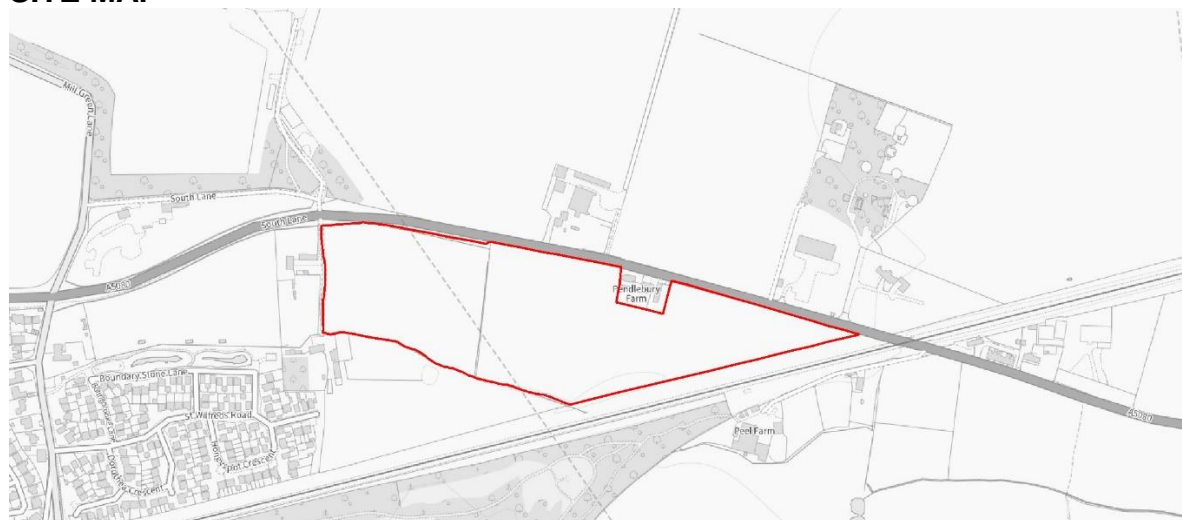


<b>APPLICATION NO:</b>	24/00007/FUL
<b>LOCATION:</b>	Land off South Lane Widnes, WA8 3UB.
<b>PROPOSAL:</b>	Proposed residential development with associated open space, landscaping and infrastructure with new accesses.
<b>WARD:</b>	Farnworth
<b>PARISH:</b>	N/A
<b>APPLICANT:</b>	Bloor Homes Stantec
<b>AGENT:</b>	
<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 'W11'
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	Six 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, affordable housing, contaminated land, drainage and flood risk, recreational pressure. Green Belt compensation
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions and S106 Legal Agreement relating to Open Space, Affordable Housing, recreational pressure interim measure, bus pass provision, off site open space provision and BNG provision.

**SITE MAP**



## **1. APPLICATION SITE**

### **1.1 The Site**

The site subject of the application consists of 7.3 hectares of undeveloped greenfield land. The site is roughly triangular in shape and is currently farmland pasture. The site is bordered to the north by Derby Road, the Liverpool to Manchester rail line to the south and the Prospect Homes development site to the west.

The application site forms part of site allocation W11 as defined by Policy RD1 and the Halton DALP policies map.

### **1.2 Planning History**

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

## **2. THE APPLICATION**

### **2.1 The Proposal**

Permission is sought for the erection of 185 dwelling houses. The proposed breakdown of dwellings is set out at Table 1 of this report. The houses are a combination of flatted, semi detached and detached properties.

The proposed scheme proposes 20% affordable dwellings. A breakdown of sizes is set out at Table 1 of this report. Tenure is proposed in the following terms 9 No. shared ownership 9 No. social rent and 19 No. First Homes.

The development details two separate access points off Derby Road that are each capable of providing access across the application site. It is proposed that 19 No. units will front onto Derby Road and be accessed from three private drives. This will limit impacts upon the existing hedge lined boundary treatment along South Lane. In addition a continuation of an approved emergency access route will extend from the boundary of the application site with that of the approved Prospect Homes development site (22/00368/FUL).

The Applicant proposes a traditional materials pallet consisting primarily of render and red brick with grey and red roof tiles.

Whilst there are mature standard trees along the sites boundary with Derby Road, none are protected.

### **2.2 Documentation**

The planning application is supported by the following documentation:

- Planning Statement

- Flood risk assessment
- Ecological assessment
- Ground investigation report
- Air quality assessment
- Noise impact assessment
- Design and access statement
- Arboricultural impact assessment
- Energy statement
- Landscape visual assessment
- Transport assessment
- Heritage report
- Utility statement

### **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **THE DEVELOPMENT PLAN**

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

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

- CS(R)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

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

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

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

## **MATERIAL CONSIDERATIONS**

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

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

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

### **3.4 Equality Duty**

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

Section 149 states:-

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

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

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

### 3.5 Other Considerations

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

## 4. **CONSULTATIONS**

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

### United Utilities

No objection

### Warrington Borough Council

No objection

### St Helens Borough Council

No objection

### Environment Agency

No objection

### Scottish Power

No objection

### Network Rail

Objection

### Natural England

No objection

### **Council Services**

#### Highways

No objection

#### Lead Local Flood Authority

Discussions ongoing, update to be presented at Committee.

### Environmental Protection

No objection subject to 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

### Waste Services

No objection

## **5. REPRESENTATIONS**

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

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

- We need more schools, doctors surgeries and dentists
- There is insufficient information
- Not clear how many homes are being applied for
- Already a large number of properties recently approved, area cannot cope with such a large increase in the number of properties in the area
- Loss of green spaces
- Traffic will deteriorate at peak travel times
- Schools wont cope with increase to local population
- Loss of Green Belt land
- Insufficient school places
- Overlooking and fear of interference with privacy
- Concerns over impact on livestock in nearby agricultural fields
- Excess surface water discharged into the brook, which already overflows
- Potential contamination of surface water discharging into the brook
- Impact on wildlife, barn owls, bats and badgers

## 6. ASSESSMENT

### Principle of Development / DALP Allocation

The Residential Allocation of the site by the Halton DALP has established that developing the site for residential purposes is acceptable in principle. Policy RD1 of the Halton DALP contains a table that presents a notional capacity for all the of the allocated residential sites. Such figures are indicative only, developments can exceed or fall short of this capacity depending on site circumstances. The suggested capacity of the application site identified as site W11 on the DALP Policies Plan is 278 residential units. Whilst the proposal of only 185 dwellings is less than the notional value, it should be noted that the application site forms only part of site W11. Land allocation W11 also includes the adjoining sites approved by planning permissions 22/00179/FUL and 22/00368/FUL were approved for the development of 51 and 99 residential units respectively. On this basis site W11 is forecast to deliver a total of 335 units. Therefore the proposed development is considered to be consistent with the DALP housing delivery strategy.

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

### Housing Mix

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

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

Table 1. illustrates the proposed residential mix.

	Market	Affordable
1 bed units	0	2 (5%)
2 bed units	0	25 (68%)
3 bed units	67 (45%)	10 (27%)
4 bed units	81 (55%)	0
Total	148 (80%)	37 (20%)

**Table 1.** Proposed residential mix

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

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

**Table 2.** 2016 SHMA evidence base

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

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

**Table 3.** 2023 HEDNA Study

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

The proposed development sets out a provision of market housing in the 3 and 4 bedroom tenure range. Affordable housing is proposed at the 1-3 bedroomed range. With regard to market housing, using the 2016 SHMAA as a basis for comparison, the evidence base demonstrates a need for housing primarily in the 2-3 bedroomed need. As set out in Table 1 the Applicant proposes 67 three bedroomed units and 81 four bedroomed units. No single or two bedroomed units are proposed. The evidence base identifies a need for single and two bedroomed units of 6.5% and 30.4% respectively. When compared against the evidence base it is a clear conclusion that the proposed development is under providing in 1-3 bedroomed properties and over providing in four bedroomed properties.

The Applicants view is that the needs of the smaller properties can be met within larger properties. Whilst this may be the case from a Volumetric perspective, it does not necessarily follow from an affordability perspective. Notwithstanding, the



Applicant asserts that the development will deliver affordable units in line with DALP planning policy CSR13 and that the delivery of such affordable housing is typically larger than what is set out in the evidence base.

In terms of social housing, the evidence base is skewed toward the delivery of need in 1-3 bedroomed properties. Taking two and three bedroomed unit need together represents 52.2% of social housing need in new developments. The Applicant is proposing to deliver 95% of its social housing provision in this tenure size. The Applicant proposes the remaining 5% to be delivered as one bedroomed properties. Whilst this is not in strict keeping with the need, affordable housing provision across the plan period will vary according to site and situation. A large provision of single bedroomed properties will be at odds with the delivery of a large housing scheme but would not necessarily be so in the context of an apartment building. Furthermore, it is of note that the needs of a single bedroomed property can be met in a two bedroomed property, the same can not be said in a reversal of such a consideration. The Applicant is providing 20% affordable housing in line with paragraph 1a of DALP policy CS(R)13. With regard to the tenure mix of this provision, the Applicant is to provide social housing in the following terms 50% first homes, 25% shared ownership, 25% social rent. The proposed tenure does not conform fully to the tenure requirements of paragraph 2 of Policy CS(R)13 which sets a requirement of 74% social rent or affordable rent and 26% intermediary measure. Whilst this is clearly a matter of non compliance, it is considered that this is not sufficient to justify a reason for refusal of the planning application particularly given the Applicant's compliance with delivering 20% affordable housing.

It is of note that the Council has received notifications from registered social housing providers as part of its consideration of the other 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 55% of the proposed market provision. This is in contrast to the SHMA which identified 89% of need for market housing as being for 3 bedrooms or less (95% HEDNA). It should be noted that there is a difference between 'need' and 'demand' in housing terms with many families, where finances allow, choosing to occupy a larger properties than strictly needed to meet their bedroom requirements. The Applicant is a housebuilder and is confident that the housing market in the locality requires the housing product they are seeking permission for. They consider the proposed units are an appropriate mix for the locality. The Applicant has bought the development site with a view to implementing a sensitive development in line with the proposed plans commensurate in scale to the land allocation table set out at Policy RD1 of the Halton DALP.

#### 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 50% of the 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 50% First Homes does not conform with paragraph 4b of policy CSR13. However, as noted above the Council does not consider that this is sufficient reason to justify refusal of the application.

An additional requirement of policy CSR13 concerns affordable housing integration within the surrounding development to avoid over concentration and provide seamless design. The Applicant has incorporated the affordable housing units throughout the scheme and has confirmed that they will use the same building material pallet. There will be a noted difference in the appearance of the properties compared to the free market properties, however, this will primarily be the result of the differences in size of the properties rather than design or build quality. It is therefore considered that the Applicant has had full regard for the requirements of paragraph 4a of the planning policy CS(R)13.

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 development site has no three properties that could be classed as existing neighbours. These properties are former farm and infill developments that were part of a rural setting before recent expansions of the Widnes town settlement. There is no immediate residential locality from which the Applicant would be expected to draw local design cues from. Notwithstanding, the Applicant has given consideration to the semi rural character of the immediate surroundings. The application sites existing hedge and tree lined boundary along South Lane is a distinct and likely only familiar characteristic that a member of the public would have familiarity with. The Applicant has clearly made effort to retain as much of this feature as is possible, avoiding direct fronted access along the development front. A total of three private drives will serve 19 No. units and in addition there will be two further access points. In addition a further active travel route will be positioned behind this mature boundary to retain the existing relationship between the site boundary and the South Lane Highway.

The appearance of the proposed scheme will be consistent with that seen in the more recent housing developments, particularly those adjacent sites that make up the remainder of site allocation ref: W11. 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 addition to the Widnes town settlement.

### 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 is one interface of note that concerns the existing property Pendlebury Bungalow. This interface will be a side to rear elevation. The Council's supplementary planning document 'New Residential Developments' (the SPD) states that interfaces between existing and proposed in a side to rear arrangement should be no less than 13m. The interface inclusive of conservatory has been measured to be 13.98m. This is in line with the

SPD requirement. The Applicant sought to improve this interface further by reorientating the aspect arrangement of plot 23 to avoid a direct interface. It is considered that the applicant has had sufficient regard to the interface requirements of the SPD.

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.

The proposed scheme does detail an area of open space within the application site boundary. This will comprise of a trim trail and area of formal open space. This feature will provide an outdoor area of open space for informal recreation as well as an area of outdoor activity for children. The trim trail is worthy of separate comment, the Applicant had intended on providing a traditional area of equipped play. However, as there are two proposed areas of equipped play within the application site boundary of recently approved neighbouring schemes (22/00178/FUL and 22/00368/FUL), the Council invited the Applicant to pursue a trim trail provision that would offer a different form of outdoor activity for children. Similar to areas of equipped play, details of design and timing of delivery will be secured by way of a suitably worded planning condition.

It is considered that the development proposal is acceptable having had 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 Neighbourhood 3, which is identified as having deficiencies in the provision of natural and semi natural open space, amenity green space, provision for children and young people and allotments.

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

Open Space Typology	Amount Required By Policy RD4	Amount Provided By Development Proposal
Natural and semi natural open space	18,150 SQM	14,885 SQM
Amenity green space	6,600 SQM	1,387 SQM
Provision for children and young people	1,320 SQM	162 SQM
Allotments	594 SQM	Zero

As shown in the table above there remain shortfalls in provision based on the levels of need set by Neighbourhood 3. In order to overcome these shortfalls the Applicant has agreed to pay a financial contribution to deliver off site open space provision.

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

#### Residential development on former Green Belt Sites

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

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

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

Prior to the adoption of the DALP in March 2022 the application site was designated as Green Belt land. Therefore the requirements of RD1 para 3 and CSR6 para 3 apply. In order to address this policy requirement, the Applicant has agreed to a financial contribution toward a North Widnes active travel corridor and facilitated its route through the application site.

With continued participation from the wider development delivery within SRL7 sites as demonstrated by previously considered planning applications 22/00178/FUL, 22/00179/FUL and 22/00377/FUL, the north Widnes active travel corridor will provide a sustainable travel link and provide improved access to the Green Belt by utilising and connecting to existing infrastructure at Rivendell Garden Centre and the footpath link to the west.

The Applicant has incorporated connectivity to the North Widnes Active Travel corridor through their respective site layout by provision of pedestrian and cycle links through the proposed layout and in addition have confirmed that they will contribute to off site payments toward the delivery of the North Widnes Active Travel Corridor. These payments will be secured through a legal agreement by means of S106. The resulting active travel corridor will provide a sustainable mode of travel for the benefit of the Widnes population, particularly those residing at the northern edge of the existing conurbation boundary as well as future site residents of the newly allocated sites.

In addition a portion of the off site open space provision will be spent to improve existing public recreation sites located in the Green Belt at Sunny Bank Park, Hale Park and Wigg Island.

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

### Ecology

The Applicant has undertaken an ecological impact assessment (EclA) 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.

### Protected Species

The Applicant has indicated that they wish to follow the great crested new district level licensing (DLL) approach which has been adopted in Halton. The DLL obtained by the Applicant formed the basis for the Habitats Regulation Assessment (HRA) undertaken by the Council's retained ecology advisor. This HRA has been considered by Natural England who have confirmed a position of no objection.

In addition to the mitigation approved by Natural England concerning the DLL the Applicant has stated an intention to follow a precautionary working method statement (PWMS). A PWMS will be secured by way of a suitably worded planning condition.

Bat roosting potential has been considered by the applicant. Six trees were assessed and were considered to be of low bat roosting potential. Notwithstanding, only one of these trees is to be removed as a result of the development proposal. It is advised that the applicant employs a soft felling practice for T14 under the supervision of a suitably qualified ecologist. This will be secured by a suitably worded planning condition.

Habitats on site and adjacent to the site may provide foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme designed to prevent excessive lighting and protect ecology in line with NPPF paragraph 186 can be secured by an suitably worded planning condition.

#### Nesting Birds

The proposed development will result in the loss of bird breeding habitat and Local Plan Policies HE1 and CS(R)20 apply. To provide mitigation for this loss, bird nesting boxes are required to be installed on the final developed site. Details of number, type and location as well as a timetable for delivery will be secured by a suitably worded planning condition. The proposed development will result in the loss of existing site vegetation. Such vegetation may provide nesting opportunities for breeding birds, which are protected. DALP policies HE1 and CS(R)20 applies. The following condition is recommended:

*No tree felling, scrub clearance, hedgerow removal, vegetation management and / or ground clearance 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 all 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.*

#### 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 result 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 line with the new Government biodiversity duty and NPPF (paragraph 186), the applicant should provide biodiversity enhancements such as bat roosting boxes and a hedgehog highway. Such measures will be secured by a suitably worded planning condition.

### Biodiversity Net Gain

The application was submitted prior to mandatory Biodiversity Net Gain (BNG). However, the development should still provide a net gain in line with the requirements of the NPPF and the Information Note on BNG and its implementation within the LCR.

The Executive Summary of the EclA submitted in support of the application refers to the completion of a biodiversity net gain strategy for the site (*TEP report ref: 10066.005*). This, along with the Biodiversity Metric calculation and condition assessment sheets have been assessed by the Council's retained ecology advisor. A formal response has not been received in time for the publication of the officer report. An update will be presented to Members at Committee.

### Priority Species

Hedgehogs are a Priority Species, the application site is considered a suitable habitat for hedgehogs, as a result Local Plan policies HE1 and CS(R)20 apply. In order to maintain habitat connectivity for hedgehogs, it is recommended that the scheme incorporates hedgehog highways with the insertion of 13cm x 13cm gaps or apertures be installed into any closeboard fences on site at ground level. This mitigation will be secured by a suitably worded planning condition.

### SSSI 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 who responded with a position of no objection.

### Mineral Area of Search

The planning application site falls within a minerals area of search as identified in DALP policy HE10 'Minerals Safeguarding Areas'. The Council's retained advisor on minerals has raised concern that the submission that accompanies the planning application is deficient in detail on this subject matter. However, recent neighbouring planning applications have submitted detailed assessments of the feasibility of extracting minerals that are expected to be in the vicinity.

Whilst details submitted with this application are lacking, the Council is aware through the determination of neighbouring sites the issues facing an extraction of minerals at this location. A pragmatic approach is to follow the evidence that the Council is already aware of and use that to make a determination for this particular consideration. As was the case for the neighbouring site the minerals below the surface of the application site are cost prohibitive. There is further concern over the impact that any mass excavation could have on the surrounding area which is secured residential development along with an arterial road and regional railway line. Notwithstanding these concerns there is



also the issue of the land needing to be filled after excavation has ceased. This would require extensive reclamation which may no longer be suitable for residential purposes for which the land is allocated. Finally the time it would take for the mineral to be worked, extracted and then reclaimed, based on nearby quarrying works would likely exceed the entire plan period. On this basis it is considered that it is not practicable for the mineral to be excavated. The Applicant has not had sufficient regard to the requirements of Policy HE10 of the Halton DALP, however, the Council has sufficient record from adjoining sites to undertake due regard for the policy. There is insufficient reason to justify refusal of the planning application on this consideration.

#### 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.

#### Waste Collection and Storage

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

#### 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).

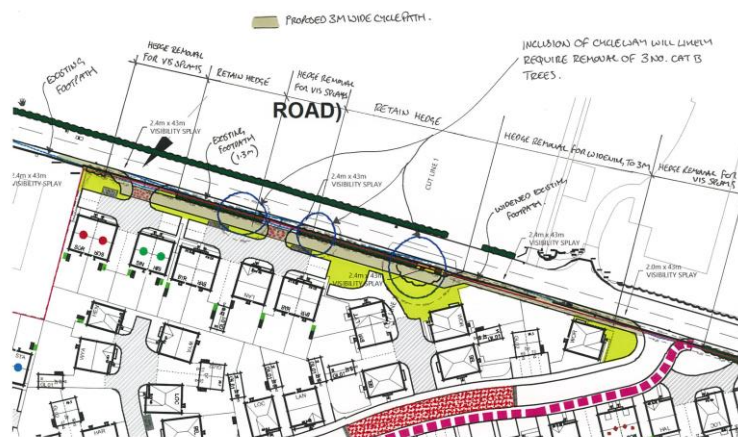
The Applicant has submitted an energy statement to demonstrate compliance with DALP policy CS(R)19 'Sustainable Development and Climate Change'. The statement includes a variety of information relating the energy hierarchy and fabric performance as well as an assessment of low and zero carbon technologies. The implementation of such measures will result in a CO2 emission rate of 4.45% over the standard Part L building regulation requirements. This demonstrates compliance with part a, c and d of policy CSR19 and parts 2 and 4 of Policy GR5 (Renewable and Low Carbon Energy).

## Highways

The development proposal has been reviewed by the Councils 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 a that it is appropriate for large service vehicles. Site egress has been assessed and determined in line with good practice and having regard for standards set out in the manual for streets guidance document. Full comments received from the Highways Officer are set out below:

*Following a number of discussions with the applicant, the Highway Authority are satisfied with the agreed proposal to provide a continuous cycleway across the site frontage. This of course is interrupted by the Pendlebury Farm buildings but continues thereafter. It was agreed that in spite of the ecological benefits the section of hedging to the east of Pendlebury Farm would be removed as it presented a potential for highway safety concern if the maintenance was not continued. Changes have been made to make the transitions across junctions smoother.*



*The application is required to address road safety concerns on South Lane and provide adequate protection for different types of road users (including those with protected characteristics as defined in the Equality Act) looking to cross this busy road at the access to the Public Right of Way in St Helens. Consequently, a series of off-site works are required to be approved and implemented to the satisfaction of the Highway Authority on South Lane prior to first occupation. These will secure the*

*construction of the accesses and the active travel measures through appropriate legal agreement with the Highway Authority.*

### TRANSPORT ASSESSMENT- CUMULATIVE IMPACT OF DEVELOPMENT

*Junction analysis and trip rates have been assessed for the approved residential developments in the north of Widnes following the release of the Delivery and Allocations Plan (DALP). The applicants were asked to produce a Transport Assessment to best understand the impact of the proposed developments and assess the cumulative impact of their proposal in line with the other developments being brought forward. A cumulative assessment technical note was prepared by i-Transport commissioned by Redrow Homes. The scope of this included all of the sites within the SRL7 allocation including this site within the W11 parcel. Given that there was no existing application for this the current parcel the impact assessment assumed 127 properties as part of the assessment. The Highway Authority would require a technical note producing which demonstrates how the proposed application fits in line with this cumulative assessment.*

*Traffic impact assessments and sensitivity tests identified that certain junctions in the proximity to the development would be at or near to capacity in future year models. These junctions included Derby Road, Lunts Heath Road as well as Wilmere Lane and the A5080 Cronton Lane junction with Norlands Lane.*

*The introduction of improved, LTN compliant and high-quality active travel measures would allow for greater access to sustainable and healthy travel choices. This would create the space along a traffic heavy corridor with excess of 7000 vehicle movements per day, for people to walk and cycle safely to local facilities. It also provides the opportunity for a modal shift on shorter journeys to promote health, well-being and positively contribute to the Liverpool City Regions ambitions to reduce the dependency on car borne trips.*

*Mott McDonald were commissioned to review i-transport proposals for active travel measures along the northern corridor in Widnes from the Sixth Form College to the borough boundary on South Lane and down to Farnworth Village. These measures included segregated cycleways, kerb realignments, the raising of junction levels and improved crossing points. In addition to this, the capacity at junctions for vehicular traffic was also addressed to allow for more efficient movements of vehicles and mitigate against queuing. This included kerb realignment and the addition of MOVA to signal operations.*

*The proposed active travel route will allow for improved pedestrian and cycle access along Cronton Lane. These measures tie into existing facilities at the Black Horse roundabout to link to an LTN compliant two-way cycle lane along the southern side of Lunts Heath Road. From here*

*the route continues onto Derby Road on its northern side to meet with Redrow's 3m frontage cycle lane before extending eastwards to the borough boundary. New crossing points are proposed at the junction of Cronton Lane close to Norlands Lane and on Lunts Heath Road to connect the Miller Homes development to public right of way Widnes No.5 which is a well-used traffic free route to school and local facilities in Farnworth.*

*These measures should contribute significantly to an improvement in travel choices in the north of Widnes as well as complimenting existing active travel schemes currently being delivered.*

*Contribution toward improved bus services were considered as part of the overall package. The 26 and 26a serve this area however frequency is limited. Additional services and a route extension was considered here however, it was agreed that the proposals were potentially cost prohibitive and could not be justified. As a result, a free bus pass to each household for the period of one year would appear to be appropriate. This will have the benefit of improving resident's awareness to the service as well as potentially increasing its benefit to local people.*

#### GENERAL CONDITIONS

*The application is required to address road safety concerns on South Lane and provide adequate protection for different types of road users (including those with protected characteristics as defined in the Equality Act) looking to cross this busy road at the access to the Public Right of Way in St Helens.*

*Prior to commencement of the development, a scheme of off-site works shall be submitted to and approved in writing by the Local Planning Authority, subject to the submission and approval of detailed design, technical approval and the submission of Stage 2 and 3 safety audits. The scheme shall include and not be limited to: - Proposed footway widening on southern side of South Lane, traffic calming/ gateway features on South Lane to protect a crossing of South lane to the Public Right of Way, Bus stop improvements on South Lane, road markings and signage to signify changes in priorities - It is recommended that a condition is attached that requires a plan for offsite highway improvements to be submitted and approved prior to first occupation.*

*A further condition is recommended that secures details of traffic calming through the estate roads and their subsequent implementation.*

*Any new or extended areas of hard-standing are required to be constructed of porous materials or provision made to allow for direct run-off water from a hard surface to a permeable or porous area or surface within the curtilage of the dwelling to prevent surface water runoff onto the highway. This is to be secured by an appropriately worded planning condition. Additional information can be found within;*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

*Active travel measures and a bus pass arrangement will be secured through appropriate legal agreement clauses.*

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

#### 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. At this time discussions are ongoing between the Council's and Applicants respective advisors. It is considered that the use of appropriately worded planning conditions will address any shortfall in submission. Members will be updated orally at Committee.

#### 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 who raises no objection subject to a condition requiring conformity with the proposed methodology and a separate condition requiring the submission of a validation report.

The Applicant has reviewed the details of the 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 1102023, dated 14/12/2023 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 sound levels specified in BS 8233:2014 Guidance on Sound Reduction for Buildings can be achieved at all properties within the development site.*

*Given the proximity of both major road and rail links, the levels specified in BS 8233:2014 cannot be met without mitigation. Mitigation for upgraded glazing requirements for the properties adjacent to the road*

*and railway line are therefore specified in table 4-1. In order to ensure that the maximum recommended external noise level of 55dB is achieved, a further scheme of acoustic barriers is also proposed in figure 5-1. This report and its conclusions are accepted.*

*Given the proximity of existing residential properties to the development site, hours of work will need to be appropriately controlled.*

The risks of sound pollution have been assessed by the Council's EHO who has responded with an opinion of no objection. The EHO recommends that two conditions are used, firstly that the scheme of acoustic mitigation specified in table 4-1 and figure 5-1 of acoustic report reference 1102023, dated 14/12/2023 shall be implemented in full and secondly that an hours of operation condition is attached to ensure construction activity is limited to the following hours:

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

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

It is considered that subject to the above acoustic standard being achieved on site, the development site is a suitable location for human habitation and therefore the development complies with 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 submitted an Air Quality Assessment reference 103084, dated 7/12/2023 in support of the application. The potential for off-site impacts from dust emissions during the construction phase of the development has been assessed, in accordance with The Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction.*

*The Air Quality Assessment goes on to consider the increase in Annual Average Daily Traffic from the site once operational, and whether this increase is would lead to significant changes to annual concentrations of Nitrogen Dioxide or fine particulate matter (PM10 and PM2.5). The report concludes that is the impact as a result of the proposed development is negligible.*

*The report concludes that the impact from both construction and operational phases is not significant. However given the proximity of existing residential properties, the scheme of dust mitigation as*

*proposed in Appendix D on p29 will need to be implemented during the construction phase.*

*The scheme of dust mitigation as stipulated in Appendix D on p29 of Air Quality Assessment reference 103084, dated 7/12/2023 shall be implemented and adhered to on site at all times.*

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 subject to the use of a condition that will require the Applicant to adhere to the air quality assessment recommendations set out above. He applicant has reviewed this condition and accepts it's inclusion on a planning permission.

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 Local Services

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

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

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

#### 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 including Green Belt compensation
- BNG off site compensation
- Active travel improvements including Green Belt compensation
- The issuing of a 12 month bus pass to each developed plot

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

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

### 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.

### **RECOMMENDATION**

That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or



Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to drainage and ecology.

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

- a) S106 agreement that secures the terms set out at in the Legal Agreement section of this report.
- b) Schedule of conditions set out below.
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Director – 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. Approved Plans
3. Submission of Existing and Proposed Site Levels (Policy GR1)
4. Existing Tree Protection Measures – (Policy HE5)
5. Submission of Bird Box Scheme – (Policies CS(R)20 and HE1)
6. Bat Box Scheme – (Policies CS(R)20 and HE1)
7. Protection of mammals during construction (Policies CS(R)20 and HE1)
8. Common amphibian avoidance strategy – (Policies CS(R)20 and HE1)
9. Reasonable Avoidance Measures Strategy for Priority Species – (Policies CS(R)20 and HE1)
10. Biodiversity Enhancement Scheme – (Policies CS(R)20 and HE1)
11. Soft Tree Felling Strategy (Policies CS(R)20 and HE1)
12. Ground Contamination - (Policies CS23 and HE8)
13. Waste Management Plan (Policy WM8)
14. Construction Management Plan (Policy C1)
15. Limited Construction Hours (Policy GR2)
16. Detail Hard Standing agreed (Policy C2 and HE9)
17. Access constructed prior to occupation (Policy C1)
18. Landscaping (Policy GR1, GR3 and HE5)
19. Hedgerows retained or mitigation (Policy CS(R)20 and HE1)
20. Acoustic Mitigation (Policy GR2)
21. Contaminated Land in accordance with approved scheme (Policy HE7)
22. Contaminated Land validation report (Policy HE7)
23. Acoustic measure to be implemented in accordance with approved details (Policies HE7 and GR2)

24. Dust mitigation measures to be implemented in accordance with approved details (Policy HE7)
25. Off site highway improvements (Policy C1)
26. Estate traffic calming details (Policy C1)
27. Energy statement compliance (CS19)

The conditions above have been agreed with the applicant.

## **7. 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.

## **8. 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.