

<b>APPLICATION NO:</b>	21/00629/COU
<b>LOCATION:</b>	34 Cronton Lane, Widnes, WA8 5AJ
<b>PROPOSAL:</b>	Proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles
<b>WARD:</b>	Birchfield
<b>PARISH:</b>	N/A
<b>AGENT(S)/ APPLICANT(S):</b>	Aneesha Ray Rachel Heaton, Cronton Dental Ltd
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005)  Primarily Residential Area  Halton Core Strategy Local Plan (2013)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	Representations have been received from 136 individuals, these comprise of:  100 objections 36 in support
<b>KEY ISSUES:</b>	Principle of development/location, traffic and highway safety, impact on residential amenity and character of the area
<b>RECOMMENDATION:</b>	Approve with conditions

**SITE MAP:**



## **APPLICATION SITE**

### The Site and Surroundings

The site subject of the application is no. 34 Cronton Lane, Widnes. This comprises an extended 3 bedroomed detached bungalow, with an attached double garage. The property is positioned on the corner of Cronton Lane and Hill View, and has associated gardens to the front and side of the property. The existing driveway and access crossing is located adjacent to 1 Hill View. There are residential properties surrounding the application site.

### Planning History

Planning permission (Ref. 11/00454/FUL) for a proposed single storey extension to side, approved 26/01/2012).

## **THE APPLICATION**

### Proposal Description

The application seeks permission for the proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles.

### Documentation

The application is accompanied by the necessary plans and application form. Given the minor nature of the application, no further information has been submitted.

## **POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

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

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

### Halton Delivery and Allocations Local Plan 2022 (DALP)

The following DALP policies and policy documents are relevant to this application:

GR1 - Design of Development  
GR2 - Amenity  
HE7 - Pollution and Nuisance  
HE9 - Water Management and Flood Risk  
C1 - Transport Network and Accessibility  
C2 - Parking Standards  
CS(R) - 19 - Sustainable Development and Climate Change  
RD5 - Primarily Residential Areas

The Joint Merseyside and Halton Waste Local Plan 2013

WM9 - Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents (SPD)

None of direct relevance

Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## **CONSULTATIONS**

### HBC Highways

No objection – Full comment provided in the Highways section in the report below

### HBC Lead Local Flood Authority

No objection subject to a condition in relation to drainage.

### HBC Open Spaces

No objection, there are no formal tree or ecological constraints associated with this plot.

### HBC Environmental Protection

As the bungalow is detached Environmental Health would have no concerns with regards noise from the proposed activities. There should be minimal or no impact on residents adjacent the property.

### Cheshire Police

The Police Designing Out Crime Officer wishes to make the following points for consideration by the applicant:

- The local officers are concerned about possible parking issues as this stretch of road has double yellow lines and they already deal with a high number of parking complaints round the shops. They would like assurances that the dentist would be robust in managing patient parking and reminding people to use the spaces provided and not the road.
- While Cronton Lane has good street lighting, I would recommend lighting complying with BS5489:1-2020 is fitted to all elevations containing a doorset.
- I would also recommend that access is restricted round the side of the building to limit any unauthorised access to the rear area.
- A monitored intruder alarm and panic alarms should be installed. The alarm should be from an installer who belongs to either NSI [www.nsi.org.uk](http://www.nsi.org.uk) or SSAIB [www.ssaib.co.uk](http://www.ssaib.co.uk)
- While I appreciate doors and windows may not be replaced during the initial change of use I would recommend that, any future replacements comply with PAS 24:2016 or LPS2081 as a minimum. If doors are not being replaced consideration should be given to fitting locks complying with TS007.
- Window limiters should also be considered for any opening windows.
- I would recommend that staff areas are fitted with an access control system comply with UL 293 to prevent any unauthorised access to these areas.

General Information for Applicants

A design objective of the National Planning Policy Framework [NPPF], 8. Promoting healthy and safe communities 92.b) states that the development should be;

'b) safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas';

I recommend that all developments are designed to comply with the principles of Secured by Design (SBD) regardless of whether the award is being pursued .I would however welcome a Secured by Design Application for the scheme, which would enhance the development and provide greater benefits.

Applicants can get more information about Secured by Design (including Design Guides) available at [www.securedbydesign.com](http://www.securedbydesign.com)

## **REPRESENTATIONS**

The application was initially advertised by way of a site notice and neighbour notification letters sent on the 04.11.2021. Further notification letters were sent out on 05.01.22 and 10.02.22 in relation to amended plans and description. The overall consultation period after the last notification ended on the 24.02.2022.

Representations have been received from 136 individuals, addresses as a result of the consultations undertaken. Of these, 100 object to the application, and 36 are in support of the application.

Objections have also been raised from Ward Councillors Bill Woolfall, Mike Fry and Angel Ball.

A summary of the issues raised by the 100 objectors and Ward Councillors are listed below:

- Highway safety concerns due to the proximity to the Hill View/Cronton Lane Junction, congestion, reversing of vehicles, narrowness of Hill View, congestion, existing parking issues at the top of Hill View will be exacerbated, elderly people and students that use the footway.
- Commercial nature of the property and comings and goings inappropriate in a residential area
- Loss of privacy
- Noise and disturbance
- Loss of planting
- Loss of a bungalow
- Concerns with the number of people visiting the site and safeguarding issues of children living in neighbouring houses

- Other available commercial properties within area that should be considered first
- The proposed backlit sign would be inappropriate in the area
- Negative impact on house prices
- Possible need for shutters to windows will detract from character
- Potential attraction to youths congregating and anti-social behaviour
- Would set precedent for other non-residential uses.

The 36 representation in support of the application relate to the need for more dentists in the area.

Material considerations have been addressed in the assessment section of this report.

## **ASSESSMENT**

The amended application seeks planning permission to change the use from a 3 bedroomed bungalow, to dental practice comprising of a reception, 2 surgery/consulting rooms, storage and staff facilities and 8 off-street car parking spaces. The applicant has stated that there would be 5 full time staff.

### Principle of Development

The application site is within an area designated as a Primarily Residential Area on the Delivery and Allocations Local Plan Proposals Map. Part 3 of Policy RD5 of the DALP states that within the Primarily Residential Areas, proposals for non-residential uses will be considered with regard to their effect on amenity and the concentration of non-residential development.

### Amenity, Noise and Disturbance

Representations have been received from the occupiers of neighbouring properties raising concerns that the proposal to insert additional windows and a doorway on the eastern elevation would cause overlooking and loss of privacy. It is noted that the adjoining property to the rear at no. 32 does have a secondary living room window on the side.

The interface would be at an angle and not directly overlook, and the existing boundary fence in between the properties would also provide some level of screening, particularly to of the lower levels. However, due to the proximity it is still recommended that the door is either solid or obscurely glazed, and that the window is also obscurely glazed. This can be secured by a suitably worded condition.

It is noted that the windows would also be enlarged on the elevation facing Cronton Lane, however this front onto a public highway, with the residential property on the opposite side of the road being some 35m away. Similarly Hill View separates the application property from 36 Hill View opposite. Therefore a refusal could not be sustained on the grounds of loss of privacy.

It is acknowledged that the proposed use, and the staff and patients would undoubtedly increase activity at the site and the associated comings and goings from

the property. However, the Council's Environmental Protection Team have been consulted, and has no concerns with regards noise from the proposed activities. Furthermore, it would be reasonable to restrict the hours of opening by condition so as to mitigate potential noise and disturbance during unsociable hours. The property is also within a relatively busy area including a main road, college, hotel and local shops nearby as well as residential properties. Therefore noise and disturbance is not considered to be a reason for refusal that could be upheld.

Consequently, the proposal would avoid detriment to the living environment of existing residential properties, it would maintain the expected levels of privacy and outlook, and objections on noise and disturbance grounds could not be upheld. The proposal is therefore consistent with Policies GR2 and HE7 of the DALP.

### Character

The application site comprises of an extended residential bungalow with associated garden and driveway, located on the corner of Cronton Lane and Hill View. The property is surrounded on all four sides by residential properties along Cronton Lane and Hill View.

The front door and driveway Hill View front on to Hill View. The prevailing character of Hill View comprises of modest residential bungalows, with landscaped gardens enclosed by low level walls/fences.

The application site has some high level close boarded fencing enclosing part of the Hill View elevation. These would be removed opening up the site which would be more akin to the majority of properties along Hill View that have low level wall/fences and appear more open in appearance.

Whilst the proposed parking would result in increased areas of hard surfacing along Hill View, the areas have been designed to incorporate landscaping, and the large front garden would be retained. This would ensure that the parking areas do not dominate the site, and would not appear incongruous within the street scene.

The proposal includes the enlargement of windows on the Cronton Lane elevation and the insertion of reception doors on the Hill View elevation. These external alterations are relatively subtle and the general appearance of the bungalow would be retained, so would not be harmful to the prevailing character and appearance of the area.

Consequently, the proposal would retain the character of existing buildings and spaces, and would be consistent with GR1 and GR2 of the DALP.

## Highways, Parking and Accessibility

Policy C1 states that the Council will support development provided, amongst other things, it does not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network and appropriate provision for car and cycle parking is made. It is located within 400metres walking distance of a bus stop or railway station with a suitable level of service and it is accessible to all.

Furthermore, Policy C2 states that all development must provide an appropriate level of safe, secure, accessible and viable parking. It also requires the design and layout of the proposed parking must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and ultra-low emission vehicles.

The site is located on a corner plot at the junction of Cronton Lane and Hill View. Cronton Lane (A5080) connecting road users to Cronton sixth form college and Cronton to the west, and with north Widnes and the A557 (Watkinson Way) to the east. Hill View is a residential street with a 20mph speed restriction, it provides the entrance and exit for vehicles leaving the housing area to the south.

The proposed development includes the provision of 8 off-street car parking spaces, electric charging points for two vehicles, and the provision of secure cycle parking for 4 bicycles (two Sheffield stands).

In terms of access to local facilities and bus services, Cronton Lane Local Centre is located approximately 140m to the east of the site, and the nearest bus stop is approximately 110m to the west outside of the Hillcrest Hotel and is served by 26A. Furthermore, the bus stops by Lunts Heath Road round-a-bout and Birchfield Gardens are approximately 250m to the east.

The Council will require parking provision according to the standards set out in Appendix E. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking.

The Council's Highways Officer has been consulted on the application and has provided the following comments on 25/02/2022:

*Further to your consultation we have considered the proposed application as the Highway Authority and would make the following representation;*

*It is noted that the application was considered by the Highway Authority in November 2021 and issues raised by the Highway Officer with a formal objection.*

*The current proposal is for a reduced number of treatment rooms and includes revised onsite parking arrangements to address points raised by the Highway Officer with regards to non-compliance to Halton's access crossing guidance.*

*On balance the Highway Officer is of the view that the proposal would be acceptable with suitable conditions applied to ensure that the development is implemented and operated as per the revised submission.*

*The previous proposal showed 12 spaces of which 9 took direct access over the adopted footway via an elongated dropped kerb. This was considered unsuitable, due to Highway safety considerations, as was the proximity of the proposed access crossing to the junction with Cronton Lane to the North.*

*Current plans show off street parking in the form of 6 number 3m wide bays and the retention of the existing double garage provision. It is noted that the garage spaces are unlikely to meet the current guidance in terms of internal dimensions but they are to be retained and therefore carry some weight.*

*Hill View is a residential street that is by current standards narrow and the site is on the corner with Cronton Lane a major East/ West corridor to the North of Widnes. The junction on which the site is located is protected by existing double yellow lines and sees a change in speed limit from 30mph to 20mph on Hill View.*

*Previously we raised the potential for conflict between parked vehicles on Hill View and users of the new off street parking provision. To address this the applicant has widened the bays which is an accepted method to improve accessibility of parking spaces as referenced in Manual for Streets.*

*The proposal for 3 pairs of wide bays meets the access crossing guidance document and following on from discussion with internal colleagues I confirm that if an application came in to construct the 2 new crossings they would be permitted.*

*This said the turning movements required to access the bays may be convoluted if parked vehicles are present opposite the bay and therefore could result in potential vehicle/ vehicle conflict.*

*To address this and as part of the proposal the applicant proposes to reduce the height of the boundary wall to improve visibility from and to the new car parking provision. In the interests of road safety the boundary treatment changes shown on drawing 0001-04 should be implemented prior to the change of use being brought into use and conditioned to be retained for the lifetime of the use.*

*Although this aspect of the proposal is likely to remove the road safety issue with regards to vehicles using the off street car parking provision there is still a possibility that there would be short term impacts on operation of the street and junction due to the site constraints, substandard road width and proximity to the junction.*

*In an attempt to put the potential likelihood of conflict between the proposed car parking and other road users into context further information was provided with regards to anticipated use. Although a worst case has not specifically been provided the information suggests that each treatment room will accommodate 2 patients per hour.*

*Allowing for a 10 hour working day the maximum number of patients per day is likely to be in the region of 40 per day which in the Highway Officers opinion is not considered to be an unacceptable number of new movements on the network.*

*It is the Highway Officers opinion that given the layout for proposed access crossings/ parking spaces meet the guidance provided by Halton and the proposed*

*amendments to the boundary wall an objection on Road Safety would not be sustainable.*

*In terms of parking space numbers the maximum standard for medical/ health services set out in the current UDP is 1 space per 2 staff and 4 spaces per consulting room, as this is not a town centre location I see no reason why we would look to allow a reduced standard in this case.*

*Upon request the applicant has clarified that the total number of staff would be 5 and therefore, given the reduction of treatment rooms to 2, the current maximum standard would be 11.*

*The proposal as presented falls short of the maximum by 3 which although is not ideal we would question if an objection under TP12 would be sustainable given the location.*

*The inclusion of cycle parking and provision for the charging of EV vehicles is welcomed and if permitted facilities should be provided prior to the change of use being brought into use.*

*Works to, and on, existing highway will require suitable agreement and it should be noted that as part of the works to form the new access crossings there may be a requirement to relocate the existing traffic calming hump adjacent to the site to avoid conflict with new onsite parking provision.*

*The Highway Officers considerations were based on submitted plans and supporting information provided by the applicant. The proposal is for a dental practice and therefore we would request that the use be conditioned accordingly and that alternative services outside of the considered context are prohibited.*

*A further point that the Highway Officer would note is that significant congestion was observed along Cronton Lane during the AM peak with high footfall for pedestrians heading for the local college to the West.*

*This congestion results in difficulty with access and egress to Hill View and although a degree of driver courtesy appears to be the norm we would request that for the benefit of all users consideration be given to amending the proposed weekday working hours stated on the application from 08:30 start to after the AM peak.*

*Given the sites location we would request that should a permission be granted a CEMP should be conditioned to manage construction in the interests of road safety.*

*Additional comments 15/03/22*

*We have been made aware that the DALP has been adopted and is being due to be published in final draft imminently.*

*To aid in your considerations I thought it would be useful to compare the previous standards against the new in terms of car parking as I know this is an area of debate.*

*When drafted the UDP utilised maximum standards in terms of parking spaces which, for medical/ health services was 1 space per 2 staff and 4 spaces per consulting room.*

*In my comments I stated that in my opinion I could see no reason why we would look to support a reduced standard in this case.*

*Upon request the applicant clarified that the total number of staff would be 5 and therefore, given the reduction of treatment rooms to 2, the maximum standard according to the UDP would be 11.*

*The proposal as presented fell short of the maximum by 3 which as previously mentioned was not ideal however it was my opinion that an objection under TP12 (the UDP policy regarding car parking) would not be sustainable given the location and observed availability of on street parking in the wider, albeit residential, area.*

*Policy C2 within the DALP considers impact of development in terms of car parking and the standards set out in Appendix D replicate the DALP maximum standards with the following policy wording;*

*“The Council will require parking provision according to the standards set out in Appendix D. Any significant variation (+/- 10%) from these standards must be justified on a case-by-case basis, and would need to demonstrate there are no harmful impacts on the street scene or the availability of on-street parking.”*

*The proposed development does demonstrate a shortfall when considered against policy, beyond the -10% referred to, but considered on its merits and taking into account site observations it is my opinion that my previous comments stand and that an objection to the proposal based on under provision of onsite parking would not be sustainable as space is available on the highway to park safely/legally for any small amount of overspill that might occur.*

The concerns raised relating to potential to increase improper parking around the junction. It is the responsibility of the Police to enforce and resolve issues surrounding improper and illegal parking and a refusal of the application due to potential for illegal parking not within the application site and resulting congestion could not be justified.

Consequently, it is considered that the development would not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network. Appropriate provision would be provided for car and cycle parking. The site is in an accessible location served by bus stops within a suitable walking distance. Consequently, the proposal is considered to be compliant with Policies C1 and C2 of the Halton Delivery and Allocations Local Plan. It is not considered that the suggested CEMP can be justified based on the scale of the proposed development but an informative can be provided with respect to guidance provided by the Considerate Constructor's Scheme.

Furthermore, paragraph 111 of the NPPF is clear in that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Considering the above, a refusal on highways grounds could not be sustained.

### Drainage

The proposed development involves the creation of car parking spaces on areas that are currently a residential garden. This would have the potential to increase the surface water runoff at the proposed site and exacerbate the existing drainage problems within the area. The Lead Local Flood Authority has been consulted and has no objection although has recommended a basic drainage strategy to help mitigate this, for example some basic measures such as the use of permeable paving, soakaway to garden areas, or a rain water butt. These can be secured by appropriately worded planning condition.

### Waste

The applicant has provided sufficient information in the Proposed Site Plan to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

### Other issues raised

Objections have been raised to the appropriateness of the proposed illuminated signage indicated on the submitted drawings. However, this would be controlled by other legislation and a separate advertisement consent would need to be submitted for considered by the Local Planning Authority.

Objections have also been raised in relation to the number of people that would visit the site and potential safeguarding issues of children living in the surrounding area. However, whilst crime and anti-social behaviour are material planning considerations, no evidence or justification has been presented as to why a dentist would increase such issues in the area, and the proposal could not be refused on these grounds.

Objections have been received on the basis that there are other available commercial properties within area that should be considered first. However the local planning authority is required to consider planning applications on their own merits, whilst there may be commercial units located elsewhere that are preferable, that does not constitute a reason for refusal.

Additional concerns have also been raised with regards to the affect the proposal would have on house prices in the area, however this is not a material planning consideration.

### Summary and Conclusions

The existing traffic in the area, and the highways concerns raised by local residents have been fully considered. However, a refusal could not be justified on highway

grounds as the development would not have an adverse impact on the function, safety and character of and accessibility to the local or strategic highway network. Appropriate provision would be provided for car and cycle parking. And the site is in an assessable location served by bus stops within a suitable walking distance.

Overall the proposal would not have a detrimental impact on the amenity of the area. Suitable planning conditions can be imposed to ensure that the necessary windows would be obscured to prevent loss of privacy to the adjacent property to the rear, and hours of opening to patients can also be controlled by condition to prevent noise and disturbance at unsociable hours.

Furthermore, the external alterations are relatively minor and the general appearance of the bungalow would be retained, so as not to harm the character and appearance of the area.

The proposed change of use would also provide benefits to the local community in the form of an additional dental service. Consequently, the proposed development is consistent with Policies GR1, GR2, C1, C2, HE7 and is recommended for approval.

### **RECOMMENDATIONS**

Approve subject to conditions.

### **CONDITIONS**

1. Standard 3 year permission
2. Condition specifying plans (GR1, GR2)
3. Obscure glazing (GR2)
4. Hours of opening to patients (GR2, HE7)
5. Lowering of wall for visibility (C1)
6. Vehicle access and parking to be constructed prior to commencement of use (C1, C2)
7. Securing EV Charging
8. Implementation of cycle parking provision (C1, C2, and WM8)
9. Drainage (HE9)
10. Landscaping (GR1)
11. Use restriction to a dentist (GR1, GR2, C1, and C2)

### **BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

### **SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);

- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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