

APPLICATION NO:	15/00401/ADV & 15/00402/FUL
LOCATION:	Halton Hospital, Hospital Way, Runcorn
PROPOSAL:	15/00401/ADV – Retrospective application to retain display of 11 no. non-illuminated signs giving car parking, no smoking and departmental information at Main and Earls Way entrances 15/00402/FUL – Retrospective application for retention of 2 no. CCTV support poles and associated equipment at the Main and Earls Way entrances
WARD:	Halton Lea
PARISH:	N/A
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Warrington and Halton Hospitals NHS Foundation Trust, 2 nd Floor, Cheshire House, Lovely Lane, Warrington WA5 1QG
DEVELOPMENT PLAN ALLOCATION:	Unallocated Land In Urban Areas Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE REPRESENTATIONS:	No Yes
KEY ISSUES:	Visual amenity Impact on privacy Highway Safety
RECOMMENDATION:	Approve

SITE MAP



1. THE APPLICATION

1.1 Both these applications relate to the same site and the same operational requirement of the Hospital. Ref 15/00402/FUL relates to the provision of 2 no. Automated Number Plate Recognition (ANPR) cameras mounted on lamppost style poles of approximately 6m in height, situated at both the north and south entrance/exit at Halton Hospital. Ref 15/00401/ADV relates to the provision of 11 no. signs containing directional and other hospital information situated within the grounds of the Halton Hospital. The 'FUL' application is retrospective, meaning that development has already taken place. The advertisement consent is for a 11 signs 9 no. of the 11 signs. These are also in place and the application is also described as being "retrospective". However, technically, retrospective consent cannot be given in respect of advertisement consent applications: consequently, 15/00401/ADV is being treated as a standard application and the reference to "retrospective" will be deleted from the determination.

1.2 Documentation

The application has been submitted with the requisite planning and advertising consent application forms, a complete set of plans and supporting information in the form of photographs of the developments and advertising which has taken place.

2. APPLICATION SITE

2.1 The Site and Surroundings

The application site is Halton General Hospital consisting of the hospital buildings, associated plant buildings, car parking and access areas and landscaping. The site is in essence a stand-alone development surrounded on by highways on the north, west and eastern boundary, a nursing home and ambulance station to the south.

2.2 Planning History

The site has a varied and lengthy planning history of applications approved for a variety of additions to the building and new buildings on the site all pertaining to the use as a health care and treatment facility. None of which relate directly to the applications presented within this report.

3. DEVELOPMENT PLAN CONTEXT

3.1 Halton Core Strategy Local Plan (2013)

The Core Strategy is the most up-to-date component of the development plan and provides the overarching strategy for the future development of the

Borough; in this particular case the following policies are applicable and regard has been had to them:

CS2 Presumption in Favour of Sustainable Development

CS18 High Quality Design

3.2 Unitary Development Plan (2005)

The site is allocated as Primarily Employment land in the Halton Unitary Development Plan (UDP) and the key policies in respect to the application for full planning permission are:

S22 Unallocated Land in Urban Areas

BE1 General Requirements for Development

BE2 Quality of Design

TP12 Car Parking

In relation to the Advertisement application the relevant UDP policy is BE17 Advertising & Advertisements also of relevance are The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended

3.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions.

3.4 Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.5 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

4. CONSULTATION AND REPRESENTATION

4.1 The application has been advertised as a departure by means of a site notice and the nearest adjacent property of Hallwood Health Centre.

4.2 Ward Councillors, the Council's Major Projects and Highways have been consulted.

4.3 5 objections have been received raising the following concerns which are paraphrased below:-

- Invasion of privacy
- Should not be able to record information from the public highway
- Incorrect use of information which under investigation in the courts
- Cameras are to be used to levy fines so planning permission should be refused for that reason
- Lack of Trust supervision of car parking company
- Shown a disregard for the planning process
- A barrier/ticket system should be used but is not due to cost
- If the application is approved it indicates that individuals welfare are secondary to the interests of the company
- Company has a history of using information for harassment and threats
- Applicant has been dishonest
- Unfairly penalising people on low income and benefits visiting sick people

4.4 Councillor Thompson, the ward councillor has commented as follows:-

4.5 "15/00401/ADV

I have no objections to the erection of 'directions' signage for parking control provided that signage complies with the British Parking Association, Code of Practice(version 5) guidance for 'directions' signage and it must also not be erected on the Council's adopted highway but located only on the applicants land.

4.6 15/00402/FUL

I have no comment to make with regards to the retention of ANPR on the applicants land at Earls Way.

4.7 Can you clarify if the ANPR camera proposed to be retained at Hospital Way will have the camera relocated so it is no longer recording images off the public highway. If it is directed to the applicants land I have no objections, if it is proposed to be retained facing to the adopted highway I would wish to make an objection, on the grounds of the retention will result in nuisance and serious loss of privacy.

- 4.8 Just to recap the DVLA have suspended its disclosure of registered keeper data on the basis of a complaint relating to the ANPR taking images from the adopted highway. Persons not connected with visiting the applicants land have been issued with PCNs causing an intrusion of privacy and distress. The Information Commissioners Office have recently indicated to me that they are writing to Highview Parking (the operator for the applicant) indicating that their CCTV surveillance code requires signage for the use of ANPR. This is not a problem where images are taken from the applicants land but there is no signage on the adopted highway at Hospital Way to safeguard against a breach of the code and the applicant nor its contractor have no permission of Halton Council to install ANPR signage on the adopted highway.
- 4.9 I am very disappointed that the Trust, who is a public service with a long history of complying with planning law should so blatantly have allowed this situation to arise in the first place”.

5. ASSESSMENT

5.1 Development Plan Policies

- 5.2 As the site is identified as Unallocated Land in an Urban Area within the UDP – Policy S22 and this policy has not been subsequently replaced with the Core Strategy, as shown at Appendix 4 – Schedule of Halton UDP Policies to be Replaced of that document.
- 5.3 “On land not coloured on the proposals map which is currently in urban use, it is assumed that present uses will continue as this land is not subject to any site specific policies which propose a change of use. Any proposals for changes of use will be judged in accordance with the relevant policies of the Plan.”
- 5.4 The starting point is the consideration of Policy S22 is to establish the pre-existing use of the land. In this case, at the time Policy S22 was drafted, the land was in use as a hospital and health care facility. It is then necessary to establish whether or not the proposed development constitutes a change of this use. In this case the proposal relates to development in direct association with the operation of the same hospital and health care facility and does not constitute a change of use of the site. In which case the second part of the policy which relates to changes of use is not applicable.
- 5.5 As such the proposal complies with the overarching development plan designation and it’s related Policy S22 of the Halton Unitary Development Plan.
- 5.6 Further assessment below is based on the related detailed policies of the development plan related to design and advertising, Policies BE2 and BE17 of the Halton UDP.

5.7 Design

5.8 The proposed 2 ANPR cameras are pole mounted at a height of 6m one at the south of the site on Earls Way and another on the north of the site on Hospital Way. The pole on Hospital Way is located adjacent to the adopted highway.

5.9 There have been no objections based on the appearance of the cameras and poles, which are not dissimilar to the existing lampposts within these areas. It is considered that in terms of design and appearance that proposed ANPR cameras and structures do not result in harmful impact on the visual amenity of the area, are acceptable and comply with Policy BE2 of the Halton UDP.

5.10 Advertising

5.11 The proposed and existing advertisements are all located within the grounds of the hospital site. Not all of those applied for require consent but have been included by the applicant. The advertisements requiring deemed consent are assessed under the terms of Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended. The Local Planning Authority can only assess applications for advertisements on the basis of their impact on amenity and public safety.

5.12 Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

5.13 When considering amenity, the local planning authority needs to consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority needs to consider whether it is in scale and in keeping with these features.

5.14 This might mean that a large poster-boarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

5.15 If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.

5.16 Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

5.17 The Council's highway engineer has confirmed that there is no threat to highway safety resulting from the location and form of the signs and given there are no other resulting transportation assessment requirements, it is considered that the advertisements are acceptable.

5.18 In this situation it is considered that the advertisements are appropriate in scale and location to the location in which they are situated and are acceptable and complying with Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended.

6. Other Matters

6.1 The representations which have been received refer to the use of the ANPR cameras in terms of their impact on privacy and how the information collected is used.

6.2 In carrying out its functions, the Council has a duty to consider crime and disorder implications under the terms of Prevention of Crime and Planning Crime and Disorder Act 1998 Section 17.

6.3 In assessing this case and the concerns raised, the misuse of CCTV cameras or ANR cameras would contravene the Data Protection Act 1998 but only the Information Commissioner can determine whether there has been a contravention of the Act.

6.4 Breaches of the Act do not, of themselves, constitute criminal offences. The Information Commissioner may issue improvement notices breach of which would constitute criminal offences. Monetary penalties may be imposed by the Information Commissioner but these are civil matters and not criminal fines.

6.5 It follows that planning permission granted for a CCTV camera would not amount to a consent to carry out criminal activity.

7. SUMMARY AND CONCLUSIONS

7.1 In conclusion, the proposal for the ANPR cameras and poles are appropriate in terms of their design and appearance, which is appropriate to their surroundings. As such the application for retrospective permission for their retention is acceptable and complies with Policies S22 and BE2 of the Halton UDP. The proposal for advertisement has been appropriately assessed under Regulation 3 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 as amended and no harmful public safety or amenity issues arise as a result. The advertisements are therefore acceptable.

7.2 Issues that may subsequently arise due to the way in which data is gathered and/or used is not a matter for consideration under the Town and Country Planning Act as this is dealt with under separate legislation and under the jurisdiction of the Information Commissioner.

8. RECOMMENDATION

8.1 Both applications are recommended for approval.

8.2 In relation to 15/00402/FUL, as the proposal is retrospective, no conditions are recommended.

8.3 In relation to 15/00401/ADV, standard advertisements 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)

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)

9. SUSTAINABILITY STATEMENT

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.