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Ms K Brindley
Policy, Planning and Transportation
Halton Borough Council
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17 October 2022

Dear Ms Brindley,

Your Reference: 22/00423/OUTEIA

Site Address: Land at Hale Gate Road, Halebank

Proposed Hybrid Planning Application comprising: Full planning permission for the construction of the primary access points, primary internal link road and site enabling works including site levelling and Outline planning permission with all matters reserved except for access, for the construction of up to 500 residential dwellings (Use Class C3), later living units (C2), a new primary school, a local centre (use class E) and associated infrastructure and open space

We act on behalf of Hale Bank Parish Council (HBPC) and refer to the above referenced hybrid planning application. HBPC wishes to register its strong objections to the application proposals which do not deliver a comprehensive, high quality, well-designed, sustainable residential development envisaged in Policy RD1 of the Halton Delivery and Allocations Local Plan (DALP). For this reason, HBPC request that planning permission for the application proposals should not be granted.

In summary, HBPC objects to the application proposal because it does not accord with the recently adopted development plan, the DALP which has been subject to Examination in Public (EiP) and is legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶135).

The DALP was formally adopted by Halton Borough Council (HBC) on 2 March 2022 and covers the period until 2037. There is no justification for a departure from the development plan, which carries full weight in the decision-making process and is so recently adopted.

The application proposal as submitted is in conflict with DALP Policies RD1: Residential Allocations; RD4: Greenspace Provision; C1: Transport Network and Accessibility; HC10: Education; HE1: Natural

Environment and Nature Conservation; HE5: Trees and Landscaping and GB1: Control of Development in the Green Belt. Planning permission must be refused on the grounds of significant conflict with the development plan for the reasons explained in this letter.

Background: DALP Allocations

DALP Policy RD1: Residential Development Allocations identifies Site W24 as 23.06 hectares of land to the west of Hale Gate Road with a notional capacity of 484 dwellings. The notional capacity of the site is defined by The Halton Green Belt Review November 2017 by a net developable area of 70% of the total site as a development density of 30dph (DALP ¶ 3.90).

In addition, DALP Policy HC10 identifies Site EDU3 as 'Land at Halebank' as an Educational Allocation for a Primary School. EDU3 is 2.0 hectares in extent and has frontage to Hale Gate Road.

Both W24 and EDU3 are identified in the DALP Policies Map (2022). It should be noted that the two sites are allocated separately and independently for distinct purposes. W24 is allocated for residential development and EDU3 is allocated for a Primary School Development. There is no policy link or interdependency between the scope and provisions of DALP Policies RD1 and HC10.

The Application Site

The application site does not exactly correspond to W24 as approximately 3.3 hectares allocated for residential development in the DALP are excluded (areas highlighted yellow in image below). The application site includes all of Site EDU3 and an additional area of 1.2 hectares Green Belt land to the west (highlighted blue in image below).



Figure 1: Application Site indicating W24 areas excluded and additional Green Belt Land (source: halton.gov.uk)

The Hybrid Application

Approval is sought for the following:

- A signalised Junction at Halebank Road (Drawing No. VN91381-D103) and removal of 120m of Hawthorn Hedge (Arboriculture Impact Assessment Reference 12302_R05_JJ_NC) (hereafter AIA).
- A Ghost Island Priority- Controlled Junction at Hale Gate Road (Drawing No. VN91281-D106) and removal of 80m of Hawthorn, Cypress and Goat Willow Hedge (AIA).
- Proposed Internal Link Road Connection covering 1.5 hectares of Sites W24 and EDU3 (Drawing Nos. VN91381-D108 and 3311-002-P2) and sectional loss of 62m of Tree Group comprising Birch, Ash, Goat Willow, Hawthorn, Elder, Hazel, Oak, Holly, Blackthorn (AIA) identified as an area of bat activity with bat roost potential (Chapter 7 EIA).
- Parameters Plan (Drawing No. 905-14D) incorporating residential development on land allocated for a primary school, the school partly located in the Green Belt and inadequate open space provision.

A secondary vehicular access into the site from Hale Gate is indicated in Drawing No. VN91381-D104. The applicant's covering letter and Supporting Planning Statement indicate that approval is not sought for the secondary access.

Permission is sought in outline with all matters reserved except for access (appearance, landscaping, layout and scale) for up to 500 dwellings (C3), 100-bed residential institution (C2), 2000m² commercial uses (Class E) and a new school (F1). The outline application is informed by an EIA, Design and Access Statement and an Illustrative Masterplan.

The main issues for consideration are:

- The lack of co-ordinated approach to the allocated site as a whole, undermining the prospect of a comprehensive development and delivery of the notional capacity of Site W24.
- Highways, Access and Traffic Impacts
- Proposed siting of School facility contrary to the development plan.
- Encroachment into adjacent Green Belt land.
- Insufficient Open Space Provision.
- Removal of Trees and Hedgerows without replacement planting or ecological mitigation.
- Lack of Compensatory Improvements to land remaining the Green Belt.

HBPC's detailed comments on these issues are provided below.

Comprehensive Development of Allocated Sites W24 and EDU3

The application proposals jeopardise the delivery of a comprehensive development of allocated sites W24 and EDU3.

In relation to Site W24, the Inspector's Report following the EiP of the DALP commented that:

Parcel W24 is in single ownership and being promoted by the Harworth Group who has undertaken a significant amount of technical work. Based on the known infrastructural requirements and residential capacity, the promotor has confirmed that the site is viable. It is anticipated that development would commence in 2023/24 with an output of 30 dwellings followed by 60-70 dwellings per annum thereafter.

The residential allocation of Site W24 was therefore predicated on single ownership, meaning a comprehensive development as well as a promise of early delivery. The application proposal does not meet any of these aspirations and simply seeks planning permission for a through road with no timescale for delivery of market housing and affordable housing for which W24 is allocated or for the primary school required on adjacent allocated site EDU3.

In addition, the proposal does not provide access to, and will likely sterilise 3.3 hectares of land within Site W24. The identified areas in Figure 1 are not within the applicant's ownership and are excluded from the development proposals. It is therefore inexcusable that the applicant seeks to annexe further land which remains in the Green Belt in accordance with the adopted policies of the DALP.

The application does not provide any evidence (in the form of a layout) which demonstrates that the quantum of housing for which approval is sought can be accommodated in site planning terms. In addition to the notional capacity for Site W24 in the DALP (484 dwellings), the applicant is overloading the application site by seeking outline permission for a 100-bed Residential Institution and a Local Centre which were not anticipated in the allocation.

It seems unlikely that the overall quantum of development can be accommodated as the application site excludes areas which are allocated for residential development, includes excessive road infrastructure (which reduces the net developable area) and includes insufficient open space.

For these reasons, HBPC find the proposal to conflict with DALP Policies RD1, C1 and RD4.

Highways, Access and Traffic Impacts

HBPC objects to the proposed access arrangements and link road configuration which are contrary to DALP the following Parts of Policy C1: Part 1 by prejudicing the quality, convenience and enjoyment of the PROW; Part 2 for not being accessible to all (parts of the site); Part 16- No assessment of the impact of Construction Traffic required to construct the proposed road and Part 17 as no Travel Plan has been provided within the application submission.

The proposed Internal Link Road will provide vehicular access from Halebank Road to Hale Gate Road. It is noted from the applicant's Planning Statement (¶13.18) that the proposed junctions have been designed to accommodate additional traffic (not originating from the site) using the new link road to avoid the existing Halebank Road/ Hale Gate Road/ Hale Road junction. In HBPC's view, the level of road infrastructure proposed through the site is excessive, seeks to redress existing highway

deficiencies which are not the responsibility of the applicant and will have a negative urbanising impact on the character and appearance of Halebank.

The proposed access points and link road will sever the PROW (contrary to DALP C1) and result in significant tree and hedgerow loss for which no mitigation is proposed (contrary to DALP HE1 and HE5). In addition, the proposed access from Hale Gate Road is incorrectly sited within the area reserved for a school (EDU3, contrary to DALP Policy HC10).

The applicant's AIA confirms that the proposed access and link road require linear loss of 200 m of hedgerows with frontage to Halebank Road and Hale Gate Road. In addition, a sectional loss of 62m of trees is required in the centre of the site. The Ecological Chapter of the EIA confirms that there is bat activity and bat roost potential within the trees at the centre of the site (Tree Group G2). HBPC objects to the loss of trees and hedgerows for which no replacement planting or ecological mitigation is proposed contrary to DALP Policies HE1 and HE5.

It is not satisfactory to suggest that arboriculture and ecological mitigation be provided within a reserve matters application which could emerge at an indeterminate point in the future, by which time the valuable amenity and habitat will have been lost forever. In addition, HBPC questions whether it is necessary to sever the PROW which is a historic route (apparent on first OS Map of 1849) and has a high level of local amenity value as a high-quality walking route.

Moreover, the proposed link road alignment does not adequately address the access requirements for Site W24 as a whole. This is contrary to DALP Policy C1 Part 2. As already stated, approximately 3.3 hectares of Site W24 are excluded from the application site. As a consequence, site W24 will not deliver its notional capacity (a reduction of potentially of 70 dwellings) contrary to DALP Policy RD1.

In the alternative, the residual land could come forward for development in a piecemeal fashion, proposals, resulting in multiple point of access, undermining comprehensive development. We also note that the access route as proposed does provide adequate vehicular access to the primary school (Illustrative Masterplan Drawing No. 905-13F).

In addition, the proposed access and road alignment from Hale Gate Road drives through EDU3 which is land reserved to accommodate a primary school. At the EiP of the DALP, the applicants presented a Masterplan with the school site appropriately sited with frontage to Hale Gate Road in order to be accessible to the existing community of Halebank and in accordance with the adopted plan.

As a final comment on Traffic Impacts, Highways and Access, there has been no assessment of the impact of the construction traffic (in relation to the construction of the road) contrary to Part 16 of DALP Policy C1 and no Travel Plan contrary to Part 17 of the same.

Proposed Siting of the School Contrary to the Development Plan with Green Belt Encroachment

The allocation of Site EDU3 is predetermined by the DALP which has been subject to Examination in Public (EiP) and is legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶135).

The proposed alternative siting as indicated in the Illustrative Masterplan embeds the proposed school deep within a housing estate where it cannot be delivered in advance of the surrounding houses or internal link road. The intention of the allocation of Site EDU3 under Policy HC10 is to provide a school if and when it is needed in a location accessible to the existing community via existing walking, vehicular and bus routes.

In addition, the applicant proposes an incursion of circa 1.2 hectares into adjacent Green Belt land. Notwithstanding the claim that this area will be used for playing fields (which is not proven in the absence of a detailed scheme), there will be a significant impact on the openness of the Green Belt arising from fence enclosures and play equipment.

Clearly, the annexation of additional Green Belt land in this location is unacceptable as Sites W24 and EDU3 have been removed from the Green Belt in the DALP in order to accommodate both housing and a school. Indeed, the applicant demonstrates that not all of W24 is required by virtue of having excluded approximately 3.3 hectares from the application proposal.

For the avoidance of doubt, the Parameters Plan (Drawing No. 905-14D) is not compliant with DALP Policies HC10 and GB1 and therefore, ought not to be approved by HBC.

Insufficient Open Space Provision

The applicant's estimated provision of 6.63 hectares of open space is deficient. The Planning Statement ¶6.5 and DAS Page 5 suggest the proposed open space provision is based 500 dwellings with a resultant population of 1,250 people. This is a correct estimate only if the entire allocation provides one and two-bedroom dwellings. The reality is that a broader housing mix is more likely on a site of this size and therefore the estimated provision is inadequate (in accordance with DALP Policy RE4) as the number of people living on the site will be higher.

On a separate, but related matter, we note that Parameters Plan (Drawing No. 905-14D) indicates very limited areas of green infrastructure and open space adjacent to the site boundaries (except for Hale Gate Road).

In our view, the Parameters is not capable of being approved by HBC due to conflict with DALP Policy HE4. In addition, the open space indicated in the Parameters Plan is comprised by and contradicted by the road layout (Drawing Nos. VN91381-D108 and 3311-002-P2), which indicate that the Internal Link Road would traverse the areas indicated as open space.

Tree, Hedgerow and Habitat Loss

HBPC strongly objects to the proposals for significant tree, hedgerow and habitat loss for which no mitigation is proposed. HBPC expects strong objections on these same grounds from Natural England and Merseyside Environment Advisory Service (MEAS).

As already referred to, the applicant's AIA confirms that the proposed accesses and link road require linear loss of 200 m of hedgerows with frontage to Halebank Road and Hale Gate Road. In addition, a

sectional loss of 62m of trees is required in the centre of the site. The Ecological Chapter of the EIA confirms that there is bat activity and bat roost potential within the trees at the centre of the site (Tree Group G2). HBPC objects to the loss of trees and hedgerows for which no replacement planting or ecological mitigation is proposed contrary to DALP Policies HE1 and HE5.

It is not satisfactory to suggest that arboriculture and ecological mitigation be provided within a reserve matters application which will emerge at an indeterminate point in the future, by which time the valuable amenity and habitat will have been lost forever. In addition, HBPC questions whether it is necessary to sever the PROW which would be contrary to DALP C1 as it is a historic route (apparent on first OS Map of 1849) and has a high level of local amenity value as a high-quality walking route.

The structure of open space as indicated in the Parameters Plan does not provide habitat connectivity as there is a significant gap where the school is proposed and no provision of open space, green infrastructure or planting adjacent to the eastern site boundaries along Hale Gate Road.

Finally, HBPC notes that NPPF ¶131 states that, *“Planning policies and decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would not be appropriate) ... and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

The applicant’s proposal which seeks access without landscaping is therefore fundamentally incompatible with the requirements of NPPF, which not only seeks tree-lined streets, but also to secure long term maintenance via planning conditions and obligations as appropriate. The applicant’s approach would leave the requirement to tree-line, landscape and maintain its proposed road to a subsequent developer, contrary to the provisions NPPF and to DALP Policies HE1 and HE5.

Compensatory Improvements to land within the Green Belt

The applications proposals do not include compensatory improvements to land remaining in the Green Belt, contrary to Part 3 of DALP Policy RD1 and NPPF ¶ 142.

No. 96 Hale Gate Road

The plans submitted for consideration are not consistent and variously include /exclude No. 96 Hale Gate Road, which is a privately owned residential property. For the avoidance of doubt, No. 96 Hale Gate is not located within allocated Sites W24 or EDU3. The Application Form indicates that Notice has been served on the owners of No. 96.

If the visibility splay required for the proposed primary access on Hale Gate Road requires land which is not within the control of the applicant, this would support HBPC’s view that the proposed access arrangements need to be entirely reconsidered.

Conclusion

The application proposals are contrary to the development plan and NPPF in respect of the following issues and corresponding policies:

- Highways, Access and Traffic Impacts (DALP Policy C1 & NPPF §9)
- Proposed siting of School facility contrary to the development plan (DALP Policy HC10)
- Encroachment into adjacent Green Belt (DALP Policy GB1 & NPPF §13)
- Insufficient Open Space Provision (DALP Policy HE4 & NPPF §8)
- Removal of Trees and Hedgerows without replacement planting or ecological mitigation (DALP Policies HE1 and HE5 and NPPF §15)
- The lack of co-ordinated approach to the allocated site as a whole, undermining the prospect of a comprehensive development and delivery of the notional capacity of Site W24 (DALP Policy RD1)
- Lack of Compensatory Improvements to land remaining the Green Belt (DALP Policy RD1 & NPPF §13)

For all the reasons set out in this letter, it is clear that planning permission cannot be granted for the proposal in its current format.

I would ask that these representations are taken into account in HBC's consideration of the application. I would be grateful to be notified if additional information is submitted by the applicant and if the application is to be presented to Planning Committee we would wish to attend. Thank you.

Yours sincerely,

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cc. Hale Bank Parish Council, Natural England and MEAS