Affordable housing will be sought at 25% of the total residential units proposed.

6.150 Information has been provided in support of the application confirming the proposed scheme is part of Livv Housing Group's Shared Ownership and Affordable Housing Programme and will contribute to Halton Council's most recent Housing Strategy.

6.151 The proposed 43 'Retirement Housing Apartments' will consist of 23x two bedroom units and 20x one bedroom units and communal facilities comprising lounge with kitchenette, communal gardens and buggy store. There will also be a manager's office, to provide support to residents.

6.152 Summary of affordable housing provision:

- 43 apartments for affordable rent

- The 5 proposed bungalows are for shared ownership.

6.153 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 Core Strategy Policy CS13. The provision of the affordable housing will be secured by condition.

6.154 Open space

6.155 The requirements for the provision of recreational greenspace within new residential developments are set out in Policy H3 of the UDP.

6.156 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 UDP policy H3.

6.157 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.

6.158 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.

6.159 Given the viability position, it is not considered that contributions for open space can be justified in this case.

6.160 Ground Contamination

6.161 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.

6.162 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 is generally undeveloped, except for the period when it was used for the temporary Sandymoor School. Very few 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.

6.163 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).

6.164 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. The proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR14 and Core Strategy Policy CS23.

#### 6.165 Flood risk and drainage

6.166 The application is supported by the following document: Flood Risk Assessment, Sandymoor District Centre, Delta-Simons Project No. 18-0914.02, March 2019.

6.167 The Lead Local Flood Authority (LLFA) has indicated that the site is partly within Flood Zone 3 but benefits from flood defences, and therefore the proposed use is considered to be compatible. The site has some existing risk of surface water flooding and the LLFA has advised that this should be accounted for in final levels; development slab levels may need to be set in accordance with Environment Agency advice.

6.168 Originally, the proposed drainage strategy was still to be finalised and the Lead Local Flood Authority advised that pre-commencement conditions be attached to any decision to require submission of details and implementation of a sustainable drainage scheme and a verification report.

6.169 The following document was submitted on the 6<sup>th</sup> September 2019 following a revision of the proposed site plan and general arrangement: Sandymoor District Centre, Proposed Drainage Strategy, SWF Consultants, Ref. CL8355, Dated 27.08.2019.

6.170 The Lead Local Flood Authority have been re-consulted on the submitted Proposed Drainage Strategy. They have confirmed that there is some outstanding information but this can be secured by condition.

6.171 The Environment Agency have been consulted on the submitted Flood Risk Assessment (FRA). Comments received advised that the FRA is considered acceptable in principle and that the proposed development will only meet the requirements of National Planning Policy Framework if flood resilient construction methods are incorporated in the proposed development. No specific details of such methods have been provided, however the Environment Agency has suggested an appropriately worded condition and has advised that this would ensure compliance with Policy PR16 of the Halton Unitary Development Plan.

6.172 United Utilities advise that following the submission of additional information, the proposals are now acceptable in principle and suggested a condition relating to foul water and surface water drainage.

#### 6.173 Waste Prevention / Management

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

6.175 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.

6.176 In terms of waste management, the applicant has demonstrated the proposed locations for bin stores within the proposed nursery, apartment blocks, adjacent to the bungalows and within the service yard to serve the retail units. Swept path analysis have been submitted to support the application (DRAWING NUMBER: 2356-SP10) and demonstrate the acceptable movements of a Large Refuse Vehicle (3 axle) as well as access to enable collection.

6.177 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.

#### 6.178 Designing Out Crime

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

6.180 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). The convenience store has good natural surveillance from Pitts Heath Lane and adequate secure provision should be made for the siting of an ATM.

6.181 Original comments highlighted that the open grass area at the front of the development provides an opportunity for this to become a gathering area. Amended plans have shown this space has been re-arranged to provide additional car parking spaces to address the original parking shortage thus addressing this point. Comments from the 2<sup>nd</sup> round of consultation for the submitted amended plans reiterate previous comments and advice an informative.

## **7.0 CONCLUSIONS**

- 7.1 The proposal seeks to bring forward the development of a new Local Centre to provide community and social infrastructure that will serve existing and future residents of Sandymoor. The site is allocated for a proposed local centre and housing in the UDP supported by policies TC1 and H1 respectively.
- 7.2 The site also falls within a Key Area of Change identified within the Halton Local Plan Core Strategy. Policy CS11 of the Core Strategy highlights this site as an opportunity to create a new community which will encompass a mix of uses. The application proposes a mixed use of retail, residential and a new nursery facility 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.
- 7.3 The Core Strategy also states that the continued development of Sandymoor will be achieved by delivering residential units in line with outstanding consents including a new local centre and public transport connections.
- 7.4 The principle of the proposed development is considered to accord with the development plan.
- 7.5 Policy CS2 of the Core Strategy Local Plan and National Planning Policy Framework set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, the proposal is considered consistent with the policies relevant to this site.
- 7.6 As discussed in the sections above, the proposed development would infringe standoff distance of Sandymoor Wood. Achieving compliance with the guidance set out within the Sandymoor SPD to maintain a 15m stand-off distance along the full woodland boundary would compromise the viability of the development, with a genuine concern, based on previous unsuccessful schemes, that a local centre would not be delivered. It is considered that there are significant public benefits arising from the provision of the long awaited and much needed local amenities as part of this plan led, sustainable development that out weight the harm caused to Sandymoor Wood and the mitigation/compensation that has already been outlined above.
- 7.7 The application is recommended for approval.

## **8.0 RECOMMENDATIONS**

The application is recommended for approval subject to:

(a) The entering into a Legal or other agreement relating to securing financial contributions to woodland mitigation/ compensation and works to implement footpath along Otterburn Street.

(b) Conditions relating to the following:

1. Time
2. Approved plans
3. Site levels
4. Material details
5. Affordable housing
6. CEMP (MEAS requested)
7. Lighting scheme
8. Bird nesting boxes
9. Scheme of mitigation – MEAS – planting and bins
10. Retain bollards on Biggleswade
11. Signage and road marking strategy
12. Road safety audits
13. Travel plan
14. Car parking strategy
15. EV charging points
16. Cycle storage details
17. Construction phase management plan – phasing plan
18. Acoustic fence
19. Opening hours
20. Site waste management plan

## **9.0 INFORMATIVES**

1. Breeding birds protection (Policy GE21)
2. Construction Method Plan and considerate constructors

## **10.0 SUSTAINABILITY STATEMENT**

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).