

Public Document Pack



Development Control Committee

Monday, 8 April 2019 6.30 p.m.
Boardroom - Municipal Building, Widnes



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chair)
Councillor Keith Morley (Vice-Chair)
Councillor Chris Carlin
Councillor Ron Hignett
Councillor Valerie Hill
Councillor Joan Lowe
Councillor Carol Plumpton Walsh
Councillor June Roberts
Councillor Dave Thompson
Councillor Bill Woolfall
Councillor Geoff Zygodllo

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 13 May 2019*

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

Part I

Item No.	Page No.
1. MINUTES	1 - 7
2. DECLARATIONS OF INTEREST	
<p>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.</p>	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	8 - 32

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 Tuesday, 5 March 2019 at Civic Suite - Town Hall, Runcorn

Present: Councillors Nolan (Chair), Carlin, R. Hignett, V. Hill, J. Lowe, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillor C. Plumpton Walsh

Absence declared on Council business: Councillor Morley

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, G. Henry and I. Dignall

Also in attendance: Councillor Howard, 3 members of the public and one member of the press

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

	<i>Action</i>
DEV30 MINUTES	
<p>The Minutes of the meeting held on 4 February 2019, having been circulated, were taken as read and signed as a correct record.</p>	
DEV31 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below. The Committee was advised that all of the matters under consideration referred to National Planning Policy Framework (NPPF) 2018. Since the reports were compiled NPPF 2019 had been issued. There were no material differences which would affect the applications before the Committee and the Committee was requested to assume that reference to NPPF 2018 were references to NPPF 2019.</p>	
DEV32 - 17/00497/FUL - PROPOSED ERECTION OF TWO STOREY BLOCK CONTAINING 4 NO. ONE BEDROOM APARTMENTS AT REAR GARDEN OF 67 MAIN STREET, RUNCORN	

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

Since the publication of the agenda Officers provided updates with regards to: further letters of objection received including one from a Ward Councillor; that the development was considered to comply with Section 16 of the National Planning and Policy Framework (NPPF) in relation to conserving and enhancing the historic environment; improvements made to certain design issues which would be secured by condition; and issues relating to site levels and accessibility in accordance with the Equality Act.

The Committee was addressed by Mr Campbell who represented a community group called *Friends of Halton Village* objecting to the scheme. He presented several pictures of the existing 10 bedroomed HMO (House of Multiple Occupation) development built by the applicant, highlighting the poor condition bin storage area and difference in brick colour. He argued that the development would be in the heart of a conservation area and therefore would add no character to the Village; that the 'flats'(rather than apartments) which were one bedroomed, would be rented on a week by week basis; and that the exit from the site was impaired. He also stated that if this backland application was approved it would set a dangerous precedent for the Council.

Councillor Howard then addressed Members of the Committee, who spoke in objection to the proposal on behalf of himself and Ward Councillor E. Cargill. It was noted that the third Halton Castle Ward Member was a Member of the Development Control Committee and therefore was unable to make (and had not made) any representation regarding the application.

Councillor Howard spoke in support of the objectors and made reference to several policies and clauses within the Halton Borough Council Unitary Development Plan (UDP), where he considered the application did not comply. In particular, he stated that this was a 'backland' development and the building would be completely out of character with the other properties of Halton Village, which was within a conservation area. He also argued that there would be increased traffic congestion; insufficient parking; and an obscured exit from the site. He disputed the Highways Department's opinions and recommendations as they differed from those made on a previous application in 2009 for the same site. Councillor Howard also made

reference to two other previous backland applications submitted to the Council, one of which was in Main Street, and both were refused by the Committee and dismissed on appeal.

In response to the comments made by speakers Officers advised Members:

- that there was no difference in planning terms with regard to whether the word 'flat' or 'apartment' was used;
- the introduction of four one bedroomed flats into the Village would have very little impact on the traffic;
- the bin storage area would be extended;
- the type of bricks and other materials to be used would be conditioned;
- the previous backland applications referred to could not be compared to this one as there were no similarities;
- the Highways guidance used for a previous application made on the site in 2009 was a different document; this had now been superseded by the one referred to for this application; and
- how the building related to the area was a consideration but the type of potential tenants was irrelevant.

The Committee discussed the application in detail and received clarity from Officers on the term 'backland'. They had sympathy for the speakers' argument that the development would be out of character for Halton Village, especially considering that this was a conservation area. One Member moved that the application be deferred, so that further clarification could be provided on the impacts of this development to the conservation area and, in particular, whether the proposal would be out of character in the conservation area. The motion was seconded and the Committee agreed that the motion be carried so the application was deferred to the next meeting of the Committee.

RESOLVED: That the application be deferred, so that further information and clarification could be provided on the impacts of the development in the Halton Village conservation area and, in particular, whether the proposal would be out of character in the conservation area.

WITH ASSOCIATED LANDSCAPING, ACCESS IMPROVEMENTS AND ENGINEERING OPERATIONS AT INOVYN CHLOR VINYLS LTD

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

Officers advised of the following updates since the publication of the agenda:

- The level of parking was confirmed as sufficient for the numbers of staff that would be at the building at any one time and the Council's Highways Officer raised no objections;
- A revised Transport Statement has been supplied by the applicant;
- A cycle and footway would be provided across their land connecting to Castner Avenue as requested by the Highways Officer, but this would not be given over for adoption;
- The unused piece of adopted highway on the site would either be stopped up or incorporated within the car park plans;
- Discussion were ongoing with regards to outstanding drainage issues; and
- The applicant had agreed to amend the landscape and lighting scheme.

In order for the application to progress it was requested that the recommendation be amended to request that authority be delegated to the Operational Director – Policy, Planning and Transportation, to approve the application subject to the outstanding issues being resolved and conditions amended accordingly.

The Committee agreed that the application be delegated to the Operational Director for approval, as requested above.

RESOLVED: That

- a) delegated powers be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee, to approve the application once the outstanding issues have been resolved and conditions amended where required; and

b) that the application be subject to conditions relating to the following (to be amended as required):

1. Specifying approved plans;
2. Materials condition, requiring submission and agreement of external materials (BE2);
3. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
4. Vehicle access, parking, servicing etc to be constructed prior to commencement of use (BE1);
5. Requiring finished floor and site levels be carried out as approved (BE1);
6. Site investigation, including mitigation to be submitted and approved in writing (PR14);
7. Restriction of external lighting (PR4);
8. Submission and agreement of Site Waste Management Plan (WM8);
9. Submission and agreement of a Construction Management Plan (BE1);
10. Submission and agreement of a Green Travel Plan (TP16);
11. Submission and agreement of boundary treatments (BE2);
12. Submission and agreement of hard surfacing materials (BE2);
13. Submission and agreement of cycle storage details (TP6);
14. Conditions securing off site highway, cycle and footway works;
15. Requiring submission and agreement of EV charge points;
16. Condition as requested by Health and Safety Executive;
17. Conditions relating to site investigation, remediation and validation (PR14); and
18. Conditions relating to methodology and validation of Japanese Knotweed removal (PR14).

DEV34 - 18/00616/FUL - PROPOSED EXTENSION TO THE EXISTING STORAGE FACILITY COMPRISING AN ADDITIONAL 171 CONTAINERS, ACCESS ARRANGEMENTS, 2.6 METRE HIGH PALISADE FENCING AND GATES AND CCTV CAMERAS MOUNTED ON 5 NO. 8 METRE HIGH TOWERS AT FORMER NATIONAL GRID DEPOT, HALTON ROAD, RUNCORN

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

The Committee was advised that since the publication of the agenda the Lead Local Flood Authority had advised that additional information was required, as detailed in the published AB Update List. Following this advice the applicant had advised that he wished to provide the drainage scheme prior to the determination of the application. Therefore, there would be one additional condition to those listed at section 9 of the report.

Officers requested that delegated powers be given to the Operational Director – Policy, Planning and Transportation, to make a decision once a suitable drainage scheme was submitted by the applicant.

The Committee agreed that the Operational Director be granted delegated authority to approve the application as discussed above and subject to the conditions listed.

RESOLVED: That

- a) delegated powers be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee, to approve the application once a suitable drainage scheme was submitted; and
- b) the application would be subject to the conditions outlined below:
 1. Approved plans;
 2. External Facing Materials – Containers dark green in colour (BE1 and BE2);
 3. Hedgerow planting along North Western boundary of the site (BE1);
 4. Implementation of parking and servicing (BE1); and
 5. Condition relating to external lighting.

DEV35 - 19/00008/FUL - PROPOSED EXTENSION TO THE RAW MATERIAL RECEPTION BUILDING TO ACCOMMODATE NEW PROCESSING MACHINERY AND SEPARATE ELECTRICAL SWITCH ROOM AT SECAMIN, DESOTO ROAD, WIDNES

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

The Committee considered the application as presented and agreed that it be approved, subject to the

conditions listed below.

RESOLVED: That the application is approved subject to conditions relating to the following:

1. Specifying approved plans;
2. Materials condition, requiring materials to match the adjoining Raw Materials Reception and Handling Building (BE2);
3. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
4. Vehicle access, parking servicing etc to be constructed prior to commencement of use (BE1);
5. Requiring finished floor and site levels be carried out as approved (BE1);
6. Conditions relating to site investigation, mitigation and validation to be submitted and approved in writing (PR14); and
7. Restriction of external lighting (PR14).

Meeting ended at 7.30 p.m.

REPORT TO: Development Control Committee

DATE: 8 April 2019

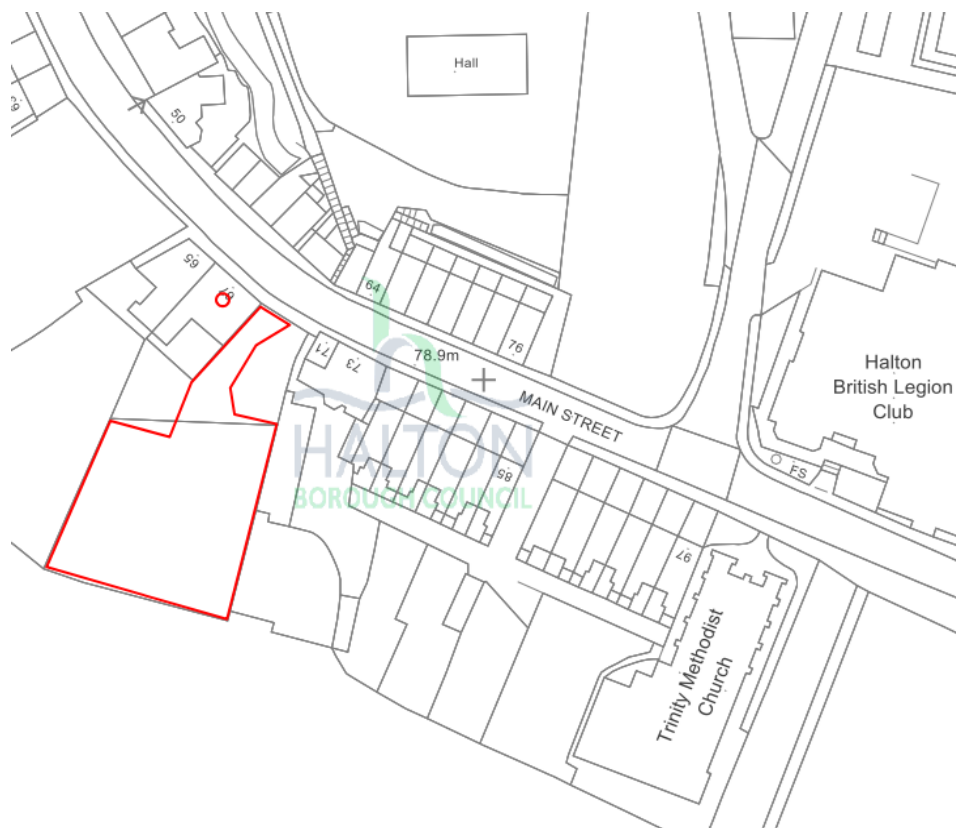
REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be Determined by the Committee

WARD(S): Boroughwide

Application No	Proposal	Location
17/00497/FUL	Proposed erection of two storey block containing 4 no. one bedroom apartments.	Rear garden of 67 Main Street, Runcorn.

APPLICATION NO:	17/00497/FUL
LOCATION:	Rear Garden of 67 Main Street, Runcorn
PROPOSAL:	Proposed erection of two storey block containing 4 no. one bedroom apartments
WARD:	Halton Castle
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Mr Jamie Pugh
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2018) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Neighbourhood Centre and Primarily Residential Area Halton Conservation Area
DEPARTURE	No
REPRESENTATIONS:	17 plus 2 Councillor Objections and Objection on behalf of Friends of Halton Village
KEY ISSUES:	Principle; heritage and amenity; highways and accessibility; trees; archaeology; drainage and contaminated land
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP

This application was deferred by Committee on 5th March 2019 so that further clarification could be provided on the impacts of this development to the conservation area and, in particular, whether the proposal would be out of character in the conservation area.

In response the Council's retained adviser on Heritage and Conservation matters, has provided an extract from the 2nd Edition Ordnance Survey map which dates from c. 1890's and highlighted examples where there appear to be substantial outbuildings (possibly stables or barns). A copy of that plan is included within the updated plans pack. The retained adviser has commented that this demonstrates that built form to the rear of frontage buildings was not uncharacteristic, but it is not known how these buildings would have been used.

In addition copies of the site/ block plans which formed part of each application 16/00163/FUL and 17/00199/FUL are also included within the updated plans pack. Both of these applications were refused and those decisions were upheld at appeal. Through written submission and presentation at Committee on 5th March objectors made reference to these applications as precedent for refusal of planning permission in this case. In both of those cases it was considered that the proposals would result in a cramped form of development, out of keeping with the spacious character of the site and surrounding properties. That view was upheld by the Planning Inspectors. Given the existing outbuildings on adjoining land to the rear of 71-97 Main Street, the advice of the Retained Adviser above and the more generous and spacious nature of the plot, it is not considered that direct comparison can be made in this case.

Members are reminded that since the report was compiled NPPF 2019 has been issued. There are no material differences which would affect the application before the Committee and the Committee was requested to assume that reference to NPPF 2018 is a reference to NPPF 2019.

THE APPLICATION SITE

The Site

Site of former retail unit with associated 4 bed residential accommodation and surrounding land to side and rear. That property has been converted to a 10 bed Home of Multiple Occupation (HMO). The site lies at Main Street, Halton Village, Runcorn within the Halton Conservation Area. The western flank of Town Park lies immediately to the rear of the site.

Planning History

Planning permission (ref. 15/00443/FUL) was previously approved for the proposed change of use of the frontage former retail/ residential property to 10 no. bed Home of Multiple Occupation (HMO) including internal alterations, amendments to external elevations and two storey rear extension. The alterations have been undertaken to the property and the use has commenced. A variety of external works including final

surfacing of the vehicular access and parking areas are yet to be completed. Application 16/00476/FUL for the proposed erection of a two storey block containing 4 no. one bedroom apartments was previously withdrawn. The current application is a resubmission application attempting to address the issues raised through that earlier withdrawn application.

THE APPLICATION

The Proposal

The application seeks permission to erect a two storey block within the rear garden of the existing frontage 10 bed HMO to provide an additional 4 no. one bedroom apartments. The plans as amended show a shared access from Main Street and refuse storage (shared with 67 Main Street) and some remodelling of the access and parking area for that previously approved HMO.

Documentation

The planning application includes the relevant forms and plans, a Design and Access Statement, Site Investigation Report and Arboricultural Method Statement

POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2018 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that planning law requires for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

Halton Unitary Development Plan (UDP) (2005)

The site (land to the side and rear) lies within a Primarily Residential Area in the Halton Unitary Development Plan whilst the existing building which fronts the site and currently in use as a HMO is identified as falling within a Neighbourhood Centre.

The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE6 Archaeological Evaluations
- BE12 General Development Criteria – Conservation Areas
- BE20 Disabled Access in Public Places
- GE27 Protection of Trees and Woodlands
- PR14 Contaminated Land
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All

Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

Supplementary Planning Documents (SPD)

New Residential Development SPD

CONSULTATIONS

The application has been advertised via the following methods: site notice posted near to the site, press notice, and Council website. Occupiers of surrounding properties have been notified by letter.

A number of organisations, Council Officers and advisers have been consulted and any comments received have been summarised below in the assessment section of the report where appropriate.

REPRESENTATIONS

17 letters of objection have been received raising the following issues:

- The poor quality of the existing development at the site
- Traffic and parking congestion and creation
- Unacceptable access and highway safety
- The site is too small for the development
- Overcrowding of the village

- Development incongruous and out of character with the village/ Conservation Area
- Questioning the need for the development
- Construction impacts and disruption
- That it would set an unacceptable precedent for similar development within rear gardens
- That a precedent has been set for refusal and application 15/00427/FUL is an example of back garden development being refused
- Impact on trees/ inadequate tree survey
- Overlooking, impact on outlook, daylight and sunlight of adjoining occupiers
- Lack of parking
- Noise impacts on adjoining outside space
- Poor living conditions for future residents
- No evidence that a contaminated land survey has been undertaken.
- Perhaps local residents could be allowed to share the car park
- good to see the tree being retained/ perhaps more tree planting could be provided

A letter has also been received on behalf of a local interest group, Friends of Halton Village as follows:

As a group Friends of Halton Village feel this application for 4 x 1 bedroom studio apartments will not add to the character nor enhance Halton Village for the better of its residents now or in the future.

The developer of this proposal has a poor record of delivering a project to its completion, Use 67 Main street as an example of the poor standard of materials and workmanship. The conversion of the former 67 Main Street in to a home of multiple occupation (HMO) has not been completed to any real acceptable standard. The conversion of 67 Main Street has done nothing to enhance the appearance of Halton Village in contrast the actual reverse is true.

As a group the objections are as follows with supporting evidence attached were applicable.

1. Backlandings, The proposal shoehorns a building into a rear garden (now currently hard standing of incomplete drive way/carpark) The proposed building would appear incongruous and wholly out of character for the area, The location of the building sideways on to the other buildings. This Backlandings will set a dangerous precedent for Halton Village if approved for other properties with large rear gardens to be built on. Numbers 59, 61, 63, 65, 73, 75, 77, 79, 81, 83 and 85 Main Street could be seen as future development opportunities. Precedents have been set by Halton Borough Council (HBC) Planning committee for the refusal of backland properties (149 Main Street 17/00199/FUL and 117 Birchfield Road 15/00427/FUL Documents 1 and 2 attached)
2. The proposed living conditions for future residents of the property could be deemed poor as it is being built in a rear garden/carpark that is overlooked by the HMO. Also the rear garden of 65 Main Street has large mature trees with the

proposed building being so close to the adjoining boundaries could have an unacceptable impact on outlook, daylight and sunlight enjoyed by occupiers.

3. Access and egress for motor vehicles leaving the property. The already increased traffic from the HMO causes daily issues when vehicles attempt to leave the property. The approach from the property boundary to Main Street is on a steep hill. This hill reduces the clear sight lines left and right when leaving the property. The part of Main Street has traffic parked on the blind side forcing cars leaving the property to head north to be on the wrong side of the carriageway. The only way to progress is to nudge out blindly. This is an accident waiting to happen and by increasing the number of potential vehicles increases the odds of an accident. Planning application 09/00263/OUT for 67 Main Street in 2009 HBC highways department produced a report stating it should not be permitted to create vehicle access. By increasing the volume of traffic this cannot by default make the proposed access any safer.
4. There are not enough parking spaces for the 2 developments. In total there will be 14 flats in total (HMO 10) with little or no turning circle. It would be highly dangerous to attempt to reverse off the site on to Main Street. There are only 10 spaces allocated and no unallocated spaces for visitors.
5. The tree survey is inadequate as of the 11 trees listed in the survey 9 are not surveyed due to being off site?
6. There is a recommendation for a contaminated land survey to be undertaken in the planning documents provided. There is no evidence of this being carried out.

As a group we would appreciate an invitation to attend if the case goes to the planning committee.

Objection has been received from Councillor Cargill that “this application is out of character with any conservation Area of which Halton Village is a really good example”.

An objection has been received from Councillor Howard stating as follows:

Firstly, it is important to point out that there are 3 Councillors representing the Halton Castle Ward. I am speaking on behalf of my fellow councillor for the Halton Castle Ward, Ellen Cargill and myself, Harry Howard. Councillor Chris Carlin is a member of the Development Control Committee and therefore cannot express a view about this application.

*We are objecting to this planning application on a several grounds and would point you to what we believe to be the relevant parts of the **HBC Unitary Development Plan, 2005** and the **Supplementary Planning Document - Design of Residential Development, 2012**, in support of our objections.*

We would particularly stress that this proposed development is in the Halton Village Conservation Area and we would point you to the following document in this particular case.

Supplementary Planning Document - Design of Residential Development - Page 39

Policy 9) Respecting the Environment

Clause 7.19 – states; Residential development in Halton needs to respond to and respect the Borough’s natural and historic environment.

Clause 7.25 – states; within the borough there are also areas of special architectural or historic interest that have been designated as Conservation Areas. Within these areas there is a statutory duty to pay “special attention” to the desirability of preserving or enhancing its character or appearance.
(underlined for emphasis by objectors)

1. This proposed development clearly does not preserve or enhance the character of the Halton Village Conservation Area. It would introduce a residential building into what has traditionally been a garden/orchard and would be entirely out of character with adjacent properties.
2. This property is in the centre of the Halton Village Conservation Area, which is a heritage asset of great significance. It is incumbent on us all to ensure that we do not make unnecessary changes or changes that alter the character of this Conservation Area.

We would further contend that this proposed development does not comply with the objectives of the HBC Unitary Development Plan and would point you to the following extracts from that Plan.

HBC Unitary Development Plan - Page 75

Policy BE2 – Quality of Design

Paragraph 2.

Clause B. Respect and relate well to existing adjacent buildings and features of townscape value.

Clause C. Optimise the relationship and integration of buildings, and the surrounding hard and soft landscape.

Clause G. Maintain and protect views which are important to the character and visual amenities of the area.

1. The proposed two storey block containing 4 one bedroom apartments would represent backland development, resulting in development that would be wholly out of character with the prevailing spacious character of the group of properties and open character of the rear garden areas.
2. Such a development would result in significant harm to the established character and appearance of this conservation area.
3. To allow such development would set a precedent making it difficult to resist future proposals for similar forms of development at, among others, the

following nearby properties to either side of the proposed development at 67 Main street.

Numbers 59, 61, 63, 65, 73, 75, 77, 79, 81, 83 and 85 Main St.

We would again point you to Unitary Development Plan in demonstrating that the increase in vehicle movement onto and through Main Street that will result from this proposed development will be unsafe.

HBC Unitary Development Plan - Page 71

Policy BE1 - General Requirements for Development

Paragraph 3. Clause C - states; it must not overload the surrounding highway network nor be detrimental to highway safety.

1. *The recent change of use of this property from commercial (use class A1) to a 10 bed Home of Multiple Occupation (HMO) has inevitably resulted in a significant increase in the number of vehicles using the access onto Main St, which is already extremely congested.*
2. *To increase the number of vehicles further by an additional 4 properties would not only worsen traffic on Main St, but would also make vehicle access and egress from the property more difficult and potentially dangerous.*
3. *At peak times, when residents are leaving for or returning from work, there is the potential for up to 18 vehicles using this access, onto a bend in what is a very narrow and busy village road.*
 - a. *This assessment is based on assuming that the bedsits in the existing building will have a maximum of one occupant each and the one bedroom flats will have a maximum of two occupants each; 10 from the main house and 8 from the new proposed development. If the bedsits can accommodate more than one occupant, then the potential is significantly higher.*
4. *My understanding is that HBC Highways Dept., as one of the formal consultees, has indicated that the potential increase in traffic will not pose a problem. It has to be questioned as to why the HBC Highways Dept. has changed its professional opinion?*
5. *In 2009, in response to **Planning Application 09/00263/OUT**, for development on this site, the same department produced a report stating that to create an access for vehicles onto this land should not be allowed for highway safety reasons.*
 - a. *The highway has not become safer since that time; in fact the number of vehicles using Main St has increased significantly.*
 - b. *The number of vehicles that it was envisaged would use the then proposed access was significantly less than is now proposed to be the case; potential of 10 as apposed to a potential 18.*
 - c. *As there are only 12 parking spaces indicated on the plans, this will inevitably mean that vehicles will be parked on the already heavily congested Main St.*

- d. *There have been no changes in Highways Law since 2009 that would explain this quite dramatic change of professional view.*

Finally, we would remind you of the most important aspect of our objection. As the Conservation Area legislation states, with new build the overall principle is simple; “to enhance and preserve the area”.

This proposed development does neither. In fact it would do quite the opposite.

ASSESSMENT

Principle

The application proposes the erection of two storey block containing 4 no. one bedroom apartments within land to the rear of and existing 10 bed Home of Multiple Occupation (HMO) bed on Main Street, Halton Village, Runcorn. The site (land to the side and rear of the existing property) lies with a Primarily Residential Area in the Halton Unitary Development Plan whilst the existing building which fronts the site and currently in use as a HMO is identified as falling within a Neighbourhood Centre. The use of the site for residential purposes is therefore considered to be acceptable in principle.

Heritage, Conservation and Amenity

The building and wider site lies within the Halton Conservation Area. The site forms part of a larger plot of the original early Victorian building which fronts Main Street. Many surrounding properties which have been altered dramatically including addition of paint/ render finishes to front elevations and modern replacement windows including UPVC. Despite its historical and attractive character the building and its location within the Halton Conservation Area, the building is not listed, offered any form of local list protection or subject to any further protection afforded by Article 4 Direction. The frontage property has been converted to residential use and part of the rear garden given over to provide vehicular access and parking.

Following considerable pre- and post-application discussion the Council’s Retained Adviser has confirmed that the current scheme for a two-storey building at the rear of 67 Main Street represents a much improved scheme. The position of the building on the site, its scale, layout and general design now read more like a traditional outbuilding. Where examples of outbuildings are found within the conservation area, these tend to be positioned perpendicular to the main building (that is, along the side boundaries of the site, rather than across rear boundaries) and this characteristic is supported by evidence found on historic maps. Thus, the current position of the building is sympathetic to the character of the conservation area, and therefore acceptable. The front elevation, which will be glimpsed obliquely from Main Street, is suggested to be particularly successful in its design and the ratio of wall to window is appropriate to a traditional outbuilding.

Notwithstanding that, the retained adviser has indicated that the regular distribution of windows on the rear (west) elevation and lack of detailing make it less successful and that the design would benefit from brick arched window heads and more varied window proportions. It is further advised that, whilst the proposed landscaping scheme indicates materials which could complement the proposed building, the excessive use of modern block paving throughout the car-parking area would be uncharacteristic and therefore unacceptable.

Discussions are ongoing with the applicant to secure further amendments to the scheme in this regard and Members will be updated orally. Notwithstanding, these detailing issues, the Retained Adviser has confirmed that the proposed building is now sufficiently sympathetic to the character and appearance of the Halton Village Conservation Area and approval is supported subject to conditions. It is not considered that any argument could be sustained that the proposals would be out of character with the site or wider area or result in heritage harm and refusal of planning permission could not be justified on this basis.

Objectors have also raised issues with respect to the impact that the proposals would have on the amenity of adjoining neighbours. The proposed block is 2 storey only. It is a significant distance from the existing properties fronting Main Street and from the gardens of properties to the east which is the direction in which all proposed habitable windows face and the proposed adjoins parkland with no residential properties to the south. The proposed building will be relatively hard against the boundary and garden with the adjoining property to the west at 65 Main Street. This property is however in commercial use as a lighting shop/ electrical company albeit it appears to have been closed for a significant period. The proposed has been designed with non-habitable room windows only within the elevation which faces the land to the rear of that property. There is also a line of trees along the boundary within the adjoining land which, whilst their future cannot be guaranteed in perpetuity, provides some screening. It is not considered that the proposed scheme could be argued to result in any significant impacts including by way of visual impact, overbearing or overlooking such that any significant loss of amenity would result. Nor is it considered that any argument could be sustained that the positioning of the proposed building and apartments would prejudice the future development of any adjoining land should that come forward in the future.

Highways, Parking and Accessibility

The application proposes a shared access from Main Street (shared with 67 Main Street) and some remodelling of the access and parking area for that previously approved HMO. Whilst that access is currently in place it has not been finished including with an appropriate wearing course. The Council's Highways Officer has commented as follows:

The application proposes sufficient parking, as such we would have no objections over parking. The access is deemed to be safe (as agreed to on previous applications) and the number of additional movements per day, on what is a slow and relatively lightly trafficked road, would not constitute a road safety issue. However,

- 1. There is no indication of a pedestrian route to the new building. Given that there is not expected to be a high volume of car ownership we would require a plan detailing a dedicated, safe pedestrian route from Main Street to the front door of the new property.*
- 2. Given the levels at the site how would such a pathway comply with the Equality Act (previously DDA) regulations for access?*
- 3. There are no details provided as to what the refuse arrangements for the new property would be. Is the applicant proposing a private collection? Where would the refuse area be located?*
- 4. Cycle parking would be necessary as part of the application, none is detailed on the application plans.*

Given the above Highways would have no option than to Refuse the application in its present form.

The application has been amended to show a dedicated pedestrian access and indicate that the existing refuse collection area will be expanded but these amendments have raised further queries regarding whether the applicant has proper control over the land required to provide it and/ or make the proposed changes to existing parking, refuse areas etc. A response is awaited from the applicant in this regard.

Issues are raised with respect to accessibility to the proposed apartments given the level of incline of the proposed access road as constructed. Current Building Regulations do not control level access approaching a property only requiring appropriate parking provision and level access into the property and throughout where appropriate. UDP Policy BE20 requires that “proposals must provide for ease of access and movement for disabled people and those with restricted mobility between and within public areas”. It is not considered that the access to the property could be argued to be a public area. UDP Policy TP7 requires that “development will be required to incorporate safe and convenient pedestrian footways or other safe pedestrian routes within the design and layout”.

Para 108 of The Framework requires that through consideration of development proposals opportunities should be taken to promote sustainable transport modes and ensure safe and suitable access to the site can be achieved for all users. Para 109-110 provides that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, it

provides development should “address the needs of people with disabilities and reduced mobility in relation to all modes of transport”.

According to Development Control Practice (DCP):

The Equality Act 2010 replaced previous equalities legislation, including the Disability Discrimination Act 1995 which had made it unlawful to discriminate against people because of their disabilities and required "reasonable adjustments" to be made when providing access to goods, facilities, services and premises. The Equality Act continues this requirement to make reasonable adjustments in relation to accessibility. In practice, this means that due regard must be given to any specific needs of likely building users that might be reasonably met. Compliance with the requirements of Building Regulations Part M does not of itself signify compliance with the much broader obligations and duties set out in The Equality Act and this can be a source of misunderstanding.

The duty Section 149 of the Equality Act places on local authorities in the exercise of their functions, including planning, means having due regard to the three aims of general equality, i.e. needing to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, to advance equality of opportunity, and to foster good relations.

No levels information is supplied with the application. A condition requiring submission and agreement of site and finished floor levels can be secured by planning condition. In order to provide ‘level’ access to the site, the current access and perhaps building would need to be raised in height to achieve such levels. Whilst no assessment has been made of the extent to which such levels rise would be required, this may raise potential issues with respect to the impact that the proposed development would have on the character of the area and surrounding properties. Further information has been requested from the applicant and discussion are ongoing with the applicant, the Council’s Highways Officer and Retained Adviser. Members will be updated accordingly. It is considered that cycle parking and refuse storage can be adequately secured by planning condition subject to resolution of the land ownership issues. Members will be updated accordingly.

Trees

One large Sycamore protected by Tree Preservation Order currently remains on site. This adjoins the existing vehicular access road towards the site entrance and visible from Main Street. This is shown to be retained through the scheme. Whilst finishing of the construction of the access road and alterations to parking areas has the potential to impact on ground in relatively close proximity to the protected tree it is considered that adequate protection can be provided including that appropriate to the Root Protection Area. A group of predominantly sycamores lines the boundary of the site in close proximity to the development and impacted by it.

The application is supported by an arboricultural assessment and method statement. This proposes the felling of one tree (grade C) and the crown raising/ reduction of 4 other sycamore trees in the group to make room for the development. The Council's Open Spaces Officer has advised that this application is in relation to development on third party land which should not have an impact on HBC maintained land and does not compromise trees afforded Statutory Protection. The site does sit within a designated Conservation Area. It is advised that the proposed property appears too close to trees numbered 6 - 9 and will require significant pruning works to facilitate the build and prevent nuisance in the future. It appears that approx. one third of the trees canopies may need to be removed which would compromise their structural stability significantly. The proposed raft and pile foundation is advised to be less intrusive to root plates and deemed technically an acceptable method however it is the opinion of the Open Spaces Officer that the proposed building is far too close to the trees. The Open Spaces Officer queries whether the replacement tree planting conditioned in a previous 2012 consent has yet taken place and if not how it could affect further development at this site. There is no evidence that this planting has taken place or of enforcement proceedings in this regard. Scope exists for tree planting and landscaping within the proposals.

Whilst the proposed development will result in the loss of one tree and impact on four others this must be balanced against the potential alternatives which would be to refuse planning permission or relocate the proposed development elsewhere within the site. The latter option has been explored with the Council's retained adviser and it is considered that the proposed location represents the best option with respect to design and heritage impacts and that relocating the building elsewhere within the site would result in a recommendation for refusal of planning permission. The trees impacted by this proposal are not advised to be worthy of statutory protection and should a notification have been made to fell the trees it is unlikely that this could have been resisted. Efforts have been made by the applicant to minimise the impact on the trees by proposing piled and beam construction. Against this backdrop it is not considered that refusal of planning permission could not be justified. Tree protection measures can be secured by appropriately worded planning condition(s).

Archaeology

The Council's retained Adviser has advised that the development area lies within the Runcorn and Halton Area of Archaeological Potential as defined in the Historic Town Survey of 2003. This area is reported to be characterised by three zones of activity which include Halton Castle, Medieval Settlement and later Medieval Settlement. The development falls within the Medieval Settlement zone which is "described as containing a number of boundaries, which run at right angles to Main Street and appear to outline former long, narrow medieval burgage plots. This settlement plan is typical of medieval town planning and may indicate the location of the borough which had been laid at Halton by the mid-14th century". In view of this it is advised that the

proposed development should be accompanied by a programme of archaeological mitigation including a developer funded watching brief. This can be secured by appropriately worded planning condition.

Drainage

No information has been provided with respect to how foul and surface water will be dealt with from the site. Given relatively levels it is acknowledged that a pumped solution may be required. It is considered that an appropriate drainage strategy and attenuation can be secured by appropriately worded planning condition.

Contaminated Land

The application is supported by a preliminary risk assessment with respect to contamination. This recommends further detailed investigation and risk assessment. The Councils Contaminated Land Officer has confirmed that it is reasonable to require the investigation and, if necessary, remediation and verification be secured by appropriately worded planning condition. No objection is raised in principle.

Conclusions

The application seeks permission to erect a two storey block within the rear garden of the existing frontage 10 bed HMO to provide an additional 4 no. one bedroom apartments. The proposals are considered acceptable in principle. A number of issues remain under discussion and review however, it is considered that these are capable of satisfactory resolution. The report has been prepared in anticipation and in order to avoid unnecessary delay. Members will be updated orally.

RECOMMENDATION

That the application is approved subject to conditions relating to the following:

1. Standard 3 year permission (BE1)
2. Condition specifying plans/ amended plans (BE1)
3. Materials condition(s), requiring the submission and approval of the materials to be used and (BE2)
4. Landscaping condition, requiring the submission of both hard and soft landscaping to include tree planting. (BE2)
5. Boundary treatments to be submitted and approved in writing. (BE2)
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
7. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
8. Conditions relating to the agreement and implementation of bin and cycle parking provision (BE1/ TP6)

9. Conditions relating to tree protection during construction/ development to be carried out in accordance with the submitted arboricultural method statement (BE1)
10. Specifying approved tree works (BE1)
11. Securing a scheme of archaeological mitigation (BE6)
12. Materials condition, requiring the submission and approval of the materials to be used including building of a sample brick and mortar panel for approval (BE2)
13. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
14. Vehicle access, parking, servicing etc to be constructed prior to commencement of use. (BE1)
15. Requiring submission and agreement of finished floor and site levels. (BE1)
16. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
17. Requiring submission and agreement of a detailed drainage scheme (BE1/ PR5)

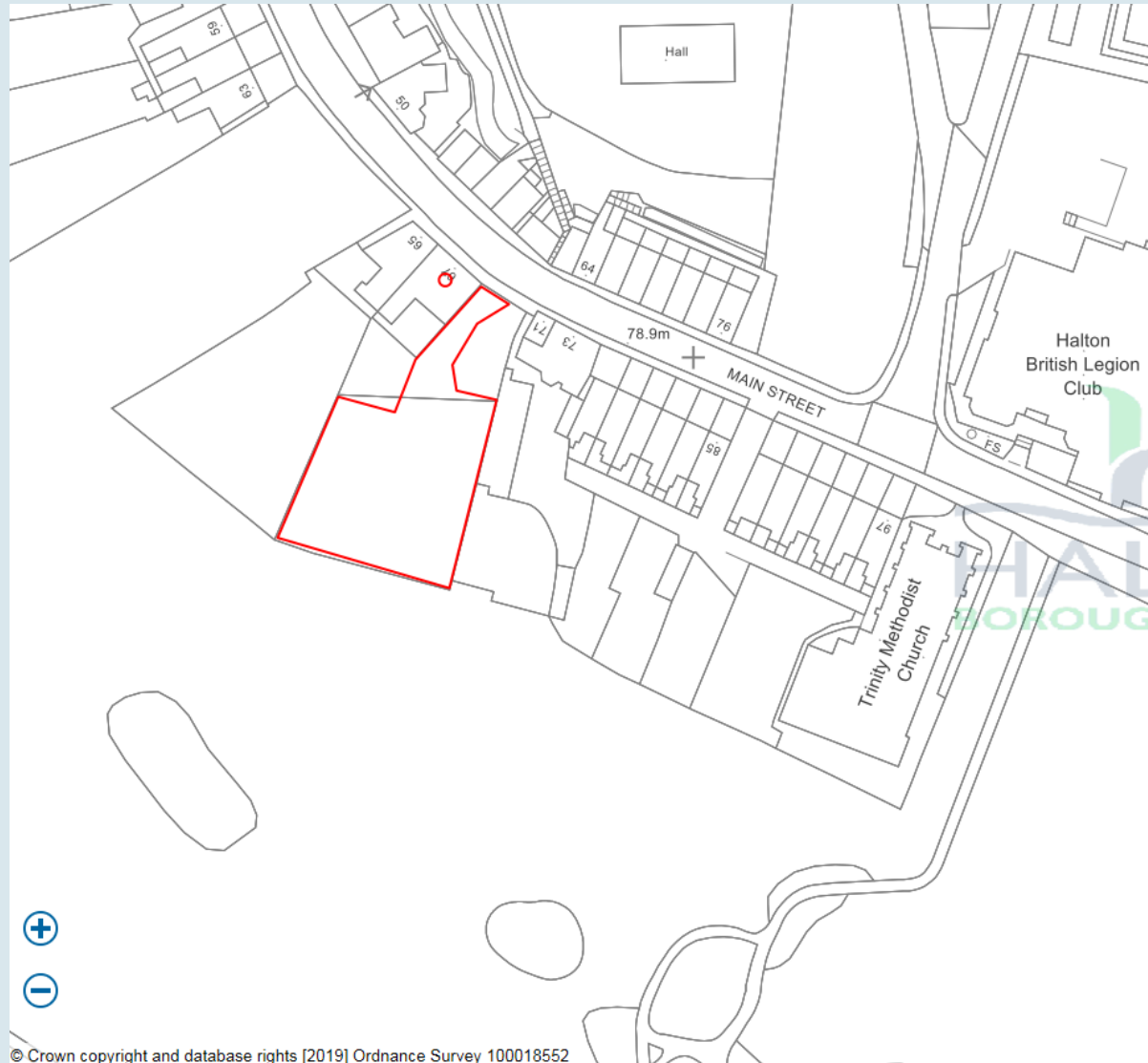
SUSTAINABILITY STATEMENT

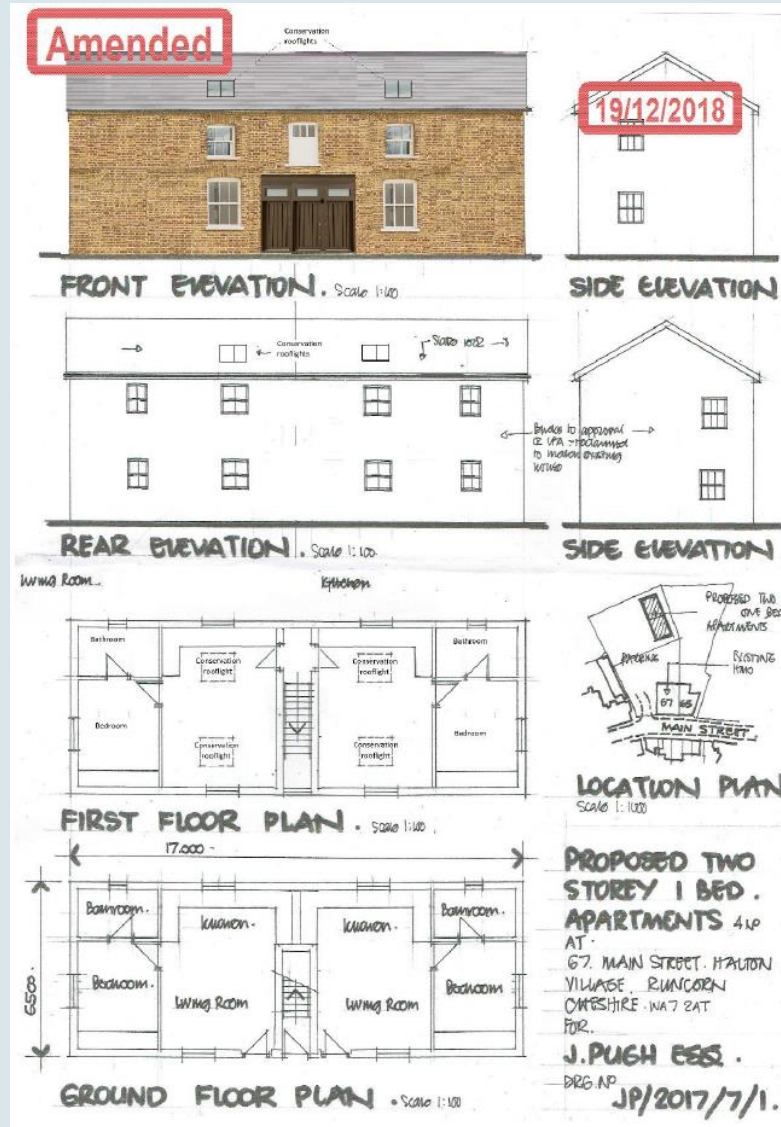
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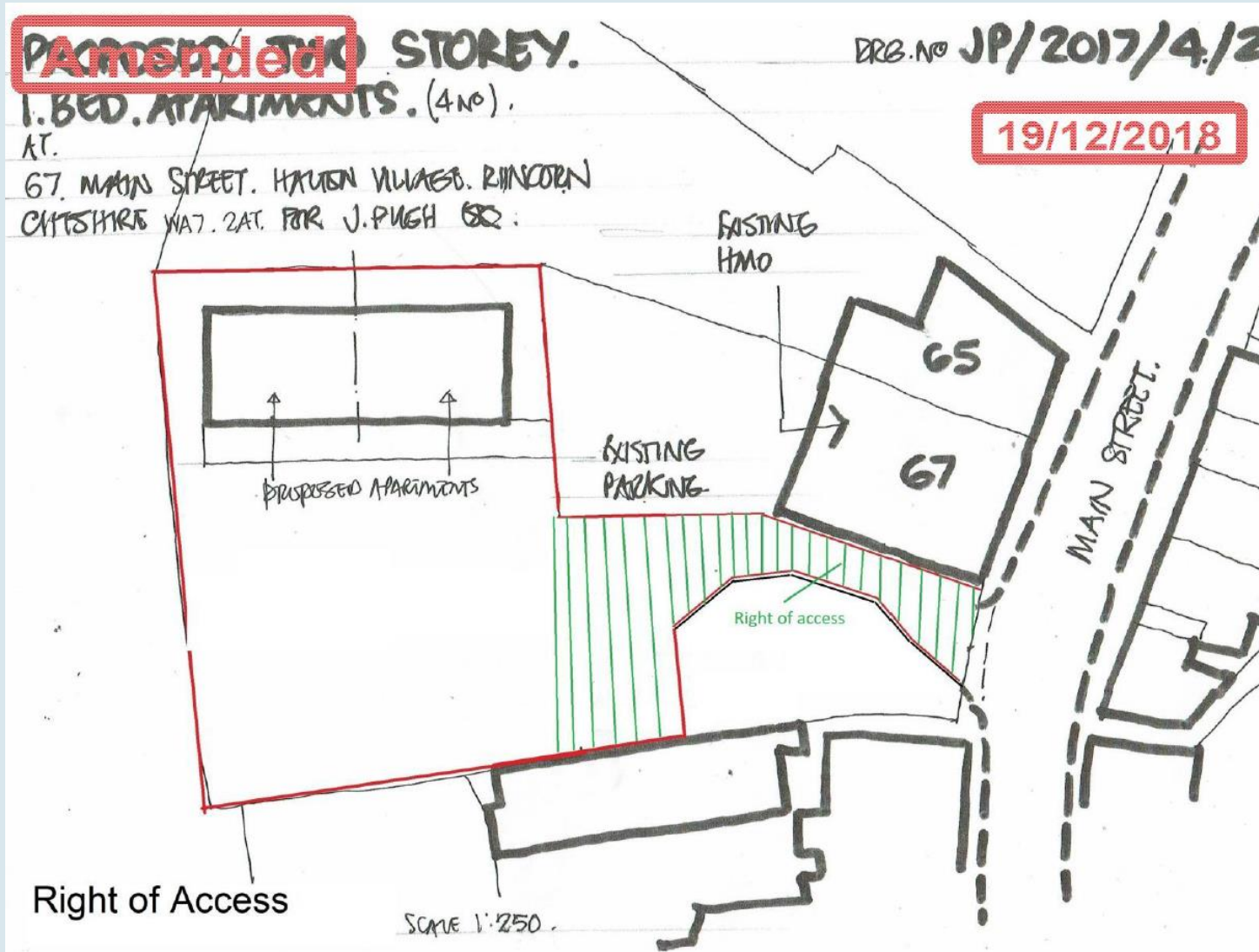
- The National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

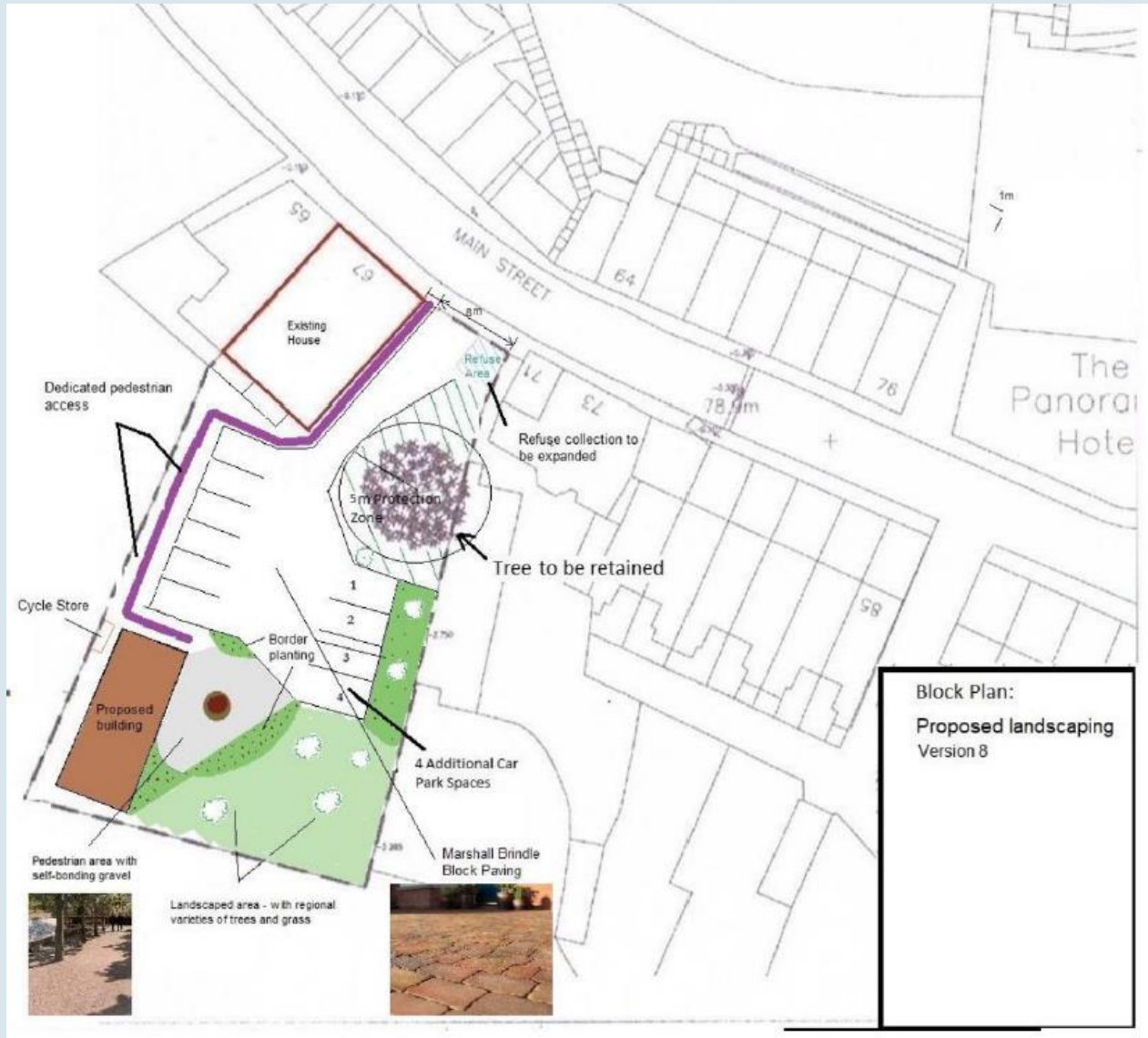
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.



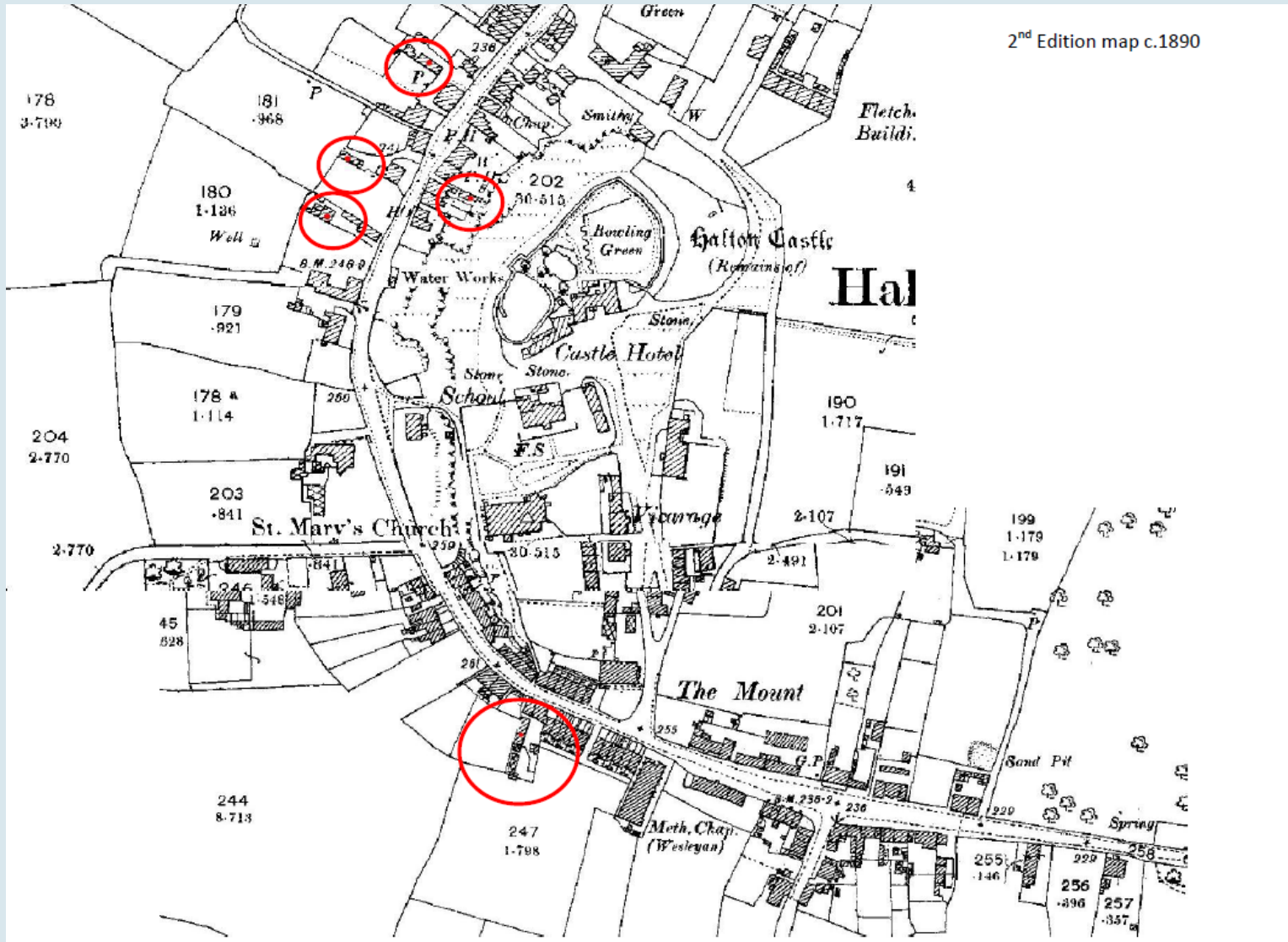


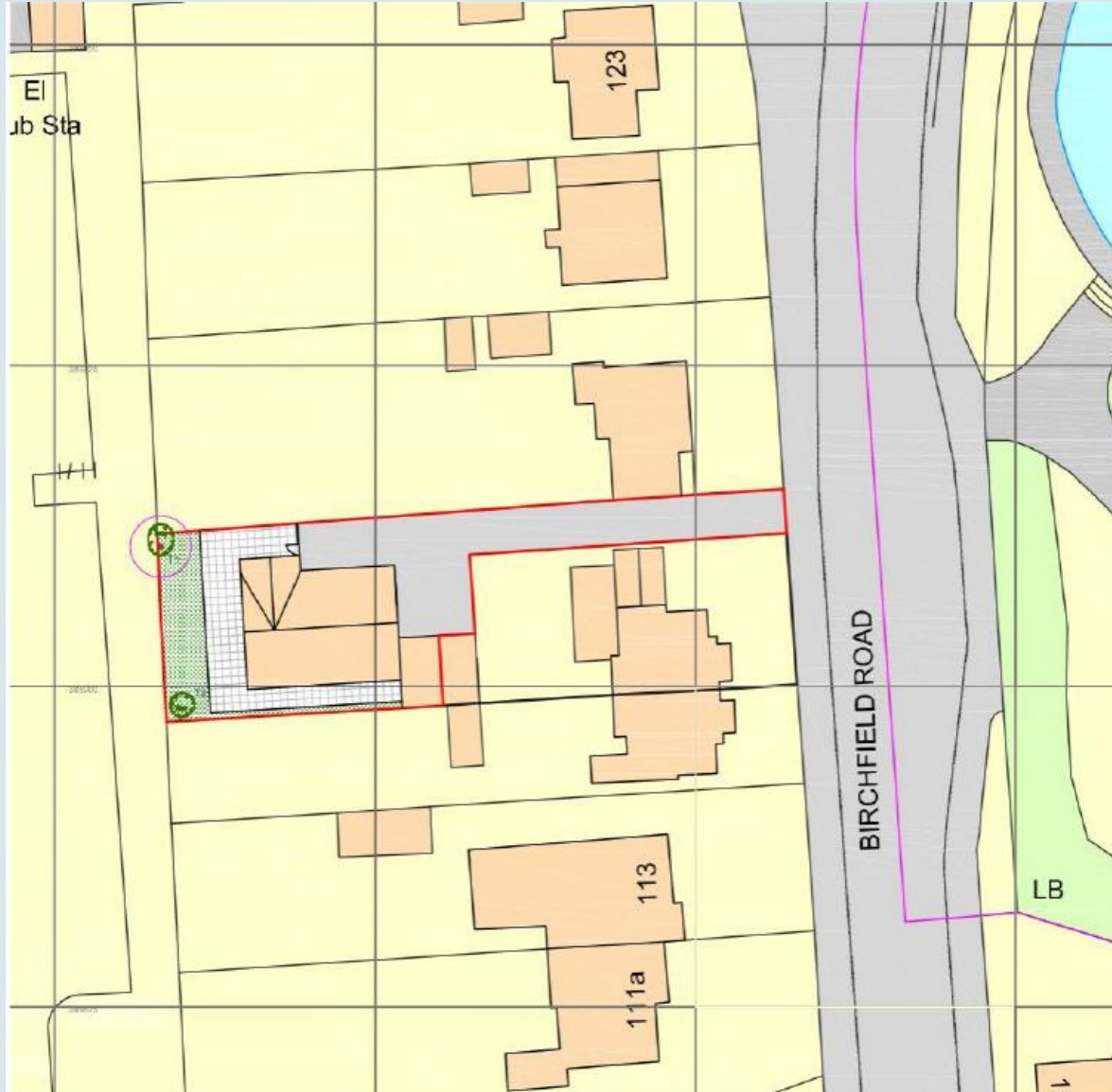












Plan IG : Additional Information

