

# Public Document Pack



## Development Control Committee

**Monday, 5 October 2015 6.30 p.m.  
The Board Room - Municipal Building,  
Widnes**

A handwritten signature in black ink, appearing to read 'David W R', written over a light blue rectangular stamp.

**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Paul Nolan (Chairman)
Councillor Keith Morley (Vice-Chairman)
Councillor John Bradshaw
Councillor Arthur Cole
Councillor Ron Hignett
Councillor Stan Hill
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor John Stockton
Councillor Dave Thompson
Councillor Kevan Wainwright
Councillor Bill Woolfall
Councillor Geoff Zygodllo

***Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
[ann.jones@halton.gov.uk](mailto:ann.jones@halton.gov.uk) for further information.  
The next meeting of the Committee is on Monday, 2 November 2015***

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 5</b>
<b>2. DECLARATIONS OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	<b>6 - 43</b>

*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 14 September 2015 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), J. Bradshaw, Cole, R. Hignett, S. Hill, C. Plumptre Walsh, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors J. Stockton and Wainwright

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant, R. Cooper and I. Dignall

Also in attendance: 5 Members of the public

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

		<i>Action</i>
DEV5	MINUTES	
	The Minutes of the meeting held on 3 August 2015 having been circulated, were taken as read and signed as a correct record.	
DEV6	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.	
DEV7	- 12/00100/OUT - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR CONSTRUCTION OF UP TO 53 DWELLINGS AT THE HEATH BUSINESS PARK, RUNCORN	
	The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	
	Officers referred to the updated information in relation to the application as provided in the supplementary AB list.	

It was noted that the Environment Agency confirmed they did not require consulting and United Utilities and Sabic had no objections. Two further representations had been received raising issues already addressed in the Committee report, relating to loss of employment land, COMAH and Planning for Risk, Transport, Landscape and ecology. One other representation raised concerns in relation to wildlife; in particular bats and birds of prey. It was noted that the required mitigation measures would be attached in a condition relating to wildlife.

The Committee was also advised that the proposed housing would include replacement planting and landscaping that would contribute to enhancing biodiversity, conditions for this had already been recommended and further conditions were recommended as listed on the update.

The Committee was addressed by Mr John Lewis, the applicant, who provided Members with some background information as to why the application had been made. He advised the Committee that The Heath Business and Technical Park was privately owned and funded and had required major investment over the years in order to keep up with competitors. He advised them of the multi-use facilities available at The Heath and provided details of the numbers of companies that have used the Park over the years and the employment created due to this. He advised that the application was important for the future of The Heath and for the contribution The Heath made to the Halton economy.

Members discussed the application and agreed with the officer recommendation. They requested however that the delegated matters return to the Committee when the full application was received and considered again at Committee.

RESOLVED: That

- a) powers be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Development Control Committee to make a final determination once the application has been referred to the Health and Safety Executive, to request whether or not they wish the application to be called in by the Secretary of State;
- b) if the application was not called in, the application would be approved, subject to a Section 106, and

issued subject to the following conditions:

1. Standard outline conditions (BE1);
  2. Reserved matters to comply with the New Residential Development;
  3. Guidance and the Designing for Community Safety SPD (BE1, BE2 and BE22);
  4. No development shall begin until written details of a construction management plan have been approved in writing (BE1);
  5. Materials condition, requiring the submission and approval of the materials to be used (BE2);
  6. Landscaping conditions, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planning (BE2);
  7. Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
  8. Prior to commencement the submission of details of any retaining walls;
  9. Wheel cleansing facilities to be submitted and approved in writing (BE1);
  10. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  11. Submission and agreement of existing and proposed site and finish floor levels (BE1);
  12. Prior to commencement condition for foul and surface water drainage details;
  13. No trees, hedges or shrubs shall be removed during the bird nesting season (months of March to August inclusive), unless approved in writing by the Local Planning Authority. Any application to remove trees, hedges or shrubs shall be accompanied by a statement from a suitably qualified ecologist confirming that nesting or fledging birds would not be affected by works to remove the vegetation;
  14. Prior to commencement of the development a scheme for the provision of bird and bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority; and
  15. Prior to commencement of development, a scheme for sensitive lighting of open spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to minimise light spillage onto trees and woodlands; and
- c) if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the

Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it failed to comply with Policy S25 (Planning Obligations).

DEV8 - 15/00014/OUT - PROPOSED INDUSTRIAL BUILDING ON CORNUBIA ROAD, WIDNES

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

RESOLVED: That

- a) delegated powers be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Development Control Committee to make the decision once the applicant has provided a satisfactory contaminated land report;
- b) once the LPA has received this report, the application be approved subject to the following conditions:
  - 1. Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1);
  - 2. Plans condition listing relevant drawings ie, site location / red edge (BE1 and TP 17);
  - 3. Prior to commencement the submission of a reserved matters proposal which incorporates a full proposal for drainage of the site (BE1);
  - 4. Prior to commencement submission of existing and proposed levels (BE1);
  - 5. Prior to commencement submission of materials (BE1 and CS11);
  - 6. Prior to commencement submission of hard and soft landscaping (BE1);
  - 7. Prior to commencement submission of a construction / traffic management plan which will include wheel cleansing details (TP17);
  - 8. Prior to commencement details of boundary treatment (BE22);
  - 9. Condition relating to any further site investigations required, implementation of remediation strategy and verification (PR14 and CS23); and
- c) if a satisfactory contaminated land report is not received within a reasonable time scale, the

application will be refused for non-compliance with the National Planning Policy Framework, Policy PR14 'Contaminated Land' of the Unitary Development Plan and CS23 'Pollution and Risk' of the Core Strategy.

*Councillor June Roberts declared Disclosable Pecuniary Interest in the following item. She was in the process of leaving the room when the item was approved without debate.*

DEV9 - 15/00395/FUL - PROPOSED DROPPED KERB AND FORMATION OF SINGULAR VEHICULAR ACCESS AT 117 HIGHFIELD ROAD, WIDNES

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

RESOLVED: That the application be approved subject to the standard 3 year expiry date.

DEV10 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

**15/00326/NMA**

Proposed non material amendment to Planning Permission 14/00667/FUL to facilitate addition of window at the first floor level on the rear elevation at 29 Cleadon Way, Widnes, WA8 9PD.

**15/00363/COU**

Proposed change of use from agricultural land to domestic curtilage at Pipistrelle Barn, Chester Road, Daresbury.

The following appeals had been received/were in progress:

**15/00202/FUL**

Proposed two storey rear extension at 22 Oakmere, Runcorn.

**15/00034/P3JPA**

Proposed conversion of office building in 448 self-contained apartments, East Lane House, East Lane, Runcorn.

Appeal allowed.

*Meeting ended at 6.52 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 5 October 2015

**REPORTING OFFICER:** Strategic Director- Resources & communities

**SUBJECT:** Planning Applications to be Determined by the Committee

**WARD(S):** Boroughwide

---

Application No	Proposal	Location
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.	Former Village Hall, Main Street
15/00401/ADV  and  15/00402/FUL	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.  Retrospective application for retention of 2 no. CCTV support poles and associated equipment at the Main and Earls Way entrances.	Halton Hospital, Hospital Way, Runcorn  Halton Hospital, Hospital Way, Runcorn
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.	117 Birchfield Road, Widnes



<b>APPLICATION NO:</b>	15/00371/COU
<b>LOCATION:</b>	Former Village Hall, Main Street
<b>PROPOSAL:</b>	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
<b>WARD:</b>	Halton Castle
<b>PARISH:</b>	None
<b>CASE OFFICER:</b>	Adam Brennan
<b>AGENT(S) APPLICANT(S):</b>	Steve Hunt Partnership Newspaper House Tannery Lane Penketh Warrington Cheshire WA5 2UD
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005) Core Strategy (2013)
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	10 neighbour objections, plus councillor objection
<b>KEY ISSUES:</b>	Retail planning use Parking/ Highway Safety
<b>RECOMMENDATION:</b>	Approve

**SITE MAP**

## **1. APPLICATION SITE**

### **1.1 The Site**

The application site relates to a former village hall located on Main Street in the Halton Castle area of Runcorn. The property is located along a stretch of terrace dwellings that lead into Halton Village from the Norton Arms Public House.

## **2. THE APPLICATION**

### **2.1 The Proposal**

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

### **2.2 Documentation**

The application has been submitted with the requisite planning application form and location plan, including associated plans, which have been amended at the request of the Council's Conservation advisor.

### **2.3 History**

No planning history.

## **3. POLICY CONTEXT**

### **3.1 Halton Core Strategy (2012)**

Policy CS5 A Network of Centres

### **3.2 Halton Unitary Development Plan (UDP) (2005)**

- *Policy BE1* - General Principles of Development
- Policy BE12 - General Development Criteria – Conservation Areas
- Policy TP12 – Car Parking
- Policy H8 – Non Dwelling House Uses

The primary planning policy for the determination of this planning application is policy BE1 'General Principles of Development' of the Halton UDP.

## **4. CONSULTATIONS**

### **4.1 Highways**

The Council's Highways section was consulted as part of the applications consultation exercise. They have not raised any objection to the proposed use, commenting that the parking requirement for the proposed use is less than that of the lawful use. The highway officers' comments are as follows:

*The present accepted use of the building is D1 and has the requirement for one space per 10sqm. The application proposes A1 non-food retail which has a requirement for 1 space per 20 sqm. Given the square area of the premises proposed (including the mezzanine), this constitutes a reduction of parking required by one space. There are no parking restrictions outside of the property and, given this, despite the parking difficulties on Main Street, Highways would not object to the application on parking grounds.*

The highways officer has also undertaken site visits in the area during potential peak hours for the proposed end use. It was observed that parking capacity is available on street. Concerns have been raised in relation to highway safety. Given the low speeds in the area it is not envisaged any road safety risks are generated by this proposal.

#### 4.2 Conservation Officer

The Council consulted Conservation Officer at Cheshire West and Chester Council as the proposal is located within Halton Village Conservation Area. In principle, there were no objections to the proposed changes to the building, which are minor. The requested changes involved ensuring the proposed roof materials matching the existing (reclaimed slate), removing a parapet, removal of window, conditioning of roof light type and changing soffit materials to timber rather than UPVC. These alterations were requested and amended by the agent, to the satisfaction of the Conservation Officer, who has no further objections based on the amended plans submitted. A condition will be placed on the permission to ensure certain details are met.

### 5. REPRESENTATIONS

There have been 10 neighbour representations received for this application. The main theme from the objections received is that the premises has no on-site parking, meaning that the only alternative would be to park on street. The consensus from the objections is that there is not enough parking in the immediate and surrounding area to accommodate parking for the proposed salon, leading to congestion and thus compromising highway safety.

Two of the ward Cllrs have objected and asked for the decision to be made by the Committee. They have stated that if successful the application would be extremely detrimental. They have also raised concerns about the situation that exists and that no objections are being raised by the Council's highway section on the grounds that car parking calls for less provision for a salon than for a village hall and that this conclusion completely ignores the reality of the situation. This is due to the building not being used as a village hall for over 46 years. Main Street is already congested with parked cars, many illegally parked on yellow lines.

### 6. ASSESSMENT

#### 6.1 The proposed use

The proposed use is not deemed to have a detrimental impact on the surrounding area. The site falls within a Primary Residential Area, outlined in UDP, Policy H8 is applicable. The development is considered compliant with H8 in the UDP as it does not detract from the character of the area and would not adversely affect residential amenity. It brings back into use a derelict building. The new use would also create new jobs. As the floorspace is under 200sqm a sequential assessment is not required. The proposed A1 retail use is deemed acceptable in principle.

### 6.2 Development in a Conservation Area

The Council's Conservation advisor raised concerns with the original proposal. However, as highlighted above, these have been resolved by submitted amendments. It is not believed that the amended alterations proposed within this application will have a detrimental impact on the buildings setting in the Conservation Area, and actually improves the appearance from a visual aspect. It is deemed that the development will improve the setting of the Conservation Area.

### 6.3 Parking

The Council's Highways department have raised no objections to the proposal. The existing lawful use of the site is use Class D1 Non-residential institutions. Uses falling within this class include Public Hall, Crèche, Nursery, Medical/ Health facilities and places of worship. The property can be used for any Use within Class D1 without the need for planning permission. Although the site has no off road parking spaces the proposed use of the site is not likely to be intensive and generates a lower demand for parking when the lawful use of the site is taken into consideration. Parking is not deemed to have a detrimental impact on highway safety on Main Street and the surrounding roads. It is therefore not considered that a refusal on the grounds of parking and highway safety could be sustained.

### 6.4 Conclusion

It is deemed that the proposal is an opportunity to add to the vitality and viability of this part of Halton Village. It brings unused floorspace into operation and meets the policies outlined in our Unitary Development Plan. Therefore the application is recommended for approval.

## **7. RECOMMENDATIONS**

Grant planning permission subject to conditions

## **8. CONDITIONS**

1. Standard 3 year expiry
2. Plans condition
3. Materials condition (BE1)
4. Rooflight specification to be agreed before development begins (BE1)

**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.3) Order 2015; and

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.

APPLICATION NO:	15/00401/ADV & 15/00402/FUL
LOCATION:	Halton Hospital, Hospital Way, Runcorn
PROPOSAL:	<p>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</p> <p>15/00402/FUL – Retrospective application for retention of 2 no. CCTV support poles and associated equipment at the Main and Earls Way entrances</p>
WARD:	Halton Lea
PARISH:	N/A
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Warrington and Halton Hospitals NHS Foundation Trust, 2 <sup>nd</sup> 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-hoarding 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.

<b>APPLICATION NO:</b>	15/00427/FUL
<b>LOCATION:</b>	117 Birchfield Road, Widnes
<b>PROPOSAL:</b>	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.
<b>WARD:</b>	Kingsway
<b>PARISH:</b>	N/A
<b>CASE OFFICER:</b>	Glen Henry
<b>AGENT(S) / APPLICANT(S):</b>	Mr T Wakefield
<b>DEVELOPMENT PLAN ALLOCATION:</b>	
Halton Unitary Development Plan (2005)	Primarily Residential Area
<b>DEPARTURE REPRESENTATIONS:</b>	No
	3
<b>RECOMMENDATION:</b>	Refuse
<b>SITE MAP</b>	

## 1. APPLICATION SITE

### 1.1 The Site and Surroundings

Site is located to the side and rear of 117 Birchfield Road in Widnes. To the rear of the Site is Wade Deacon School.

## **1.2 Planning History**

Pre-application advice was sought prior to the original submission under pre-application ref. 14/07510/PREAPP. This stated that whilst the principle of residential development in the area would likely be acceptable, based on the impact the proposal would have on the character of the area, advised against the submission of a planning application.

Planning application (ref. 15/00073/FUL) for the proposed construction of 1 no. detached dormer bungalow with associated landscaping and access was withdrawn. A subsequent planning application (ref. 15/00290/FUL) for the proposed construction of 1 no. detached bungalow with associated landscaping and access (resubmission of withdrawn application 15/00073/FUL) was refused under delegated powers.

## **2. THE APPLICATION**

### **2.1 Proposal Description**

The application seeks permission for the erection of a single-storey detached bungalow within the rear garden of an existing semi-detached house. The proposals include provision for an attached single garage linking to an existing detached outbuilding retained to the rear of the parent property.

### **2.2 Documentation**

The planning application is supported by reports labelled as Planning Statement, Design and Access Statement and a Phase 1 Site/ Ground Investigation Report.

## **3. POLICY CONTEXT**

### **3.1 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.

Paragraph 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, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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.

### 3.2 Halton Unitary Development Plan (UDP) (2005)

The site is identified as falling within a Primarily Residential Area in the Halton Unitary Development Plan. The use of the site for residential purposes is therefore considered to be acceptable in principle.

The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

BE1 General Requirements for Development  
BE2 Quality of Design  
TP12 Car Parking  
PR14 Contaminated Land  
TP17 Safe Travel for All

### 3.3 Halton Core Strategy (2012)

CS2 Presumption in Favour of Sustainable Development  
CS12 Housing Mix  
CS18 High Quality Design  
CS19 Sustainable Development and Climate Change

### 3.4 Relevant SPDs

New Residential Development SPD is of particular relevance

## 4. CONSULTATIONS

- 4.1 HBC Highways– No objection in principle  
4.2 HBC Contaminated Land – No objection in principle

## 5. REPRESENTATIONS

- 5.1 Councillor Horabin has written to state her support for the residents in their objections to this application.

Two letters of objection have been received stating the following:

- As much as the applicant has tried to sugar coat this application by stating that it is suitable for occupation by disabled person(s), in my opinion there is absolutely no difference between this and the previous applications 15/00073/FUL and 15/00290/FUL for the site.
- The applicant has once again shown complete disregard for the reasons stated in the Notice of Refusal of Full Planning Permission (15/00290/FUL)

- This application should be refused as it contravenes the policies and guidelines - in common with previous applications 15/00073/FUL and 15/00290/FUL - for the site.
- In addition, my concerns from my objection to planning application 15/00290/FUL still remain, given that the applicant could achieve a loft conversion through Permitted Development rights - thus giving the applicant their original intentions for the site.
- Referencing the previous reasons for refusal of planning application (ref 15/00290/FUL) for an extremely similar development, from the same developer, for the same site.
- Raising suspicion regarding the developer's intention to convert this development with the addition of dormer windows which will significantly increase the negative impact on the privacy of the surrounding properties. This being based on reference within the Planning Statement to a detached DORMER bungalow and by virtue that proposed plans indicate a higher than usual ridge.
- Raising a number of questions over statements contained within the submitted documents including as follows:
  - That the current application still contains this misleading claim that pre application advice was positive.
  - That there are no similar properties and the scale of the proposed development completely dominates the view from all surrounding properties.
  - Statements that the height of the proposed bungalow has been reduced is a miss representation and from the information provided, an estimate would be it has been reduced by only 30/40 cm
  - The height of the ridge is approximately 6 meters, which when viewed from neighbouring properties against the existing open aspect the property would appear dominant and excessive.
  - The intention to utilise the existing rear garden for off road parking means the cars and the associated noise and fume pollution will intrude on privacy and impact use of gardens and existing amenities. To gain access to the proposed garage requires a difficult turning manoeuvre increasing both noise and fume pollution and nuisance to the adjoining properties. Due to the lack of a turning area it would be necessary to reverse the whole length of the proposed driveway onto Birchfield Road which is a very busy road especially when the school children are on their way to and from school.
  - Whether the proposed access route provides adequate access for emergency services.
  - That the tree on the north west corner is the only remaining mature tree after the developer had removed several mature trees prior to the application. Was a full Tree Survey submitted and will the tree be protected from root damage and be protected from damage?
  - While the revised proposal may be appropriate for disabled and ambulant occupation we fail to see how these changes address any of the previous objections and concerns raised and highlighted by the planning authorities.
  - Have United Utilities confirmed the existing 1920's drainage can cope with another dwelling being added to the existing house drainage.

- That the proposed development is in direct conflict with the current Government guidelines against “Garden Grabbing” and if permitted would be out of character with all the neighbouring properties.
- That the development represents poor design and will constitute a gross over-development of the site and totally out of character with the neighbouring properties.
- That there is a lack of need for the development
- The developer’s surveyors have provided extracts from National Planning Policy and tried to suggest that the proposed development somehow fits within these guides lines. However they do not offer any accurate or substantiated reasoning why the proposed development should be allowed.

## **5. ASSESSMENT**

The application seeks permission for the erection of a single-storey detached bungalow within the rear garden of an existing semi-detached house. The proposals include provision for an attached single garage linking to an existing detached outbuilding retained to the rear of the parent property.

The preceding planning application (ref. 15/00290/FUL) which was refused under delegated powers had been amended from an earlier withdrawn planning application (ref. 15/00073/FUL) to remove first floor living accommodation with roof light and dormer windows in an attempt to overcome officer concern regarding the resultant overlooking, loss of privacy and overall impact on the rear gardens and amenity of adjoining residents resulting from the massing and height of the proposed bungalow. Those amendments have removed all roof light and dormer windows and it is therefore considered that previous concerns regarding overlooking and loss of privacy as a result of those elements have therefore been resolved. Concerns of objectors regarding the potential for future conversion of the roof space to living accommodation are noted but it is considered that any future insertion of roof windows can be adequately be controlled by appropriately worded planning condition and therefore a significant degree of control maintained by the Local Planning Authority in this regard.

The current planning application has been further amended to include the following:

1. The application description has been amended to state that the proposed bungalow would be “suitable for occupation by disabled person(s) (DDA compliant)”
2. The front door is show to be level access
3. A ramped access has been provided to the rear door
4. The bathroom has been replaced by a wet room
5. An en-suite has been altered to open outwards
6. The bungalow is now show to be fully rendered with feature header and sill courses whereas the original included a brickwork feature wall.

Notwithstanding such amendments no statement has been supplied that the dwelling is intended for any specific relative or other person and, whilst it is acknowledged that the proposed dwelling may be capable of occupation by a disabled person no such restriction on the property is proposed nor is it considered that any such restriction would be appropriate or justifiable in this case. The proposed dwelling is considered to offer very little more in terms of disabled adaptation appearing limited to an additional ramped access and a wet room over and above the minimum provision required by Part M of current Building Regulations. As such it is considered that the proposed dwelling could not be reasonably argued to differ much from any open market housing and it is considered that only limited weight can be given to such merits.

The application site is set within the rear garden of a relatively large semi-detached traditional dwelling on a busy main road. There is a degree of variation within the wider area including some interwar council housing to the north east and traditional terraced properties to the southeast on the opposite side of the road and noticeably smaller semi-detached houses directly to the south. Notwithstanding this and a degree of variation in the nearest properties, those properties (most notably 111a to 123 Birchfield Road) are characteristically larger detached and semi-detached properties set within relatively large plots of uniform depth. Wade Deacon High School lies to the rear (west) of the application site but with the main buildings being somewhat separated by an existing wide car park and school grounds. Whilst there are a number of detached single storey out-buildings within the rear of the application parent property and adjoining properties they all have generously long but relatively narrow rear gardens with a generally open feel and perspective. It is against this context that it is considered that the application should be judged.

It is recognised that the development would make efficient use of the site in a sustainable location. Whilst the sizeable rear gardens are not considered to be readily visible from any significant public vantage point it is considered that the insertion of a bungalow relatively central within the rear gardens of this group of properties 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. The recent, ongoing construction of a single story side extension to the parent dwelling commenced since the previous refusal of planning permission is considered to further emphasise this. It is therefore considered that such a development would result in significant harm to the established character and appearance of the area and I do not consider that the marginal reduction in scale and removal of roof dormers has sufficiently mitigated this impact.

The proposed bungalow would be only approximately 3.1m and 2.7m from the boundaries of the site with the rear private gardens of the properties directly either side. No levels information is supplied with the application. Although it is considered that final finished floor and site levels could be controlled by appropriate planning condition, assuming a level site as indicated in the drawings and the proposed would be approximately 2.5m to eaves and 5.3m

to ridge. It is considered that at such a scale and at such proximity and location relative to adjoining properties such a structure of approximately 12m in length for the main dwelling mass 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.

Given the proximity of the proposed to the side boundaries it is also considered that the proposed living conditions for future residents of the bungalow, if approved, would also be poor given that side facing bedroom windows at ground floor would be only approximately 2.7m and 3.1m from the existing/ proposed boundaries which could be up to 2m in height. This is considered to add weight to the opinion that the proposed is considered to appear like it has been shoe-horned into the available space. Furthermore, whilst it is considered that sufficient garden area is provided in terms of a purely area based approach the rear of the dwelling would be only approximately 6m from the rear boundary of the site which is considered to add further to this view.

With respect to highways servicing and parking it is considered that adequate provision can be made for parking for both the proposed and existing dwelling. Whilst the proposed access road serving the new dwelling would be somewhat restricted (especially taking into account the single storey side extension and rear orangery approved at the parent dwelling by planning permission 15/00005/FUL) provision is made within the scheme for cars to turn and exit in a forward gear subject to appropriate management by the future occupiers. It is considered that provision for bin storage can be made within 30m of the main highway and likely collection point. Whilst it is acknowledged that Birchfield Road is busy at school drop off and collection times it is not considered that the addition of this single dwelling would add substantially to levels of traffic or such manoeuvres as to justify refusal of planning permission on highway safety grounds.

Issues have arisen with regard to protection of a tree shown to be retained within the scheme. Advice is being sought from the Council's Tree Officer in this regard and members will be updated as required.

It is also considered that 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.

Pre-application advice was sought prior to the original submission under pre-application ref. 14/07510/PREAPP. This stated that whilst the principle of residential development in the area would likely be acceptable but that, based on the impact the proposal would have on the character of the area, advised against the submission of a planning application.

For the above reasons it is 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 is considered that the proposals would be contrary to the National Planning Policy Framework having particular regard to paragraphs 17 and 64 which seek to ensure that new development maintains or enhances the character, quality and appearance of an area.

## **6. RECOMMENDATIONS**

Planning permission be refused for the following reason (s):

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.
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 is 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 is considered that the proposals would be contrary to the National Planning Policy Framework having particular regard to paragraphs 17 and 64 which seek to ensure that new development maintains or enhances the character, quality and appearance of an area.

## **7. SUSTAINABILITY STATEMENT**

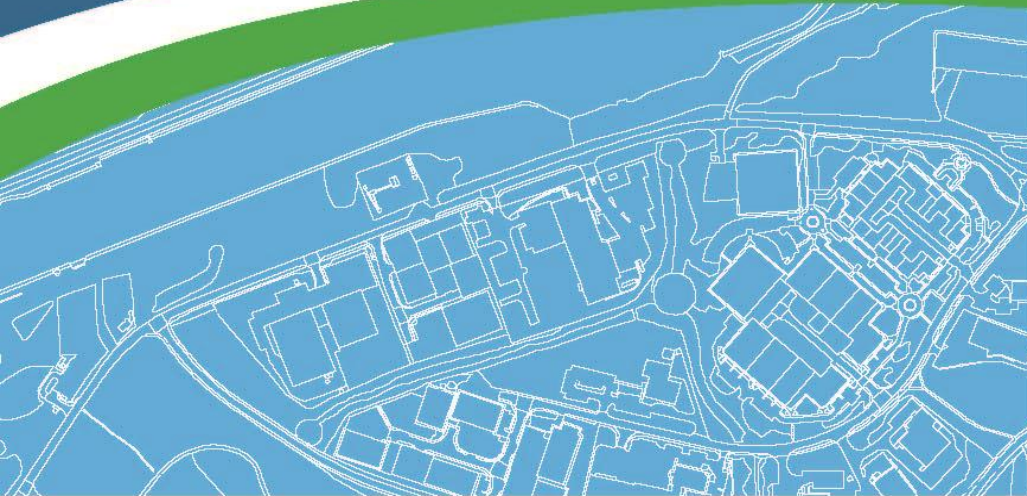
As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

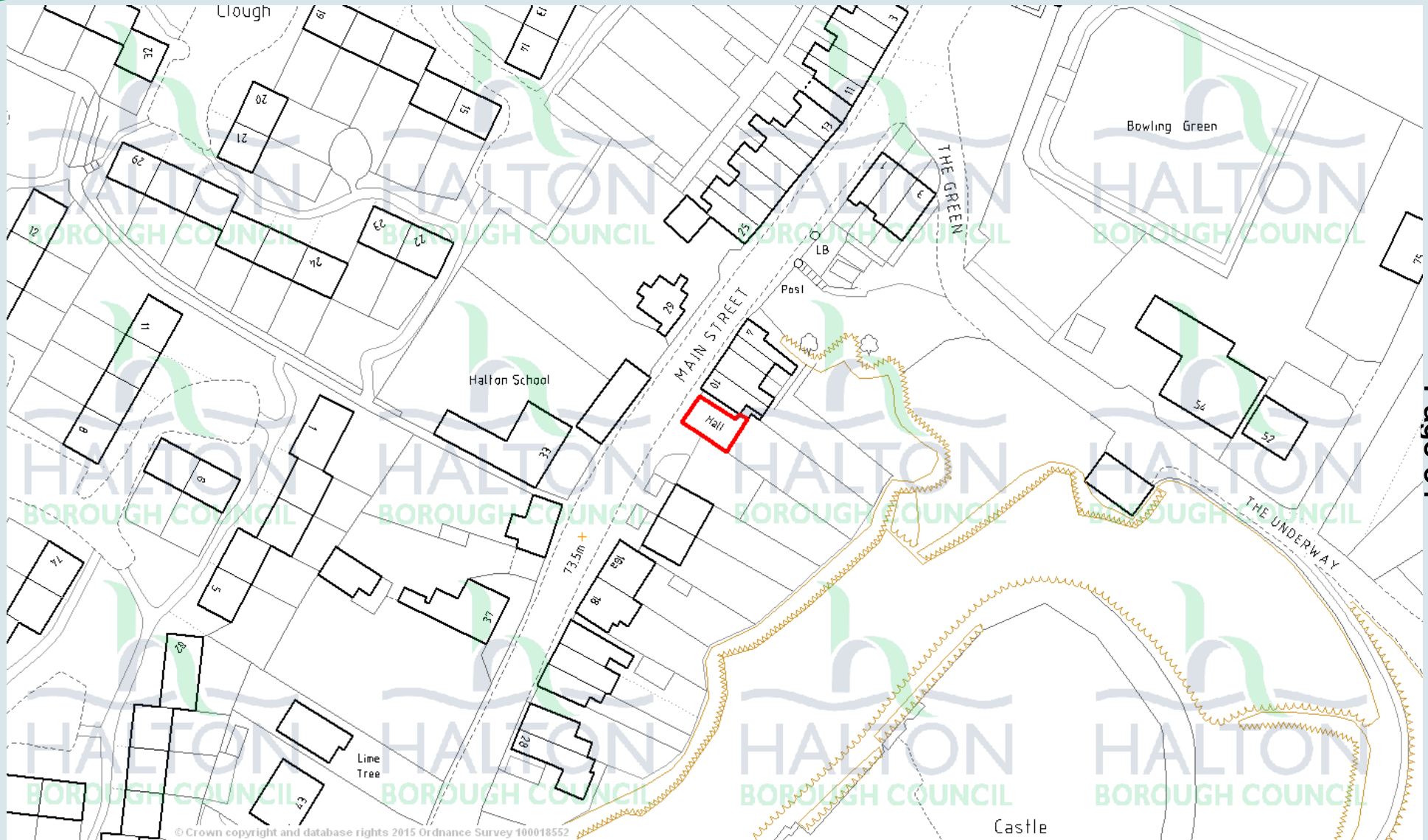
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.



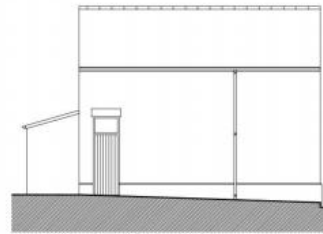




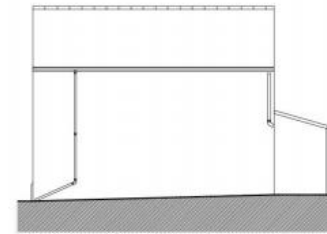




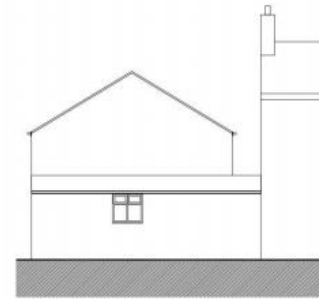
**Existing Front Elevation / Street Scene**  
(Scale 1:100)



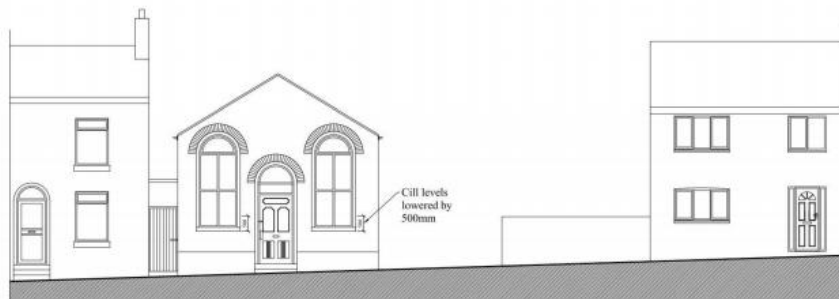
**Existing Left Hand Elevation**  
(Scale 1:100)



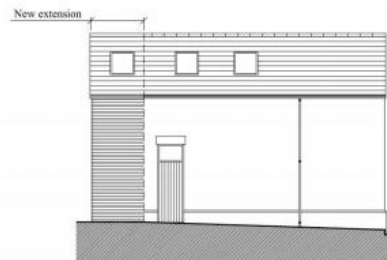
**Existing Right Hand Elevation**  
(Scale 1:100)



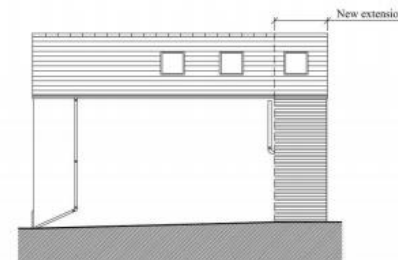
**Existing Rear Elevation**  
(Scale 1:100)



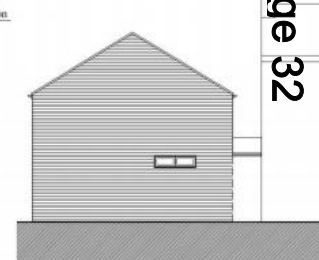
**Proposed Front Elevation / Street Scene**  
(Scale 1:100)



**Proposed Left Hand Elevation**  
(Scale 1:100)



**Proposed Right Hand Elevation**  
(Scale 1:100)



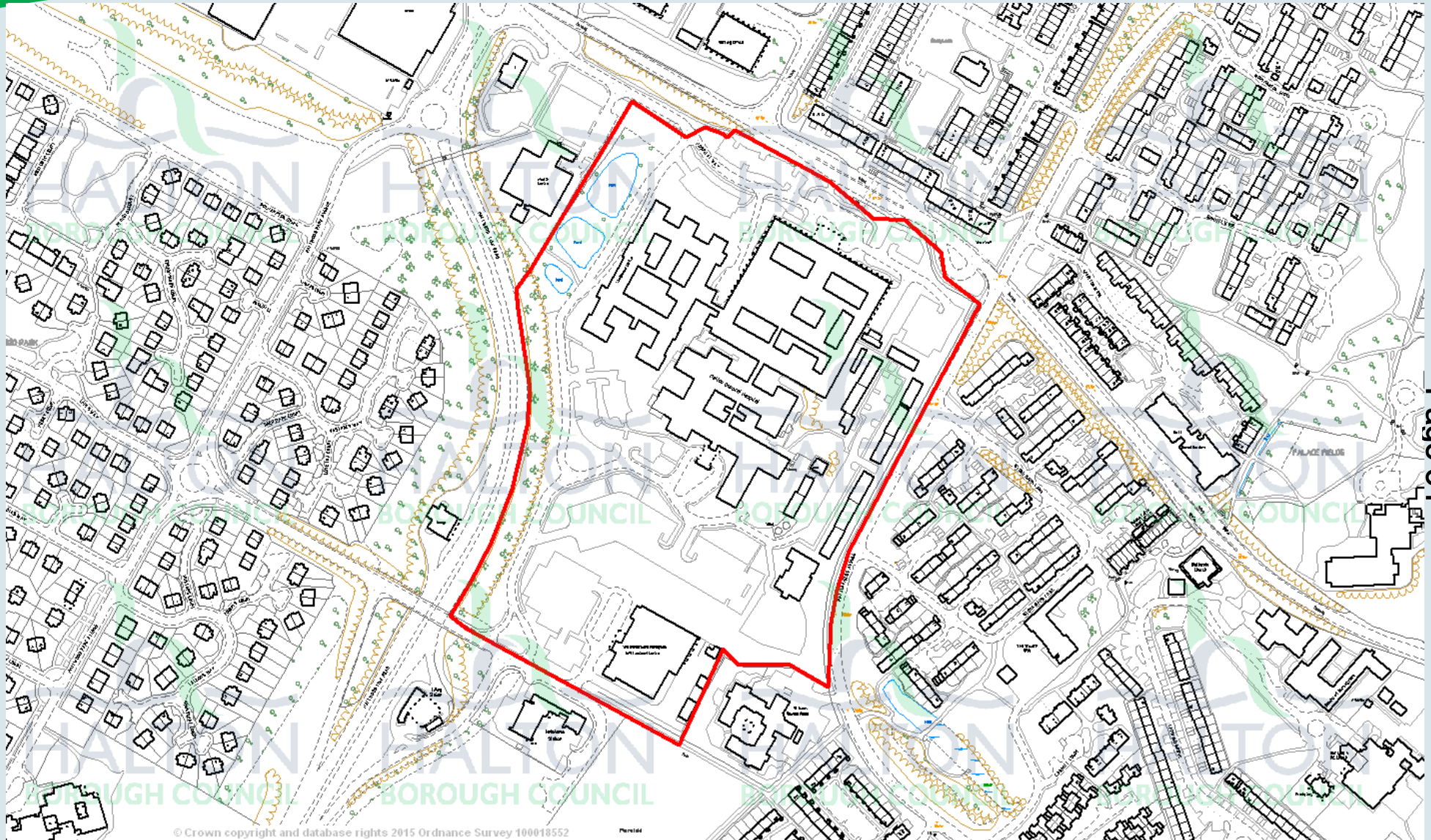
**Proposed Rear Elevation**  
(Scale 1:100)



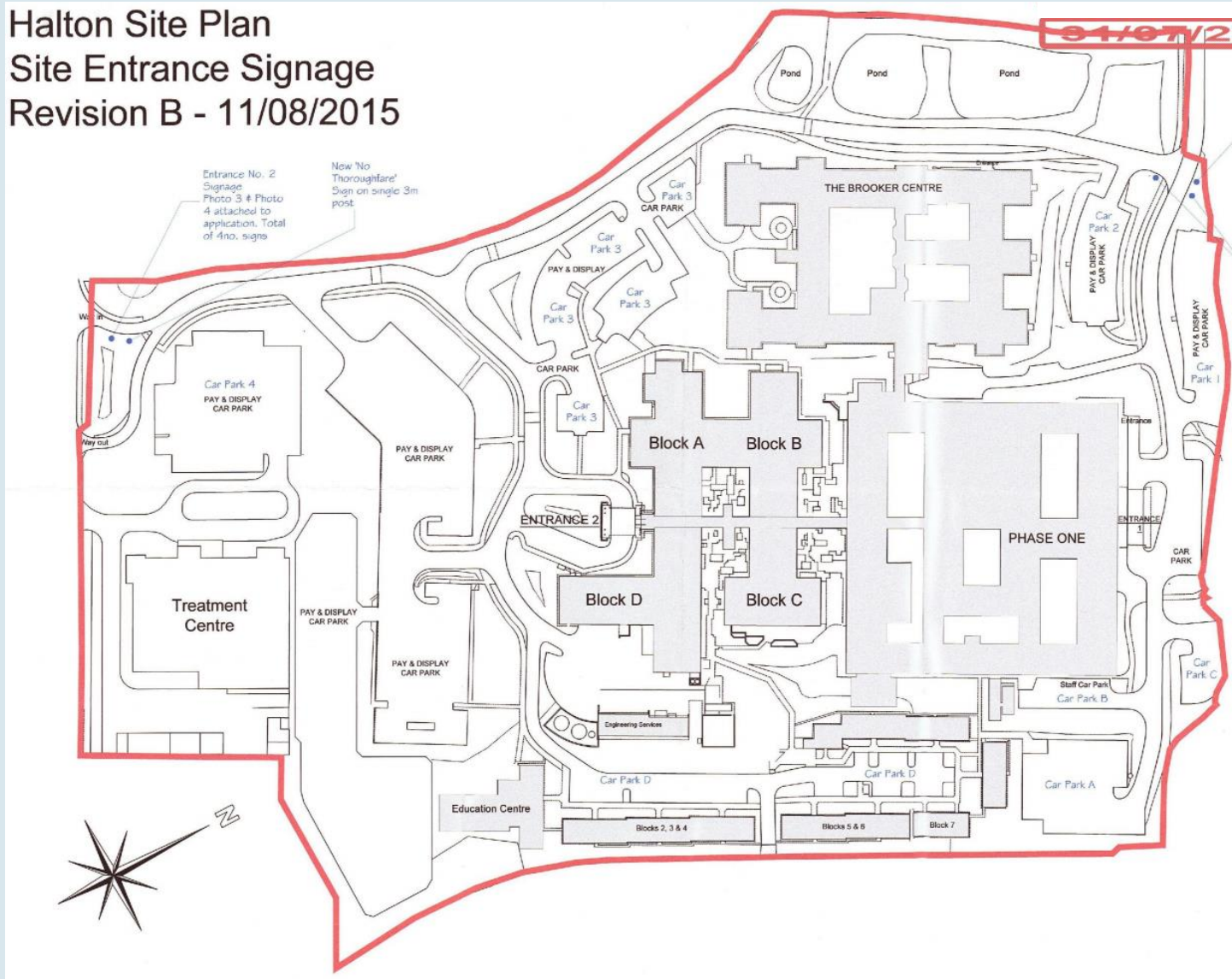


© Crown copyright and database rights 2015 Ordnance Survey 100018552



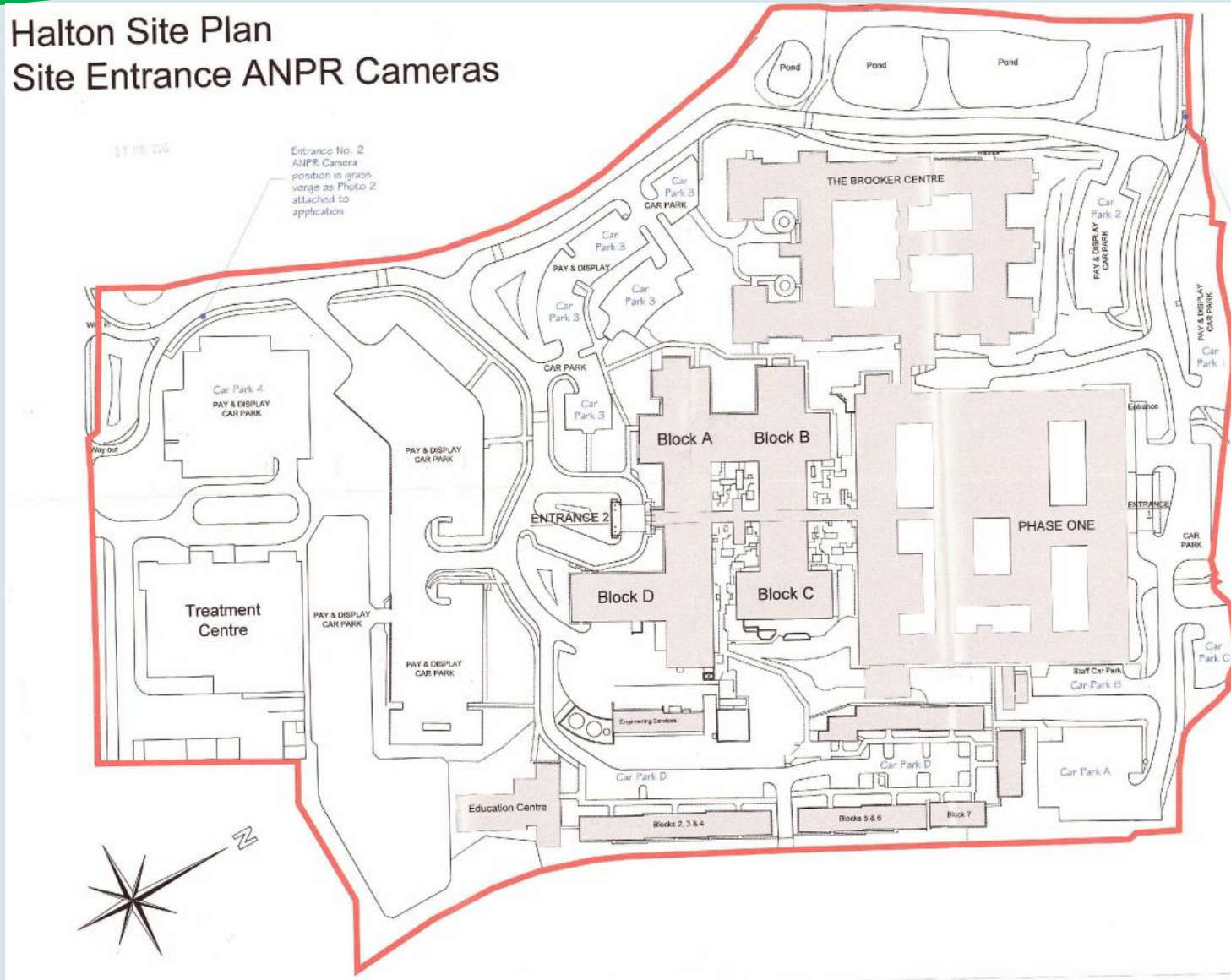


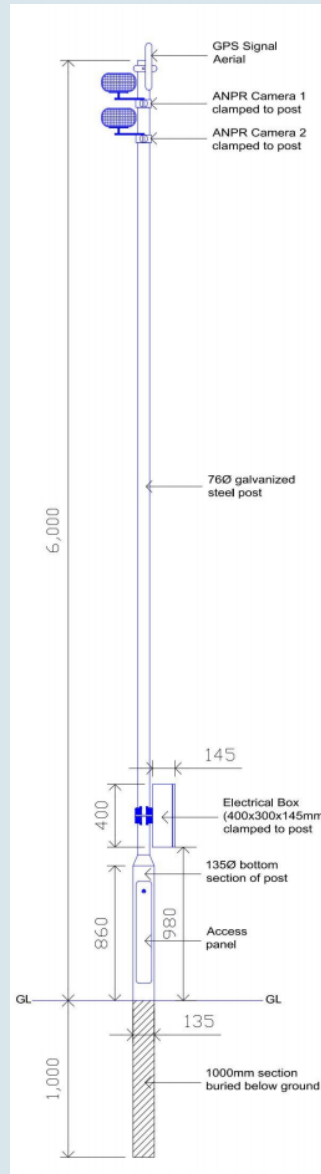
**Halton Site Plan  
Site Entrance Signage  
Revision B - 11/08/2015**

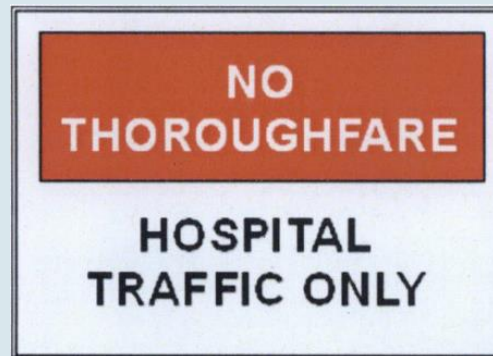




## Halton Site Plan Site Entrance ANPR Cameras







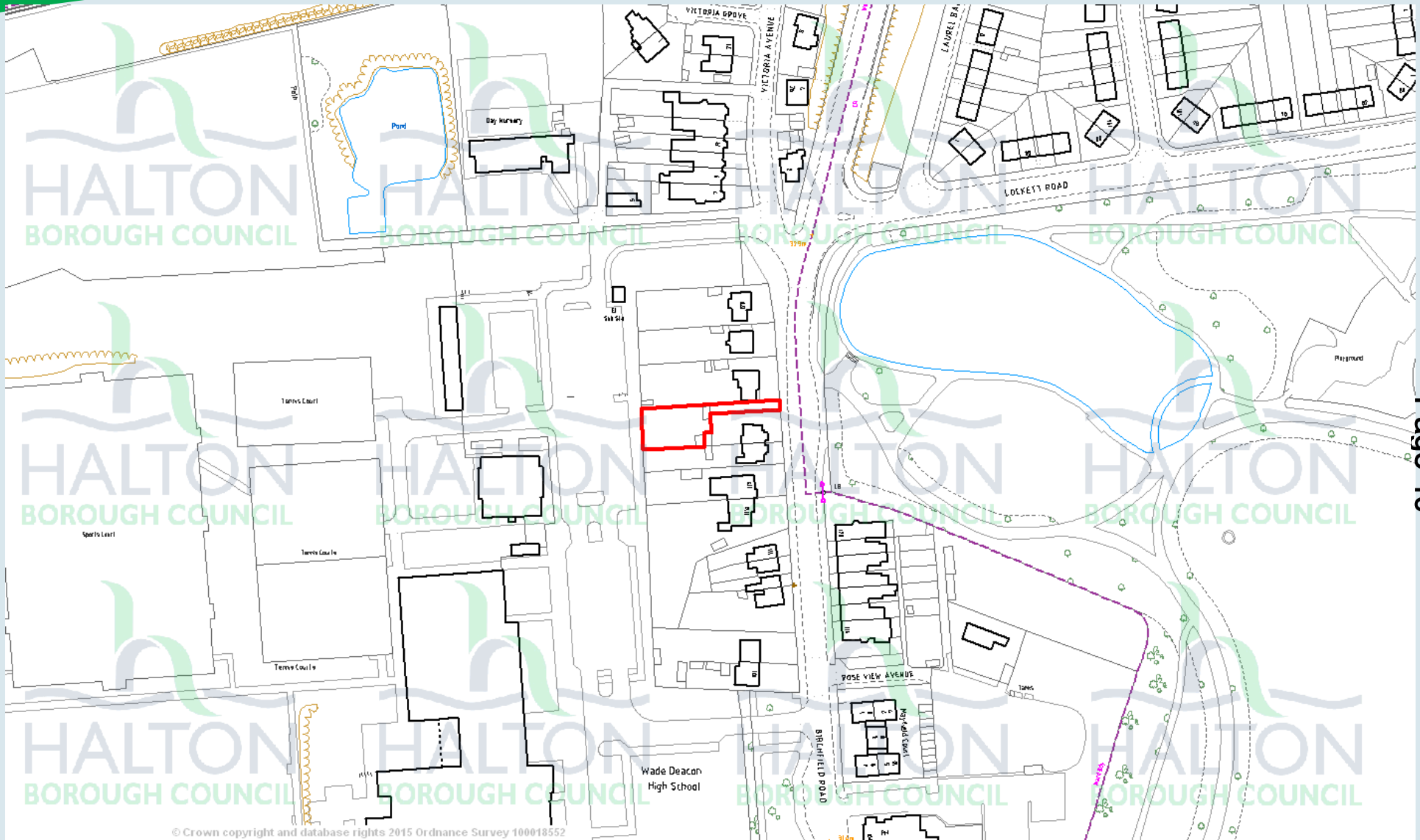
Application Number: 15/00401/ADV & 15/00402/FUL

Plan 2E: Signage









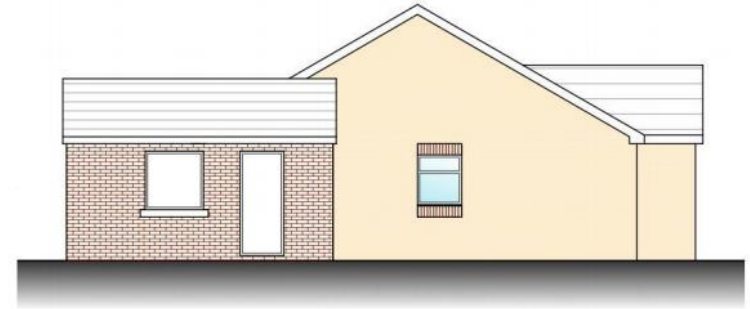




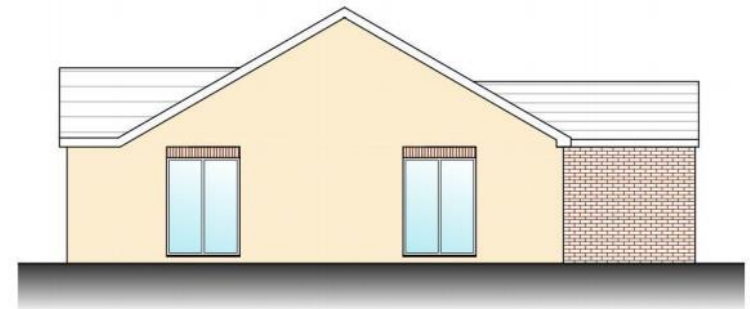
**PROPOSED FRONT ELEVATION**



**PROPOSED REAR ELEVATION**

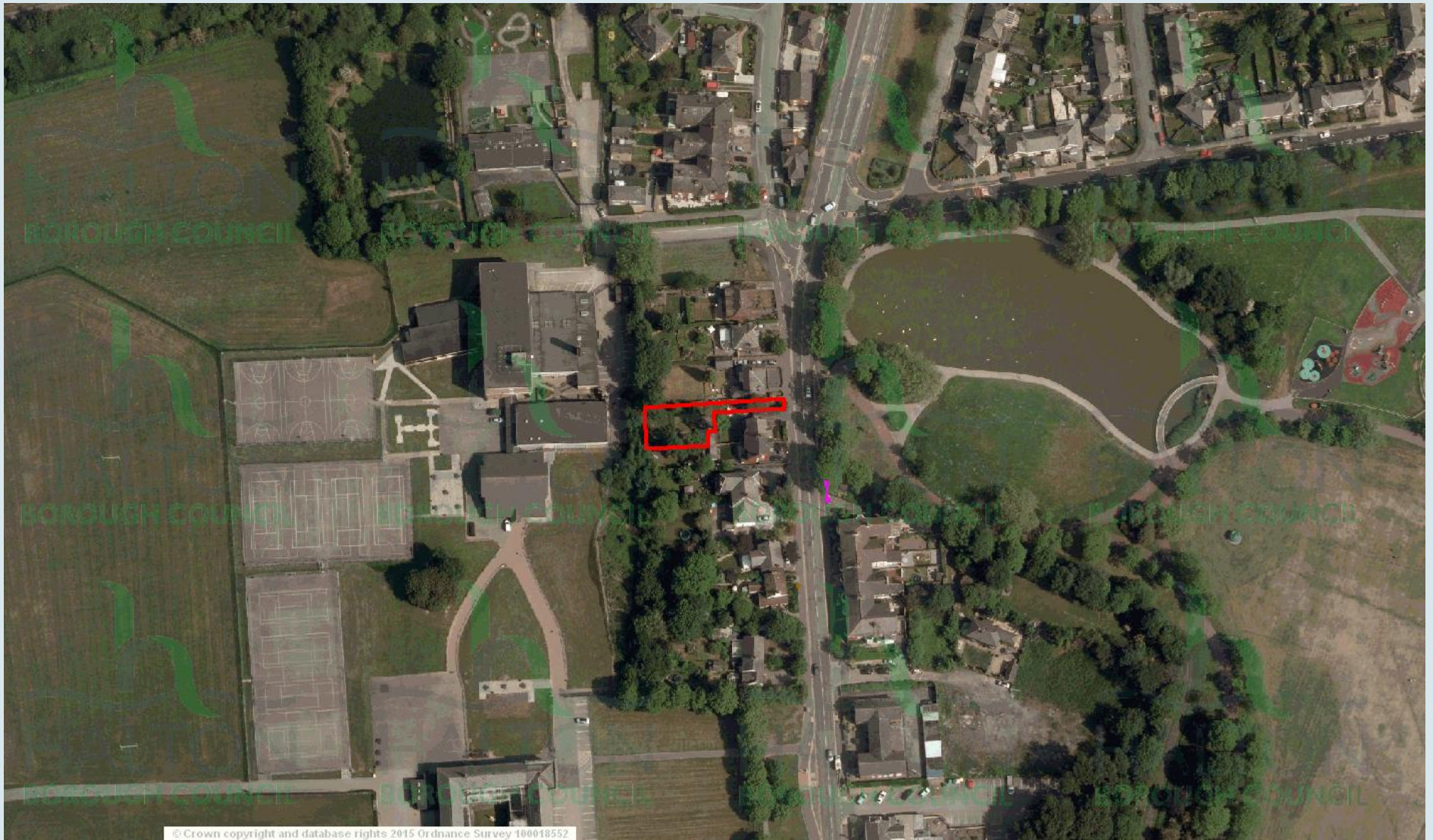


**PROPOSED SIDE ELEVATION (A)**



**PROPOSED SIDE ELEVATION (B)**





© Crown copyright and database rights 2015 Ordnance Survey 100018552