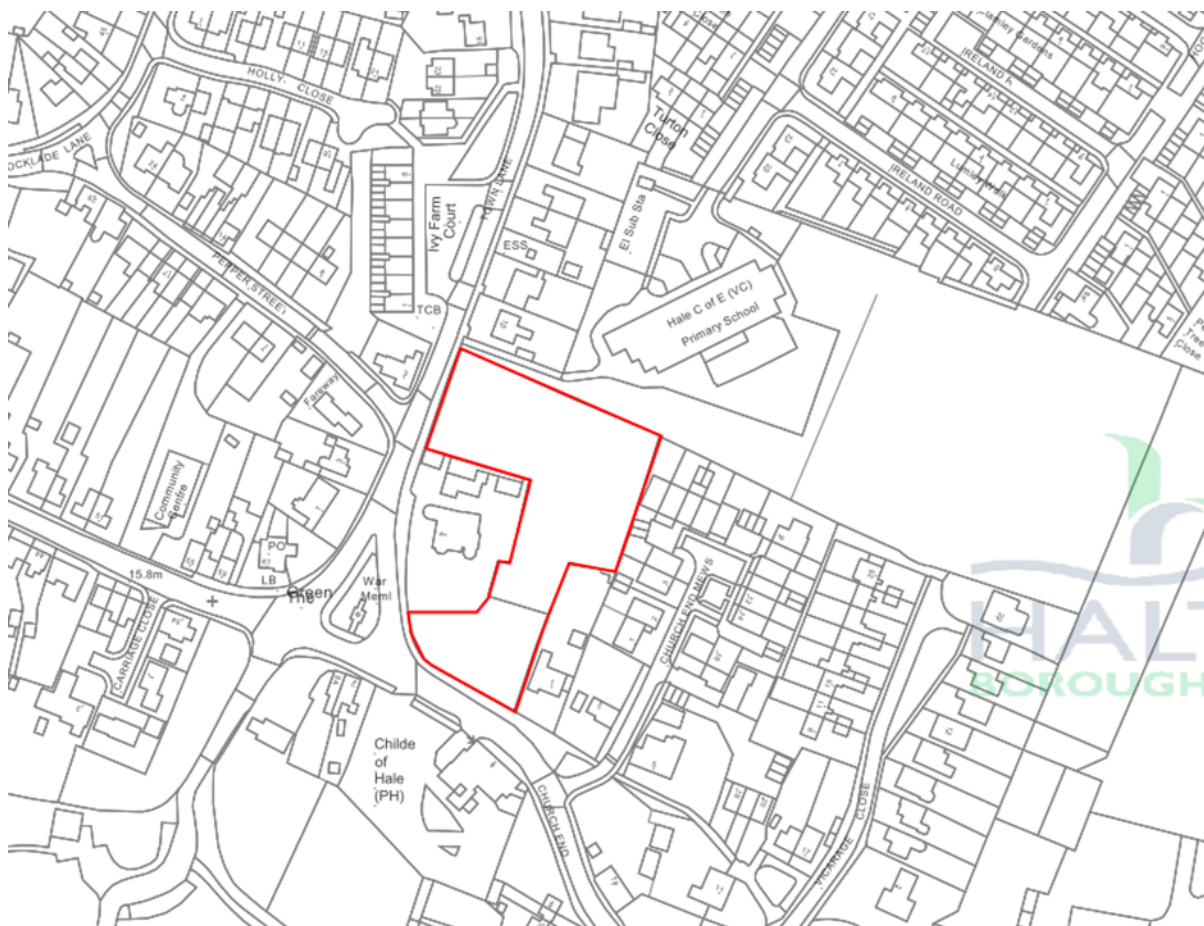


<b>APPLICATION NO:</b>	22/00638/FUL
<b>LOCATION:</b>	Land Bounded by Church End & Town Lane Hale L24 4AX
<b>PROPOSAL:</b>	Proposed development of 13 dwellings (Use Class C3) with associated landscaping, access/egress, parking, and associated works
<b>WARD:</b>	Ditton, Hale Village and Halebank
<b>PARISH:</b>	Hale
<b>APPLICANT:</b>	Mr David Platt, Knight Hill Homes Ltd
<b>AGENT:</b>	Mr Richard Dimisianos, 3 Kenyons Steps, Liverpool , L1 3BH
<b>DEVELOPMENT PLAN:</b> Halton Delivery and Allocations Local Plan (2022)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b> Residential Allocation Site 'H1'
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	30 representations have been received in response to the public consultation exercise. A summary of the responses is set out in the report.
<b>KEY ISSUES:</b>	Highways, Principle of Development, Ecology, Developer Contributions, Residential amenity, design, impact upon Hale Village Conservation Area, affordable housing, contaminated land, drainage and flood risk, recreational pressure.
<b>RECOMMENDATION:</b>	Grant outline planning permission subject to conditions and S106 Legal Agreement relating to Open Space and Affordable Housing.
<b>SITE MAP</b>	



## 1. UPDATE

Planning Application 23/00638/FUL was reported to the Development Management Committee in December 2023. Prior to the start of the December Committee, the Committee Chair received an email from Hale Parish Councillor Luke Trevaskis on behalf of Hale Parish Council confirming a position of objection. The email of objection contained further details than those previously submitted by Hale Parish Council as set out in the December committee report. Due to the time of the emails arrival just prior to the start of Committee, its content was not noted until after the Committee had resolved to approve the determination of planning application 23/00638/FUL.

In view of this, planning application 23/00638/FUL is to be reported to the February Development Management Committee to consider the details of Hale Parish Council's objection.

### HALE PARISH COUNCIL OBJECTION

As noted in the update, an email was received from the Hale Parish Councillor Luke Trevaskis writing on behalf of Hale Parish Council. This email is produced in full below:

## **OBJECTION - FOR URGENT CONSIDERATION**

Dear members of the Development Committee,

Hale Parish Council would like to bring to your attention a breach of the NPPF and HBC's Local Plan in relation to Planning Application 11/00638/FUL for 13 dwellings on land at Town Lane, within Hale Village's Conservation Area.

Figure 3 (Page 11) of the Heritage Statement (link below and attached) highlights a historic pond in the top quadrant of the red circle that has not been adequately referenced in the content of the report, or subsequent designs (which appear to build directly on top of this natural water course). The pond is approximately 20 feet in diameter and serves as both a natural drainage point, and a focal point of significant value, fronting the Conservation Area of Town Lane. The pond can also be identified in Figures 4 and 5 (Page 12) of the report. You may also note various errors which appear as though the report has simply been copied and pasted from prior work (an example of which can be found on page five when reference is made to the development enhancing the 'Lydiate Hall and Chapel Conservation Area' (a location in Sefton, close to 20 miles away from the proposed site).

[https://webapp.halton.gov.uk/planningapps/2200638FUL/OTH\\_HS%20-%20Hale%20Village%20Final%20Version.pdf](https://webapp.halton.gov.uk/planningapps/2200638FUL/OTH_HS%20-%20Hale%20Village%20Final%20Version.pdf)

The pond has historic significance to the local community, is of cultural value, and provides significant local biodiversity. As a key feature of Hale's heritage, the pond has existed since the 1800s and it is disappointing that the developer has proposed to build over this natural drainage point, without providing any mitigation for an alternative site for the pond. The pond plays a vital role in enhancing the local environment and is important to residents and visitors alike.

This lack of consideration for the amenity of Hale's Conservation Area, and a key community asset, does not work to enhance or preserve Hale's Conservation Area, and the Parish Council, as a statutory consultee, strongly objects to current proposals which in effect remove a focal point of the centre of the village currently contributing significantly to the local landscape character of the Conservation Area.

Misleadingly, the ecology report (link below and attached) does not mention the pond, or highlight its ecological importance to supporting the diverse wildlife of Hale's Conservation Area. Page 19 of the report indicates there are no watercourses on the site, and completely omits any inclusion of the pond. The site map on the last page also fails to accurately record any presence of the pond.

[https://webapp.halton.gov.uk/planningapps/2200638FUL/ECO\\_2200638FUL.pdf](https://webapp.halton.gov.uk/planningapps/2200638FUL/ECO_2200638FUL.pdf)

It is the view of Hale Parish Council that this glaring inaccuracy could have significant consequences if a decision were to proceed regarding the application at the meeting this evening. Members of Halton Borough Council are required to have due consideration to the facts, alongside national and local planning policy.

The Parish Council believes the applicant has not provided all information to enable the Committee to consider all the material planning points required of it. Similarly, the planning officer has been unable to include all material planning considerations in their report.

It is understood the location of the pond may be behind scrub, and visibility may be restructured. However, the Parish Council believes the lack of transparent information disables the Committee (and any officers of Halton BC) from drawing a conclusion as to whether or not the applicant has properly provided due consideration to the effects the proposed development would have on the pond, its heritage value, and the wildlife it supports. Therefore, the Parish Council is of the understanding the Committee would not currently be able to objectively assess whether the application currently satisfies the requirements of the NPPF, HBC's Local Plan and the Wildlife and Countryside Act 1981.

Specifically, the Parish Council does not believe the Committee would be able to assess how the development accords with the below.

1) The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions with respect to any buildings or land in a Conservation Area that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (s.72).

2) The NPPF (Paragraph 194) states "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

3) The NPPF (Paragraph 195) states local planning authorities should identify and assess the particular significance of a heritage asset, including its setting, and take this into account when considering the impact of a proposal in order to avoid or minimise conflict between the asset's conservation and any aspect of the proposal. Significance is defined in the NPPF Glossary (2021) as: the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."

4) In determining applications, the NPPF advises that the local planning authority should take account of positives associated with the heritage asset and that the more important a heritage asset, the greater weight that should be given to the protection of its significances.

5) The NPPF (Paragraph 197) states that in determining application the local planning authority should take account of the desirability of sustaining and

enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

6) The NPPF (Paragraph 197) states that in determining application the local planning authority should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

7) The NPPF (Paragraph 204) states that local authorities should not permit loss of the whole or part of a heritage asset.

8) Halton BC's LP (Policy CS(R)20) states "the Borough's historic environment, heritage assets and their setting, will be conserved and enhanced and opportunities to enhance them or increase understanding through interpretation and investigation will be encouraged, especially those assets at risk".

9) Halton BC's LP (HE2) states "the Council will support proposals that conserve and, where appropriate, enhance the Borough's historic environment" and "proposals that conserve or enhance the character or appearance of a Conservation Area will be supported".

10) Halton BC's LP (GR1) states "development proposals should make a positive contribution to their surroundings and ensure they contribute to the creation of a high quality public realm that enhances conditions for pedestrians and cyclists".

The Parish Council believes a decision regarding this development should be deferred until the above matters are addressed, and respectfully requests a Councillor to table a motion to that effect. Sadly I cannot make the meeting this evening and would appreciate a response from members/officers to confirm receipt of this representation on behalf of the Hale Village community.

For reference, I have also attached a video of the pond sent to me by a resident today.

Thank you in advance.

## APPLICANTS RESPONSE

Following receipt of the email from Hale Parish Council, the Local Planning Authority made the Applicant aware of the concerns raised. The Applicant's heritage advisor responded with the following points of opinion.

- There was no recording of a pond on site when visited in early September and prior to that, in August.
- This is confirmed in the findings of the SI and also by the omission of its identification as a pond from more recent OS maps over the last 50-70 years. This often happens when ground level builds up over time and the 'dip' in land levels is no longer considered to be a functioning pond.
- The pond is not identified in the Heritage Assessments 2022 for the proposed site allocation of H1 for housing. This assessment was carried out by the Council as part of 'due diligence' exercise for the recently adopted Local Plan and has been through a thorough local examination process. That assessment

talks only of the boundary hedgerow and sandstone wall as making positive contributions to the conservation area.

- We do not dispute the fact that this section of the site does appear to retain water at certain times of the year but from what I can see, it certainly not something that makes a 'positive' contribution to the conservation area. In fact, I would argue that it's stagnant and boggy appearance is one that detracts from its character and appearance of the conservation area as it suggests poor land drainage. It is also worthy of note that there are also no features such as laid out paths that suggestion that this was ever meant to be publicly accessible or enjoy by the village occupants.
- There are tangible positives for the conservation area associated with bringing this site forward. One such positive is the creation of public access to a historically privately owned part of the conservation area and it is our considered view that this would far outweigh the loss of this area of boggy land that some call a pond. This positive was identified in the Council's HA for the Local Plan.

## CONSIDERATION

Planning application 23/00638/FUL was reported to this Committee in December 2023. Considerations in this report are set out in addition to those in the December 2023 Committee Report, which is set out in full below. Considerations of this update are limited to address the matters raised by Hale Parish Council in the email dated 5<sup>th</sup> December 2023 set out above.

HPC - Points of objection	HBC Response/Considerations
A pond is located in the top quadrant of the site. The pond is approximately 20 feet in diameter and serves as both a natural drainage point.	A pond basin is located in the North West corner of the application site. It is difficult to confirm its diameter due to the centre being dry and overgrown from vegetation. The Lead Local Flood Authority (LLFA) has reviewed the development proposal and provided confirmation that there is no existing formal drainage arrangement for the application site. Furthermore the opinion states that it did not appear that the pond provided a drainage function for the site. The LLFA have returned a position of no objection to the proposed development. For the avoidance of doubt the Pond is not classed as nor part of a watercourse.
The Pond acts as a focal point of significant value front the Conservation Area of Town Lane. The pond has historic significance to the local community and is of cultural value.	The pond is situated in a dense area of scrub within the application site. Despite its proximity to the adjacent highway of Town Lane, the pond cannot be viewed from the public realm. The pond is located entirely on private land. There are no public footpaths to or

The pond has a vital role in enhancing the local environment and is important to residents and visitors alike.

This approach fails to enhance or preserve the Hale conservation area (HCA).

from the site that would afford a view of it.

As part of the Council's preparation of the Delivery and Allocations Plan, a Borough wide assessment was carried out to ascertain the suitability of sites put forward for in response to the Strategic Housing Land Availability Assessment call for sites. As part of this assessment, consideration was given to any heritage impacts borne as a result of the application sites allocation for residential development. The following comments from that assessment are of note:

*Designated 22nd April 1983 The core of the village is High Street, lined with pairs of 18th century whitewashed estate cottages and leading east, past what remains of the village green and the entrance gates to Hale Park, into Church End and the older part of the village where lime washed thatched cottages cluster around the triangular, leafy Parsonage Green.*

*The site contributes in part to the Conservation by displaying a large area of green space albeit within private ownership. The boundary of the site to the south along Church Road is constructed of sandstone, whilst the boundary along Town Lane is of a hedgerow.*

The above assessment notes the sandstone wall as a feature of interest. There is no mention of a pond as part of this assessment. The sandstone wall has been incorporated into the fabric of the scheme design with all stone material to remain on site and reused to form an access point to plot 13.

The Council's retained heritage advisor has considered the development proposal and returned an opinion of no objection. The response noted "*Overall, the proposed development will make use of a plot of land that is currently redundant therefore having the potential to detract from the significance of the conservation area and surrounding heritage assets, and is considered to*

	<p><i>have a neutral impact on the conservation area”.</i></p> <p>In view of the comments above, it is the Council’s view that the Pond is not easily viewed and cannot be seen from the public environment such is the level of overgrowth on site. Therefore the Pond is not regarded as a focal point for the Town Lane area of the Hale Conservation Area.</p>
The pond provides significant biodiversity value	<p>Ponds can contribute to providing significant bio diversity. However, they do require periodic maintenance. The pond at the application site has had no apparent maintenance. It has become overgrown and silted up. There is for example paddock grass growing in the centre of the pond, this is not an aquatic species of vegetation. The wet areas are limited to the edges. The pond has been described as dried up on the contaminated land survey which corroborates the lack of maintenance and suggests that the pond is only periodically wet.</p> <p>As set out in the update to Committee on the 5<sup>th</sup> December 2023, the Council has considered the loss of the pond against planning policy HE1 of the Halton specifically paragraph 10c and paragraph 180a of the NPPF. The Council determined that the loss of the pond would not result in the loss of a significant asset. Therefore it is considered that the Applicant does not need to install compensatory measures elsewhere within the scheme.</p>
No mitigation has been provided for an alternative site for the pond	<p>As set out in the viability considerations of the report below, the overall viability of the scheme is precariously balanced. Further erosion into the schemes overall viability concerning the loss of developable plots is a material consideration. It is considered that the delivery of the scheme as proposed inclusive of 3 No. affordable housing units is of materially greater worth than the retention of the on site pond.</p>
The Planning (Listed Buildings and Conservation Areas) Act 1990 states	<p>The Council consulted its retained heritage advisor as part of the</p>



<p>that in the exercise of planning functions with respect to any buildings or land in a Conservation Area that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area (s.72).</p>	<p>consideration of the development proposal. A response of no objection was received in response. The advice provided is set out in full within the DMC report.</p>
<p>Hale Parish Council draw attention to the requirements of NPPF in decision making, specifically paragraphs 194,195,197 and 204. Since the date of the HPC email the NPPF has been updated, the paragraphs referenced are now 200,201,203 and 210 in the latest draft.</p> <p><b>P200</b> <i>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</i></p> <p><b>P201</b> <i>Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.</i></p>	<p>The Applicant did submit a heritage statement as part of the planning application suite of documents. The heritage statement made no reference to the pond. Notwithstanding, the Pond feature is noted on historic maps that date to 1896. However, this feature does not appear on current OS plans.</p> <p>The Council's retained heritage advisor has assessed the development proposal and has put forward a position of no objection. In the response they note that the development will have a neutral impact upon the Hale Conservation Area.</p> <p>The Historic England (HE) document 'Water Features in Historic Settings' makes reference to moats, decoy ponds, fish ponds or ancient fisheries as examples of water features that carry notable heritage value. These examples are all of a scale vastly larger than the pond under consideration both in terms of physical scale and order of importance. The pond on site is not of comparable scale. The HE document attributes the term heritage value to a retention of enjoyment for future generations. Examples include, the retention of fish lakes to demonstrate how fish lakes were used to sustain populations as a source of food, how moats were used to defend strategic positions or as a status symbol to a particular era of history. Often moats are the only remaining feature of such periods of history where the buildings have long decayed to ruin. The Borough boasts two nearby examples of such historic water features of notable heritage worth. The Hale Decoy Duck Pond and the Moat at Lovel's Hall. Both these examples carry a heritage value that is of national worth as demonstrated</p>

in their designation as national ancient monuments.

With regard to local scale heritage matters, there are a number of local heritage features of interest within Hale Village. The most notable are that of the Childe Of Hale bronze statue, the Manor House, St Mary's Church, Hale Light House, the white wash cottages and houses. These are well known in the locality and feature prominently amongst local tourism links. In comparison, the pond on the application site is obscured from view due to the overgrown nature of the site. As a result the pond does not benefit from the same level of positive contribution to the conservation area as the listed examples on account of a reduced physical presence. This is best illustrated on account that the pond cannot be viewed from a public vantage point.

It is on this basis that the Council considers the significance of the ponds heritage worth to be low. It is considered that the Council has the necessary details before it to proceed to determine the application pursuant to paragraphs 200 and 201 of the NPPF. Notwithstanding, the Council has requested that its retained heritage advisor review the content of Hale Parish Council's objection. If an updated opinion is received an update will be presented orally to the Development Management Committee.

The location of the pond on site is proposed to be occupied by three residential units. These units will be delivered as affordable housing. The delivery of affordable housing is a first for the village of Hale. Were the pond to be retained, it would result in the loss of three residential units reducing the number of units to ten. As noted above, the overall viability of the scheme is precariously balanced. Further erosion into the schemes overall viability concerning the loss of developable plots

**203** *In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.*

**210** *Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*

is a material consideration. It is considered that the delivery of the scheme as proposed inclusive of 3 No. affordable housing units is of materially greater worth than the retention of the on site pond. The Council has had full regard to paragraph 203 of the NPPF.

The application site is an allocated site in the recently adopted Halton Delivery and Allocations Plan (DALP). There is an identified need for housing in the locality as evidenced in the background documents to the DALP. Furthermore, the Applicant has stated their commitment to deliver the development with contractors in place for ground work to commence in March.

Hale Parish Council make reference to the Halton Delivery and Allocations Plan, specifically Policies CS(R)20, HE2, GR1 CS(R)20 Para 3.

*3. The Borough's historic environment, heritage assets and their setting will be conserved and enhanced and opportunities to enhance them or increase understanding through interpretation and investigation will be encouraged, especially those assets at risk.*

HE2                                  Para                                  4  
*In accordance with policy CS(R)20 the Council will support proposals that conserve and, where appropriate, enhance the Borough's historic environment, heritage assets and their settings, especially those identified as being at risk.*

As set out in the report below, the identified relevant policies should be considered together.

The application site is an allocated site. The pond is an existing feature of this site. The Application site is significantly overgrown to the extent that the remnants of the pond cannot be seen. The application site offers no notable worth to the setting of the pond. The application site is modest in scale and could be regarded as a village infill.

As previously noted, the Council's retained heritage advisor has reviewed the scheme and put forward a position of no objection.

The viability of the proposed scheme has been discussed above and is discussed in further detail in the body of the report below. The retention of the pond would result in the loss of three residential units and result in a lower rate of return. It is of note that with 13No. residential units on site the development will still result in an overall profitability below the reasonable rate of return as set out in the Planning Practice Guidance. The consequence of this is that the scheme would become

	<p>unviable and undermine the schemes ability to deliver affordable housing.</p> <p>It is considered that the delivery of the scheme offers a neutral impact to the Hale Conservation Area and that the delivery of three affordable houses outweighs any harm borne from the removal of the pond.</p>
<p>10. Halton BC's LP (GR1) states "development proposals should make a positive contribution to their surroundings and ensure they contribute to the creation of a high quality public realm that enhances conditions for pedestrians and cyclists".</p>	<p>Pedestrian and cycling impacts and opportunities have been considered by the Council's Highways Officer. Comments from whom are set out in full in the officer report below.</p>

## CONCLUSION TO THE UPDATE

The matters raised by Hale Parish Council have each been assessed by the Council. The Council considers that the matters raised by Hale Parish Council do not result in a change to the Officer recommendation to Committee in December 2023 or the Committee resolution. As noted above and in the report below, matters regarding heritage, ecology and transport have been reviewed by the Council's respective advisors, each of whom have raised no objection to the development proposal. The recommendation remains to approve the application subject to conditions and a legal agreement per the terms set out in the recommendation section of the report below.

For all other issues please see the report below which is a duplicate of that presented to Committee in December.

## 2. APPLICATION SITE

### 2.1 The Site

The site subject of the application consists of a 1.13 Acre parcel of land located within Hale Village. The site is unorthodox in terms of its overall shape and boundary layout that fronts onto Town Lane and Church End. The Northern and Eastern boundaries of the site are contained by houses and other buildings including a School. It is of note that the pedestrian access to the Hale C of E primary school, located north east of the application site, is directly adjacent to the application sites northern boundary.

The site is Greenfield and contains both shrubs and trees in addition to a Protected Copper Beech Tree in the South West Corner of the site.

The application site sits within the Hale Village Conservation Area, an urban environment that consists primarily of surrounding dwellings that are of mixed character and age predominantly 2 storey in height.

The site is allocated as a Residential Development Site (H1) by the Halton Delivery and Allocations Local Plan Policies Map. The site has a notional capacity of 12 houses as defined by the Halton DALP.

## 2.2 Planning History

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

## **3. THE APPLICATION**

### 3.1 The Proposal

Permission is sought for the erection of 13 dwelling houses. The proposed breakdown of dwellings is as follows: 3 mews houses (3 bedroom) 4 semi-detached houses (4 bedrooms) and 6 detached dwellings (2 of which are 3 bedroomed 4 of which are 4 bedroomed). The houses are a combination of 2 and 2.5 storey dwellings with accommodation in the roof space.

The 3 mews houses will be affordable dwellings which equates to 25 % of the development. The Applicant has proposed a tenure of first homes for the affordable housing provision.

The development details a new access point off Town Lane that will serve 10 of the proposed units. Two units will be serviced directly off Town Lane. An additional unit will be serviced directly from the Church End highway. Each dwelling will benefit from dedicated private off street car parking situated within each units private residential curtilage.

The Applicant proposes a traditional materials palette consisting primarily of render and red brick with grey roof tiles and flush wooden casement windows.

A Copper Beach Tree that is protected by way of a tree preservation order (TPO) is located on the application site. An additional TPO tree located in a neighbouring property is of note due to its overhanging crown along the application site boundary. It is of further note that the application site is grassed and has a mixture of immature tree specimens. Whilst the Copper Beach is to be retained the remainder of the site would be cleared in preparation for the development of the site.

### 3.2 Documentation

The planning application is supported by the following documentation:

- Planning Statement
- Construction and waste method statement
- Preliminary Ecological Statement
- Arboricultural Impact and Method Statement

- Heritage Statement
- Noise Impact Statement
- Flood Risk Assessment
- Preliminary Risk Assessment
- Transport Statement
- Drainage Scheme
- Site Investigation
- Landscape Drawing
- Design and Access Statement

#### **4. 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**

#### **4.1 Halton Delivery and Allocations Local Plan (2022)**

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

- CS(R)3 Housing Supply and Locational Priorities;
- CS (R) 6 Green Belt
- CS (R) 7 Infrastructure Provision
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS23 Managing Pollution and Risk;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HE1 Natural Environment and Nature Conservation;
- HE2 Heritage Assets and the Historic Environment
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE8 Land Contamination;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity
- RD1 Residential Development Allocations
- RD 5 Primary Residential Areas
- GR3 Boundary Fences and Walls

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

### Design of Residential Development SPD

#### **4.2 Joint Merseyside and Halton Waste Local Plan (2013)**

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

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

## **MATERIAL CONSIDERATIONS**

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

#### **4.3 National Planning Policy Framework**

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

#### **4.4 Equality Duty**

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

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

#### 4.5 Other Considerations

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

#### 5. **CONSULTATIONS**

The application was advertised via the following methods: Site notice posted near to the site, press notice, and Council website. Surrounding properties were notified by letter. The following organisations have been consulted and any comments received have been summarised below and in the assessment section of the report where appropriate:

##### Sustrans

No objection – comments received are discussed in the highways comments section of the report

##### United Utilities

No objection

##### Liverpool John Lennon Airport

No objection

##### Natural England

Awaiting comments pending review of Council habitat regulation assessment

##### Hale Parish Council

Objection – Details of the objection are set out in the report below

##### Environment Agency

No Objection.

##### **Council Services**

##### Highways

No objection subject to conditions

##### Lead Local Flood Authority

No objection to the proposed development subject to a condition

##### HBC Contaminated Land

No objection to the proposed development subject to conditions



Archaeology

No objection. Site does not hold archaeological interest

Open Spaces

No objection subject to condition.

Landscape Architect

No objection

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection subject to condition and financial contribution secured by S106

Environmental Protection

No objection subject to condition

Conservation Officer

No objection

## **5 REPRESENTATIONS**

5.1 The application has been publicised by neighbour notification letters on three occasions following the Applicant's modification to the development proposal, specifically those relating to house design, layout and highways considerations. Site notices were also posted in the vicinity of the site. The application was also advertised in the Local Press.

5.2 Thirty representations have been received. A summary of the objections received is set out below.

- Detrimental to Highways Safety
- Traffic Generation
- Increased demand for on street parking
- Houses will not be affordable
- Harmful to the Environment
- A pedestrian crossing should be installed
- Loss of light at neighbouring properties
- Over dominant form of development - will overshadow existing houses
- Negative impact upon Conservations Area
- Negative Impact upon Protected Trees
- Inadequate Landscaping proposed
- Negative impact upon Rights to Light (it should be noted that Rights to Light are not material planning considerations)
- Harmful to the residential amenity of neighbours
- Houses will overlook neighbours

- Public Consultation event failed to engage adequately and was not transparent
- Errors in application documents
- Smaller houses are required in Hale
- Overdevelopment
- Proximity of houses to Protected Tree will create future pressure to reduce canopy of the tree
- Design of houses is unsuitable for this location
- Houses should be rendered
- Houses will be too tall dwarfing neighbouring dwellings
- Inadequate infrastructure is in place to support additional residents
- “To build new housing right next to the school is so distasteful”
- Dwellings are out of character
- Loss of existing Trees
- Loss of Sandstone Wall
- Loss of Historic Farm Duck Pond, loss of both historical feature and detrimental to drainage

Cllr Wharton has raised the following concerns:

*I have concerns relating to access and egress to the site. The Town Lane proposed road is close to the school entrance and is extremely busy particularly at school opening time. The other proposed road is extremely close to a bend and visibility as you come out of that road would be extremely limited. I would ask that the highways team give consideration as to how these issues can be mitigated if the proposal is agreed by the Development Management Committee.*

## **6 ASSESSMENT**

### 6.1 Principle of Development / DALP Allocation

The Residential Allocation of the site by the Halton DALP has established that developing the site for residential purposes is acceptable in principle. Policy RD1 of the Halton DALP contains a table that presents a notional capacity for all the of the allocated residential sites. Such figures are indicative only, developments can exceed or fall short of this capacity depending on site circumstances. The suggested capacity of the application site is 12 residential units.

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

#### Housing Mix

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

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

	Market	Affordable
3 bed units	2 (15%)	3 (23%)
4 bed units	8 (62%)	0
Total	10 (80%)	3 (20%)

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

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

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

	Market	Affordable
1 bed units	25%	25%
2 bed units	45%	45%

3 bed units	25%	25%
4+ bed units	6%	5%

From the tables set out above, noting the inconsistencies between the 2016 DALP evidence base and the evidence base of the emerging Liverpool City Region Spatial Development Strategy, the Applicant is not meeting the locally identified needs. Notwithstanding, consideration needs to be given to the overall size of the application site. This is a modest sized application that sits within an existing urban area. It is not of a strategic scale that would contribute a disproportionate impact with regard to the Council's identified need.

The Applicant is providing two three bedroomed market housing representing 15% of the proposed quantum of development. The assessed need for this type of housing is shown to be 52.7 % in the 2016 SHMAA and 25% in the 2023 HEDNA. A total of 8 dwellings representing 62% of the proposed quantum of development is proposed. The identified needs of the SHMAA and HEDNA are 10.5% and 6% respectively.

When compared against the evidence base, the Applicant is under providing in 3 bedroomed market dwellings and over providing in 4 bedroomed market dwellings. No provision is given to 1 and 2 bedroomed houses, the needs of which are set out in the tables above.

The application provides for 25% affordable housing in line with policy CS(R)13. The bedroom mix for the proposed affordable units differs from the need identified in the SHMAA as set out in the table above. The application is a modest development of 13 units details 8No. 2 bedroomed dwellings and 12No. 3 bedroomed properties. These house types are comparable to the remainder of the development site. The Applicant has commendably aspired to achieve a tenure blind development scheme. Whilst the affordable housing offering is presented in a terrace, the design, orientation and building materials are consistent with the remaining market housing.

It is of note that the Applicant has offered 3No. 3 bedroomed affordable houses. Whilst the evidence base calls for greater provision of 1 and 2 bedroomed affordable houses, there remains an identified need for 3 bedroomed properties. It is considered that the proposed development of 3No. 3 bedroomed properties is an improved offering compared to 3No. 1 or 2 bedroomed dwellings.

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

With regard to market housing, the Applicant has set a focus on delivering 4 bedroomed detached properties accounting for 54% of the market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less (95% HEDNA). It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families,

where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality. The Applicant has bought the development site with a view to implementing a sensitive development in line with the proposed plans commensurate in scale to the land allocation table set out at Policy RD1 of the Halton DALP

Since the completion of the latest SHMA in 2016, Government has introduced “First Homes” a specific form of discounted market sale as a preferred form of affordable housing. This may have skewed the need and demand figures slightly with some previously identified demand for smaller market housing now being met by “First Homes” and “Shared Ownership” properties which respectively represent 50\*% and 25% of the affordable units.

Whilst the mix of property types is not aligned to the breakdown of the evidence base, it is contributing toward property types which are identified as being in need. Notwithstanding, the policy requirement encourages proposals to contribute to addressing identified needs and is more advisory than a prescriptive requirement. Given the contrast of the housing mix proposed when compared to the 2016 SHMA, there is considered to be a non-compliance with Policies CS(R)3 and CS(R)12, however based on the assessment set out that there are not sufficient grounds to warrant the refusal of this planning application.

#### Affordable Housing

As per the terms of planning policy CSR13, residential development proposals on non strategic housing sites are required to deliver 25% affordable housing as part of the proposed housing mix. Paragraph 2 of CSR13 sets out the Councils ambition for affordable housing delivery, at 74% social rent and 26% intermediary. Notwithstanding this detail, the Government published updated national guidance on the delivery of First Homes since the DALP examination in public. The Council accepts that First Homes are a form of intermediary housing. The Applicant is proposing that all 3No. affordable dwellings will be delivered as First Homes.

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

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

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

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

The provision of 3No. First Homes does not conform with paragraph 4b of policy CSR13. However, the policy sets out an exemption that an applicant can vary the tenure mix set by the policy provided credible evidence has been submitted that demonstrates that the target would make the scheme unviable. The Applicant has undertaken this exercise by submitting a viability study. The study shows that with the development of three first homes representing 100% of the affordable housing tenure the scheme is still markedly below the reasonable developer return of 15-20% set out by the PPG (Paragraph: 018 Reference ID: 10-018-20190509). The Applicant is prepared to maintain the delivery of 3No. affordable dwellings below the expected rate of return. Sufficient justification has been provided that demonstrates a need to depart from the specified tenure mix. Whilst the development proposal fails to comply with para 4b of Policy CSR13, it maintains compliance with para 1 of Policy CSR13. It is therefore considered that the development proposal complies with the requirements of Policy CS(R)13.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units to the front of the site as a dual aspect terrace. The design is commensurate to the remainder of the scheme and the wider surroundings. Significant effort has been undertaken to achieve a tenure blind development. The Applicant has taken steps to ensure suitable interfaces exist between affordable units and smaller market housing to offer a complementary streetview appearance.

Affordable housing would be secured by means of suitably worded clauses within an accompanying S106 agreement. First homes eligibility criteria would also form part of the S106 wording with a requirement for criteria to be entered into the title deeds to ensure market discount is retained in perpetuity. The development proposal will deliver the 20% affordable housing requirement which meets the broad requirements of planning policy CS(R)13. It is not considered that the percentage split in the type of affordable housing units would warrant the refusal of the application.

### Design and Appearance

The development proposal is a well-designed housing scheme that comprises a visually attractive layout with good quality architectural design. The Applicant has chosen a collection of house types that are well suited to one another and the site layout. The design is also commensurate to the streetscene of the conservation area. The appearance is consistent with that seen in the more recent housing developments in Hale Village. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation. The final appearance will result in a well-designed infill to Hale Village. The surrounding housing stock is of mixed era outside of the conservation area. To the south of the application site, properties that lie within the conservation area are primarily historic of mixed era design with both brick and render wall finishes. It is considered that the proposed development compliments the local distinctiveness of Hale Village.

#### Impact on Conservation Area

The impacts of the proposed development upon the Hale Village Conservation Area have been assessed by the Council's retained heritage advisor. Comments from whom are set out in full below.

*The proposed works will create 13 dwellings (use class C3) with associated landscaping, access/egress, parking, and associated works at Land Bounded by Church End and Town Lane, Hale. The proposed site is located in the centre of Hale Village and as such is located within the Hale Village Conservation Area, and is bordered by residential properties to the north, east and west. The application site was previously classified as an 'Area of Special Landscape Value' until the adoption of the Halton Delivery and Allocations Local Plan in 2022 which designated the site as suitable for housing.*

*While the application site has typically not included any development, the site is surrounded by residential developments and the impact of the site on the setting of the conservation area is neutral due to its unkept nature. The TPO's on the site however do have a positive impact on the wider setting of the conservation area. Hale Village Conservation Area is experienced through the open landscape to the east and south and the proposals will not impact on this openness with views of the development being limited through existing developments when viewed from outside the conservation area. Views of the application site are also limited in respect of the nearby listed buildings.*

*Plans submitted indicate two dwellings will be access from Church End with the remaining dwellings accessed from a new access point on Town Lane. The scale of the development on the site is appropriate and reflects the surrounding residential developments. Additional elevations have been provided showing missing street scene elevations and they are considered to be acceptable and in keeping with the setting. The general character of the conservation area is described as 'a number of historic whitewashed cottages centred on the linear plan of the High Street and Church End', being 'predominantly single storey, constructed from brick and thatch'. It is also noted that the area contains a mix of 20<sup>th</sup> century housing and mature planting.*

*The details submitted in elevation showing plot 6 to plot 10 shows a varied housing style with similar architectural details carried throughout the scheme, predominantly showing facing brick, slate roof coverings and stone detailing to windows and doors. While the development does not have a varied material palette as seen elsewhere in the conservation area, the impact of the proposed materials is considered to be neutral.*

*Overall, the proposed development will make use of a plot of land that is currently redundant therefore having the potential to detract from the significance of the conservation area and surrounding heritage assets, and is considered to have a neutral impact on the conservation area.*

The proposed developments impacts on the Hale Village Conservation Area have been considered by the Council's heritage advisor. It is considered that whilst the development does not contribute an enhancement to the Conservation Area as required by paragraph 8 of Policy HE2 of the Halton DALP, it does not prejudice the quality of the area to the extent that the perseverance of its character is compromised. The development proposal represents a quality of development suited to the site and character of the area. Therefore on balance it is the Council's view the proposed development preserves the setting of the Conservation Area. On this basis it is considered that the development complies with Policy HE2 of the Halton DALP.

#### Residential Amenity

The proposed development layout has taken into account the guidance set out in the Design of Residential Development SPD (the SPD) and follows good urban design principles with complementary plot layouts that ensure good natural surveillance and convey a pedestrian and community safe sense of place.

Sufficient regard has been given to the interface distances between proposed plots meet the interface requirements of the SPD. There are two interfaces of note. The first interface concerns the rear elevations of Plots 7 and 8 with the blank gable wall of the existing property 5 Church End Mews. The guidance set out in the SPD seeks to achieve an interface of 13metres. The interface detailed on the proposed plan is 12.13m. It is considered that this modest shortfall of 87cm in standards is acceptable; the rear interface of the proposed plots 7 and 8 is a feature that it is assumed that any potential purchaser would be aware of prior to completing their acquisition.

The second interface of note concerns Plot 13 and the existing property 1 Church End. This interface details a proposed gable to an existing gable. The Occupiers of 1 Church End have emailed their objection to the Council. The full detail of which is set out below:

*We write to register our objection to the above proposed development on the grounds that it will severely impact on our right of light. In particular, the proposed dwelling at Plot 13 is sited directly in front of our kitchen window, less than 2 metres away, and will impair the amenity and use of this frequently used habitable room.*



*Our property is a bungalow and the proposed dwelling is a two-storey house, which would overshadow our property. We would request that the applicant amends the layout of the development so as not to infringe on our legal right of light, which we have benefited from for in excess of 20 years. This objection has also been raised directly with the applicant.*

The SPD fails to provide guidance for a gable side to gable side interface. It is a typical feature of the development of residential properties to have proximate interfaces in side to side arrangements. Such interfaces typically present themselves along a street frontage, such is the case in Hale Village and this proposed interface is consistent with that view. Typically in such instances gables are blank or may feature a stairwell window with no means of direct oversight. The proposed Plot 13 details a stairwell light. The occupier of 1 Church End confirms that the gable end of their property features a kitchen window. They also confirm that they regard this to be habitable room window. A review of the Council's Building Control record for the property 1 Church End confirms that the affected window belongs to a kitchen. The SPD at footnote 14 of page 25 provides the following definition of habitable rooms:

*Habitable rooms are defined as living rooms, dining rooms, bedrooms or conservatories. Spaces such as bathrooms, kitchens, utility rooms, laundries, corridors, hallways/landings, or similar spaces are not deemed to be habitable rooms.*

It is of note that since the date of the objection, the Applicant has amended the scheme. The proposed layout plan currently subject of determination features a setback in the overall from 1 Church End effectively granting an extension of garden space to 1 Church End. Notwithstanding this development the following assessment applies.

The interface distance shown on the proposed plan measures 9metres between the respective gable ends. It is of note that the existing property 1 Church End is a bungalow. The immediate outlook for the affected kitchen window is a boundary fence approximately 2 metres in height. The immediate proximity of the fence to the kitchen window compromises the outlook to the extent that it would not be a fair summation to state that the only impact on this aperture is the proposed development of plot 13. Notwithstanding, as stated in the above footnote taken from the SPD, it is the Council's view that the kitchen window is not a habitable room contrary to the assertions of the occupiers of 1 Church End.

On this basis it is considered that whilst the development of Plot 13 is a profound change for the occupiers of 1 Church End who presently benefit from an undeveloped adjacent plot, the proposed development is consistent with the gable to gable interface expected from a streetscene and maintains an existing shoulder to shoulder like development footprint evident within Hale Village. Furthermore such development is in line with the requirements of the guidance set out within the SPD.

Paragraph 6.14 of the SPD provides guidance in the calculation of required sizes for usable minimum private garden spaces for houses as follows:

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

Consideration has been given toward garden sizes within the proposed residential site. The suggested minimum garden size set by the SPD for residential properties is met on the majority of the plots. The scheme is however considered deficient with respect to a number of plots (approximately 31%). Just because the gardens on some plots could be classed as modest, it does not follow that unacceptable harm would necessarily be caused to future occupiers. The gardens would provide sufficient space for sitting out, hanging laundry and for children to play. The proposed ratio of garden to space per plot would appear proportionate.

Whilst the scheme does not make provision for areas of public open space within the proposed development, there is a nearby public park that offers formal areas of open space. With regard to the amenity of the Proposed Developments, it is considered that the proposals would provide for an appropriate form of development that do not impact unduly on existing residents and that sufficient regard has been had for the amenity of future occupiers. On this basis the proposals are considered acceptable having regard to Policies GR1 and GR2 of the Halton DALP.

#### Open space, Greenspace and Green Infrastructure

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

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

Paragraph 9.23 of the DALP goes on to say:

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

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in

table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

The application site lies within Area Forum 1, which is identified as having deficiencies in the provision of parks and garden, provision of children and equipped play and allotments. Due to there being no proposed on-site open space provision the identified deficiencies are being addressed through the payment of a commuted sum for off-site provision. The Applicant has agreed to pay a financial contribution to mitigate the identified shortfall in open space provision to improve open space provision within the locality of the scheme.

The Applicant has given consideration toward providing on site open space. The proposed development site is a modest sized development of 13 dwellings. Of which, the Applicant has proposed an appropriate mix of different sized dwellings. A reduction in the numbers of dwellings to accommodate an area of equipped play would result in a loss of three dwellings that would further harm the overall viability of the development and which may jeopardise the delivery of affordable homes. It is also noted that the application site is located in close proximity to the formal Hale Park which in addition to a typical parkland setting also benefits from an area of equipped play.

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

### 6.3 Ecology

The Applicant has undertaken a preliminary ecological statement in support of the application. This has been reviewed by the Council's retained ecology advisor. The comments provided by the Council's ecology advisor are summarised below.

#### Recreational Pressure

The proposed Development is located within 5km of the Mersey Estuary SPA and the Mersey Estuary Ramsar. Therefore DALP policy CS(R)20 applies.

It is considered that the resultant development will results in an uplift in population that will result in increased visits to the identified sensitive sites. In order. In order to mitigate the impact of the scheme against recreational pressure upon sensitive ecological sites, the Applicant has agreed to participate in the Halton Interim Approach on Recreational Management (HIARM) as part of the adoption of the DALP. The Applicant will include a colour copy of the leaflet produced by the Council's retained ecology advisor and pay a financial contribution toward off site mitigation. This will be secured by way of a S106 agreement.

In response to the Applicant's participation in the HIARM, the Council's retained ecology advisor has undertaken a habitat regulation assessment (HRA). A copy

of which has been sent on to Natural England. Natural England (NE) will not issue a response of no objection until such time that they have reviewed the HRA. The recommendation detailed below sets out a request for delegated authority to issue a determination of this planning application subject to confirmation of no objection from NE.

#### SSI Impact Risk zones

The proposed development is within the Natural England SSSI Impact Risk Zone (IRZ) (November 2022). The development proposal subject of the planning application would form a new residential developments that would bear impact as a result of recreational disturbance impacts on the coastal designated sites.

As noted above such impacts are mitigated following implementation of the HIARM. The Council's retained ecology advisor has undertaken an HRA which has been set to NE to consider in light of the SSSI designation. Delegated authority details are set out in the recommendation below should NE not provide a response to the consultation process ahead of Committee.

#### Wildlife Impacts.

The application was supported by an preliminary ecology report. The documentation submitted with the application states that no evidence of bat use or presence was found on site. This has been accepted by the Council's retained ecology advisor. As a result the Council does not need to consider the proposal against the three tests of the Habitats Regulations.

#### Breeding Birds

Existing trees and other vegetative cover on site may offer opportunities for nesting birds which are protected. Policy HE1 applies. Implementation of the proposed development will result in the loss of bird breeding habitat. To mitigate for this loss, details of bird nesting boxes are required to be installed on site. This will be secured by a suitably worded planning condition.

#### Reasonable Avoidance Measures

As noted above, the existing condition of the application site offers opportunities for nesting birds. In order to avoid disturbing nesting birds, the following condition is recommended:

No tree felling, scrub clearance, hedgerow removal, or vegetation management, 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.

In addition, the existing habitats on site are suitable for hedgehogs which are a Priority Species. Therefore, Policy HE1 applies. The following reasonable

avoidance measures are recommended to be used as part of a construction and management plan condition.

- A pre-commencement check for hedgehog.
- All trenches and excavations should have a means of escape (e.g., a ramp.)
- Any exposed open pipe systems should be capped to prevent mammals gaining access.
- Appropriate storage of materials to ensure that mammals do not use them.

The Council's retained ecology advisor has provided an opinion of no objection of the scheme subject to the use of planning conditions as outlined in the advice above.

In addition a separate condition is recommended to ensure a measure is introduced in the delivery of the proposed development that would deliver a hedgehog highway. This will be achieve a 13cmX13cm aperture in all residential plot boundary treatments. The Applicant is in agreement with the requirements of the recommended condition.

Having reviewed the details of the preliminary ecological statement and the responses received from the Council's retained ecology advisor, it is considered that, subject to confirmation regarding HRA compliance, the proposed development complies with planning policy HE1 of the Halton DALP.

#### Waste Planning Policy

The development proposal is a major development. Such developments typically involve excavation and activities which are likely to generate significant volumes of waste. As a result, Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with 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 prior to development commencing. This can be secured by a suitably worded planning condition.

The Applicant has provided sufficient information in Proposed Site Layout – Refuse Management (July 2022, Drawing Ref: 22-22-P03) to comply with Policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8). The Proposed Site Plan will be secured as an Approved Drawing by a suitably worded planning condition.

### Sustainable Development and Climate Change

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).

The Applicant has not considered this policy requirement as part of their overall submission. Notwithstanding, it is considered that carbon saving measures are achievable in the delivery of the scheme. The Council has reviewed examples of climate change measures concerning recent housing development sites where a fabric approach consisting of a blend of modern technologies and improved insulation have been accepted as complying with policy CS19. Examples of such modern technologies include air source heat pumps, heat recovery systems, solar panels, electric vehicle charging facilities and battery storage. Such measures have the potential to reduce the carbon demand of future occupiers.

In order to ensure that the development incorporates such measures, it is considered appropriate to attach a suitably worded planning condition. The Applicant has agreed to the use of such a condition and confirmed their intention to install solar panels as part of the delivery of the development proposal.

It is acknowledged that the proposed development would impact existing habitat on the application site, however it is considered that there is sufficient potential to mitigate for this loss on the application site which should be demonstrated through a Biodiversity Net Gain Plan secured by condition.

### Highways

The development proposal has been reviewed by the Council's Highways Officer on behalf of the Local Highway Authority in response to the consultation exercise. Comments provided indicate that the Development will have an impact on the local highway network pursuant to the quantum of development sought. The residential allocation of the application site by the DALP Allocations Plan does not call for specific infrastructure to be implemented ahead of the schemes delivery or occupation.

The Applicant has worked closely with the Council's Highways Officer in addressing the typical design requirements of a residential development. It is considered that the proposed development has adequate provision of off road parking spaces along with visitor parking. The development layout adequately serves the proposed dwellings and tracking of the layout has demonstrated that it is appropriate for large service vehicles. Site egress has been assessed and determined in line with good practice and having regard for standards set out in the manual for streets guidance document.

The application site is located in the existing centre of Hale Village, within walking distance of the local services of Hale Shops Parade, Hale Park and is within 129 metres of the nearest bus stop. Having had regard for these

observations and the DALP residential development allocation, it is considered that the application site is a sustainable location.

The Council has received a consultation response from Sustrans. This organization has requested the Applicant give consideration toward off-site improvements specifically that improvements. A copy of the Sustrans consultation response is set out at Appendix 1.

The Council's Senior Highway Engineer has reviewed the Sustrans consultation response and has responded with the following comments:

*Halton Highways had similar considerations to the TPT/Sustrans comments, with regards to matters of accessibility, including crossings, other local highway improvements, with highway safety paramount; as noted within the initial Holding Objection, and again in V2. These matters were discussed with the developer's representatives to progress the scheme design collaboratively, and they duly incorporated elements considered reasonable and relevant to mitigate the impact of the development satisfactorily.*

*Regarding a Pelican crossing, or suchlike, as there is a School Crossing Patrol (SCP) directly about the school access, and the position for any potential additional crossing point is undetermined, given the local highway arrangement with householder driveways/vehicle crossovers and the parking/access for the parade of shop, junctions etc. in the vicinity. It was not considered reasonable, including given the costs involved against the scale of the development, to pursue this matter further. Similarly, a short section of widened 3m shared pedestrian/cycle route would be counterintuitive in terms of coherence and consistency of pedestrian and cycle links, fundamental tenets of LTN 1/20 so again discounted.*

*The final design was agreed satisfactory haven taken onboard the considerations and comments offered, with consideration and improvement to pedestrian crossings about the site, notably the new junction and also measures to prevent indiscriminate parking (heritage bollards) which can obstruct footways, detrimental to amenity and safety, notably about schools at drop off and pick up time.*

*Any requests for further off set Highways improvements would be unlikely to meet the 6 tests of application of conditions, primarily reasonableness but also relevance and unnecessariness (given SCP as above mentioned).*

*Whilst there is removal of some, but not all, of the guardrail about frontage, the parking restrictions will still apply i.e. the yellow 'school-keep-clear' zig-zag markings outside schools - mean no stopping- not even to let out a passenger will remain and there will be improvement to the kerbing and surfacing as part of the S38/278 Agreement.*

The Highways Officer has reviewed the requests of Sustrans and determined that the requested additional improvements are not necessary for this development to be considered policy compliant.

The development proposal concerns a modest development of 13 dwellings has a limited impact upon an existing village setting the Sustrans request for improvements to the locality are not an appropriate requirement for the Applicant to meet the cost of implementing. Notwithstanding, the Council will consider the advice of Sustrans for localized improvements should grant or other funding become available.

It is considered that the application site is a sustainable location within walking distance of local amenities and a bus stop. The Highways Officer has confirmed that the proposed development site will provide sufficient access and off-site parking arrangements.

In view of the considerations set out above, it is considered that the Applicant has satisfied the requirements of planning policy C2 of the Halton DALP.

#### Drainage And Flood Risk

The application is supported by a Flood Risk Assessment. The details of this assessment has been considered by the Council's Drainage Engineer from whom the following comments have been provided:

- *The site is described as 0.45ha and is considered to be a brownfield site.*
- *The proposed development is would comprise 13 dwellings with associated works that would classify as more vulnerable to flood risk as defined within Planning Practice Guidance.*
- *A Flood Risk assessment and Drainage strategy has been prepared in support of the application.*

*The LLFAs comments on the Flood Risk Assessment are:*

- *Fluvial flood risk*
  - o The site is located within flood zone 1, with no open watercourses in or near the development site.*
  - o The proposed development includes residential property which is appropriate within Flood Zone 1 subject to the need to avoid flood risk from sources other than main rivers and the sea.*
- *Surface water flood risk*
  - o This assessment indicates the risk of surface water flooding is very low and there are no records of surface water flooding at or near to the site.*
  - o The LLFA agrees with this assessment.*
- *Groundwater*
  - o The assessment identifies that flooding due to groundwater to be a low risk to the site.*



- Flooding from artificial sources.
  - o The LLFA is satisfied that the risk from sewers, canals and reservoirs would be low.

#### *Drainage strategy*

- The site currently comprises undeveloped land which is not formally drained and is therefore considered to be 100% permeable.
- The proposed development will introduce 2,660m<sup>2</sup> of hardstanding in the form of buildings and access roads.

#### *- Runoff rates*

o The existing 1 in 1 year event Greenfield runoff rate for the 0.475ha site is 0.98 l/s. A discharge rate of 2 l/s per connection point will be applied for the development to ensure the drainage system is self-cleansing.

o The LLFA agrees with this assessment.

#### *- Discharge location*

o The site is not currently formally drained. There is an existing pond in the north-western extent of the site however there is no evidence to suggest that the pond provides a drainage function. The pond will be removed as part of the development.

o It is noted a falling head permeability test has been undertaken by GroundSolve Ltd in September 2022. The results indicate the underlying geology has limited permeability and would not be sufficient to support traditional infiltration techniques such as soakaways.

o The nearest watercourse is an unnamed watercourse located approximately 430m south-west of the site. The site is separated from nearby watercourse by third party, urbanised land. Therefore, discharge to a watercourse is not feasible.

o Therefore, it is accepted that discharge of managed flows into the combined UU sewers in Town Lane and Church End is the most sustainable viable option.

#### *- Attenuation provision*

o The site will be split into two drainage areas.

o Drainage Area 1 will require an estimated storage volume of 175m<sup>3</sup> to accommodate the 1 in 100 year plus 40% Climate Change (CC) event (as agreed with LLFA in pre application consultation). The storage estimate is based on a discharge rate of 2 l/s, storage within a tank structure, an impermeable drainage area of 2,430m<sup>2</sup>, a design head of 2m and hydro-brake flow control.

o Drainage Area 2 will require an estimated storage volume of 8m<sup>3</sup> will be

required to accommodate the 1 in 100 year plus 40% CC event. The storage estimate is based on a discharge rate of 2 l/s, storage within a tank structure, an impermeable drainage area of 230m<sup>2</sup>, a design head of 2m and hydro-brake flow control.

#### *- Assessment of SuDS*

o The strategy proposes to attenuate flows using a combination of large diameter pipes, underground attenuation and permeable paving.

*o The assessment of SuDS indicates it is not possible to utilise above ground SuDS such as ponds and basins for attenuation purposes due to the required housing density. The land take required to provide over ground storage would result in the loss of 3 plots, impacting the financial viability of the scheme.*

*o Therefore the applicant proposes permeable paving be incorporated for private driveways and under-drained to a downstream attenuation storage feature. Attenuation storage for Area 1 to be provided within oversized pipes and for Area 2 to be provided within an attenuation tank beneath the driveway of plot 13.*

*o The LLFA finds this acceptable.*

*- Drainage performance*

*o Storage will be provided for the 1 in 100 year plus 40% CC event. Storm events in excess of the 1 in 100 year plus 40% CC event would cause a temporary shallow depth flooding within the access road and landscaped areas. Finished floor levels will be set at a minimum of 150mm above surrounding ground levels ensuring exceedance flooding will not affect the buildings.*

*o The LLFA agrees with the above.*

*- Water quality*

*o A clear assessment has been provided relating to water quality which indicates the proposed system would adequately treat runoff to prevent impacts.*

*- Maintenance and management*

*o The proposed surface water drainage system serving plots 1 – 12 is to be offered for adoption to United Utilities who will then be responsible for maintenance. If this were to not occur the drainage features such oversized pipes can would be privately maintained through appointment of a site management company. Permeable paving on private driveways will be maintained by the individual property owner.*

*Maintenance of the drainage system for Plot 13 (which will have its own attenuation storage) will be the responsibility of the property owner.*

*In summary, the LLFA is satisfied that flood risk on site has been assessed adequately and there is a clear surface water drainage strategy.*

*The LLFA would request that a pre occupation condition be applied should the LPA be minded to approve this application:*

*No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice has been submitted*

*to and approved by the local planning authority. This shall include:*

*i. Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.*

- ii. An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.*
- iii. Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.*

A review of the proposed development flood risk documentation has been undertaken by the Council's Drainage Engineer in addition. The Council's Drainage Engineer raises no objections subject to the use of an appropriately worded condition set out above that will ensure a verification study has been submitted to the Council demonstrating that the agreed SuDS drainage scheme has been implemented. The Applicant has agreed to the use of this condition. The Applicant has had sufficient regard to the flood risks associated with the development both in terms of future occupiers and any impact that the proposed development may have upon its surroundings. It is therefore considered that the development complies with planning policy HE9 of the Halton DALP.

#### Contaminated Land

As part of a package of supporting documentation, the Applicant has submitted a ground investigation report. This has been reviewed by the Council's contaminated land officer, the following observations from whom are of note.

*The application is supported by the following documents;*

- o Hale Village, Halton PRA, ref 2795/R01, version 01, GroundSolve Ltd, 01 December 2022*
- o Phase 2 ground investigation: Hale Village, Halton, ref GL2795, version 01, GroundSolve Ltd, 01 December 2022*

*Both reports present the findings of a preliminary risk assessment based upon a desk study and site recon, and a follow on site investigation with detailed risk assessment to determine the suitability of the site for the proposed end use.*

*The historical review identified only limited potential sources of land contamination, the site has had several small buildings that are no longer present, it has been used as an orchard and the historical maps show a pond on site that may have been infilled.*

*The site investigation identified a thin layer of made ground and topsoil across the site overlying natural sands and clays. The pond feature was still present but appeared to have been drained or dried up. Analytical chemical testing detected concentrations of arsenic and lead in the top soil and made ground, possibly a result of the use of the site as an orchard (historical pesticides often were based upon those elements). No significant, viable sources of hazardous ground gases were identified, although the possible pond deposits were not assessed, which could be a gas risk if buried by the development.*

*The report concludes that the current topsoil/made ground is not suitable for*

*landscaping/private gardens, and recommends that a simple 600mm cover system be implemented as remediation.*

*I believe that the submitted documents present a sound investigation and assessment of the site and an understanding of the hazardous posed by soil contamination. The suggested remedial option of a cover system, suitably checked and verified, should be appropriate mitigation. The pond feature needs to be cleared of any pond deposits (possible organic rich material and gas risk if left in situ).*

*Therefore I have no objection to the proposals if any approval is conditioned to require the submission of a remedial strategy (setting out how the cover system will be incorporated into the development, removal of any pond deposits along with a verification plan).*

The pollution risks associated with the development have been reviewed by the Council's Contaminated Land Officer. The findings from whom have confirmed a position of no objection subject to suitably worded planning condition that will ensure that a suitable covering system is implemented on site that will address the legacy contaminants on site that are a legacy of the pesticides and other chemicals used as part of the sites former orchard use.

In addition, two further conditions are to be attached, a condition regarding unsuspected contamination and an associated validation condition.

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

#### Noise Pollution

The planning application was accompanied by an acoustic report, this has been reviewed by the Council Environmental Health Officer. Comments from whom are set out below.

*The applicant has submitted an acoustic report reference 50-700-R1-1, dated September 2022 in support of the application. The impact of existing sources of noise that may affect the development site are assessed in order to ensure that the sound levels specified in BS 8233:2014 Guidance on Sound Reduction for Buildings can be achieved at all properties within the development site. This is an agreed assessment methodology.*

*The development site is bounded by existing residential property and local roads, as well as Hale C of E Primary School to the north east of the site.*

*The acoustic report recommends an acoustic barrier at plot 1 to the north of the site in to ensure that the rear garden of this plot is not unduly affected by road traffic noise from Town Lane. This report and this recommendation are accepted.*

*The report also recommends acoustic barriers be built at plots 5 – 7 and*

*upgraded glazing at plot 6 to mitigate against noise from Hale C of E Primary School. The applicant can follow these recommendations should they wish, however this is not something we would seek to condition as we would not expect noise from educational establishments to be mitigated against.*

*We would also wish to ensure that appropriate hours of work are adhered to during the construction phase*

The risks of sound pollution have been assessed by the Council's EHO who has responded with an opinion of no objection. The EHO accepts that a measure is needed in the form of an acoustic barrier to the road noise along Town Lane. However, the recommendation set out in the acoustic report of plots 5,6,7 requiring mitigation from the Hale C of E school are not regarded to be necessary. Therefore the following planning condition will be attached to a grant of planning permission.

*The scheme of acoustic mitigation specified for plot 1 in acoustic report reference 50-700-R1-1, dated September 2022 shall be implemented in full.*

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

#### Air Quality

The applicant has submitted an Air Quality Assessment, this has been assessed by the Council's EHO who have provided the following comments.

*The applicant has not submitted an air quality assessment with their application. Whilst we would not require one for a development of this size in respect of the operational phase, we would wish to ensure that dust emissions are appropriately assessed and controlled during the construction phase given the proximity of Hale C of E Primary School and existing housing. The applicant should therefore be required to submit a report assessing the risk of dust emissions affecting nearby receptors and from this devise a dust management plan. This should be based on the 'Guidance on the Assessment of Dust From Demolition and Construction' produced by the Institute of Air Quality Management.*

As set out in the advice from the EHO, no air quality assessment is required for a development of this scale. However, the EHO correctly identifies a receptor to the future risk of construction dust emissions given the development sites overall proximity to the Hale C of E school. In order to mitigate this risk, the following condition is recommended.

*Prior to the commencement of the construction phase, the risk of dust emissions affecting nearby receptors shall be assessed and appropriate control measures implemented, based on the 'Guidance on the Assessment of Dust From Demolition and Construction'*

*produced by the Institute of Air Quality Management.*

The risks borne from air pollution for the future occupiers of the site and those who occupy and use the land around the application site have been assessed by the Council's EHO who has provided a provided an opinion of no objection. It is considered that the Application site is fit for human habitation and that subject to the above recommended planning condition the development proposal complies with policy HE7 of the Halton DALP insofar as it is relevant to the consideration of air pollution.

#### Impact On Residential Amenity

The Council's EHO has raised no objections to the developments long term impact on the surrounding existing properties. However, with regard to the potential for nuisance during the construction phase, the EHO has recommended that the following planning condition is attached to any grant of planning permission.

*All construction activity should be restricted to the following hours;*

- Monday – Friday 07:30 to 19:00 hrs*
- Saturday 07:30 to 13:00 hrs*
- Sundays and Public Holidays Nil*

Whilst a degree of disruption is to be expected from a development site, standard working hours conditions help limit the impact upon local residents during what would be regarded as typical working hours. Such a condition can be justified by policy HE7 of the Halton DALP.

#### Hale Parish Council Objection

The Council received an email from Have Village Parish Council (HVPC) setting out a position of objection. The full detail of the correspondence is set out below.

*Good afternoon,*

*I am writing, on behalf of Hale Parish Council, as a statutory consultee, to request an extension of two weeks to submit a response to Planning Application 22/00638/FUL. The Council would like to undertake further consultation with the community.*

*This land parcel is one of the last remaining developable plots of land within the parish and residents are concerned about the impact this development will have on the Conservation Area, our need for retirement homes, and its discord with Halton's Local Plan and the NPPF. Historical features of the plot have not been retained within the plan and documenting local knowledge will be an essential undertaking to prepare a considered response for Halton BC.*

*An extension until 10 February 2023 would be most appreciated.*

No further email has been received from the Parish Council. Notwithstanding, it is clear where the concerns of the Parish Council in January lay. Taking each of the expressed concerns in turn, it is considered that the impact on the Hale Village Conservation Area has been assessed by the Council's retained Conservation Advisor. No local historical features of interest were referenced in the Conservation Officers advice. The outcome of this assessment stated that the overall impact was neutral. The policy assessment set out in the report finds that the proposed development complies with Policy HE2 of the Halton DALP.

With regard to the need for retirement homes, there is no requirement as a result of the land allocation for the site to come forward as a particular form of residential accommodation. It is a matter for the free market to determine a viable development product suitable to the locality in line with the Local Plan policies. The expectation of which is for the proposed development to contribute to the identified housing needs. This assessment has been considered earlier in the report where it was held that the proposed development is contributing toward local housing need.

The chairman of the Parish Council raises a comment citing a discord between the Council's DALP policy document and the NPPF. The Council does not recognise any such discord; following an examination in public, the DALP was considered sound by the Planning Inspectors assigned by the Secretary of State and considered to be consistent with the NPPF.

#### S106

This section of the report will consider the areas of financial contribution identified and discussed in the report and their weighing of importance having had full regard to the individual matters and the strategic importance of underlying policy justification.

#### Distribution of spend

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

The Applicant asserts that a greater allowance would make the scheme unviable. The Applicant is still providing 20% affordable housing in line with DALP policy CSR13.

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

- . Mitigating against the recreational pressures placed upon sensitive habitats in line with the Halton Interim Strategy,

- Off site open space improvements

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

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

#### Planning Balance and Conclusion

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

When assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations, the proposal is thus sustainable development for which the NPPF carries a presumption in favour.

As such, the proposal is considered to accord with the Development Plan and national policy in the NPPF.

### **1. RECOMMENDATION**

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

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

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below.
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

Recommended conditions as follows with any additional conditions recommended through the resolution of the HRA compliance issue to be added to the list below:



## **CONDITIONS**

1. Time Limit
2. Plans
3. Materials to be agreed (Policy RD3 and GR1)
4. Submission of Existing and Proposed Site Levels (Policy GR1)
5. Tree Protection Measures – (Policy HE5)
6. Submission of Bird Box Scheme – (Policies CS(R)20 and HE1)
7. Protection of mammals during construction (Policies CS(R)20 and HE1)
8. Electric Vehicle Charging Points Scheme (Policy C2)
9. Ground Contamination - (Policies CS23 and HE8)
10. Visibility Splays – (Policies C1 and C2)
11. Submission of a Cycle Parking Scheme – (Policy C2)
12. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
13. Waste Management Plan (Policy WM8)
14. Sewage disposal (Policy HE9)
15. Construction Management Plan (Policy C1)
16. Limited Construction Hours (Policy GR2)
17. Detail Hard Standing agreed (Policy C2 and HE9)
18. Access constructed prior to occupation (Policy C1)
19. Landscaping (Policy GR1, GR3 and HE5)
20. Hedgerows retained or mitigation (Policy CS(R)20 and HE1)
21. Acoustic Mitigation (Policy GR2)

The conditions above have been agreed with the applicant.

## **6 BACKGROUND PAPERS**

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

## **7 SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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

## **APPENDIX 1 – SUSTRANS CONSULTATION RESPONSE**

**JOINT Planning Application Response**

<b>Local Authority:</b>	Halton
<b>Detail:</b>	Land bounded by Church End & Town Lane, Hale – 13 dwellings
<b>Link:</b>	<a href="https://webapp.halton.gov.uk/PlanningApps/index.asp">https://webapp.halton.gov.uk/PlanningApps/index.asp</a>
<b>Planning Ref:</b>	22/00638/FUL
<b>Deadline:</b>	26 <sup>th</sup> January 2023
<b>Submitted by</b>	Trans Pennine Trail National Office & Sustrans North West
<b>Response to:</b>	<a href="mailto:dev.control@halton.gov.uk">dev.control@halton.gov.uk</a>
<b>Submitted:</b>	16 <sup>th</sup> January 2023
<b>Summary</b>	<p>The Trans Pennine Trail national office (TPT) and Sustrans welcomes the opportunity to respond to this consultation.</p> <p>The application does not reference the national Trans Pennine Trail or National Cycle Network that runs directly adjacent to the site.</p> <p>With the proposal for a new T-junction as part of the development it is important that LTN1/20 guidance is followed and safe crossing points for sustainable transport users provided.</p> <p>Further detail is provided below.</p>
<b>Detailed Information:</b>	<p>The development area in relation to the TPT/NCN is shown below:</p> <p>Yellow = TPT / NCN – walkers and cyclists along this section          Blue = Site boundary</p>



©Google Maps

The development site is adjacent to the Trans Pennine Trail / National Cycle Network that is used by walkers and cyclists in this location.

The north of the site lies adjacent to access to the local primary school. Care should be taken to ensure that works vehicles or materials are not blocking the school access or Town Lane. Whilst Town Lane is part of the TPT / NCN network there is no dedicated / segregated cycling facility so it should be noted that cyclists will be using the road and this could include children cycling to school.

If there is no dedicated crossing at this location, could the developers contribute to a Toucan crossing / raised table / parallel crossing at this location to provide a dedicate safe crossing point for the school, particularly as one of the development site entrances will be on Town Lane?

**Design & Access Statement**

Pg 4	The Site – should also state that there is a school access point to the north of the site and that the development is adjacent to a section of the TPT/NCN.
Pg 8	Sustainable location – should mention the TPT / NCN along Town lane.  Access arrangements – the T-junction should include a raised table giving priority crossing to

	walkers and cyclists, not vehicles. Does the new layout provide adequate vision for walkers and cyclists using the footway?  The 2m footway connection to Town Lane – a 3m width is preferred.
<b>Transport Assessment</b>	
2.4	Pedestrian and Cycle Network – should also include reference that Town Lane is also part of the TPT / NCN.
2.4.2	No mention of the TPT / NCN – the TPT is a 370-mile route from Southport to Hornsea and runs directly adjacent to the site. At this point the national cycle network is NCN62.
3.3.2	The T-junction should be designed to give priority to walkers and cyclists via a raised table. The footways should be 3m wide. Specification to LTN1/20 should be followed.
3.4.1	If cyclists are expected to use the footway, this should be noted. If not, what provision is going to be provided for cyclists?
3.5.3	Internal footways should be 3m.
3.6.1	The Construction Access Strategy should note the direct access to the school which is adjacent to the site.
3.6.2	Access to the site via the Town Lane entrance will have an impact on those using the TPT and local users.
4.2.4	No mention of the TPT or NCN directly adjacent to the site.
4.3.4	No mention of the TPT or NCN directly adjacent to the site.
6.1.4	Footway should be 3m and not 2m as noted.