

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 5 October 2015 at The Board Room - Municipal Building, Widnes*

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), J. Bradshaw, R. Hignett, S. Hill, June Roberts, J. Stockton, Thompson, Wainwright, Woolfall and Zygadllo

Apologies for Absence: Councillors Cole and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, A. Brennan, I. Dignall, J. Farmer, G. Henry and P. Shearer

Also in attendance: Councillors Howard, Wall and Horabin and 13 members of the public

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

	<i>Action</i>
DEV11 MINUTES	
The Minutes of the meeting held on 14 September 2015, having been circulated, were taken as read and signed as a correct record.	
DEV12 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.	
DEV13 - 15/00371/COU - PROPOSED CHANGE OF USE FROM FORMER VILLAGE HALL TO A1 RETAIL, REBUILDING OF EXISTING REAR EXTENSION WITH FIRST FLOOR EXTENSION OVER AND INSERTION OF MEZZANINE FIRST FLOOR AT FORMER VILLAGE HALL, MAIN STREET, RUNCORN	
The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	

Since the publication of the agenda, Officers advised the Committee that Halton's Conservation Officer had requested minor changes to the building's exterior which had been made by the applicant, to the satisfaction of the Conservation Officer. Further, it was noted that the Council's Highway's Department raised no objections to the proposed change of use.

The Committee was addressed by Mrs George, who owned the land next to the Village Hall. She raised an objection to the application on the basis that the extra traffic and cars generated by the business would add to an already congested area, where even residents had difficulty parking. She spoke about the chicane effect experienced by drivers passing through the Village due to cars parked on either side of the road in between the double yellow lines.

Ms Leather, the applicant and owner of the building then addressed the Committee. She explained that she fully understood the concerns of the residents but explained she would be restoring a run-down property and opening a new business in the area. She stated that she did not intend to operate late opening hours and offered to commit to a 9 to 5 schedule in the week, 9 to 4 on Saturdays and remain closed on Sundays. She had lived in the area for 8 years and wanted to become part of the local community with her proposed new business. She also highlighted that whatever the building was used for in the future it would always require people to park in the area.

Local Ward Councillor, Harry Howard then addressed the Committee on behalf of local residents and his Ward colleague Councillor Cole, who unfortunately could not attend the meeting. He opposed the application arguing that the Village Hall was in a narrow part of the Village where cars had difficulty passing as addressed by Mrs George; the Villagers would lose parking amenity thus affecting their quality of life; and it would cause more congestion and nuisance in the Village and therefore be detrimental to highway safety. He discussed the history of the Village Hall and its lack of use over the years and read out an email sent from Councillor Cole to Mr Noone, the Operational Director – Policy, Planning and Transportation, which raised concerns over the highway assessment for the scheme. He quoted the relevant planning policies and queried the application's compliance with these.

Members discussed the application in particular the lack of parking amenity in the Village for residents. Officers presented photographs of the Village that were taken at

various times of the day and explained how parking space numbers were determined in response to Members' queries. However, it was noted that in this instance parking was not deemed to have a detrimental impact on highway safety as there was no evidence of this.

Members suggested that as the applicant had volunteered to restrict the opening hours of the proposed salon, that these be included in the conditions of the application. This was agreed and the application was then approved subject to the addition of the condition relating to opening hours.

RESOLVED: That the application be approved subject to the following conditions (which included the condition mentioned above):

- 1) Standard 3 year expiry;
- 2) Plans condition;
- 3) Materials condition (BE1);
- 4) Roof light specification to be agreed before development begins (BE1); and
- 5) Opening hours condition.

*In order to avoid any allegation of bias, Councillor Thompson did not vote on the following item, due to his previous involvement with Warrington and Halton Hospitals NHS Foundation Trust over the matter before the Committee. He addressed the Committee as a member of the public.*

DEV14 - 15/00401/ADV - RETROSPECTIVE APPLICATION TO RETAIN DISPLAY OF 11 NO. NON ILLUMINATED SIGNS GIVING CAR PARKING, NO SMOKING AND DEPARTMENTAL INFORMATION AT THE MAIN AND EARLS WAY ENTRANCES AT HALTON HOSPITAL, HOSPITAL WAY, RUNCORN; AND - 15/00402/FUL - RETROSPECTIVE APPLICATION FOR RETENTION OF 2 NO. CCTV SUPPORT POLES AND ASSOCIATED EQUIPMENT AT THE MAIN AND EARLS WAY ENTRANCES AT HALTON HOSPITAL, HOSPITAL WAY, RUNCORN

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

In summary Officers advised that the cameras and poles and the signage were appropriate in terms of highway safety, the visual appearance of the poles and cameras was acceptable and the signs met the tests of Regulation 3 of the

## Advertisements Regulations.

The Committee was addressed by Mr Parkin, who raised objections to the applications. He highlighted that the Warrington and Halton Hospitals NHS Foundation Trust were guilty of ignoring the planning process. He advised that he was a user of Halton Hospital and criticised the signage stating it did not indicate where the pay machines were on the premises, therefore confusing the public. With regards to the ANPR cameras, he argued that these were immoral as they invaded the privacy of patients and public and presented an example to the Committee to explain this.

Councillor Thompson then addressed the Committee as a member of the public and explained his objections to the way the NHS Foundation Trust had conducted themselves. He referred Members to agenda item number 6.3 and advised them that a breach of the Data Protection Act 1998 had been found and the Information Commissioner would be dealing with this. He also advised Members that the NHS Foundation Trust wanted to make the necessary changes and move on.

The application was moved and seconded and approved, subject to the conditions mentioned below.

RESOLVED: That both applications be approved as follows:

- a) 15/00402/FUL – no conditions are recommended as the proposal is retrospective;
- b) 15/00401/ADV – standard advertisement conditions are recommended as follows:
  - 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority (BE17);
  - 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition (BE17);
  - 3) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to

render hazardous the use of the highway, railway, waterway (including any coastal waters) or aerodrome (civil or military) (BE17);

- 4) Where an advertisement is allowed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority (BE17); and
- 5) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission (BE17).

DEV15 - 15/00427/FUL - PROPOSED CONSTRUCTION OF 1 NO. DETACHED BUNGALOW SUITABLE FOR OCCUPATION BY DISABLED PERSON(S) (DDA COMPLIANT) WITH ASSOCIATED LANDSCAPING AND ACCESS ON PART OF REAR GARDEN AT 117 BIRCHFIELD ROAD, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Since the publication of the agenda Officers advised that a further letter of objection had been received raising concerns over the scheme already mentioned in the report relating to: overlooking and loss of privacy, even resulting from ground floor windows; and the sale of the property. It was reported that the retained tree within the site was not considered worthy of a tree preservation order, as confirmed by the Council's Tree Officer.

The Committee was addressed by Mr Grady, who was from the neighbouring property, but also represented three other neighbouring properties in opposing the application. He advised the Committee that the applicant had submitted three applications in the past 8 months and referred to this as a 'backyard/garden grab development' by a developer who had no regard for planning policy. He also argued that; the proposal had only reduced in height by between 30-40cms and still blocked the sunlight and daylight to his property; that the design was in total contrast to the surrounding properties; and that the proposed access to it from the main road left no space for turning and had poor visibility, making it hazardous.

The Committee was then addressed by Mr Gauchwin, the applicant. He stated that this was the third application made which had been amended to reduce the impact on surrounding properties due to its lowered height and

reduction in scale from three bedrooms to two. He also stated there were no objections from Highways Department.

Members were then addressed by Councillor Wall who opposed the application on behalf of local residents. She highlighted the 'backland' nature of the development and fully supported Kingsway Ward residents in their opposition to these latest plans. She provided the Committee with some background information since 117 Birchfield Road was purchased by the developer. She then passed around two photographs showing that the developer had already divided the garden in preparation to build. She also advised Members that the developer had not consulted neighbouring residents on the proposals despite their repeated objections. It was noted that Councillor Wall's colleague Councillor Horabin also strongly objected to the proposal.

Members agreed with the Officers' recommendations to refuse the application for the reasons stated below.

RESOLVED: That the application be refused for the following reasons:

- 1) The proposed bungalow would represent backland development resulting in development that would appear to have been shoe-horned in and therefore appear incongruous and wholly out of character with the prevailing spacious character of the group of properties and relatively open character of the rear garden areas. It is therefore considered that such a development would result in significant harm to the established character and appearance of the area;
- 2) The proposed bungalow would be of such a scale and at such proximity and location relative to adjoining properties that it would have an unacceptable impact on the outlook, daylight and sunlight enjoyed by occupiers of those adjoining dwellings to the detriment of their residential amenity;
- 3) The proposed living conditions for future residents of the bungalow would be poor given that side facing bedroom windows at ground floor would be only approximately 2.7m and 3.1m from the existing/proposed site boundaries; and
- 4) To allow such development would make it difficult to resist future proposals for similar forms of development at nearby properties most notably

numbers 111a, 113, 119 and 123 Birchfield Road, which benefit from similar sized rear gardens with similar driveway and access arrangements;

For the above reasons, it was considered that the proposals would be contrary to Policies BE1 and BE2 of the Halton Unitary Development Plan, CS18 of the Halton Core Strategy and Policy 1 (Character and Context) and Policy 5 (Privacy, Outlook, Daylight and Sunlight) of the Design of Residential Development SPD (2012). In addition it was considered that the proposals would be contrary to the National Planning Policy Framework having particular regard to paragraphs 17 and 64 which sought to ensure that new development maintained or enhanced the character, quality and appearance of an area.

*Meeting ended at 7.45 p.m.*