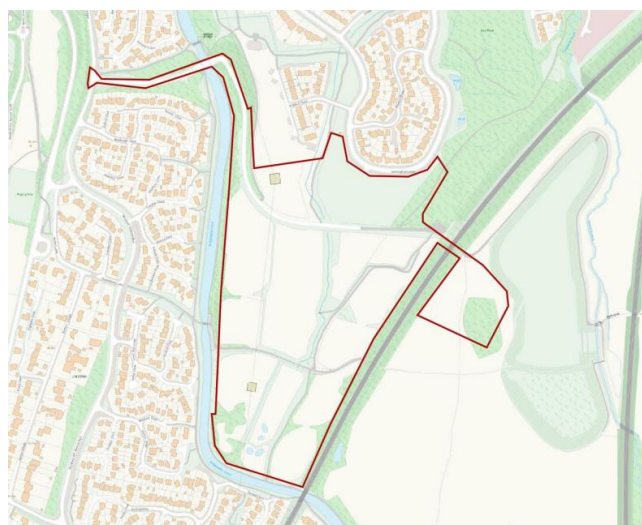


APPLICATION NO:	24/00438/REM
LOCATION:	Sandymoor South Phase 2, Windmill Hill Avenue East, Runcorn
PROPOSAL:	Application for the approval of reserved matters (scale, appearance, layout and landscaping) for the erection of 199 residential dwellings pursuant to outline application ref: 22/00543/OUTEIA
WARD:	Daresbury, Moore & Sandymoor
PARISH:	Sandymoor Parish Council
APPLICANT: AGENT:	Keepmoat Homes Limited And Homes England Eden Planning & Development
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Strategic Housing Location Residential Allocation – R29 Greenspace Greenway Core Biodiversity Area
DEPARTURE	No
REPRESENTATIONS:	A total of 4 representations have been received in response to the public consultations. A summary of the responses is set out in the report.
KEY ISSUES:	Highways, ecology, residential amenity, design, affordable housing, drainage and flood risk, open space provision and noise.
RECOMMENDATION:	That authority be delegated to the Operational Director – Planning and Transport, to determine the application following the satisfactory resolution of the outstanding issues relating to drainage, noise and highways.

SITE MAP



1. APPLICATION SITE

1.1 The Site

Site of approximately 16.51 hectares (ha) in area located at Sandymoor South Phase 2, Windmill Hill Avenue East, Runcorn. The site currently comprises the access road running from Windmill Hill Avenue East to the railway line at the north east of the site, footpaths, grassland and landscape features, including mature trees, hedgerows and scrub. There is existing infrastructure within the site in the form of high voltage pylons and overhead cables (with 25m easement either side), as well as an existing sewer running north-south towards the western boundary of the site. The Bridgewater Canal forms the western and southern boundaries of the site, alongside which there is an existing foot/towpath and mature vegetation. To the east is the Warrington to Chester railway line and another part of the Sandymoor Masterplan Area known as Wharford Farm. To the north is predominantly residential development fronting Walsingham Drive and the wider Sandymoor South Phase 1. The Site's topography is relatively flat, but slopes gradually, falling to the north and rising more steeply alongside the Bridgewater Canal towards the west. Sandymoor Brook runs north-south through the centre of the site and there are a number of on-site ponds. At the south of the site is an existing Great Crested Newt (GCN) mitigation area.

The application site forms part of site allocation R29 as defined by Policy RD1 and the Halton DALP policies map.

1.2 Planning History

07/00111/OUT- (PER) -Outline application (with all matters reserved) for development of up to 320 No. residential dwellings

08/00296/FUL- (PER) -Proposed comprehensive earthworks, drainage works and ground level changes to land at Sandymoor South and the creation of a newt reserve area at the southern end of Sandymoor South

09/00129/OUT- (PER) –Outline application (with all matters reserved) for residential development of up to 469no. dwellings.

10/00483/FUL- (PER) -Construction of proposed temporary footpath and bridleway.

22/00543/OUTEIA Outline planning permission was granted on 27 March 2024 subject to conditions and a S106 Agreement. The description of development for that application was: Application for outline planning permission with all matters reserved (except means of access) for residential development comprising up to 250 dwellings, electricity sub stations, along with recreational open space, landscape and other related infrastructure.

2. THE APPLICATION

2.1 The Proposal

The application is for reserved matters for 199 residential dwellings, comprising:

- 4 x 1-bedroom dwellings (2%).
- 64 x 2-bedroom dwellings (32%).
- 106 x 3-bedroom dwellings (53%).
- 25 x 4-bedroom dwellings (13%).

In accordance with the signed legal agreement secured at outline stage, 20% of the proposed dwellings will be affordable.

2.2 Documentation

The planning application is supported by the following documentation:

- Application Form
- Drawings Pack – see Appendix 1 for details
- Design and Access Statement
- Planning Statement
- Transport Statement
- Landscape and Habitat Management Plan
- Arboricultural Impact Assessment
- Noise & Vibration Assessment
- Flood Risk Assessment
- Drainage Details
- Statement of Community Involvement

3. POLICY CONTEXT

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

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan (2022)

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

- CS(R)1 Halton's Spatial Strategy;
- CS(R)3 Housing Supply and Locational Priorities
- CS(R)12 Housing Mix and Specialist Housing
- CS(R)13 Affordable Homes
- CS(R)15 Sustainable Transport
- CS(R)18 High Quality Design
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment
- CS(R)21 Green Infrastructure
- CS23: Managing Pollution and Risk

- CS24 Waste
- RD4 Greenspace Provision for Residential Development
- C1 Transport Network and Accessibility
- C2 Parking Standards
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure
- HE5 Trees and Landscaping
- HE7 Pollution and Nuisance
- HE9 Water Management and Flood Risk
- GR1 Design of Development;
- GR2 Amenity
- GR3 Boundary Fences and Walls;

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 Supplementary Planning Documents

The following adopted Supplementary Planning Documents are of relevance:

- Design of Residential Development SPD
- Sandymoor SPD

The Sandymoor SPD contains the original Sandymoor Masterplan. The Sandymoor South Phase 2 site represents the final phase of residential development in the original Sandymoor masterplan.

3.4 National Planning Policy Framework

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

3.5 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.

3.6 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:

National Highways

No objection to the original application, Not look to comment further.

Coal Authority

No Comment

HSE

Does not cross any consultation zones

Historic England

No Comments

Natural England

No Comments

Sport England

No comments

Environment Agency

No further comments to those in relation to the Outline application which stated no objection.

Warrington Borough Council

No Comments

United Utilities

United Utilities has confirmed that it is aware that as part of the outline planning permission (reference: 22/00543/OUTEIA), condition 28 on the Decision Notice relates to the protection of United Utilities water main which is laid within the site boundary. We request that further details are submitted for our review and comment prior to the commencement of development in accordance with the condition attached to the outline planning permission.

Following review of the submitted drainage layouts (4084-RSK-DR-001-DRAINAGE-REVP3 dated 11.10.2024 and 4084-RSK-DR-002-DRAINAGE-REVP3 dated 11.10.2024) they state that the plans are not acceptable to United Utilities. This is because we would require evidence of the accurate location, depth and diameter of the wastewater assets crossing the site before the layout and drainage strategy can be approved.

Issues relating to asset protection and final detailed drainage design are addressed by conditions attached to outline planning permission.

Network Rail

Objection. Addressed below.

Council Services

Highways

No objection.

Lead Local Flood Authority

No objection.

Environmental Protection

No objection.

Open Spaces- Design and Development

No objection.

Open Spaces

No objection.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objection

Cheshire Archaeology

No objection.

5 REPRESENTATIONS

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

A total of 4 representations have been received. A summary of the objections received is set out below.

- Increase in traffic and parking issues
- Lack of infrastructure and services including shops, schools, GPs, public transport
- Blocking
- Loss of greenspace/ harm to character
- Removal/ damage to trees and greenery.
- Unnecessary/ unsuitable location
- Drainage and flooding
- Insufficient affordable housing for people of Halton
- Damage to wildlife
- Noise
- Property Value
- Will attract rats
- Harm to view from property

6 ASSESSMENT

6.1 Background

This is an application for approval of reserved matters. The principle of development has previously been established by the approval of outline planning permission (Ref. 22/00543/OUTEIA). Access was approved at Outline stage. The determination of this application relates to the remaining reserved matters which are scale, appearance, layout and landscaping.

The site context analysis submitted with the application identifies a number of site constraints and existing features worthy of retention which have guided and helped form the development. These include:

- a number of prominent water features, including Sandymoor Brook (with a 7m standoff in accordance with condition the of Outline approval)
- a series of natural ponds along the southern and eastern boundaries that provide ecological habitats worthy of retention,
- existing green infrastructure comprising mature tree belts, footpaths, hedgerows and grassland,
- a Great Crested Newt mitigation zone, encompassing the southern most ponds a 20m ecology corridor is proposed along the eastern boundary with the railway embankment
- The Mersey Valley Trail public right of way passes west to east across the site
- A HV Pylon line runs north to south across the site and requires a clear 25m easement either side of the cables .
- A further sewer easement runs along the base of the canal embankment to the west of the site
- The Bridgewater Canal and associated towpath to the west and south of the site and the Chester to Warrington Railway line along the eastern boundary both at an elevated position

The outline approval contained detailed access proposals which included a new spine road linking Windmill Hill Avenue East to the Wharford Farm site via the New Norton Bridge with a second access point linking the proposed spine road to Walsingham Drive.

The combination of these site's constraints, landscape and ecology features, easements and movement corridors result in a series of small parcels of developable area.

6.3 Housing Mix

DALP policies CS(R)3 and CS(R)12 require sites of 10 or more dwellings to deliver a mix of new property types that contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics. The Mid-Mersey SHMA 2016 sets out the demographic need for different sizes of homes, identifying that the majority of market homes need to provide two or three bedrooms, with more than 50% of homes being three bedroomed. The policy justification recognises that a range of factors including affordability pressures and market signals will continue to play an important role in the market demand for different sizes of homes. Evidence from the Mid-Mersey Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for a greater diversity of housing types and sizes across market housing as well as in affordable accommodation. The housing type profile in Halton currently differs from the national pattern with higher proportions of

medium/large terraced houses and bungalows than the average for England and Wales. Consequently, there is under provision of other dwelling types, namely detached homes and also to a certain extent, flatted homes. The SHELMA (LCR) shows an above average representation of detached and semi-detached sales, however, does not breakdown for bedroom requirements. In Halton this is due to a particularly high proportion of new build sales that upwardly skew the figures for detached and semi-detached sales.

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

Table 1. illustrates the proposed residential mix.

	Market	Affordable	Total
1 bed dwelling	4 (2%)	-	4 (2%)
2 bed dwelling	41 (20.6%)	23 (11.6%)	64 (32%)
3 bed dwelling	89 (44.7%)	17 (8.5%)	106 (53.3%)
4 bed dwelling	25 (12.6%)	-	25 (12.6%)
Total	159 (80%)	40 (20%)-	199

Table 1. Proposed residential mix (% Approx.)

Table 2 below provides the objectively assessed housing need breakdown as presented in the 2016 SHMA 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.

They are however providing a range of property sizes across the market and affordable tenures. The Applicant is providing 20% affordable housing in line with paragraph 1b of DALP policy CS(R)13 with a tenure mix determined by the terms

of the legal agreement secured through the determination of the outline planning permission. This is addressed in more detail below.

It should be noted that there is a difference between 'need' and 'demand' in housing terms. The Applicant is a housebuilder and, it is assumed, is satisfied that the housing market in the locality requires the housing product they are seeking permission for. Whilst there is an element of non-compliance, it is considered that this is not sufficient to justify a reason for refusal of the application particularly given the Applicant's compliance with delivering 20% affordable housing.

6.3 Affordable Housing

The affordable housing provision was assessed by the Council under the determination of planning application ref: 22/00543/OUTEIA which was presented to Committee on 7th August 2023. The officer report to committee provided the following assessment of the proposed affordable housing provision.

Policy CS(R)13 of the DALP states that all residential schemes including 10 or more dwellings (net gain), or 0.5 ha or more in size, with the exception of brownfield sites are to provide affordable housing at the following rates:

a. Strategic Housing Sites: Those identified on the Policies map as Strategic Locations, are required to deliver a 20% affordable housing requirement.

The application site is designated as a Strategic Housing Location on the DALP Policies Map, and as such 20% of the proposed units should be delivered as affordable housing. Para 2 of CS(R)13 sets out the Council's ambition for affordable housing delivery, at approximately 74% affordable or social rented housing and 26% intermediate housing where practicable and unless evidence justifies a departure from this provision. The Government published a written Ministerial Statement and updated national guidance on the delivery of First Homes since the DALP adoption, which is a material consideration.

The NPPF is also a material consideration. Paragraph 65 of the NPPF requires that planning decisions relating to proposed housing development should expect at least 10% of the total number of homes to be available for affordable home ownership (unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups).

The applicant proposes that 20% of all new homes to be delivered on the site are delivered as affordable housing in accordance with Policy CS(R)13. The applicant assessed an affordable housing tenure split for the purposes of the ES assessment of 25% First Homes, 25% Shared Ownership Housing and 50% Affordable Rented Housing. The assessed tenure split for 25% of these affordable homes to be delivered as First Homes is consistent with the government's guidance on First Homes. The Council accepts this position.

The applicant considers that the proposal for a further 25% of these affordable homes to be delivered as Shared Ownership Housing (i.e. for 50% of the affordable homes to be delivered as an affordable home ownership product) is consistent with the requirements of paragraph 65 of the NPPF (in that it would ensure that 10% of all homes being delivered would be made available for affordable home ownership) and paragraph 23 of the First Homes guidance.

As set out above, Para 2 of CS(R)13 sets out the Council's ambition for affordable housing delivery, at approximately 74% affordable or social rented housing and 26% intermediate housing where practicable and unless evidence justifies a departure from this provision. Based on the assessed tenure split and the deficiency in affordable / social rented housing, it is considered that there is an element of non-compliance with Policy CS(R)13.

The applicant has had regard to national policy and guidance in forming the assessed tenure split (both of which are material considerations), however the adoption of policy CS(R)13 post-dates the publication of the NPPF (namely para 65) as amended in 2021. This policy does not secure 10% affordable home ownership as required. Notwithstanding this, the scheme does secure 20% affordable housing and having regard for the apparent policy conflicts, the proposed development is considered to be in broad compliance with the Development Plan and a refusal of planning permission cannot be sustained on these grounds.

Affordable housing is to be delivered in the following terms, affordable rent 50%, shared ownership 25%, first homes 25%. Affordable homes will comprise of 17 No. 3bed and 23 No. 2bed units.

It should be noted that there have been subsequent changes to NPPF (including paragraph numbers). Notwithstanding that, having assessed the details of the reserved matters application before members, it is considered that the reserved matters application is consistent with the details of outline planning permission ref: 22/00543/OUTEIA and secured by way of associated legal agreement.

An additional requirement of policy CSR13 concerns affordable housing integration within the development to avoid over concentration and provide seamless design. Whilst the Applicant has incorporated the affordable housing units across a number of the development parcels these do focus within the north eastern and central parcels and on particular house types. Notwithstanding that, it is considered that the Applicant has had sufficient regard for the requirements of paragraph 4a of the planning policy CS(R)13 and any degree of non-compliance on this element alone would not justify refusal of the application.

The scheme remains in broad compliance with policy CS(R)13 of the Halton DALP plan pursuant to the above assessment and a refusal of approval of reserved matters cannot be sustained.

6.4 Design, Appearance and Residential Amenity

Three-storey apartment blocks are proposed at the west of the site. All of the other proposed house types are either two or 2.5-storeys in height which is considered consistent with the parameters established at outline stage.

The development comprises a visually attractive layout with high quality design. The applicant has considered the transition from the more traditional, predominantly detached housing on Walsingham Drive with a similar form of development on the northern parcel (referred to as parcel 1). Where development plot depths and sizes have been restrictive with respect to this more traditional housing layout, bespoke house types have been utilised in order to achieve full perimeter blocks and provide activity and surveillance to both the internal streets and Canal embankment. These bespoke house types include a combination of own front door apartments, smaller mews houses and more typical semi-detached units, back to back mews houses, houses and apartments partially retaining level difference, narrow style cluster house designs and including a mix of in curtilage parking and courtyards.

The proposals are considered a novel and imaginative development proposal which deals well with the constraints of the site, the retention of existing landscape features and connectivity within and through the site. It is considered that the impact of the level changes and retaining structures have been well integrated and minimised as far as possible through the design. Whilst this is undoubtedly a significant change from the undeveloped appearance on site at present, the proposed development is consistent with that envisaged by the DALP land allocation.

Given the site constraints a number of the plots fall short with respect to the provisions for privacy and separation distances and garden sizes when measured against the Council's adopted Design of New Residential Development Supplementary Planning Document. Adequate provision has been made for privacy and separation relating to existing properties on Walsingham Drive. Where such shortfalls do exist within the site it is considered that these have been appropriately considered through the positioning of properties, internal accommodation and window location. Where shortfalls exist in garden size when measured against guidance such gardens would provide sufficient space for sitting out, hanging laundry and for children to play. It is not considered that this will be significant to the detriment of residential amenity or the quality of the overall scheme, which would warrant the refusal of the application. The scheme and wider area makes significant provision for outdoor space by way of compensation.

With respect to protecting the amenity of existing residents during the construction phase it is considered that hours of construction and mitigation through the submission and agreement of a construction management plan are sufficiently secured by way of conditions attached to the outline planning permission.

Based on the above, the proposal is considered acceptable in respect of its design and external appearance in compliance with Policies CS(R)18, GR1 and GR2 of the DALP.

6.6 Open space, Greenspace and Green Infrastructure

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

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

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

Paragraph 9.23 of the DALP goes on to say:

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

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

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

The proposal includes an significant areas of open space with the Design and Access Statement indicating an emphasis on naturalist planting including wildflower and meadow planting rather than a focus on amenity lawn. It also includes provision for children's play including provision for timber play equipment, boulders and natural play equipment as an alternative to the more conventional children's play equipment. Provision is also made for inclusion of wooden benches, refuse bins and cycle parking to encourage people to visit a dwell in the areas of open space. Final details of detailed planting, equipment and street furniture can be secured by appropriately worded planning condition.

It is considered that the proposals are able to demonstrate compliance with Policies RD4, HE4 and HE5 of the Halton DALP.

6.8 Trees and Landscaping

Policy HE5 of the DALP, sets out requirements for landscaping in new developments. The application is supported by a series of hard and soft landscape plans, furniture and boundary treatment plans and a Landscape Habitat Management Plan. In addition to the above, the application is also supported by an Aboricultural Impact Assessment. There are no Tree Preservation Orders in place within the site, nor is the site located within a conservation area.

The development will require removal of a number of trees from the landscape, to facilitate the development. The development also requires the removal of several Category B trees and sections of W2, which is a Category A woodland.

The proposed development has sought to minimise the loss of existing trees and retain many of the key features of the site. The application is also supported by a soft work general arrangement plan which includes a schedule of tree, hedgerow and planting mixes which it is considered satisfactorily demonstrate a good quality landscaping scheme through the development and appropriate mitigation for any losses.

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

6.9 Ecology

The application is supported by a Landscape and Habitat Management Plan. These have been reviewed by the Council's Open Spaces Officers and retained ecology advisor.

The Council's ecology advisor has advised that a previously submitted and accepted shadow HRA a (and subsequent HRA Addendum) were completed for assessment of up to 250 dwellings. Despite the reduction in net dwellings, they advise that the previously accepted mitigation measures and secured by conditions attached to the outline planning permission remain valid with respect to Habitat Regulations. They further advise that the submitted Landscape and Habitat Management Plan is acceptable. The Management Plan states that it will be updated once landscape plans and the BNG Metric have been finalised. This can be secured by appropriately worded planning condition. The Council's Open Spaces Officer has identified further considerations with respect to minimising construction impacts and invasive and protected species however it is considered that these are properly addressed through conditions attached to the outline planning permission.

6.10 Waste Planning Policy

The development proposal is a major development. Such developments typically involve excavation and activities which are likely to generate significant volumes of waste. As a result, Policy WM8 of the Merseyside and Halton Waste

Joint Local Plan (WLP), the National Planning Policy for Waste (Paragraph 8) and Planning Practice Guidance (Paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal.

In accordance with Policies WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted prior to development commencing. This has been secured by way of suitably worded planning condition attached to the outline planning permission.

6.11 Waste Collection and Storage

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

6.13 Highways

The application is supported by a Reserved Matters Transport Statement. The development proposal has been reviewed by the Councils Highways Officer on behalf of the Local Highway Authority in response to the consultation exercise.

Matters relating to the principle of development and access to the scheme were approved at outline stage. In that regard points of vehicle access will be taken from Windmill Hill Avenue East, with a second vehicular access off Walsingham Drive at the north of the site. Details of the main points of access and main access route from Windmill Hill Avenue East to the railway line were approved under 22/00543/OUTEIA and have been incorporated into the proposals.

With respect to the reserved matters subject of this application, the Applicant has met with the Council's Highways Officer and discussed relatively minor amendments to the scheme.

Amended plans are awaited. The Council's Highways Officer has however confirmed that, subject to receipt of those amendments, no objection is raised and that satisfactory provision can be made for bus service provision, servicing and parking in order to demonstrate compliance with policy C1 of the Halton Delivery and Allocations Local Plan. It is also considered that satisfactory provision can be made for the extension and connectivity of the bridleway through the scheme in accordance with the Sandymoor SPD. Members will be updated orally.

6.14 Drainage And Flood Risk

The application is supported by an updated Flood Risk Assessment as required by condition attached to the outline planning permission. The Lead Local Flood

Authority is currently reviewing the submission and final comments are awaited. Members will be updated Orally.

Based on the above, and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policies CS23 and HE9 of the Halton Delivery and Allocations Local Plan together with the NPPF.

6.18 Noise

In accordance with a condition attached to the outline planning permission, the application is supported by a Noise and Vibration Assessment.

The Council's Environmental Health Officer has confirmed agreement with the report and mitigation measures contained therein. An update to the plan contained within the report has however been requested to make it clear which facades will be subject to upgraded glazing. Subject to receipt of the amended plan, it is considered that satisfactory mitigation can be secured in line with the condition attached to the outline planning permission in order to comply with Policies CS23 and HE7 of the Halton DALP insofar as it is relevant to sound pollution. Members will be updated orally.

6.19 Network Rail Objection

In response to the consultation exercise undertaken, Network Rail has reiterated their objection (originally made in relation to the outline application ref 22/00543/OUTEIA) in relation to this Reserved Matters application. They state that:

There have been a number of near-miss incidents at the level crossing, including two recent incidents within a 24 hour period on 14 and 15 March. Further information on these incidents, and the recent history of near-misses at the level crossing, are detailed in the attached document. A near-miss incident which occurred on 18 January, where a pedestrian walked into the path of a high speed train after ignoring a red warning light, was discussed on the BBC Breakfast tv programme. Further information, including footage of the near-miss, is available at: <https://www.networkrailmediacentre.co.uk/news/safety-warning-as-cctv-catches-mans-shocking-near-miss-with-train> Network Rail is in ongoing discussion with Homes England to facilitate the design and delivery of a bridge to replace the level crossing. Whilst we appreciate that this is being discussed as part of additional conversations regarding the Outline application, it is important that we provide a consistent approach and object to this application due to the level of impact the development will have upon the level crossing. Should the council be minded to approve the application, we wish to underline the requirements in our original consultation response to the Outline application, which are still relevant to the Reserved Matters application. We would request that the condition below forms part of any decision notice: "The Council is requested to include a Grampian Condition upon the grant of any planning permissions for the development to ensure that:

1. *The public bridle footpath over Norton Level Crossing is permanently stopped up via s257 of the T&CPA, and;*
2. *The closure of the level crossing, and any necessary diversionary route must be completed prior to the new dwellings being occupied.”*

This matter was properly addressed through the determination of that outline planning permission where the officer report to committee provided the following assessment in this regard:

In its representation, Network Rail request that the Norton Level Crossing be closed to pedestrian and cycle access, or otherwise bridged, and that this requirement should be attached to the planning application via a Grampian condition. The concerns cited include existing issues over safety and an increased number of near misses, as well as the additional impact of further residents living at the application site. Representations including from members of the public and elected representatives have raised issues over the potential closure of Norton Cross Level Crossing, which provides important walking routes between Daresbury Business Park and facilities including Runcorn East station. Network Rail have suggested an alternative to the closure of the Level Crossing will be to erect a bridge over the railway line. However, this falls outside of the application site boundary and the cost and feasibility of such a scheme is currently understood to be in the very early stages of investigation by Network Rail. Representations also requested that the application makes contributions to any bridging project. The Council will not impose the closure of the Norton Cross Level Crossing as a Grampian condition on this application, as it would hinder the continued use of existing sustainable modes of transport. It is also considered inappropriate to require this application to fund or otherwise provide a bridging solution to the Level Crossing. Officers consider that the Level Crossing is an existing safety issue and appropriate that Network Rail ensures the safe operation of its asset.

6.20 Impact on Local Services

A number of responses received to the public consultation exercise have centered on the concerns regarding this development and the impact it will have on local services, specifically education places in 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.

SHOPS – Sandymoor Local Centre is now complete/ substantially complete offering the allocated provision

All issues raised in the representations received, which are material to the planning application's consideration are responded to above. There is no evidence or reason to anticipate that the proposed development would attract rats to justify refusal.

6.25 Planning Balance and Conclusion

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

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

7. RECOMMENDATION

That authority be delegated to the Operational Director – Planning and Transport, 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, noise and highways.

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

- a) Schedule of conditions set out below.

Recommended conditions as follows with any additional conditions recommended through the resolution of the highways and drainage issues to be added to the list below:

CONDITIONS

1. Approved Plans
2. Detailing hard and soft Materials (Policy GR1)
3. Site levels (Policy GR1)
4. Submission and agreement of an updated LHMP – (Policy HE1)
5. Tree Protection/ Arboricultural Method Statement - (Policies CS(R)21 and HE1)
6. Securing Landscaping/ Detailed Planting Plan – (Polies GR1, GR2 and HE5)
7. Parking and Servicing – (Policies C1 and C2)
8. Detailing play equipment/ street furniture - (Policy RD4/ GR1)
9. Detailing boundary treatments- (Policy GR3)
10. Permitted Development Removal – Garages (Policies GR1 and GR2)
11. Permitted Development Removal – Fences (Policies GR1 and GR2)

6 BACKGROUND PAPERS

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

7 SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2024);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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