

**REPORT TO:** Development Control Committee

**DATE:** 6 June 2016

**REPORTING OFFICER:** Strategic Director, Community & Resources

**SUBJECT:** Planning Applications to be determined by the Committee – AB Update List

**WARD(S):** Boroughwide

PAGE NO.	LIST A	LIST B	Updated Information
6	15/00563/OUT		
10		16/00069/FUL	<p>One additional representation has been received since the publication of the Committee Report. The observations made are set out in <i>italics</i>. Officer responses to the observations made are in <b>bold</b>.</p> <p><i>Following the resubmission of plans for the redevelopment of Victoria House I would like to add to my previous objections. As very little has changed on these plans I would still expect previous issues raised in my last objection to be considered as these all still apply.</i></p> <p>1) <i>Despite a very small reduction in height – the scale and mass of the building remains out of proportion with the surrounding area and it remains very much an overbearing extension that almost doubles the original footprint/mass of the building.</i></p> <p><b>In terms of heights, the original extension would have lined through with the ridge of Victoria House which as measured from the rear of the proposed extension would have been approximately 14.4m in height to ridge level. The amended proposal would have a height to ridge level of 11.5m as measured from the rear of the proposed extension. The scale of the proposed extension and its</b></p>

**suitability is considered at paragraph 6.5 of the report.**

- 2) *The distances between neighbouring properties submitted online are different to the distances given previously by the planning officer yet these buildings have not changed. We were previously told the distance between no 12 Burland Close and the new build was 30m yet it is now stated as 32.93m – quite a significant difference. No explanation has been given for this. The correct distance of 20.24m now applies from no 14 as previously this had been taken from the windows furthest away which was very misleading but at 20m is still significantly under the recommended distance of 31m (when site levels are considered) by the councils own guidelines.*

**In terms of the siting of the proposed extension, this remains unaltered from the scheme considered at May Development Control Committee. The 32.93m distance shown on the proposed site plan (distance in between no.12 Burland Close and the proposed extension to the rear of Victoria House) is an accurate distance, however as acknowledged in paragraph 6.4 of the report, this is not the closest point.**

**A detailed consideration of the relationship of the proposed development and no.14 Burland Close is set out in paragraph 6.4 of the report.**

**A 31m separation distance cannot be required in this instance based on the resultant relationship. The scheme has been designed as to ensure that there are no privacy issues for no.14 Burland Close through the deletion of three windows and the reorientation of other window openings. The guidance would only require a 31m separation distance if there were a four storey rear extension proposed on the rear of Victoria House and there were habitable room windows which were directly**

**facing each other which is not the case.**

- 3) *I would also like to question why the distances have been taken from the furthest corners of numbers 11 and 12 when it should be the nearest habitable window? If drawn from the habitable windows as they should be the distances would be even less. The spd does not mention only primary windows and I would suggest the rule has been applied incorrectly.*

**The proposed site plan with interface distances has been provided by the applicant to assist the Members of the Development Control Committee in determining this application. The consideration of the relationships in paragraph 6.4 of the report does consider the relationships at the closest points.**

**The consideration of relationships of secondary openings in habitable rooms is an Officer judgement rather than something which is explicit in the guidance. The introduction of such openings can help the overall design of schemes and reduce the amount of inactive frontages within a development.**

- 4) *The plans suggest that no 14 will face a blank wall which is not at all true as there are 17 windows on this side of the building almost all of which are under the recommended distances from nearby properties and is again misleading.*

**As set out in paragraph 6.4 of the report, the proposed extension does not contain any habitable room windows which directly face habitable room windows in the rear of no.14 Burland Close.**

**The relationship of the 17no. window openings in the rear elevation of the proposed extension to the rear of Victoria House to properties on Burland Close are carefully considered in paragraph 6.4 of the report with the resultant relationships considered to be acceptable.**

- 5) *The aesthetics of the new build do not look significantly different from the previous plans and do not enhance the character of the area or the original building.*

**The impact on the character of the area and appearance of the proposed development is considered at paragraphs 6.3 and 6.6 of the report.**

**The proposal demonstrates that it would not compromise the character of the area and the new build elements are considered to be of an appropriate appearance.**

- 6) *The 25 degree rule has been applied but has been taken as a direct line parallel to number 14 which doesn't take into account the highest point of the ridgeline that is closest to the building – as this is an issue of adequate light and privacy and the spd does not specify that this should be measured in this way and instead states it applies where a habitable room directly faces another wall or structure. If it were drawn to face the building it would NOT pass a 25 degree assessment.*

**As set out in paragraph 6.4 of the report, a 25 degree assessment is not considered to be required based on the Council's guidance and the resultant relationships. Based on this being a reason for objection, the applicant has undertaken this assessment to further demonstrate the suitability of their proposal. Officers are satisfied that the 25 degree assessment submitted is accurate and that suitable daylight would be maintained to habitable rooms at no.14 Burland Close.**

- 7) *Again no 45 degree rule has been applied either. This is used the house extension guidelines and most councils also utilise for rear facing properties to ensure adequate privacy.*

**The Council's use of the 45 degree rule is explained in paragraph 6.4**

of the report. This is not something that Council uses for rear facing properties to assess privacy. If you draw a 45 degree line from the middle of a habitable room window, it is inevitable that at some point, an adjacent building would cut this line. The purpose of the 45 degree rule is to protect neighbouring properties from overshadowing or obstruction and as stated in the report, it is Officers view that it can also be applied to staggers within new residential developments.

- 8) *I still cannot find any mention of appropriate green space or play provision for children in the area in the online documents despite this being specifically mentioned by committee members and is a council requirement in these situations. Runcorn Hill Park is an uphill walk away for residents and any with disabilities may not be able to access these facilities and there is a recognised lack of such areas in the vicinity.*

**Observations in relation to the provision of recreational greenspace are in paragraph 6.11 of the report.**

**No on-site provision is proposed and the applicant has submitted viability information which demonstrates that the payment of a commuted sum in lieu of on-site provision would compromise the deliverability of the scheme. Officer view is that the refusal on the application on the basis of lack of provision for recreational greenspace could not be sustained.**

- 9) *The inclusion of angled windows will not significantly improve privacy as anyone standing anywhere near the window will still be able to look directly into all houses on Burland Close.*

**Officer view on angled windows and the impact of habitable room windows being at an angle to each other is set out in paragraph 6.4 of the report. The view taken is that the greater the angle, the more appropriate a reduction in**

			<p><b>separation becomes as any privacy issue then diminishes to the point at which a habitable room is facing a blank gable.</b></p> <p><i>We would also like to add that despite the request from committee member that HHT engage with residents, no residents were contacted during the redesign of the plans at all. HHT met with myself only less than 24 hours before the plans were submitted to simply show us these plans and no discussion took place as to improvements that could be made.</i></p> <p><b>The applicant has undertaken some further public consultation by meeting the person who spoke on behalf of the objectors at the May Development Control Committee. Following the receipt of amended plans, all persons who were originally notified and those who had originally made representations on the application were given a further opportunity to make additional representations on the amended proposal.</b></p> <p><i>I have previously quoted the points in both the councils's own residential guidelines and unitary plan to which these issues do not adhere and therefore do not feel the need to do this again as it is all still available in the previous letter of objection. Again I would suggest that the fact that these plans do not meet guidelines on every single resultant relationship with existing properties demonstrates that the project is simply too large for the area available and results in cramming in of too many properties with huge reductions in privacy and amenity for existing residents.</i></p> <p><b>All issues previously raised are addressed through the report.</b></p>
38		16/00144/FUL	<p><b>Since writing the committee report the following comments have been received:</b></p> <p><b><u>Natural England</u></b></p> <p>‘Statutory nature conservation sites – no objection’</p> <p>‘Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application,</p>

		<p>as submitted, will not damage or destroy the interest features for which Flood Brook Meadow has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England’.</p> <p>‘We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation’.</p> <p><b><u>Merseyside Environmental Advisory Service</u></b></p> <p><b>Bats</b></p> <p>‘The applicant has submitted a Bat Survey Report in accordance with Local Plan policy CS20 (The Heath High School: Bat Survey Report, Capita Plc, May 2016, CS/067529-05). I advise the survey is acceptable and will be forwarded to Cheshire rECOrd via Mersey BioBank’.</p> <p>‘The report states that no evidence of bats use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England’.</p> <p><b>Great Crested Newt</b></p> <p>‘The applicant has submitted a Great Crested Newt Survey Report in accordance with Local Plan policy CS20 (The Heath School: Great Crested Newt Survey Report, Capita Plc, May 2016, CS/067529-06). I advise the survey is acceptable and will be forwarded to Cheshire rECOrd via Mersey BioBank’.</p> <p>‘The report states that no evidence of great crested newt use or presence was found. The Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England’.</p> <p>‘The applicant, their advisers and contractors</p>
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		<p>should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist’.</p> <p><b><u>Open Spaces</u></b></p> <p>‘The updated ecology surveys are acceptable’.</p> <p><b><u>Further representation</u></b></p> <p>‘One further representation has been received from a local resident regarding the changes to relocate the bin store and water tank, however overall this does not improve things for us in fact for us at 43 Malpas it is a worse scenario. The only option for resident is to relocate the whole new build somewhere else, they feel that this could prove more cost effective and less of an impact on the local community’.</p> <p><b>Further conditions required for Sport England:-</b></p> <ol style="list-style-type: none"><li>1. Agronomy Report and Pitch Specifications for the replacement playing field</li><li>2. Reinstatement of the playing field to the north of the site after drainage works have been completed</li><li>3. Community Use Agreement</li><li>4. Design of the Multi Use Games Areas</li></ol> <p><b>Note:</b> - Please also see attached appendix 1 – Health and Safety Executive Correspondence.</p>
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20 MAY 2016

Date: 19 May 2016  
HSE Ref: 4.2.1.5105.  
Your Ref: 16/00144/FUL

**Land Use Planning Consultation with Health and Safety Executive:**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Application No: 16/00144/FUL

**Proposal:** Proposed phased redevelopment of existing high school, comprising provision of separate construction and school accessible zones, development of new school building, demolition of redundant buildings, hard and soft landscaping and provision of sports facilities at The Heath Specialist Technology College, Runcorn.

Dear Mr Cooper,

Thank you for your letter, of 14<sup>th</sup> April 2016. Halton Borough Council has obtained HSE Land Use Planning (LUP) advice for the proposed Heath School redevelopment through HSE's on-line consultation service [Ref. HSL-160414151343-304, 14<sup>th</sup> April 2016]. HSE **advises against** the proposed development. The Council is now seeking further comment from HSE.

HSE **advises against** the proposed redevelopment of the Heath School on grounds of public safety. The redevelopment involves a large and sensitive population (children) at a significant risk of harm from a toxic gas release.

HSE is a statutory consultee for developments in the vicinity of major hazard sites by virtue of Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The proposed development lies within the consultation distance of major hazard sites – Ineos/Inovyn/Mexichem, Runcorn.