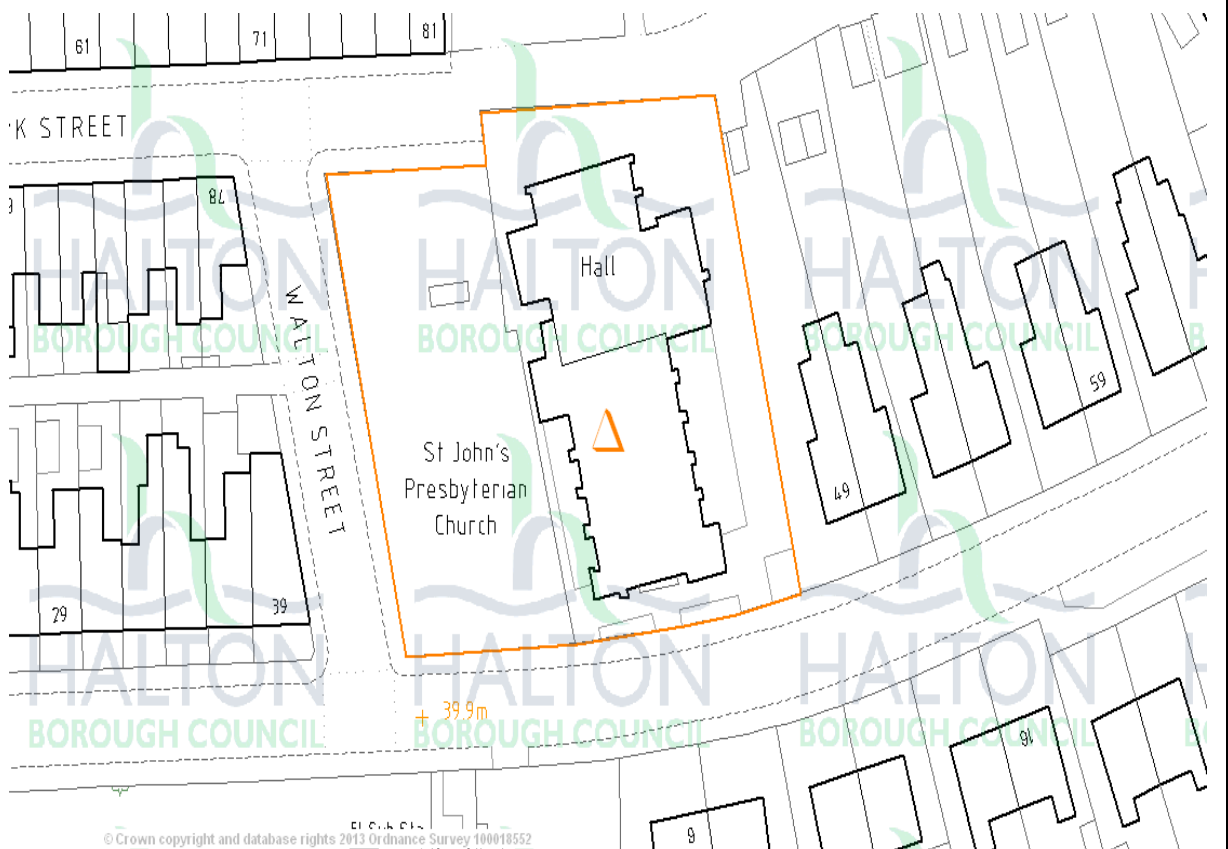


APPLICATION NO:	13/00280/FUL
LOCATION:	Victoria Road, Higher Runcorn, Runcorn
PROPOSAL:	Proposed demolition of existing building and erection of 10 No. dwellings and associated works
WARD:	Mersey
PARISH:	N/A
CASE OFFICER:	Pauline Shearer
AGENT(S) / APPLICANT(S):	Mr Simon Pemberton
DEVELOPMENT PLAN ALLOCATION:	National Planning Policy Framework (2013) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
DEPARTURE	No
REPRESENTATIONS:	29 objections
KEY ISSUES:	Loss of building; design and appearance; highway safety; impact on nearest occupiers; species habitat
RECOMMENDATION:	Refusal

SITE MAP



1. APPLICATION SITE

1.1 The Site

The site is located on Victoria Road, Higher Runcorn with Walton Street to the east and York Street to the north of the site. The land to the south west is Runcorn Cemetery.

The site is currently vacant, and this and the surrounding areas are identified in the Halton UDP as primarily residential land.

1.2 Planning History

Church site only:-

06/00246/FUL – Application for demolition of existing church ancillary buildings, erection of entrance porch, internal alterations and associated works. Permitted 24/05/06.

08/00451/FUL - Application for demolition of existing church ancillary buildings, internal alterations, new entrance step and associated works. Permitted 08/10/08.

Site adjacent church building (former bowling green):-

08/00164/FUL – Proposed erection of 9 mews houses and associated external amenities. Refused 30/04/08.

08/00418/FUL – Proposed erection of 9 mews houses and associated external amenities. Permitted 22/09/08.

Church and adjacent site:-

08/00163/FUL - Proposed temporary construction fencing. Permitted 26/05/08.

00/00543/FUL – Proposed erection of garage following demolition of existing timber shed. Permitted 25/10/00.

03/00103/FUL – Retrospective application for provision of 6 space car parking area to side of church eastern elevation. Permitted 23/04/03.

2. THE APPLICATION

2.1 The proposal

The proposal is for the demolition of the existing church building and the re-development of the land with the erection of 10 dwellings. The development comprises five properties fronting onto Victoria Road, continuing in the main the existing building line formed by the existing properties on Victoria Road. Parking is provided to the front/side of the dwellings, aside from one at the junction of Walton Street which has its parking to the rear and accessed off Walton Street. Two further properties are accessed directly from Walton

Street, with three properties accessed via a private driveway from Walton Street.

2.2 Documentation

The applicant has submitted a Planning Application, drawings and the following reports:

Design and Access Statement

Arboricultural Statement

Bat Survey & Assessment, Plus Barn Owl & Breeding Bird Assessment & Outline Mitigation Method Statement in Relation to Bats

Phase1 Geotechnical Desk Study

Viability Assessment

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.

Paragraph 128 requires that "local planning authorities should require the applicant to describe the significance of any heritage asset affected". "The level of detail should be proportionate to the assets importance and no more than is required to understand the potential impact of the proposal on their significance".

3.2 Halton Unitary Development Plan (UDP) (2005)

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE15 Local List of Building and Structures of Architectural and Historical Interest
- BE22 Boundary Walls and Fences
- TP12 Car Parking
- TP17 Safe Travel for All
- H1 Provision for New Housing
- H3 Provision of Recreational Greenspace

Supplementary Planning Document 'Design of Residential Development'.

3.3 Halton Core Strategy Local Plan (2013)

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

- CS2 Presumption in Favour of Sustainable Development
- CS3 Housing Supply and Locational Priorities
- CS7 Infrastructure Provision
- CS12 Housing Mix
- CS13 Affordable Housing
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment

4. **CONSULTATIONS**

The application has been advertised by a press notice and a site notice posted near the site. All adjacent and residents and occupiers have been notified by letter.

The Council's Nature Conservation Consultants, Cheshire Wildlife Trust have been consulted in relation to the site's potential as bat, bird and owl habitat. They have raised no objection subject to conditions relating to the finding in the submitted survey and mitigation measures as suggested. Natural England has also been consulted and members will be updated on their response.

The Council's own highways department, open spaces department and environmental health department have been consulted any comments received have been summarised below in the assessment section of the report.

5. **REPRESENTATIONS**

Objections have been received from local residents (No. 29) raising concerns in relation to :- the value of the church building which is part of the character of Victoria Road; church is part of the history of Runcorn; better re-used as apartments; will result in problems with vehicles and parking difficulties; other sites should be used first; kids play area should be put on site; construction

traffic difficulties; church garden did have a variety of flowers in it; impact on bats; already removed sandstone walls and gates from site; overdevelopment of the site; impact on No.49 occupiers from three rear garden; impact on No.49 through light loss; preservation of roadside trees; clarification of levels on site.

6. ASSESSMENT

6.1 Principle of Use

The site is situated in an area of predominantly residential dwellings and is identified in the Halton Unitary Development Plan as a Primarily Residential designation. On that basis the principle of the re-development of the land for residential is acceptable and conforms to the objectives of the designation. The site to the west of the church buildings is identified as Site 842 in the Halton Strategic Land Availability Assessment.

The main issues to consider arising from the proposal are:- loss of St John's Church Building; Impact on European Protected Species (bats); Design, appearance and visual impact; Residential amenity; transport and highway safety; affordable housing requirement. These issues are explored below.

6.2 Loss of St John's Church Building

The front part of the church building was built sometime between 1896 and 1907 the building is not Listed, within a Conservation Area, nor is it identified on any local list of buildings of historic importance kept by Halton Borough Council. Local residents have raised concerns regarding the loss of the church as they identify it as having architectural value that contributes to the local character and history.

Policy BE15 of the Halton Unitary Development Plan seeks protection of those buildings and structures included on a Local List of Building and Structures of Architectural and Historic Interest. The Council undertook a survey in 2003 which compiled local buildings and architecture thought to have local value. St John's Presbyterian Church is not included on this List however, this list was never taken forward as an adopted document. As such Policy BE15 does not apply in this case.

Policy CS20 (Natural and Historic Environment) states that "The Borough's heritage assets, including Listed Buildings, Conservation areas, Areas of Archaeological Interest, Scheduled Monuments and other buildings and structures of local architectural or historical interest will be conserved and enhanced with special regard to their setting." The current building on the site is not listed, does not lie within a conservation area nor is it on an adopted Local List, however the building being a church in the gothic style dating back to the early 1900's can be considered to be a heritage asset of local importance. NPPF paragraph 128 requires that "local planning authorities should require the applicant to describe the significance of any heritage asset affected". "The level of detail should be proportionate to the assets importance

and no more than is required to understand the potential impact of the proposal on their significance”.

6.3 Impact on European Protected Species

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Halton Core Strategy Policy CS20 and Halton UDP Policy GE21 seek to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations. Natural England has been consulted and their comments will be reported to members.

In this instance, common pipistrelle bat was recorded in the submitted survey as having previously roosted on the site in the roof over the nave of St John’s Presbyterian Church. Works are proposed to reduce the risk posed to any bats that may be present when the development is undertaken. The Council’s conservation consultant has advised that the recommendations contained within the applicant’s ecologist’s report provide sufficient information for Halton Borough Council to be confident that the favourable conservation status of common

pipistrelle bats will be maintained through the implementation of the proposed mitigation strategy outlined in Appendix 3 of the submitted report. The ecologist's report, including the mitigation strategy, should form part of the consented development if approved.

If the scheme is recommended for approval we suggest that required Conditions should include:

- submission of detailed planting plans including opportunities for biodiversity enhancement as recommended by the ecologist, where appropriate;
- avoidance of harm to breeding birds.

As such, the proposals accord with the Habitat Regulations and policies CS20 and GE21 which are consistent with guidance within the Framework and therefore carries full weight, subject to the further comments from Natural England.

6.4 Design, Appearance and Visual Impact

The proposal for 10 dwellings represents a density of 40 dwellings per hectare. This is below that of the Victorian terraced development to the north and west, but above that of the semi-detached development to the east. The existing character is a mix of this more traditional terrace both modest and large to the north and west, with later semi-detached development to the east.

The proposed development, although detached, is laid out in such a way so to minimise the space around the units and in this way harmonises with the terrace and semi-detached development around it. The dwellings are two storey and predominately of brick construction. The detail incorporated into the design of the individual house types results in a development of visual quality which blends in well in its setting.

The gardens are modest and achieve 45.5 sqm at the smallest and 100 sqm at the largest (a single plot), with the majority achieving well over 60 square metres. When considering proposed garden sizes the Council should consider how practical the space is for private recreational use and how they fit in with the wider area character. It is thought that in this case the garden sizes are appropriate with regard to both these consideration.

Policy CS18 of the Halton Core Strategy requires development to achieve and raise the quality of design in the Borough. It is considered that on the basis of the assessment above, that this is being achieved on this scheme and Policy CS18 is satisfied.

6.5 Residential Amenity

The proposal is surrounded by existing residential dwellings; on York Street to the north which has front habitable windows of No.'s 75 – 81 (odds) facing the proposed development; on Walton Street to the west which has the side elevations of two dwellings, No. 78 York Street and No. 39 Victoria Road

facing the proposal, the latter having habitable room windows facing the proposed development; on Victoria Road to the south which has property No.'s 6-10 (evens) which have habitable room windows facing the proposed development and; on Victoria Road to the east and directly adjacent to the site, No.49 which has habitable room windows facing the proposed development.

The Council's required interfaced distances between proposed development and the windows of existing properties and the habitable room windows of existing residential properties is 21m between habitable rooms and 13m between a habitable room and either a blank elevation or a non-habitable room window.

In relation to the impact on No.49 Victoria Road, the house type has been amended to take into account the 1st floor side window serving a bedroom on this property. There are two remaining ground floor habitable room windows which face the side elevation of the dwelling on plot 1, which is 5.5m away. However, there is an additional significant light source into this room, by virtue of a set of patio doors facing the rear. Given this situation and the fact that at ground floor the two windows face the side boundary wall/fence, it is considered that although the Council's 13m is not met to the side, that the overall harm to residential amenity is acceptable.

The applicant did provide a light loss assessment in relation to No.49, however this was inconclusive as it provided only a snap shot of days and times of year when an overshadowing comparison could be made and did not address the Council's interface requirements. As such the assessment is not considered to have significant weight in reaching the conclusions of this report.

In relation to the impact on No.'s 6-10 Victoria Road, the proposed dwellings area over 21m from the habitable windows of these dwellings and therefore meet the interface requirements of the Council.

In relation to No. 78 York Street, this property has a side elevation only facing the proposed dwellings and has no habitable room windows which are affected by the proposal. In this regard the development meets the required interface standards of the Council.

In relation to No.75 to 81 York Street, the proposed facing house type does have a mixture of en-suite and small habitable room windows facing the existing dwellings. This property is 13.5m from the existing dwellings. However the applicant has confirmed that these facing small habitable room windows can be successfully treated to achieve attractive obscure glazing and have limited openings to prevent any adverse impact on the privacy of the occupiers of the existing dwellings. This can be achieved through the submission of amended drawings and planning conditions. As such the proposal will meet the requirements of Council interface standards.

The same house type is used on plot 5 where there are habitable room windows facing onto the side elevation of No.39 Victoria Road. It is only the corner of the proposed dwelling which clips the front outlook of the habitable room window of this dwelling and it is approximately 12.5m away. Where the proposed windows are nearest the existing window, these will be treated in the same way as plot 7, in the form of attractive obscure glazing with controlled openings. The facing windows of en-suite and decorative glazing will be the subject of planning condition and it is considered that given these circumstances that the proposal is acceptable in terms of achieving the Council's interface standards.

The Council has considered the further impact on the existing occupiers of No.49 Victoria Road in the replacement of the church building with three dwellings along the rear garden boundary of their property. The Council has no particular policies in relation to proposed dwellings looking across existing private gardens. The proposed dwellings are 9.25m from the rear side boundary of No.49, are slightly further away when compared to the existing church buildings at the rear, but would be approximately 1m higher than the land level of the rear garden of this property. The occupier has raised concerns about this and the use of the gardens by future occupiers. It is considered that although the proposed dwellings, given their distance from the boundary do not offer significant impact on the privacy and future enjoyment of the rear garden of No.49. However, as three properties will have rear boundaries directly adjoining No.49 it is considered that the boundary treatment needs to be of a sufficient quality to prevent normal use of the proposed rear garden resulting in an adverse impact on the occupier's enjoyment of their rear garden. In particular, there is a valid concern that children could kick balls against a fence thus causing noise and nuisance for the existing occupiers of No.49. The applicant has been requested to further amend plans to show a boundary consisting of at least in part, brick wall, at lower level supplemented by landscaping on the side of the proposed dwellings, however this can be addressed through a requirement of a planning condition should members wish to approve the application.

6.6 Transport and Highways

The Council's highway engineers have raised no objection in principal to the proposal and are satisfied that the Council's required off street car parking standards for 3 and 4 bedroom dwellings have been met i.e. 2 and 3 off street spaced respectively. Local residents have raised objections in relation to the impact of the proposal on the current use of the area for on street car parking. The highway officer has commented that there is no guaranteed parking or right to park on any of the streets surrounding the site. The new development will not create a loss of parking outside of, or adjacent to, any existing property in this area. What the new development will prevent is double parking along Walton Street whilst still providing the availability to park along its Western side. There will also be a greater provision for parking on the kerb side of the new development on the opposite side to 71-81 York Street. Overall the impact on parking on the neighbouring roads of this new development will be negligible and not considered to be of a level to lead to a

highways objection in this instance. On this basis the proposal meets the requirements of policies BE1, TP12 and TP17 of the Halton Unitary Development Plan and CS15 of the Halton Core Strategy.

6.7 Affordable Housing

Policy CS13 requires that developments comprising of 10 or more dwellings include up to 25% affordable units unless a viability assessment shows that this would make the development unviable, where a lower, or a zero, contribution may be appropriate. The applicant has supplied information on the financial viability of the development that has been assessed by the Council's Property Services Section that confirms that the development would be made unviable should an affordable housing contribution be required and therefore a zero percentage contribution is warranted. Policy CS13 is therefore satisfied.

Specifically in terms of the type of dwellings proposed, Policy CS12 requires that developments of 10 or more dwellings should contribute towards addressing specific needs identified in the most up-to-date Strategic Housing Market Assessment (SHMA). The last SHMA was undertaken in 2010 and focused primarily on the need for affordable housing, but does not provide a great deal of detail concerning market housing beyond identifying a general need for smaller (1 and 2 bed) and larger 4 bed and 'aspirational' housing. There is generally a preponderance of 3 bed properties in Runcorn, but these tend to be terraced, often in social rent so the mix proposed is considered acceptable in terms of CS12.

7. CONCLUSIONS

In conclusion, Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. As set out in this appraisal, whilst the application does conform to many of the currently adopted policies, it has failed to be supported by sufficient evidence to allow the proper consideration against others, namely the loss of a heritage asset. the proposed development fails to provide full consideration of the heritage quality of the building of St John's Presbyterian Church and as such fails to take into consideration the requirements of NPPF and Halton Core Strategy Policy CS20.

8. RECOMMENDATIONS

The recommendation is refusal.

The application is recommended for refusal as it fails to sufficiently demonstrate that full consideration has been undertaken to assess St John's Presbyterian Church as a structure of local architectural and historical interest. The proposed development could therefore result in the loss of a valued heritage asset and as such; fails to comply with Policy CS20 of the Halton Core Strategy and the National Planning Policy Framework.

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 attempted to work proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton. However in this instance the applicant has failed to comply with Core Strategy policy CS20 and the NPPF in terms of assessing and considering local architectural and historical assets as part of the scheme proposed.