

REPORT TO: Development Control Committee

DATE: 13 September 2006

REPORTING OFFICER: Operational Director – Environmental and Regulatory Services

SUBJECT: Planning Applications to be Determined by the Committee

The following applications for planning permission are submitted to the Committee for consideration with a recommendation in each case. Those applications marked * are considered to have significant employment implications.

An Amendments List, containing the categorisation of planning applications, additional information and amendments to recommendations, will be circulated to Committee Members before the meeting together with plans showing the location of each application site. Those applications now before the Committee, where the planning issues are considered clear by the Chairman, will be included in List A. Unless a Member considers that additional information is required on a particular application in List A it is **RECOMMENDED** that each of the applications be determined (whether for approval or for refusal) in accordance with the conditions or the reasons printed in the Agenda and in the Amendments List previously circulated.

The remaining applications are included in List B. Together with those applications about which Members require further information, List B applications will be considered following determination of applications remaining in List A.

PLAN NUMBER: 06/00436/FUL

APPLICANT: Redwater

PROPOSAL: Proposed erection of 10 No. courtyard houses.

ADDRESS OF SITE: Dawsons Dance Centre Lunts Heath Road, Widnes

WARD: Farnworth

SUMMARY RECOMMENDATION:

Approve with conditions, subject to the application not being “called in” by Secretary of State.

CONSULTATION AND REPRESENTATION:

The proposal was advertised as a departure by way of a site notice and in the press. The neighbouring properties along Lunts Heath Road were also consulted.

In addition, the applicants have consulted local residents adjacent to the site and Ward Councillors before the application was submitted. No comments have been received following either consultation process. The Ward Councillor has written in support of the proposal and also the views of the local community.

The Environment Agency and United Utilities have been consulted. The Council's Environmental Health Officer, Trees and Woodland Officer and Highways Engineer have also been consulted.

United Utilities and the Environment Agency have no objection to the proposal. The Council's Environmental Health Officer have no objection but require a ground investigation and remediation plan and details of surface water discharge.

SITE/LOCATION:

The site is 0.6 hectares of land which is currently used as a dance hall and other social club uses. The site is located in the Green Belt on the northern outskirts of Widnes and is bounded to the south by the Church View Pub and Nos 44- 50 Lunts Heath Road.

RELEVANT HISTORY:

95/0000366/FUL Application for a proposed rear single storey extension to provide bar cellar/ store, kitchen and shower room.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as Green Belt in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

BE1 General Requirements for Development, BE2 Quality of Design, S21 Green Belt, GE1 Control of Development in the Green Belt, GE28 The Mersey Forest, PR14 Contaminated Land, TP12 Car Parking, H2 Design and Density of New Residential Development, H3 Provision of Recreational Green space.

The Council's Supplementary Planning Guidance for New Residential Development is also of relevance

OBSERVATIONS AND ISSUES:

The site is currently used as a dance hall and for other social club uses. The application is for the erection of 10 No. courtyard houses which will have a maximum roof height of 8.5 metres and cover 1034 square metres of the site. The dwellings will be sited on the eastern part of the site, roughly where the existing buildings (which currently total 1019 square metres) are located. They will be formed in three blocks to form the appearance of a courtyard.

Planning Policy

The main issue in relation to the proposal, is whether considerations put forward in support of the proposed dwellings are sufficient to out weigh the policy presumption against inappropriate development in the Green Belt. In essence has very special justification been demonstrated.

The very special circumstance/ justification to be weighed against the policy presumption in this case is removal of the asbestos cement club buildings. The Council's Environmental Health Officer has submitted a full report on the existing buildings. All of the buildings are constructed of asbestos cement sheeting. In addition to the asbestos cement sheeting, roofing materials and rainwater goods, higher risk asbestos insulation boards and lagging materials are present throughout the buildings. The building is likely to deteriorate with age and will require further maintenance. The owners of the property have indicated that they have limited finances and would be unable to afford significant repair work. The applicants have submitted information indicating that the special costs associated with the safe and complete removal of the current asbestos related problems on the site would be likely to cost over £350,000. This is over and above the normal site preparation works for a straightforward housing development. If the contract were carried out separately from the subsequent house construction work there would be additional costs, which would result in a likely cost close to £450,000.

The costs of remediation of the site is unlikely to be met by appropriate Green Belt uses, such as a sports club, or riding stable etc. The income or profit from such uses are unlikely to raise the finances to purchase the premises and remediate the site.

Green Belt policy does allow for the conversion of existing buildings in the Green Belt. However, due to the asbestos content the conversion of the existing building into residential use would not be possible. The conversion to other uses such as for employment use would create an issue in relation the health and safety of employees and could create a use, which would give rise to other environmental nuisance and be unacceptable on this site.

The application site is already largely developed land and in visual terms is attached to the urban area through which it gains access. The new buildings are higher than parts of the existing buildings though none are higher than the existing main dance hall. The new buildings are proposed to be constructed of materials and in a design, which reflects much better some of the nearby

established brick built barns on the northern urban edge of Widnes. This improvement to the visual quality of the site, is in itself an important material consideration.

The proposal also includes the landscaping enhancement to an existing floodlit hard standing currently used for parking. This landscaping would again lead to the enhanced appearance of the site and help to improve the openness and visual amenity of this green belt location.

Overall, the proposed dwellings have a similar footprint to the existing buildings (1019 square metre currently, 1034 square metres proposed). The dwellings are proposed in three blocks, and have been designed to form a courtyard arrangement, which is roughly set out in the same location as the existing buildings. As such, the impact on the openness of the green belt from the built form is negligible. The visual discord of by the existing buildings is reduced by their replacement with buildings of a high quality design.

Open Space

Policy H3 Provision of Recreational Green space states that sufficient recreational green space should be provided to meet the needs of local people living there. Two formal areas of open space are intended as part of the scheme, which will also provide a useful physical and visual link to the field to the north and to the open countryside.

Highway Safety

The traffic estimates of existing highway vehicle movements indicate there will be a substantial change, from a pattern of shorter, sharply peaked movements to normal small scale residential traffic movements. The overall traffic impact will therefore be reduced.

The Council's Highways Engineer although still awaiting further information on the design of a right turning lane for vehicles from Lunts Heath Road, does not object to the proposal. A safety audit is also required to demonstrate that the junction is satisfactory.

Conclusion

Whilst new housing is in principle inappropriate development in the Green Belt and is therefore contrary to local and national policy, the benefits of removing the existing asbestos buildings, which are in a dilapidated state and which will deteriorate more with age and cause a risk to public health, are considered to outweigh policy constraints in this case. The removal of the existing hard surfaced car parking and other structures further justifies an exception to normal policy. The use proposed is likely to remediate the site to a higher standard than would be achievable through any other less valuable alternative and as such offer a more satisfactory long term solution.

Given the overriding asbestos and public health implications of not addressing the problems with the existing building stock and the clear green belt openness benefits arising from this proposal, then approval is recommended.

RECOMMENDATION:

Approve subject to the application not being called in by the Secretary of State following its referral under green belt direction and to the following conditions:

1. Standard condition relating to timescale and duration of the permission;
2. Wheel wash condition required for construction phase (BE1).
3. Parking conditions (2 separate conditions) to ensure access and parking is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12).
4. Landscaping condition is required to ensure comprehensive details are provided prior to the commencement of development (BE2).
5. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2).
6. Drainage condition, requiring the submission and approval of drainage details (BE1)
7. Construction hours to be adhered to throughout the course of the development. (BE1)
8. Delivery hours to be adhered to throughout the course of the development. (BE1)
9. Materials condition, requiring the submission and approval of the materials to be used. (BE2)
10. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
11. A condition and removing permitted developments from the property including extension, porches and roof alterations. (BE1)
12. An agreed schedule for the removal of the existing buildings act contaminated materials.

PLAN NUMBER:	06/00461/FUL
APPLICANT:	Elite Homes
PROPOSAL:	Full application for erection of 101 No. 2 ½, 3 and 3 ½ storey residential dwellings
ADDRESS OF SITE:	Cameron Industrial Services LTD, Cameron House, Hale Road, Halebank, Widnes
WARD:	Ditton

SUMMARY**RECOMMENDATION:**

Refuse

CONSULTATION AND REPRESENTATION:

The application was advertised in the local press and by a site notice displayed near to the site. The nearest affected occupiers of the adjacent and nearby residential properties and commercial land were notified by letter. United Utilities, Environment Agency, English Nature, the Health & Safety Executive, the Council's Highway Engineers and Environmental Health Officer have all been consulted.

The Health & Safety Executive and United Utilities have raised no objection to the proposal. The Environment Agency have raised no objection but have recommended conditions relating to measures to be taken to prevent pollution of the water environment.

No comments have been received from local residents at the time of the writing of this report. Any comments received will be reported orally.

SITE/LOCATION:

The site is located within the existing commercial area of Halebank, the site is currently in use by Cameron Industrial Services, with access gained from Hale Road. The site includes an area to the rear of the existing car sales site.

RELEVANT HISTORY:

The current site has a planning history relating to the existing commercial use and is not of particular relevance to this current residential application.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The Council's Draft Supplementary Planning Document for Halebank Regeneration Action Area is relevant to this application and the Supplementary Planning Guidance for New Residential Development, as are the following key policies within the adopted Unitary Development Plan; S1 Regeneration; S25 Planning Obligations; RG5 Action Area 5 Halebank; BE1 General Requirements for Development; BE2 Quality of Design; BE3 Environmental Priority Areas; PR12 Development on Lane Surrounding COMAH Sites; PR14 Contaminated Lane; PR16 Development and Flood Risk; TP16 Safe Travel for All; H3 Provision of Recreational Greenspace; H4 Design and Density of New Residential Development

OBSERVATIONS AND ISSUES:

The main issues and material planning considerations arising as a result of the proposal are: - the relationship with the Halebank Regeneration Action Area Supplementary Planning Document (SPD); Highway Safety; Interface with Surrounding Commercial Areas; Design Quality; Residential Amenity; Flood Risk.

Relationship with Halebank Regeneration Action Area SPD

The overarching policy for the application site and wider Halebank area is the Halebank Regeneration Action Area Supplementary Planning Document (SPD). This document is at an advanced stage in the adoption process and is due to be presented to Executive Board on 21st September 2006. The significance of the SPD in relation to the application site is that the site is within an area identified for new residential development. Planning permission has already been granted for part of this new residential area on the former Asda supermarket site to the south of this site.

The aim of the SPD is to achieve environmental improvements to the wider area of Halebank. One of the mechanisms to achieve this, is the aspiration to construct a HGV Relief Road, which would provide a route for commercial heavy goods vehicles away from Hale Road, which runs through the Halebank residential area. The proposed HGV Relief Road scheme is proposed to link back into the highway network near to the railway bridge. Both the road and the linkage into the highway network will involve considerable engineering works and land take along the area to the north of the application site and in the area of Harrison Street.

It is considered that the proposed access into the application site and part of the residential proposal will compromise the future aspirations of the Council to meet the objectives of the SPD in the provision of the HGV Relief Road and the comprehensive development of the designated residential area. As a result the current proposal is unacceptable.

In addition the separate access for this site will result in the division of the proposed residential area. It is an objective of the SPD to achieve comprehensive and co-ordinated regeneration of the residential area, which this current application will undermine. It is considered that this scheme's failure to provide connection to the remainder of the proposed residential designation, will result in piecemeal development of the area.

This is contrary to paragraphs 7.5.2 and 8.5 of the draft Halebank SPD. This states that proposals for housing development will be focused on the former Asda site first before other sites are brought forward for residential development to ensure the regeneration process is encouraged. Any further housing development should be appropriately placed to ensure that a consolidated and comprehensive residential area is created.

This requires that where possible access to this application site should be part of the road network of the former Asda site in order for the new residential area as proposed by the SPD is a properly integrated and comprehensive development.

Highway Safety

The Council's Highway Engineer has raised an objection in principal to the proposal in view of the requirements of the Draft Halebank Regeneration Area SPD and the HGV Relief Road as proposed within the document as the application will prejudice the achievement of the likely alignment of and junction for this road as outlined in the previous section of this report.

Further comment has been made with regard to the detail of the scheme and its linkage into the existing highway network. Several points have been made and the applicant has been requested to amend the plans to accommodate technical requirements in order to achieve the appropriate level of highway safety and policy standards of the Council. These include: - an increase in the proposed car parking for the apartments; clarification of those areas to be part of a separate Management Company; provision of appropriate visibility splays; and adequate radii. Details of amended plans will be given orally to Members.

There is also a requirement to ensure satisfactory development of the site in terms of highway safety for; a series of road safety audits to be carried out and the recommendations carried out at the developer's expense; a 20mph zone scheme to be implemented at the developers expense as appropriate; and permitted development rights for the conversion of a garage to habitable space and erection of fences up to 1m in height adjacent to the highway.

Interface with Surrounding Commercial Areas

The applicant has submitted a Noise Impact Assessment. The Council's Environmental Health Officer will provide comments on this and suggest conditions in relation to the protection of future occupiers from potential noise disturbance. These comments will be reported orally to Members.

Design Quality

The proposed layout shows a mixture of three and four bedroom houses and one and two bedroom apartments. Although the layout is dense in character, the site achieves New Residential Guidance standards in interface distances; car parking provision; and good quality of house type and boundary treatment.

The proposed garden sizes are below standard, however the layout includes the addition of conservatories for each dwellinghouse plot, which reduces the actual garden size. On balance it is accepted that the future occupiers would make a personal choice at the point of purchase as to the level of external space they would require. The Council can therefore accept the proposed small garden areas in the wider public regeneration interests.

The quality of proposed house types and apartment buildings is overall of a good standard. However the applicant has been asked to amend the elevation treatment of the apartment building 'Falkirk' in order to soften and domesticate its visual appearance particularly on the main access road frontage. Details of amended plans will be given orally to Members.

The proposed secured bin and cycle stores are of a good quality, brick and tanalised timber boards on a ridged roof in the case of the cycle stores and timber board elevation with tanalised timber boards on a ridged roof in the case of the bin stores. However the applicant has been requested to improve these materials to incorporate a tiled roof in the case of both. Details of any amended plans submitted will be given orally to Members.

Residential Amenity

The nearest residential properties affected by the proposal are those properties to the south of the site, 353 to 363 Hale Road. The layout shows the nearest residential property as the 3.5 storey apartment block at the entrance to the site, which is 18.5m from the nearest property. As this block is to the side of this property, there will be no windows directly facing the windows of those on the rear elevation, therefore providing an acceptable privacy interface, which complies with the requirements of the New Residential Guidance. The distance will also ensure that a sufficient interface is achieved in order to reduce the visual appearance of the block.

The current elevation details show a full-length door and balcony guardrail to the 'lounge/dining' room on the rear elevation of the apartment buildings nearest to the existing terraced properties on Hale Road. The applicant has been requested to amend these details to show regular windows in order to reduce the impact on privacy of the rear gardens of these terraced properties which may result as a consequence of the current scheme.

In addition in light of the likely requirement from the Environment Agency to raise land levels to minimise potential flood risk, the applicant has been requested to amend this apartment type to remove one storey from the block to account for this and reduce any adverse impact which may have resulted on the nearest existing residential properties and general character of the area. Details of any amended plans will be given orally to members.

The main elevation of the apartment buildings within the site is shown at 16.5m from the boundary of the adjacent car sales site. The Council currently has an application (Ref: 06/00571/FUL) for residential apartments on this site, the building is shown at 12m from this boundary. Even if during the course of the determination of this adjacent application, there is a requirement for the building to be relocated nearer to the boundary, the Council requirement of 21m will be able to be achieved.

The proximity of the adjacent building on application 06/00571/Ful to the dwellings shown on the proposed layout of this scheme is 15.5m. The side elevation of the apartment building has only obscure glazed windows in this

elevation and therefore meets the interface standards of the New Residential Guidance, which is a minimum of 13m. The additional 2.5m is a reasonable increase in this to account for the three-storey height of the building.

Flood Risk

The applicant has submitted a Flood Risk Assessment (FRA) and have been in discussion with the Environment Agency regarding this. The Council has received an objection from the Environment Agency in relation to the risk of flooding on the land, stating the failure to comply with the sequential test as set out in PPS25 and the inadequacy of the FRA submission. The Council is unable to support the proposal until such time as the Environment Agency objection has been removed. Details of any further comments from the Environment Agency will be reported orally to Members.

The Environment Agency has indicated that the likely recommendations from the FRA will be that the finished floor level be a minimum of 8.0m above Ordnance Datum, 2m higher than the existing ground level. This means that the recommended finished floor levels will be approximately the same height as the top of the white rendering on the front of Cameron's existing office. The applicant has been requested to amend the proposed apartment type to reduce the scale to 2.5 storey rather than 3.5, at the entrance of the site in order to take account of this advice and to minimise the impact on the street scene and existing neighbouring properties.

Conclusion

It is considered that on balance the proposed residential scheme is acceptable in terms of its design and layout, but for those areas, which affect the proposed area for the HGV Relief Road. However the principle of the proposal fails the test of policy RG5 and the Draft Halebank Regeneration Area SPD as it fails to meet the tests of achieving a consolidated and comprehensive residential development and would compromise the future provision of the proposed HGV Relief Road thereby undermining the objectives of improving residential environmental quality contained within the SPD.

RECOMMENDATION

Refuse: The proposal is considered to be premature and piecemeal and if approved would prejudice the wider regeneration of the area and result in the shorter term, in a poor quality residential environment.

PLAN NUMBER: 06/00502/FUL

APPLICANT: Halton Development Partnership

PROPOSAL: Proposed district centre, consisting of 1No. single storey convenience store, 5 No. two storey retail

units, 1No. two storey public house and 1 No. three storey apartment block (comprising 12 No. two bed and 6 No. 1 bed)

ADDRESS OF SITE: Land Opposite Motherwell Close, Lanark Gardens, Widnes

WARD: Birchfield

SUMMARY RECOMMENDATION:

Approve with Conditions

CONSULTATION AND REPRESENTATION:

The application has been advertised by means of a site and press notice and the neighbouring properties have been consulted, United Utilities, Environment Agency and the Council's Environmental Health and Highways officers have been consulted. United Utilities raise no objections subject to drainage on a separate system with foul drainage connected into the foul sewer.

Twenty-nine letters of objection have been received on the following grounds:

- Inappropriate use of Falkirk Avenue as a cut through.
- No need for facilities due to other facilities being within walking and driving distance.
- Anti-social behaviour that would be caused by proposal.
- Noise impacts that would be caused by proposed uses.
- Loss of view
- Loss of light
- Loss of privacy
- Increased traffic from proposal
- Highway safety
- Loss of amenity
- Use of residential on the site
- Impacts on property values.

SITE/LOCATION:

Vacant land with Lanark Gardens to the north, vacant land to the east, local park to the south.

RELEVANT HISTORY:

An outline application (ref:04/01078/OUT) for 15 no. residential units was withdrawn. An application (ref:04/01085/FUL) for a district centre development, including a public house, nursery, two retail units and 2 no. class A3 hot food units was approved in March 2005. This permission

superseded application 04/00002/FUL which was for a district centre proposal 4 no. retail units, nursery, public house and a health centre. A further application (05/00473/FUL) was received for a proposed health centre (ground floor) with residential accommodation above (comprising 12 No. units in two bedroom apartments on the first and second floors) but was subsequently withdrawn. A current application (06/00540/OUT) has been submitted relating to outline permission for a proposed health centre.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as a Proposed Local Centre where policy TC1 Retail and Leisure Allocations in the Halton Unitary Development Plan (UDP) is of relevance.

The other key policies of relevance are BE1 General Requirements for Development, BE2 Quality of Design, H2 Design and Density of New Residential Development, H3 Provision of Recreational Green space.

The Upton Rocks Local Centre Planning Brief and the Council's New Residential Guidance Note is also of relevance.

OBSERVATIONS AND ISSUES:

The proposal is for 5 No. retail units (including A5 and A1 uses) 1No. convenience store, a public house and a three-storey apartment block containing 18 No. apartments.

Policy

The various uses expected to be found in the proposed district centre are set out in Policy TC1 Retail and Leisure Allocations and in the Local Centre Planning Brief. TC1 allocates the site for local shops and community facilities. The Local Centre Planning Brief identifies the site for a convenience store, retail, pub/ restaurant and a health centre (See application 06/00540/OUT). Although the residential use is not explicitly identified, it is nevertheless compatible with surrounding uses and does not conflict with the requirements for the local centre. The proposed uses are, therefore, acceptable in principle.

Design and Character of the Area

The proposal includes a convenience store, which is an essential part of the local centre, providing a sustainable community use. This would reduce the need for car use in the local area. The proposed public house would ensure that the local centre maintains some vitality in the evenings.

The design of the proposed buildings is similar and complements those in the surrounding area. The external materials would be sympathetic with the adjoining residential development. Conditions would also be added to ensure

no external extraction flues and no external shutters are added. This is to ensure a good design and maintain the appearance.

The orientation of the residential block precludes any direct overlooking of existing residential properties. The properties on Falkirk Avenue are approximately 110m away and the properties on Lanark Garden, to the side of the residential block, are 23m away, which is over the Council's standards for privacy distances.

Highway Safety

The Council's Highway Engineer has assessed the submitted Traffic Impact Assessment and has noted that it states there will be an increase in traffic over that highlighted in previous permissions (of approximately 20 movements at peak times). However, the comparison shows an increase in retail floor space of 230m², 18 apartments and a substantially smaller health centre/nursery than previously shown. This gives a net decrease of 39 movements in the peak. This is compared to the worst case under the currently approved scheme.

The Council's Highway Engineer has requested conditions relating to parking and cycling areas to be laid out in accordance with the approved plans and that construction traffic shall use Queensbury Way.

Financial Contribution

The Highways Engineer has advised that a contribution towards off-site traffic management and calming measures in the surrounding areas is needed. This matter can be dealt with by way of legal or other appropriate agreement.

Summary and Conclusions

Although as can be seen from the above history and policy sections of this report, that the local centre is allocated in the adopted Halton Unitary Development Plan and indeed the Council as landowner have been marketing the site for many years, there is an element of local opposition. This opposition considers that the facility is neither needed nor in the correct location and the problems, which they believe will follow, should the centre be constructed.

The site has been carefully selected because of its position on the Queensbury Way distributor road, there are good accessibility and transport links. It is central to the 'Upton Rocks' development area and is considered as an essential component to the sustainable development of this large housing area.

The design and detail of the scheme is of a high standard and will result in not only a development which will visually add to the quality of area, but also provide for a number of essential amenities for a sustainable community.

RECOMMENDATION:

Approve subject to the following conditions listed below: -

1. Standard condition relating to timescale and duration of the permission;
2. Specifying amended plans (BE1).
3. Wheelwash condition required for construction phase (BE1).
4. Parking conditions (2 separate conditions) to ensure parking and servicing areas is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12 & E5).
5. Landscaping condition is required to ensure comprehensive details are provided prior to the commencement of development (BE2).
6. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2).
7. Details of the design of the bin storage (BE2).
8. Drainage condition, requiring the submission and approval of drainage details (BE1)
9. Construction hours to be adhered to throughout the course of the development. (BE1)
10. Delivery hours to be adhered to throughout the life of the permission. (BE1)
11. Opening hours to be adhered to throughout the life of the permission. (BE1)
12. Condition stating that there shall be no external flues on any units. (BE2)
13. Condition stating that there shall be no external shutters on any units (BE2)
14. Materials condition, requiring the submission and approval of the materials to be used. (BE2)
15. Condition requiring the entering into a legal agreement or other appropriate agreement prior to the commencement of development. (BE1)
16. Details of equipment to control the emissions of fumes shall be submitted and agreed in writing. (BE1 & PR3)
17. Condition that construction traffic is to use Queensbury Way (BE1)
18. That the A5 use is restricted to Units 1 & 5.

PLAN NUMBER: 06/00540/OUT

APPLICANT: Halton Development Partnership

PROPOSAL: Outline application for a two storey health centre/ children's nursery including details of layout and means of access for approval

ADDRESS OF SITE: Land Opposite Motherwell Close, Lanark Gardens, Widnes

WARD: Birchfield

SUMMARY RECOMMENDATION:

Approve with Conditions

CONSULTATION AND REPRESENTATION:

The application has been advertised by means of a site and press notice and the neighbouring properties have been consulted, United Utilities, Environment Agency and the Council's Environmental Health and Highways officers have been consulted. United Utilities raise no objections subject to drainage on a separate system with foul drainage connected into the foul sewer.

Nine letters of objection have been received on the following grounds:

- Inappropriate use of Falkirk Avenue as a cut through.
- No need for facilities due to other facilities being within and driving distance.
- Anti-social behaviour that would be caused by proposal.
- Increased traffic from proposal
- Highway safety
- Impacts on property values.

SITE/LOCATION:

Vacant land with Lanark Gardens to the north, vacant land to the east, local park to the south.

RELEVANT HISTORY:

An outline application (ref:04/01078/OUT) for 15 no. residential units was withdrawn. An application (ref:04/01085/FUL) for a district centre development, including a public house, nursery, two retail units and 2 no. class A3 hot food units was approved in March 2005. This permission superseded application 04/00002/FUL which was for a district centre proposal 4 no. retail units, nursery, public house and a health centre. A further application (05/00473/FUL) was received for a proposed health centre (ground floor) with residential accommodation above (comprising 12 No. units in two bedroom apartments on the first and second floors) but was subsequently withdrawn. A current application (06/00502/FUL) has been submitted relating to the local centre including public house and convenience store.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as a Proposed Local Centre where policy TC1 Retail and Leisure Allocations in the Halton Unitary Development Plan (UDP) is of relevance.

The other key policies of relevance are BE1 General Requirements for Development, BE2 Quality of Design, H2 Design and Density of New Residential Development, H3 Provision of Recreational Green space.

The Upton Rocks Local Centre Planning Brief is also relevant.

OBSERVATIONS AND ISSUES:

The application is an outline application for a two storey health centre/ children's nursery.

Policy

The various uses expected to be found in the proposed district centre are set out in Policy TC1 Retail and Leisure Allocations and in the Local Centre Planning Brief. TC1 allocates the site for local shops and community facilities. The Local Centre Planning Brief identifies the site for a convenience store, retail, pub/ restaurant (See application 06/00502/FUL) and a health centre. This application has been submitted in order to reserve the site for a health centre/ nursery.

Highway Safety

The highways issues are related to application 06/00502/FUL and as such the site has been considered as a whole. The Council's Highway Engineer has assessed the submitted Traffic Impact Assessment and has noted that it states there will be an increase in traffic over that highlighted in previous permissions (of approximately 20 movements at peak times). However, the comparison shows an increase in retail floor space of 230m², 18 apartments and a substantially smaller health centre/ nursery than previously shown. This gives a net decrease of 39 movements in the peak. This is compared to the worst case under the currently approved scheme.

The Council's Highway Engineer has requested conditions relating to parking and cycling areas to be laid out in accordance with the approved plans and that construction traffic shall use Queensbury Way.

Summary and Conclusions

Although as can be seen from the above history and policy sections of this report, that the local centre is allocated in the adopted Halton Unitary Development Plan and indeed the Council as landowner have been marketing the site for many years, there is an element of local opposition. This opposition considers that the facility is neither needed nor in the correct location and the problems, which they believe will follow, should the centre be constructed.

The site has been carefully selected because of its position on the Queensbury Way distributor road, there are good accessibility and transport links. It is central to the 'Upton Rocks' development area and is considered as

an essential component to the sustainable development of this large housing area.

RECOMMENDATION:

Approve subject to the conditions listed below:

- 1.Reserved matters condition, for the submission of and approval prior to the commencement of development.
- 2.Time limit for the submission of reserved matters.
- 3.Time limit for the commencement of development.
- 4.Reserved matters to be submitted and carried out as approved.
- 5.Materials condition, requiring the submission and approval of the materials to be used. (BE2)
- 6.Drainage condition, requiring the submission and approval of drainage details. (BE1)
- 7.Landscaping condition, requiring the submission of both hard and soft landscaping. (BE2)
- 8.Boundary treatments to be submitted and approved in writing. (BE1)
- 9.Wheel cleansing facilities to be submitted and approved in writing (BE1)
- 10.Parking conditions (2 separate conditions) to ensure parking and servicing areas is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12).
- 11.Details of the design of the bin storage (BE2).
- 12.Construction hours to be adhered to throughout the course of the development. (BE1)
- 13.Delivery hours to be adhered to throughout the life of the permission. (BE1)
- 14.Condition that construction traffic is to use Queensbury Way (BE1)

PLAN NUMBER: 06/00542/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 1 Ireland Street, Widnes

ADDRESS OF SITE: Adj. 1 Ireland Street, Widnes

WARD: Halton View

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the

Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 1 Ireland Street, Widnes.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Indeed the Council's Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00543/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates rear of 74 Arley Drive and 77 Arley Drive, Widnes

ADDRESS OF SITE: Rear of 74 & 77 Arley Drive, Widnes

WARD: Hough Green

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway to rear of Arley Drive and 77 Arley Drive, Widnes.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction

of any highway for which it is responsible. Indeed the Council's Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00544/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 99 and rear of 119 Cradley, Widnes

ADDRESS OF SITE: Adj 99 and rear of 119 Cradley, Widnes

WARD: Broadheath

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 99 and rear of 119 Cradley, Widnes.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Indeed the Councils Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00545/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 21 Andrew Close, Widnes

ADDRESS OF SITE: Adj. 21 Andrew Close, Widnes

WARD: Ditton

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 21 Andrew Close, Widnes.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Indeed the Council's Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00546/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 122 & 124 Mottershead Road, Widnes

ADDRESS OF SITE: Adj. 122 & 124 Mottershead, Widnes

WARD: Kingsway

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 122 and 124 Mottershead Road, Widnes.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close

alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Indeed the Council's Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00565/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 20 Boston Avenue & rear of 97 Morval Crescent, Runcorn

ADDRESS OF SITE: Adj. 20 Boston Avenue & rear of 97 Morval Crescent, Runcorn

WARD: Halton Brook

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 20 Boston Avenue and rear of 97 Morval Crescent, Runcorn.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Indeed the Council's Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.

PLAN NUMBER: 06/00604/HBCFUL

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of gates adjacent to 8 Vahler Terrace & rear of 16 Cartwright Street, Runcorn

ADDRESS OF SITE: Adj. 8 Vahler Terrace & rear of 16 Cartwright Street, Runcorn

WARD: Halton Brook

SUMMARY RECOMMENDATION:

Approve with conditions.

CONSULTATION AND REPRESENTATION:

All adjoining properties have been consulted and the application advertised by means of site notice. The Council's Highways and Waste Services, the Emergency Services and United Utilities have all been consulted.

The Council's Highways Engineer has commented that it is illegal to stop up a highway without an appropriate Stopping Up Order and that new legislation exists for use in such cases. The Highways Authority therefore objects to the granting of permission for this scheme.

Any further representations will be reported orally at Committee.

SITE/LOCATION:

Alleyway adjacent to 8 Vahler Terrace and rear of 16 Cartwright Street, Runcorn.

RELEVANT HISTORY:

Approval was given for the implementation of a pilot alleygating scheme by the Executive Board on 7th December 2000. Permission was granted in February 2001 (00/00771/HBC) for a small pilot scheme, which has been implemented. A number of further permissions have since been granted across the borough.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

All entrances/ alleyways to be gated are within a Primarily Residential Area in the Halton Unitary Development Plan. Policies BE1 General Requirements for Development, and BE22 Boundary Walls and Fences are particularly relevant. The "Design for Community Safety" SPD is also of relevance.

OBSERVATIONS:

Permission is sought for the erection of gates at the entrance of alleyways to the rear of terraced properties following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successfully crime prevention measure in other areas contributing to reducing 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 proposed gates are approximately 2 metres high.

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

Legal Issues

The alleyways under consideration are all presently maintained by the Council. Formerly 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.

To avoid this outcome, it was resolved at Executive Board on 7th December 2000, that where the key criteria for an alleygating scheme are met, 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.

Members will be aware that under new legislation (The Clean Neighbourhoods and Environment Act 2005) powers are available to close alleyways without removing highway rights. This however requires demonstration of a crime case and the Council have not progressed this to date.

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 duty to prevent, as far as possible, the stopping up or obstruction

of any highway for which it is responsible. Indeed the Councils Highways Engineers continue to object to such schemes. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme.

Conclusions

Building safer communities is a priority objective for the Council. The alleygating scheme has 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 proposal is therefore recommended for approval.

RECOMMENDATION:

Approve, subject to 1 No. condition requiring colour coating Dark Green BE22.
