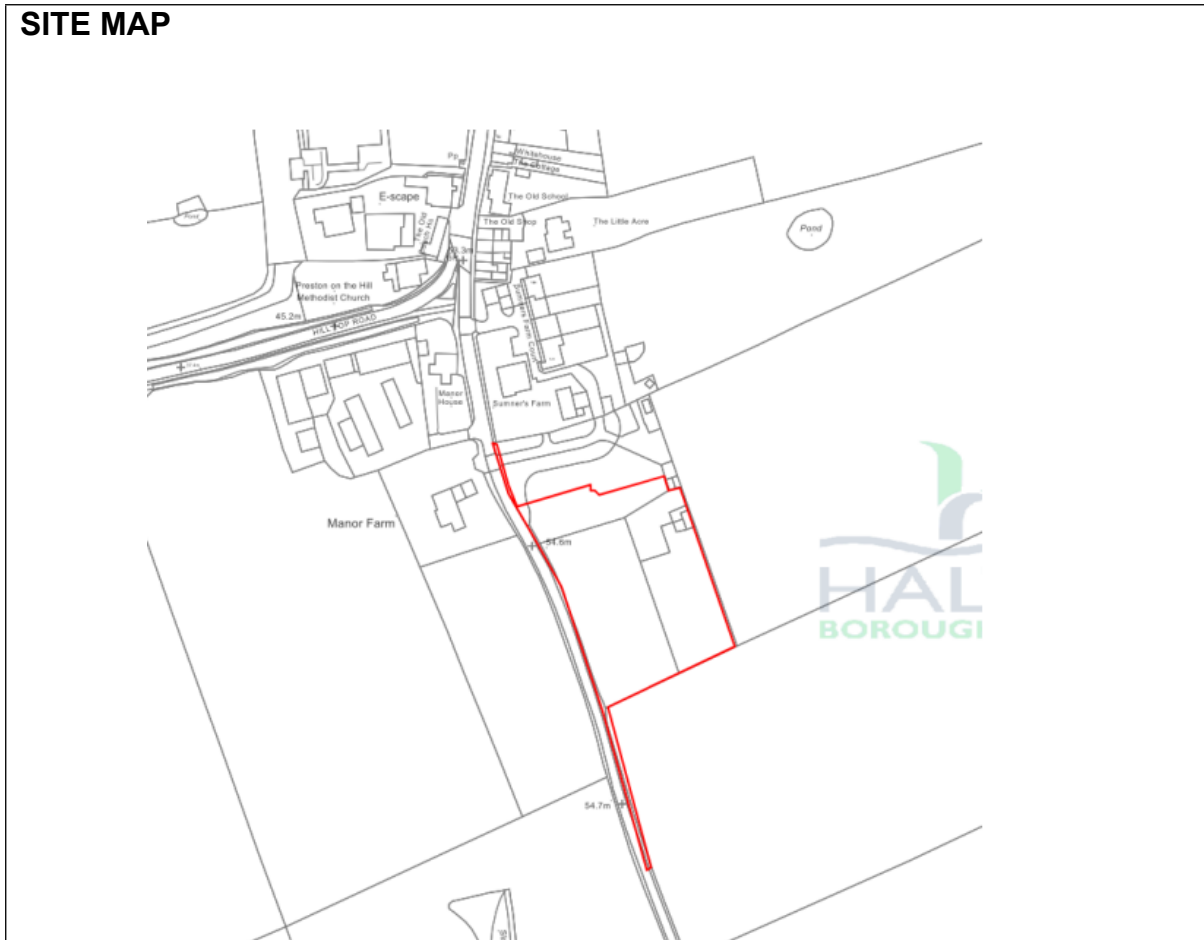


APPLICATION NO:	22/00493/OUT
LOCATION:	Land at Sumners Farm, east of Barkers Hollow Road, Preston on the Hill, WA4 4AZ
PROPOSAL:	Outline application with all matters reserved except for access, for residential development (Use Class C3) of 17 dwellings
WARD:	Norton South & Preston
PARISH:	Preston Brook Parish Council
APPLICANT:	Henderson Homes
AGENT:	Stephen Harris – Emery Planning
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Primarily Residential – RD5
DEPARTURE	No
REPRESENTATIONS:	Yes
KEY ISSUES:	Principle of development, traffic and highway safety
RECOMMENDATION:	Grant outline planning permission subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site children and young people space and to secure affordable housing provision and TRO.

SITE MAP



1. APPLICATION SITE

1.1 The Site

The site subject of the application on land at Sumners Farm, east of Barkers Hollow Road, Preston on the Hill. The site is 0.66ha in area.

The site is bounded by hedgerows and post and rail fencing.

To the north lies existing residential development and to the west lies Barkers Hollow Road. To the east and south lie farmers' fields.

The site is on the edge of the built-up area of the village and sits within the Primarily Residential area in the Halton Delivery and Allocations Local Plan. The Primarily Residential area extends to the north of the site and surrounding the site to the east, south and west, lies designated Safeguarded Land (SG5 and SG7).

1.2 Planning History

Sumners Farm House, which lies outside of the application site, has a lengthy planning history for farm related and domestic applications. However, there is no relevant planning history for this particular site.

2. The Application

2.1 The Proposal

The application is in outline, with all matters reserved except for access, for residential development (Use Class C3) of 17 dwellings, of which 4 will be affordable.

2.2 Documentation

The application is accompanied by the associated plans in addition to:

Design and Access Statement
Preliminary Ecological Appraisal
Phase 1 Geo-Environmental Desk Study Report
Transport Note
Tree Survey
Drainage Strategy

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 (DALP)

The site is designated as a Primarily Residential in the Halton Delivery and Allocations Proposals Map. The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- CS(R) 20 – Natural and Historic Environment
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking
- HE4 – Greenspace and Green Infrastructure
- HE1 – Natural Environment and Nature Conservation
- HE5 – Trees and Landscaping

- HE9 – Water Management and Flood Risk
- RD4 – Greenspace Provision for Residential Development

3.2 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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

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

MATERIAL CONSIDERATIONS

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

3.34 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in September 2023 and sets out the Government’s planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 states so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:

The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

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.

3.5 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 person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

Equality Duty Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development that justify the refusal of planning permission.

4. CONSULTATIONS

4.1 United Utilities

United Utilities responded with advice regarding water and waste services which will be attached as an informative. They also requested the following condition:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

4.2 Archaeology

Thank you for consulting with APAS regarding the above application, having reviewed the supporting documentation along with the information held on the Cheshire Historical Environment Record, I can see that this current application is unlikely to disturb or disrupt any significant below ground archaeological remains.

4.3 Police

Cheshire Constabulary issued advice with respect to designing out crime which will be added as an informative to any forthcoming permission.

4.4 Contaminated Land

I have reviewed the application and considered the land contamination impacts and have the following comments.

The application is supported by the following document;

□ Proposed residential development, Sumner Farm, Preston on the Hill for Henderson Homes. Phase 1 geo-environmental desk study report, ref 22073/GEDS, Robert E fry and Associates Ltd, 10 June 2022.

The report details the findings of a desk study and site walkover and a preliminary risk assessment of the suitability of the site for the proposed residential development. The site has been in agricultural and associated usage as far back as the reviewed records go, with very limited potential sources of contamination identified on site or in close proximity. The reporting recognises a low risk from some made ground from trackway construction and small outbuildings, as well as agricultural/orchard chemical treatments. It recommends that a site investigation is undertaken to confirm the preliminary conceptual site model in terms of contamination and geo-technical characteristics.

The report is suitable to support the application and I am in agreement with its findings.

Therefore I do not have any objection to the proposals but recommend that if approved it should be conditioned to require the submission of a site investigation and risk assessment, with remedial strategy and verification reporting (where the site investigation deems it necessary).

Suggested wording for the condition;

No part of the development hereby permitted shall commence until;

- a) Prior to the commencement of development an appropriate investigation and assessment of all potential pollutant linkages is submitted to, and approved by, the Planning Authority. The investigation and assessment should be carried out by suitably qualified personnel and carried out in accordance with current Government, Environment Agency and British Standard guidance, and;
- b) Should any significant risks be identified by such an investigation a remediation strategy, including suitable monitoring and verification methodologies, should also be agreed in writing by the Planning Authority. A verification report shall be issued upon completion of any remediation.

4.5 Natural England

Natural England has no comments to make on this application.

4.6 Open Space

Further to your consultation I have considered the open space implications and would make the following comments;

The proposed site lies within the Daresbury area land, it is not in a conservation area and there are no TPO's on site.

Trees

A detailed Arboricultural survey and methodology report will be needed if the trees mentioned in the Tree Survey Schedule were to be affected by the development.

Hedgerows

Hedgerows to be retained and improved where possible, any subject to removal should be replanted close by so retain and enhance biodiversity as mentioned in the 'Preliminary Ecological Appraisal – 7.1.3'. These are important habitats which are currently in national decline.

'Preliminary Ecological Appraisal – 6.2.3 The intact hedged bounding the site are species poor and contain a low diversity of woody plant species but all hedgerows are a UK BAP habitat. They should be retained in any proposed scheme and where lengths need to be lost, they should be transplanted or new hedges planted as compensation'

Ecology

Biodiversity enhancements as compensation mentioned in table 7.1 would be beneficial to the development of local ecology.

Work shall not be carried out between April and July if it would result in disturbance to nesting birds to ensure no damage to wildlife.

Work must cease if any wildlife mentioned if any notable or protected species are found on site and an ecologist consulted.

Wildlife and Countryside Act 1981 Part 1 Section 1 (1)

Consult W&C Act 1981 (with amendments) for full details of protection afforded to wildlife

4.7 Merseyside Environmental Advisory Service

Ecology

The applicant has submitted an ecology report in accordance with Local Plan Policy HE1 (Envirotech. July 2022. Preliminary Ecological Appraisal. Land South of Sumners Farm) which meets BS 42020:2013.

Bats

The report states that no evidence of bat use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations.)

Breeding birds

Hedgerows and trees on site may provide nesting opportunities for breeding birds, which are protected, and - Local Plan Policy HE1 applies. The following planning condition is required.

CONDITION

No tree felling or management, or hedgerow removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Bird nesting boxes

The proposed development will result in the loss of bird breeding habitat and - Local Plan Policy HE1 applies. To mitigate for this loss, details of bird nesting boxes (e.g., number, type, and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement. The following planning condition is required.

CONDITION

The development hereby permitted shall not be occupied until details of bird boxes to include number, type, and location on an appropriately scaled plan as

well as timing of installation, has been provided for approval and implemented in accordance with those details.

Amphibians Reasonable Avoidance Measures (RAMS)

As a precaution, I advise that the undertaking of the following Reasonable Avoidance Measures (RAMs) during the construction phase is secured by a suitably worded planning condition (and/or as part of a CEMP):

- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any amphibians present to move away from the affected areas;
- The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent amphibians from seeking shelter or protection within them; and
- Any open excavations (e.g., foundations / footings / service trenches etc.) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent amphibians from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to amphibians.

Habitats Regulations Assessment

The development site is near to the following national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan Policy CS(R)20/ HE1 applies:

- Mersey Estuary SPA.
- Mersey Estuary Ramsar.

I have considered the proposals and the possibility of likely significant effects on national and international sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the national and international sites and the proposals do not warrant a Habitats Regulations Assessment for the following reasons:

- There will be no land take required from any internationally or nationally designated sites as the closest international and designated sites (River Mersey Estuary SPA and Ramsar) are located approx. 7.27km west of the proposed site.
- There will be no direct effects such as noise or pollution incidents through construction due to the distance (approx. 7.27km west) between the proposed development site and the closest international and designated sites (River Mersey Estuary SPA and Ramsar.)
- In relation to recreational pressure the adopted Halton Council Information Note on mitigating the impact of recreational pressure within Halton shows the exclusion of the entire part of the borough south of the River Mersey (where the application site is located) from the recreational pressure core and outer zones of Halton. Therefore, in accordance with Halton Council's approved recreational pressure interim approach, a commuted sum and leaflet would not be required.
- The proposed site is located within a farmland setting. A review of the Cheshire and Wirral Bird Atlas website¹ (Birds in Cheshire and Wirral - A breeding and wintering atlas) returned zero non-breeding qualifying bird

species from within the OS tetrad SJ58Q within which the proposed site is located. A review of data from rECORd returned one record of lapwing (50 birds) (a non-breeding qualifying bird species of Mersey SPA and Ramsar). This record is located approx. 850m south-east of the proposed site. Therefore, it is considered that the arable land surrounding the proposed site is not used as Functionally Linked Land by non-breeding qualifying bird species of Mersey SPA and Ramsar sites.

Sustainability

Waste Planning Policy

The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g., a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

Owing to the outline nature of the application, the applicant has not provided sufficient information to demonstrate compliance with policy WM9 of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph

I advise that information relating to household waste storage and collection is required and can be secured by a suitably worded condition.

A waste audit or similar mechanism provides a mechanism for managing and monitoring construction, demolition, and excavation waste. This is a requirement of WLP policy WM8 and the National Planning Policy for Waste (paragraph 8); and is advised for projects that are likely to produce significant volumes of waste (NPPG, paragraph 49). Implementation of such mechanisms may also deliver cost savings and efficiencies for the applicant. The following information could be included within the waste audit (or similar mechanism) as stated in the Planning Practice Guidance:

- the anticipated nature and volumes of waste that the development will generate;
- where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development;
- the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities; and
- any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

Information to comply with policy WM8 could be integrated into a Construction Environment Management Plan (CEMP) if one is to be produced for the development. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.

Guidance and templates are available at:

- <http://www.meas.org.uk/1090>
 - <https://www.gov.uk/guidance/waste>
 - <http://www.wrap.org.uk/>
- http://ec.europa.eu/growth/toolsdatabases/newsroom/cf/itemdetail.cfm?item_id=8983

Low Carbon Development

In October 2019 Halton Borough Council declared a Climate Emergency to help tackle global warming at a local level. The proposed development should consider the use of low carbon and/or renewable energy in line with Core Strategy Local Plan policy CS19: (Sustainable Development and Climate Change) and Policy GR5 (Renewable and Low Carbon Energy).

Ecology

Bats

The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

4.8 Local Lead Flood Authority

After reviewing 22/00493/OUT planning application the LLFA has found the following:

- The site is described as 0.66ha and is considered to be a Greenfield site.
- The proposed development would comprise of 17 residential dwellings and associated landscaping with those of the highest vulnerability classified as more vulnerable to flood risk as defined within Planning Practice Guidance.
- A Drainage Strategy has been prepared in support of the application. It is noted that no Flood Risk Assessment has been produced for this application.

The LLFAs comments on the Flood Risk Assessment are:

- It should be noted that there has been no Flood Risk Assessment provided with this planning application.

- The site is located within Flood Zone 1 and the actual area of the site where the resurfacing works are to be undertaken covers an area less than 1ha therefore a Flood Risk Assessment is not required for this application.

Drainage Strategy

- Discharge location

- o The site comprises a Greenfield land classification.

- o The drainage strategy indicates that the Phase 1 Desktop Study Report concludes that due to the Tarpoley siltstone formation present across the site, infiltration may be viable. It is noted that no infiltration testing has been undertaken at this stage.

- o It is stated that if infiltration is not a viable option for this site then the nearest watercourse to the site would be a unnamed watercourse located approximately 185m east of the site, with this outfall being approximately 8m lower than the current level of the site. It is noted that for this option 3rd party land consent would be required.

- o In the strategy it states that if neither infiltration nor discharging the surface water runoff into a watercourse is feasible then discharging into the United Utilities surface water sewer 283m to the northwest of the site with this outfall requiring the surface water runoff to be pumped.

- o The LLFA would question if this solution would have the same restrictions with 3rd party land ownership as discharging to a watercourse and hence would suggest that this be discounted as an option as the watercourse is closer to the site.

- Assessment of SuDS

- o It is noted that for a discharge to both the watercourse and the surface water sewer propose using an attenuation tank, with soakaways proposed if infiltration proves to be suitable.

- o It should be noted that the LLFA has a preference for above ground SuDS systems and would require justification for the use of below ground components such as attenuation tanks and oversized pipes. The LLFA will not accept 'lack of space' or 'loss of plots' as reasonable justification as making space for drainage should be thought about at the master planning stage for a site.

- Runoff Rates

- o The greenfield runoff rate for the site has been estimated to be 0.46 l/s however it is noted that no calculations have been provided to support this.

- o If infiltration is proved not to be viable, it is proposed that if the site is to be discharged to the watercourse at a rate of 3.0l/s and if this is not feasible the surface water would be pumped into the UU surface water network at a rate of 5.0l/s.

- o The LLFA would note that a flow restriction of 2.0l/s is required from this development as it is considered that this is the lowest feasible rate that can be achieved without a large risk of blockage.

- Drainage Performance

- o Currently an indicative drainage strategy has been provided for each of the three feasible discharge location. However, no calculations have been provided and the attenuation features have not been sized at this stage.

- o The LLFA requires that a discharge location is established in line with the hierarchy outlined within the National Planning Policy Framework (NPPF).

- o It is also required that modelling is undertaken to ensure no flooding on site for the 1 in 100 plus 45% climate change event.

- Maintenance and management

- o The drainage strategy does not provide a clear management and maintenance plan for this development.

In summary the LLFA acknowledges that a Drainage Strategy has been provided with multiple drainage options considered, however the LLFA would require the following information to be provided for a reserved matters application:

- o Drainage strategy with a singular proposed discharge location in line with the SuDS hierarchy – i.e. in preferential order – Soakaway, Watercourse, Surface Water Sewer, Combined Sewer.

- o Infiltration tests to BRE365 are required to demonstrate whether discharge via infiltration is feasible. It should be noted that the LLFA and United Utilities apply this strictly, and detailed consideration of the hierarchy will need to be demonstrated in supporting documentation.

- o A conceptual drainage layout should be prepared indicating proposed drainage layout, attenuation location, points of discharge and runoff areas.

- o Evidence of consideration to how SuDS would be integrated with other aspects of the development such as open spaces or green infrastructure,

so as to ensure an efficient use of the site. Please note the LLFA has a preference for above ground SuDS systems and would require justification for the use of below ground components such as attenuation tanks and oversized pipes. The LLFA will not accept 'lack of space' or 'loss of plots' as reasonable justification as making space for drainage should be thought about at the master planning stage for a site.

- o Hydraulic calculations should be provided showing an assessment of the drainage performance based on the updated Environment Agency Climate change guidance for all return periods assessed. This should demonstrate that the site would not flood during the 3.33% AEP flood event with an appropriate uplift for climate change.

- o A proposed foul water drainage strategy with a singular discharge method/location. If a pumped option is proposed consideration will have to be given to UU pump station requirements.

- o Proposed site levels plan indicating the proposed finished floor levels to show that the proposed development does not increase the risk of flooding to neighbouring properties.

- o A flood routing plan indicating where surface water runoff would go should the drainage system fail.

- o It should also be noted that DEFRA is currently working to implement Schedule 3 of the Flood and Water Management Act 2010 in Spring 2024, this would remove the automatic right to connect to a public sewer and there have been recent changes to the Environment Act requiring developers to provide a 10% Biodiversity Net Gain on site from November 2023. Therefore, the LLFA would encourage developers to use multi beneficial Sustainable Drainage Systems on their sites.

- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by, or connection to any system adopted by, any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

4.9 Highways Authority

No Highway Objection

The Highway Technical Note 02 'HTN02', response, was broadly acceptable in terms of addressing comments and considerations from the initial consultation response, including an acceptable response declining the suggested consideration of setting the site frontage back such that the road be nominally/judiciously widened about the site frontage about the northern limit to the access was offered.

A Stage 1/2 Road Safety Audit will be required at detailed REM stage, this should be conditioned.

In addition to standard conditions e.g., CEMP etc., a condition for a s278 agreement will be required to be conditioned to undertake the following offsite highway works:

- footway installation, resurfacing Including the removal of block paving on the adopted section of the Sumners Farm entrance bellmouth), kerbing etc. from the extent of the proposed footway on Barker's Hollow Road to the existing extent of footway to the north.
- A signing and lining scheme should be conditioned to change the road markings (Dragon's Teeth) and move the speed sign columns.

These works should be completed before development commences.

A condition will also be required regarding amendment to the TRO to move the speed limit position, to beyond the access of the site.

This will be required to have commenced prior to development.

Example wording for non-standard conditions:

▪ Road Safety Audit

A Stage 1 and Stage 2 Road Safety Audit, by an independent organisation, shall be undertaken prior to development to specifically address any conflicts between vehicles, pedestrians and cyclists, within and about the site as per the design. Within 6 months of the completion of the development, a Stage 3 Road Safety Audit shall be submitted to the Local Planning Authority for written approval.

Reason: In the interest of highway safety and to ensure the development, including off-site highway improvements is safe for all users, existing and new.

▪ Off-site highway Works/s278:

The development authorised by this permission shall not begin until:

a. the local planning authority has approved in writing a full scheme of works of improvement to:

(i) Provide continuous and connected pedestrian access (footway) along Barkers Hollow Road from the site to existing infrastructure. This shall include resurfacing (including about the adopted strip of the Sumners Farm entrance), crossing points (where applicable), kerbing, etc.

(ii) A signing and lining scheme for the relocation of the Dragon's Teeth and speed limit columns, and other required/associated infrastructure to complement the TRO (speed limit) amendments, below. This shall be in compliance with the Traffic Signs Regulations and General Directions (2016) (or any Order/Act revoking, amending or re-enacting those Regulations).

(iii) The approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To meet the standards of pedestrian accessibility and accord with Policy C1 of the DALP and to ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

▪ TRO Amendment:

**No works shall commence on the site until the amendment to the Traffic Regulation Order for the change of speed limit position from, unrestricted (national speed limit for single carriage road) to 30mph, has been secured/promoted by the Developer.*

Reason: In the interests of highway safety.

*This needs to be a pre-commencement condition as the impact applies to traffic associated with both the construction and operational phase of the site.

4.10 Parish Council

I'd like to raise objection against the following application 22/00493/OUT.

First and foremost the application is for residential development on land which is designated as 'safeguarded for future development' as per the LDP. This land has not long been assigned this status from green belt and I find it absurd that planning is being sought for 17 houses on land which is 'safeguarded for future'. This doesn't have residential building status which would be subject to consultation via a newly proposed LDP so therefore the designation remains as stated and as such, quite simply the application should be denied.

The area is already subject to excessive traffic and speeding and to introduce 17 additional properties would present further impact to the village.

Preston on the Hill is the original village for Preston Brook and is slowly being eroded by unnecessary residential developments through ineffective land housing allocations by Halton Council. How is the village being preserved? It's not – the application if accepted not only creates a serious detrimental precedent for other builders who've secured development options but ruins the precious green area, the agricultural elements as well as the lack of infrastructure which is completely inefficient.

How is wildlife to be preserved? There are a culmination of different animals be it owls, bats, GCN, foxes and more – this was seriously impact that. Ironically, a lot of these frequent the land that this application refers to.

I don't believe any thought at all has gone into this other than the financial recompense to be gained from the owner of the land and the builders looking to make a quick buck.

5. REPRESENTATIONS

5.1 The application was advertised by a press advert in the Widnes & Runcorn Weekly News on 06/10/22, two site notices were posted close to the site and 19 neighbour notification letters sent on 29/09/22.

11 representation have been received from the publicity given to the application. A summary of the issues raised is below:

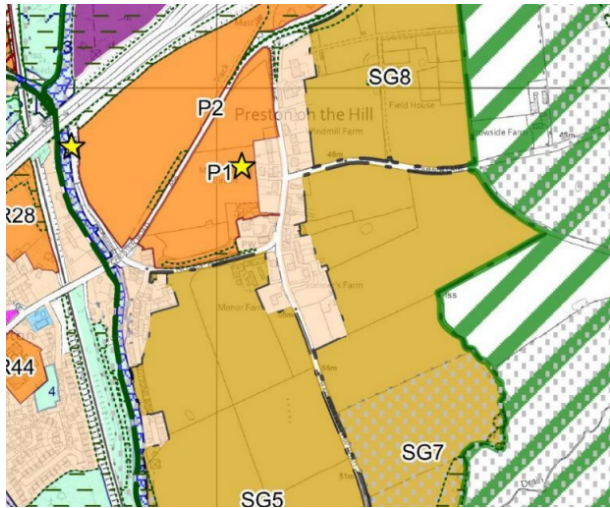
- Traffic safety concerns
- Lack of amenities in the area
- Loss of Green Belt
- Design and location of affordable housing
- Oversupply of housing
- Lack of design consideration
- Flood risk
- Biodiversity
- Affect on Safeguarded Land
- Risk of fly tipping

6. ASSESSMENT

6.1 Principle of Development

After reviewing the representations, there appears to be some confusion over the site's designation. This may be due to the DALP only being adopted last year.

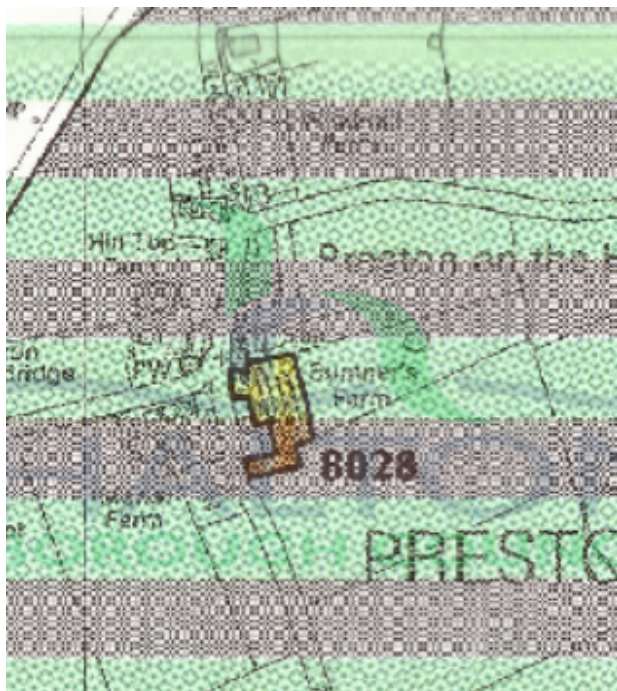
The site is within the village boundary and forms part of the Primarily Residential area as shown below:



(DALP, 2022)

The site is surrounded by Safeguarded Land to the east, west and south and the rest of the Primarily Residential area to the north.

The previous development plan was the Unitary Development Plan (UDP). This old plan illustrated the whole of the village washed over by Green Belt and an Area of Special Landscape Value with the exception of Sumners Farm which was a committed site for residential development as seen below:



(UDP, 2005)

Considering the suitability of residential development in the Primarily Residential area, it is noted that the parcel of land directly bounds with a previously allocated housing site (from the old UDP) which has since been built and there is existing residential development in the locality and associated greenspace. It is considered that residential development on this

parcel of land would be sympathetic to surrounding land uses and is acceptable in principle.

The principle of residential development on the wider site is therefore considered to be acceptable in accordance with Policy RD5. The above is considered to address the concerns raised by the Parish Council regarding the allocation of the site.

It has been suggested by a member of the public that greenbelt compensation should be sought. The site is not an allocated site for residential development under Policy RD1 nor is it allocated as Safeguarded Land under Policy GB2. It is therefore considered that Policy CS(R)6 does not apply in this case and there is no conflict with Policy CS(R)6 of the DALP.

6.1 Affordable Housing

Policy CS(R)13 of the DALP requires residential schemes of 10 or more dwellings or 0.5ha or more in size, with the exception of brownfield sites are to provide affordable housing.

As this site is a greenfield site, 25% of the development is required to be affordable. For this development this equates to 4 affordable homes.

The provision of 4 affordable homes has been included by the applicant from the first submission of the application.

It is noted that a representation has been made concerning the location and size of the affordable homes. The submitted site plan is for indicative purposes only as the application is in outline and design and layout is reserved. Notwithstanding this, from the indicative site layout plan it can be seen that the site is too small to have significantly more or less desirable plots and the indicative semi detached affordable homes are adequately distributed.

The applicant notes the requirement for affordable housing in their application and it is considered that securing the submission of an affordable housing scheme, including appropriate tenure mix, by means of s106 or other appropriate agreement would ensure compliance with Policy CS(R)13 of the DALP.

6.3 Open Space

The requirements for provision of greenspace within new residential developments are set out in Policy RD4 of the DALP.

The Open Space Requirement Calculator has identified that there is a deficit of provision for children and young people in this particular neighbourhood.

Whilst the applicant proposes amenity greenspace, the identified deficit for children and young people is not being proposed to be met on site., the policy indicates that a commuted sum in lieu of on-site provision is required.

The appropriate commuted sum has been agreed by the applicant and can be secured by legal agreement to ensure compliance with Policy RD4 of the DALP.

6.4 Access

This is an outline application in which means of access (covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site) is under consideration. Whilst layout is reserved for future consideration, the means of access would be fixed should this application be granted.

The applicant has worked proactively with the Highway Officer to amend the scheme to address all previous concerns.

The Highway Officer has confirmed that they raise no objection but recommends a S278 agreement for highway works including footway installation and a signing and lining scheme. It is considered that these can be secured by suitably worded planning condition.

To address safety concerns the Highway Officer has also recommended a condition to amend the TRO to move the speed limit position to beyond the access of the site and reduce to 30mph and conditions relating to Road Safety Audits prior to development and post development. Given that a contribution towards the TRO of £1.5K would be secured by way of a S106 Agreement, it is considered that is the TRO works would be within the power of the Council as Highway Authority and it would not be reasonable or necessary to further secure this by planning condition

The proposals are considered to comply with Policy C1 of the DALP.

6.5 Layout

Layout is reserved for future consideration. There is no longer a requirement to provide an indicative layout to accompany an outline planning application; however, the applicant has chosen to provide one to demonstrate the suitability of the amount of development being sought. The layout would not be restricted to that shown on the indicative layout. As stated in the access section above, the access arrangements which include the accessibility for all routes to and within the site would be fixed by the granting of this application.

The application seeks to gain permission for a residential development of up to 17 dwellings which would equate to the site being developed at a density of

up to 26.5 dwellings per hectare. This is below the minimum density on individual sites of 30 dwellings per hectare which is sought to ensure the efficient use of land in accordance with Policy CS(R)3 of the DALP. Having regard to the character of the area it is not considered that a refusal on this issue alone could be sustained. Furthermore, a large area is undeveloped for amenity open space to preserve separation with adjoining properties and for the amenity of wildlife and future occupants.

The layout provided with the application is purely indicative, however it does demonstrate that a layout showing 17 dwellings can be achieved which has regard for the Council's guidelines including the Design of Residential Development SPD.

Cheshire Police have made some observations which could influence the layout and design at a reserved matters stage, and it is considered appropriate to attach these observations as an informative.

The layout detail would be considered as part of a reserved matters application.

6.6 Scale

Scale is reserved for future consideration. There is no longer a requirement to provide scale parameters with an outline planning application; however, the indicative plans show the proposed dwellings to be typical two storey in height which would reflect the scale of dwellings in the wider locality.

Scale is something which would be considered as part of a reserved matters application.

6.7 Appearance

Appearance is reserved for future consideration. This is something which would be considered as part of a reserved matters application.

It is considered that a scheme of appropriate external appearance can be achieved which has regard for the location of the site.

6.8 Landscaping

Landscaping is reserved for future consideration. Landscaping would be considered as part of a reserved matters application.

A detailed arboricultural survey and methodology report will be needed if the trees mentioned in the submitted Tree Survey Schedule were to be affected by the development.

The Council's Open Spaces Officer has made some suggestions with regard to the retainment and improvement of the hedgerows on site which can be attached as an informative.

6.9 Ground Contamination

The application is accompanied by a Phase I Geo-Environmental Desk Study.

This has been reviewed by the Contaminated Land Officer and no objection has been raised subject to the attachment of a condition which secures the submission of a site investigation, risk assessment and, if determined to be necessary, remediation strategy and verification reporting to ensure that any ground contamination is dealt with appropriately.

The attachment of the condition above will ensure compliance with Policy HE8 and CS(R)23 of the Halton Delivery and Allocations Local Plan.

6.10 Flood Risk and Drainage

The applicant has provided a drainage strategy but this is very high level with multiple options for the surface water and foul water disposal methods. What they are suggesting for each option is acceptable but they need to work through the hierarchy to determine which options are viable and then add some more detail to the actual design at reserved matters stage.

If infiltration is not viable then the option to discharge to the watercourse to the east of the site has to be developed, even if there are issues over 3rd party land ownership.

One neighbour queried the affect the proposal would have on the stream running through their garden. The LLFA consider the proposal would limit the discharge rate to the watercourse to 2-3l/s which is as close to the greenfield runoff rate that is possible to limit discharge rates to, so there will be a slight increase in flow rates in the watercourse in the resident's garden but this should be negligible.

The LLFA raised a concern regarding foul drainage for the development, the applicant will either have multiple properties draining to a singular package treatment plant which has long term maintenance issues (especially with multiple property owners) the other option is to pump to the UU sewer 400m away. Detailed drainage can be secured by condition the applicant will need to consider the space required at reserved matters stage.

6.11 Ecology

The applicant has submitted an ecology report in accordance with Policy HE1. The report states that no evidence of bat use or presence was found, and

MEAS agrees that the Council does not need to consider the proposals against the three tests (Habitats Regulations.)

The Council's retained Ecological Advisor (MEAS) raises no objection to the proposed development subject to the attachment of conditions which secure breeding bird protection, reasonable avoidance measures for common amphibians and an ecologically sensitive lighting scheme. It is noted that the Parish Council raised concerns about the effect the development would have on animals. It is considered that the Ecological Advisor has recommended reasonable conditions to mitigate the effect upon protected species which addresses their concerns.

Based on the above, it is considered that the proposal is compliant with Policy HE1 and Policy CS(R)20 of the Halton Delivery and Allocations Local Plan.

6.12 Biodiversity Net Gain

The NPPF requires that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning policy encourages pursuit of opportunities for securing measurable net gains for biodiversity.

The scheme is however illustrative at this stage as the design of the site will be determined at the reserved matters stage and could dictate the level of BNG. A BNG assessment will be required at that stage based on an assessment of habitats to be lost and those to be retained, enhanced and created. MEAS have produced a guidance note for developers in this regard which will be attached as an informative to any decision.

6.13 Archaeology

A representation from a member of the public has raised concerns about archaeology on the site. However, the Council's Archaeology Advisor is confident that the application is unlikely to disturb or disrupt any significant below ground archaeological remains and therefore there is no conflict with Policy CS(R)20 or HE2 of the Halton Delivery and Allocations Local Plan.

6.14 Waste Prevention/Management

The proposal involves construction activities and policy WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste.

In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

In terms of on-going waste management, there is sufficient space on site to deal with this and this will be considered further through reserved matters submission. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

Sustainable development and climate change

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.

Policy GR1 states all major development proposals must demonstrate how sustainable design and construction methods will be incorporated to achieve efficiency and resilience to climate change in accordance with CSR19 taking into account the site-specific viability of the development where appropriate.

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.

7. CONCLUSIONS

In conclusion, the proposal would bring forward residential development in a Primarily Residential area and the proposal demonstrates that a residential land use would be sympathetic to surrounding land uses.

The Highway Officer has commented that the means of access to the proposed development is acceptable and the suggested conditions are in the interests of highway safety.

A reserved matters application which provides detail relating to layout, scale, appearance and landscaping would be required.

The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton.

The application is recommended for approval subject to conditions and the entering into a Legal Agreement or other agreement for the provision of a financial contribution towards off-site provision for children and young people and to secure the 4 affordable homes.

8. **RECOMMENDATION**

That the application be **APPROVED** subject to the following:

a) entering a legal agreement under Section 106 Town and Country Planning Act 1990 with the Council land relating to:

- affordable housing
- off-site public open space contribution
- TRO contribution to extend the 30mph zone

b) the conditions for which headings are listed 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.

9. **CONDITIONS**

1. Time Limit – Outline Permission.
2. Submission of Reserved Matters.
3. Development Parameters.
4. Breeding Birds Protection – (Policy HE1)
5. Bird Boxes – (Policy HE1)
6. Hours of Construction – (Policy GR2)
7. Implementation of Site Access – (Policy C11)
8. Parking and Servicing – (Policy C1 and C2)
9. Visibility Splays on Barkers Hollow Lane – (Policy C1)
10. CEMP Including Reasonable Avoidance Measures – Common Amphibians
11. Ecologically Sensitive Lighting Scheme – (Policy GE21)
12. Drainage Strategy/ Verification – (Policy HE9)

13. Ground Contamination (Site Investigation, Risk Assessment, Remediation Strategy, Validation Report) - (Policy HE8)

14. Submission of a Biodiversity Net Gain Assessment (including updated metric). 15. Securing off-site Highway Works

16. Arboricultural Survey and Methodology Report (HE5)

17. Waste Management Plan (Policy WM8 & WM9)

18. Submission and Implementation of an operational energy scheme to demonstrate energy consumption/ carbon reduction.

Informatives:

1. Highway Informative.
2. Landscaping Informative.
3. Cheshire Police Informative.
4. United Utilities Informative.
5. MEAS BNG Informative

9. **BACKGROUND PAPERS**

The submitted planning applications are background papers to the report.

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

10. **SUSTAINABILITY STATEMENT**

As required by:

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

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