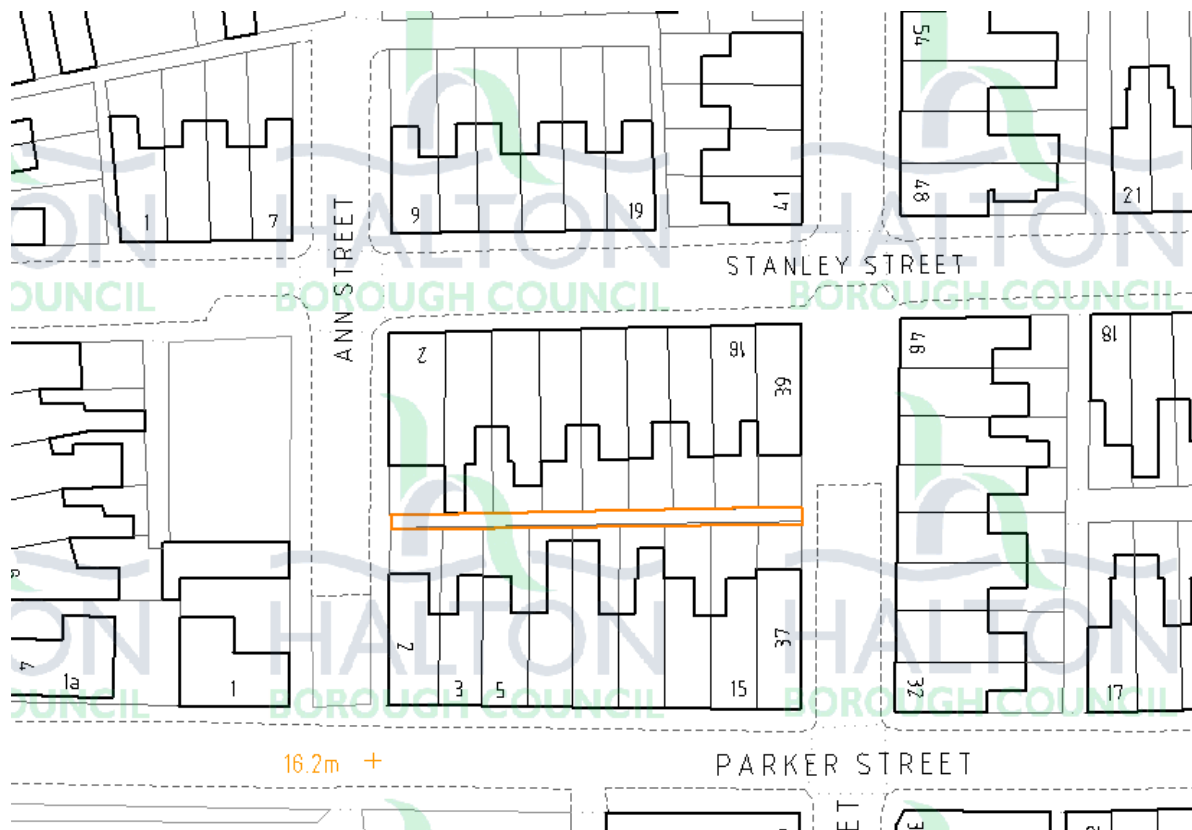


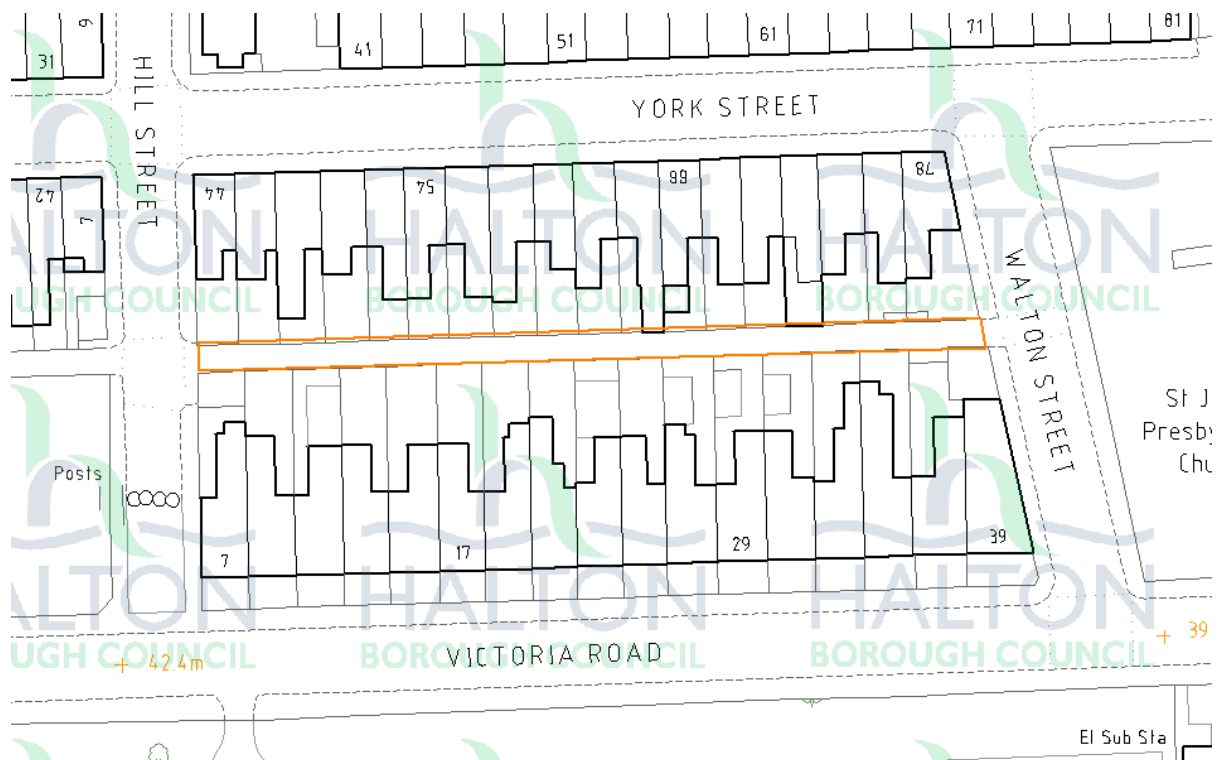
APPLICATION NOS:	15/00138/HBCFUL and 15/00171/HBCFUL
LOCATIONS:	15/00138/HBCFUL - Passageway between 2-16 Stanley Street and 3-15 Parker Street, Runcorn. 15/00171/HBCFUL - Passageway between 44-78 York Street and 7-39 Victoria Road, Runcorn.
PROPOSALS:	15/00138/HBCFUL - Proposed erection of single alley gates to either end of passageway. 15/00171/HBCFUL - Proposed erection of double alley gates to either end of passageway.
WARD:	Mersey
PARISH:	N/A
CASE OFFICER:	Rob Cooper
AGENT(S) / APPLICANT(S):	Halton Borough Council
DEVELOPMENT PLAN ALLOCATION:	Halton Unitary Development Plan (2005) Primarily Residential Area
DEPARTURE	No
REPRESENTATIONS:	One objection to 15/00171/HBCFUL
RECOMMENDATION:	Approve subject to Conditions.

SITE MAP

15/00138/HBCFUL



15/00171/HBCFUL



1. APPLICATION SITE

1.1 The Sites and Surroundings

15/00138/HBCFUL - Passageway between 2-16 Stanley Street and 3-15 Parker Street, Runcorn

15/00171/HBCFUL - Passageway between 44-78 York Street and 7-39 Victoria Road, Runcorn.

1.2 Planning History

There is no recent relevant planning history.

1.3 Background

The Executive Board gave approval for the implementation of a pilot alley gating scheme on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which was later implemented, and a number of further permissions were then granted across the borough. New legislation (The Clean Neighbourhoods and Environment Act 2005) made new powers available, through the making of Gating Orders, to close alleyways without removing highway rights. In response to this, on 21st June 2007, the Executive Board adopted a policy on alleygating. It was resolved that 'the policy that requires all future proposed alleygates on public highways (which can include Public Rights of Way) to be supported by a Gating Order, made under the provisions of Section 129A of the Highways Act 1980 be adopted'.

However, as this has proven difficult to implement in practice, a more flexible policy was approved by the Executive Board on 31st March 2011, to allow the expectations, experience and views of the Community and Members to be better accommodated.

2. THE APPLICATION

2.1 Proposal Description

Permission is sought for the erection of the gates at the entrance of the passageways at the above locations following successful completion of earlier schemes.

15/00138/HBCFUL would consist of a single 1m wide gate, 2.1m in height alley gates, including a roll bar on top.

15/00171/HBCFUL would consist of double gate either end of the passageway, approximately 3m wide and 2.1m in height alley gates, including a roll bar on top.

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.

The government has published its finalised Planning Practice Guidance (PPG, previously NPPG) to complement the National Planning Policy Framework (NPPF).

3.2 Halton Unitary Development Plan (UDP) (2005)

The site lies entirely within a Primarily Residential Area.

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

3.3 Unitary Development Plan

BE1 General Requirements for Development
BE22 Boundary Walls and Fences

3.4 Halton Core Strategy (2013)

Policy CS13 Affordable Housing is of particular relevance.

3.5 Relevant SPDs

The "Design for Community Safety" SPD is also of relevance.

4 CONSULTATIONS

4.1 HBC Highways– No objections received.

5 REPRESENTATIONS

Planning application 15/00138/HBCFUL received no representations.

Planning application 15/00171/HBCFUL received one objection from the residents of no. 23 Victoria Road. The reason for the objection is that the objector's husband is disabled and uses the passageway as access for his mobility scooter to the rear of his house. The resident only has use of one arm and would find having to open the gates difficult. The objector has also raised concern in relation to the condition of the passageway and other residents leaving bins in the entry.

The applicant is aware of the objector's concern, and will be looking into how the gates locking mechanism can be made to open more easily, i.e. looking into whether a push bar system would be feasible.

With regards to the residents' concerns over the condition of the passageway and the bins being left out, the resident's letter has been forwarded on for the attention of the waste department to investigate.

6 ASSESSMENT

6.1 Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successful crime prevention measure in other areas contributing to reduced burglaries, criminal damage, graffiti and vandalism. The gates can furthermore act as a deterrent to fly tippers, limit dumping and associated litter nuisance.

To be an effective crime prevention measure, gates need to be of sufficient size and structure. Planning permission is required where an enclosure in excess of one metre in height fronts onto a highway.

The advantages offered by a Council supported scheme include:

- Preventing crime;
- Reducing litter/fly tipping;
- Improving the local environment; and
- Supporting residents through the Council continuing to maintain responsibility for the highways

The proposed gates are approximately 2 metres high, dark green in colour, and designed to be in keeping with others in the area. The design and appearance is considered to be acceptable.

6.2 Legal Issues

The Council presently maintains all the alleyways under consideration. Prior to the Gating Order Legislation introduced by the Clean Neighbourhoods and Environment Act 2005, if the alleyways were formally stopped up or closed the

highway rights would be removed. This would mean that liability for the maintenance and upkeep of the alleyways would fall upon the individual adjoining landowner.

Members also need to be aware that the legal position is complicated by the fact the Council has conflicting duties, on the one hand to do all that it reasonably can to prevent crime and disorder in its area and on the other hand it has a duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. It is recognised that:

- There will always be highways which the Council can never allow to be gated whatever the level of crime and disorder because of the over-riding importance of maintaining unimpeded access.
- Alleygating should not be allowed as a “quick fix” for problems which are unrelated to highways

Where evidence exists to justify gating orders to be made the provisions of Section 129A Highways Act 1980, regarding Gating Orders, should apply.

The policy adopted by the Executive Board in March 2011 is likely to result in some gates being erected with Gating Orders and some without. In either event the highway status would remain, but in the case of the latter the Council would support the schemes by resolving not to exercise its discretion to institute proceedings in relation to the encroachment constituted by the gates.

7 CONCLUSIONS

Building safer communities is a priority objective for the Council. The alley gating schemes have the potential to reduce crime, improve the environment, strengthen local communities and enhance social well-being. The gates are not felt to be intrusive and it is felt can be justified as a crime prevention measure. The proposals are therefore recommended for approval.

8 RECOMMENDATIONS

Approve both planning applications 15/00138/HBCFUL and 15/00171/HBCFUL subject to the following conditions:

1. Standards time limit for implementation
2. List of plans
3. Requiring colour coating Dark Green BE22.

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.