

REPORT TO: Development Control Committee

DATE: 12 January 2009

REPORTING OFFICER: Strategic Director - Environment

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: 08/00579/COU

APPLICANT: Mr Eric Drinkwater

PROPOSAL: Proposed Change of Use of commercial property into 4 No. dwellings and 1 No. retail unit with 1 No. flat over

ADDRESS OF SITE: Land at 109 Albert Road, Widnes, WA8 6LB

WARD: Appleton

SUMMARY RECOMMENDATION:

Approve with conditions

CONSULTATION AND REPRESENTATION:

Adjoining properties have been consulted. The Council's Highways Engineer, Trees and Environmental Health Officers have been consulted.

At the time of writing this report, one comment had been received from the adjoining neighbour in support of the application. No further representations had been received from neighbours or internal consultees.

Any issues arising from the consultation process will be reported orally to Members.

SITE/LOCATION:

The site is an existing building situated on the corner of Albert Road and Foster Street and is within the Widnes Secondary Shopping Area, with the Albert Road frontage in an Environmental Priority Area.

RELEVANT HISTORY:

The site was as a retail unit known as D & E Motor Factors and the permissions relate to the use as a retail unit dating back to 1977. There is no further relevant planning history available.

UDP PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is identified as falling entirely within the allocated Widnes Secondary Shopping Area and the frontage as an Environmental Priority Area in the Halton Unitary Development Plan, as such UDP Policies TC8 and BE3 are of particular relevance to this application. The SPD for New Residential Development is also considered of relevance.

OBSERVATIONS AND ISSUES:

Design, Character and Amenity

The scheme as submitted comprises a mix of 5 apartments and a retail unit fronting Albert Road. 4 apartments are situated in the rear section of the building facing Foster Street and a 5th above the retail unit. Refuse and cycle storage access is provided from the rear alley which is gated.

The building is currently in a dilapidated condition and has been the subject of complaints to the Council regarding its condition. The immediate area is densely populated residential community of traditional terraced housing. The proposal seeks to refurbish the current building in a similarly traditional manner.

The nearest affected residential properties are those of 2, 4, 6 and 8 Foster Street, which will have living and bedroom windows facing the proposed

residential properties. These windows will have an interface distance of 12m from the proposed units. However, although this is 4m below what the Council usually insists upon, it is considered that on balance, given the significant regeneration benefits of the scheme and the existing character of the area.

It should be noted that the ground floor unit fronting Albert Road already benefits from planning permission as a retail unit and that the existing use of the property would allow some ancillary office/commercial activity at 1st floor level.

The original plans did not show sufficient provision for refuse storage for the retail unit and the flat above. Amended plans have been requested in order to address this. Members will be updated on the suitability of the amended plans.

Highways and Parking

Whilst it is confirmed that the proposals are generally acceptable and no significant highway objections are raised it is considered that the proposal would benefit from the submission of a Travel Plan in relation to the residential properties. This can be the subject of a planning condition, which the applicant has agreed to.

Given the location of the site and type of properties to be delivered, the future occupiers are not likely to be car owners and will rely on local services and the public transport linkages, which are very accessible from this site.

It is considered necessary to require full details of all windows opening mechanism prior to commencement and restrict permitted development rights for the insertion of additional or replacement of windows to prevent windows opening over the adjacent highway.

Summary and Conclusion

The scheme has the potential to play an important role in the on-going redevelopment and regeneration of the area. In recommending the proposal for approval, Members are being asked to consider relaxation in the Council's standards contained within the residential development guidance. It is considered that this is justified in order to enable the realisation of the redevelopment of this site. The retail unit already benefits from planning permission, but in any event, will achieve the policy requirements relating to the Secondary Shopping Area of Albert Road and the inclusion of a robust residential element will ensure an active and strengthened usage along the Foster Street frontage.

It is on this basis that members are recommended to approve the application.

RECOMMENDATION:

Approve subject to conditions relating to the following:

1. Condition specifying amended plans (BE1)
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Window details to be submitted prior to commencement (BE1)
4. Wheel cleansing facilities to be submitted and approved in writing prior to commencement. (BE1)
5. Travel Plan to be submitted prior to occupation.
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
7. Provision of detailed bin storage/provision of bins for the whole development prior to commencement (BE1 and BE2)
8. Provision and implementation of cycle parking provision prior to commencement (TP6)
9. Conditions relating to restriction of permitted development rights relating to windows (BE1)

PLAN NUMBER: 08/00586/FUL

APPLICANT: Mr Ralph Avis

PROPOSAL: Proposed Waste Transfer Station

ADDRESS OF SITE: Land at Marsh Lane (Site of Ivy House) Runcorn
Cheshire, WA7 1PW

WARD: Castlefields

SUMMARY RECOMMENDATION:

Approve subject to Conditions

CONSULTATION AND REPRESENTATION:

The application has been advertised by way of site and press notice. The Council's Highways Engineer, Trees and Woodlands Officer and Environmental Health Officers have been consulted, as have Peel Holdings, United Utilities, English Heritage and the Environment Agency.

At the time of writing this report one representation had been received from neighbours, objecting to the proposal on the grounds that it would attract undesirables.

The Highways Authority and the Environment Agency have responded. These responses have been covered in the observations section of this report. English Heritage does not consider this proposal requires further comment. They have already commented on the demolition of the listed building.

SITE/LOCATION:

The proposed development site is located on Marsh Lane the site of Ivy House, a derelict grade two listed building, and the site covers an area of 0.21 hectares. Access is gained off Brindley Road and is located within the industrial area of Astmoor. The site is adjacent to the Daresbury Expressway, and is surrounded by an existing wooded area.

RELEVANT HISTORY:

Planning permission was granted in October 2003 for the construction of a single storey light industrial unit, to provide a vehicle workshop and storage facility (application 03/00841/FUL), at the same time Listed Building Consent was granted for the restoration of Ivy House to provide an office and ancillary accommodation (application 03/00842/FUL). More recently this year Listed Building Consent been approved to demolish Ivy House (application 08/00404/LBC).

UDP PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site falls within an area of land designated as primarily employment land (Policy E3) in the Halton Unitary Development Plan. Policies MW3 'Requirements for all Waste Management Applications' and MW7 'Waste Recycling and Collection Facilities' specifically deal with the control of waste transfer stations. General Policies BE1 'General Requirements for Development' and BE2 'Quality of Design' are also relevant as is the councils Supplementary Planning Document 'Design of new commercial and industrial development'.

OBSERVATIONS AND ISSUES:

Planning permission is sought for a waste transfer station at Ivy House, Marsh Lane, Runcorn. The site would process (sort and segregate) dry waste materials including soils, hardcore, construction waste, timber, paper, green wastes, plastics and scrap metal, a maximum throughput of 70 tonnes per day. The applicant wishes to be able to operate the site 24 hours a day in order to process the waste efficiently, passing waste through the site to prevent a build up of materials and to keep the site clean and tidy.

The proposal follows on from the recent planning permission for the demolition of the grade II listed Ivy House. Although permission has already been granted to demolish this existing derelict building at the time of writing this report the building was still standing, as such needs to be considered in this report.

The site is located on the edge of Astmoor Industrial Estate, an area designated as primarily employment in Policy E3 of the Halton Unitary Development plan, Policy MW7 states that such facilities should be located

within employment areas provided they do not have an impact on existing industries, the proposal is therefore acceptable in principle.

Building Design, Character and Amenity

The site is located on the edge of Astmoor Industrial Estate, adjacent to the Darebury Expressway. As the site is not in the centre of industrial estate and visible from the expressway, the applicant has been advised from pre-application discussions that all operations must be within a building, which not only house operations but will provide screening of the site as a whole, and must be of a high quality design.

The proposal is to erect a high quality industrial style building, capable of housing the client's crushing, screening and sorting machinery and storage areas. The industrial building would measure 53m long and 23m at its widest point. A maximum of 10m in height and there would be a 2 storey office and staff facilities in the western end of the building. The centre of the building would remain open to the eaves (approx 9.5m) to allow for vehicle and machinery access.

Because of the site will be visible from the expressway the application proposes to utilise high quality materials, with sandstone block work at the lower levels, contrasting metal and profiled cladding at the higher levels, with a barrelled metal roof. The finish of these materials is an important factor in ensuring a quality development and minimising visual impacts, a condition for approval of quality materials samples prior to commencement is recommended. Subject to this the design and appearance is considered to be acceptable and would not impact on the amenity of occupiers on adjacent land.

One objection has been received from local residents in relation to the site attracting undesirables. In order to ensure the site is adequately secured and does not attract antisocial behaviour a condition is recommended for the submission of details of boundary treatments.

Dust, Noise and Environmental Impacts

The development involves bringing on to the site construction waste, hardcore and soil, that will be processed through crushing and screening machinery and sorting by hand, this has the potential to create dust. In order to prevent migrating dust, a condition is recommended for the submission of details of a scheme and programme for dust suppression.

A further condition for wheel wash facilities during construction is recommended to prevent the tracking of mud and dust onto the road during construction. Given the nature of the operation a condition for the details and retention of permanent wheel wash facilities on site is also recommended to prevent the potential tracking of mud and dust onto the road during the site operational phase.

The application has been submitted with a desktop study in relation to ground conditions, the Councils contaminated land officer has been consulted, and although further investigations are required, this can be addressed via a suitably worded condition.

The Environment Agency have been consulted and have no objection in principle subject to conditions relating to site investigations, foul and surface water drainage, surface water drainage, oil interceptors, and roof water drainage.

Highways and Parking

The access to the site would be gained from Brindley Road, through an existing car park, which the applicant states has rights of access. The use would give rise to a range of vehicular movements, including staff cars and 7.5 to 32 tonne articulated vehicles. However, given the size of the site the scale of the operation is limited, with vehicle movements being a maximum of 14 (in and out) a day this does not cause any highway concern. This is an existing industrial estate where the relatively low vehicle movements that would be created by this development are not considered to have any significant highways impacts. The proposal provides adequate parking and servicing areas. Details of vehicle tracking show that some alterations to the kerb line are required to improve the access onto Brindley Road. This can be controlled by condition.

Trees

The site is surrounded by an existing wooded area, which provides screening for the site and softens visual impact. The application has been accompanied with a tree survey of the site, identifying the trees that are affected by the development. The tree survey and its recommendations are considered to be acceptable. Conditions are recommended so that the recommendations and protection measures in the tree survey report are implemented in full.

Listed Building

The site is on the site of the existing Ivy House; Listed Building Consent (08/00404/LBC) has been granted to demolish the building, with no objections from the council's conservation adviser or English Heritage.

However, the granting of permission to demolish the building does not in itself de-list a building (this is done through a separate procedure). At the time of writing this report the building had not yet been demolished, therefore when considering this planning application the listed building still remains a material consideration.

Ivy House is a grade II Listed building. The Unitary Development Plan Policy, aims to preserve the special architectural or historic features and character of the buildings and its setting. Given that this proposal involves the

loss of Ivy House, this undoubtedly has an impact. However, the previous application (08/00403/LBC) and the information provided with this current application has demonstrated that due to the significant loss of fabric of the building and the degradation of its setting through the construction of both the Daresbury Expressway and the Astmoor Industrial Estate, the buildings importance is now limited.

Due to the significant degradation of the building a substantial amount of work and rebuilding would be required to renovate the property into a useable building. When considered against current listing criteria for a building of this type, any such renovated building is unlikely to warrant it's listed building status.

Taking into account the poor condition of the building, the loss of a large percentage of its original features, and its current setting it has been demonstrated that the loss of Ivy House, which is necessary to facilitate this proposal, is acceptable. Furthermore the applicant has carried out a full building recording to comply with Policy BE 7 of the Unitary Development Plan.

Summary and Conclusion

The proposed use of the site as a waste transfer station complies with Unitary Development Plan Policies MW3, MW7 and E3. Subject to conditions any potential environmental impacts including dust and ground conditions can be satisfactorily addressed. The siting design and appearance of the building is considered to be acceptable subject to conditions to ensure quality materials in order to comply with Policy BE2 and the council's Supplementary Planning Document for the Design of Industrial and Commercial Buildings. There are not considered to be any significant highways impacts and the proposal provides adequate parking and servicing areas. Listed building consent has already been granted for the demolition of Ivy House establishing the principle of its demolition, and the building has been fully recorded to comply with Policy BE7.

RECOMMENDATION:

Approve subject to conditions relating to the following:

1. Condition relating to time limits
2. Condition for amended plans (BE1 and BE2)
3. Materials condition, requiring the submission and approval of the materials to be used (BE2)
4. Wheel cleansing facilities during construction to be submitted and approved in writing prior to commencement. (BE1)
5. Permanent wheel cleansing facilities during construction to be submitted and approved in writing prior to commencement. (BE1, MW7)
6. Condition relating to scheme and programme for dust suppression (PR1, MW7)

7. Provision and implementation of cycle parking provision prior to commencement (TP6)
8. Condition relating to parking, servicing and turning area to be laid out in accordance with plans (BE1, BE2)
9. Conditions relating to landscaping and final site levels
10. Condition to restricting external storage, and site operations (BE1, MW7 and E3)
11. Condition requiring further site investigations (PR14)
12. Conditions relating to disposal of foul and surface water drainage (BE1)
13. Condition relating to treatment of surface water run-off (BE1)
14. Condition relating to details and installation of oil and fuel interceptors (BE1, MW7)
15. Condition relating to scheme for roof drainage.
16. Conditions relating to the implementation of the tree survey report recommendations (BE1, BE2)
17. Grampian condition for off site highways work to realign the kerb line at the access on Brindley Road (BE1, BE2)

PLAN NUMBER: 08/00608/FUL

APPLICANT: Velocity Healthcare Ltd

PROPOSAL: Proposed external alterations to planning approval 05/00903/FUL

ADDRESS OF SITE: Meadow Lodge, Bennetts Lane, Widnes

WARD: Halton View

SUMMARY RECOMMENDATION:

Approve

CONSULTATION AND REPRESENTATION:

A site notice has advertised the proposal. The nearest neighbours and landowners have been consulted by letter.

There have been no comments on the application at the time of writing the report. Any comments received will be presented orally to Members.

SITE/LOCATION:

The site is known as Meadow Lodge, located off Bennetts Lane. Dans Road and Gorsey Lane bound the site.

RELEVANT HISTORY:

Applications of direct relevance are: -

05/00903/FUL, which, was submitted for a single storey and two-storey development for the provision of residential care/treatment and site access into adjoining site; and further applications, which this proposal is a re-submission of; 07/00538/FUL – withdrawn; 08/00382/FUL – refused, now the subject of a planning appeal.

The Council refused 07/00510/ELD -Application for a Certificate of Lawfulness for proposed use of the site as a secure residential care and treatment facility. The applicants were subsequently successful at appeal.

Member will also be aware of two further planning applications to change the use of the site to a secure care and treatment facility for mentally ill patients (C2A) Ref; 08/00367/COU & 08/00368/COU. These applications were refused and are the subjects of a further planning appeals.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as Proposed Employment Development Site and is within an Environmental Priority Area of the Halton Unitary Development Plan. Policies E1 Local and Regional Employment Land Allocations and BE3 Environmental Priority Areas are of relevance. Policy BE2 Quality of Design is also of relevance.

OBSERVATIONS AND ISSUES:

The proposal is for minor alterations to the buildings approved under planning approval 05/00903/FUL. The building has been completed on the basis of this current scheme. The current application includes a set of plans in addition to those previously submitted, which express the building as it is built. The application is therefore retrospective.

The application would normally be dealt with under the delegated powers of the Operational Director, but given the wider interest and issues, it is considered appropriate to report this application to the Committee.

The Proposal

The application is for minor alterations to the building arrangement for the residential care/treatment home at Bennetts Lane.

The amendments include the repositioning of a generator and amendments to the following plans explained in the applicants submitted 'Schedule of Amendments':

Building A (plan no. 0415/P04/C):

Elevation A

- Square window omitted entrance door and canopy introduced
- Small square window omitted and double square window introduced to laundry
- Entrance lobby area enlarged
- Roof glazing to covered area omitted.

Elevation B

- Fire exit door repositioned from main hall
- Service area amendment
- Main hall structure reduced
- Window omitted
- Door added

Elevation C

- 2 no. first floor windows

Elevation D

- 4 no windows omitted
- 2 no. other windows omitted from café/wc area
- main hall reduced

Internal alterations/rearrangements to kitchen and back up area, first floor offices, main hall and store doors omitted.

Building B (plan 0415/P05/D):

- Lantern roof light reduced in size
- Corridor roof light reduced on drawing to accurately reflect the approved plan.
- Utility and assisted bathroom added (B040 and B041 handed)

Building C (plan 0415/P06/C):

- Roof lights reduced
- Middle entrance area increased
- Door added to match approved elevation plan
- First floor offices rearranged internally.

Building D (plan 0415/P07/C):

- Lantern roof light reduced
- Corridor roof light reduced on drawing to accurately reflect approved plan
- Assisted bathroom and utility handed.

Building E (plan 0415/P08/C):

- Ground floor gable wall to elevations C and D omitted
- Entrance area increased
- Elevation C amended to match approved plan drawing indicating single glazed door.

Site Plan (plan 0415/P01/G)

- Generator repositioned on advice from statutory authorities.

Observations

The reasons provided in the applicant's Design & Access Statement for the amendments are a response to the guidance contained within the Department of Health guidelines and CABE's 'Designed with Care' document in relation to the safety and security aspects within each of the individual patient areas and enclosures on the boundary of the site.

This is supplementary to the explanations for the changes included in the Schedule of Amendments relating to Building Regulations and Fire Evacuation.

Previous Committee Consideration

Members will be aware that this same scheme was before them in September 2008 reference 08/00382/FUL. At this time the application was refused in accordance with the officer recommendation. It should be noted that the two applications for the change of use of the buildings, submitted at the same time, were also refused.

This reason for refusal of the previous application 08/00382/FUL, was solely based on its relationship with the then proposed use of the site as a secure care and treatment facility for the mentally ill (C2A use) expressed on 08/00367/COU & 08/00368/COU. There were no design or physical impact reasons for refusal of the application.

Conclusion

The existing structure is a good quality building and these minor alterations will not result in an adverse visual impact upon it. From the submitted statements, the alterations are related to the intended use of the site as a secure residential care and treatment facility for mentally ill patients. A use for which planning permission has been granted through the original approval of the site Ref: 05/00903/FUL, confirmed by the Planning Inspector in the conclusion to the appeal against the Council's refusal of 05/00510/ELD (Application for a certificate of lawful use).

Externally given the location of the site, the changes to the originally approved structure have no significant impact on the quality of the surrounding area. It is recommended that this application for minor amendments be also approved.

For the avoidance of doubt a condition should be added to relate this proposal to the appeal decision APP/D0650/X/08/2068530, for the certificate of lawfulness.

RECOMMENDATION:

Approve subject to conditions:

- 1 Relation to submitted and approved plans:-
0832 AB-EX-001(Site Plan);
0832 AB-L-001 (Location Plan – As Built);
0867 AB-A-001 (Building A as built);
0867 AB-B-001 (Building B as built);
0867 AB-C-001 (Building C as built);
0867 AB-D-001 (Building D as built);
0867 AB-E-001 (Building E as built)
Schedule of Amendments (Policy BE1 and BE2)
- 2 Permission relates to the use of the site as approved by the
decision of the Secretary of State reference APP/D0650/X/08/2068530
(Policy BE1)

PLAN NUMBER: 08/00593/HBCFUL, 08/00594/HBCFUL,
08/00595/HBCFUL, 08/00584/HBCFUL, and
08/00609/HBCFUL.

APPLICANT: Halton Borough Council

PROPOSAL: Proposed erection of 2m high alleygates between No. 10-12 Wavertree Ave and 9-11 Squires Ave, Widnes, No. 21-23 Squires Avenue and 22-24 Wavertree Avenue, Widnes Cheshire, No. 52 and 53 Brunner Road, and 34 and 36 Wavertree Ave, Widnes.

The erection of type 3 vehicular access gates (to block entry to alley which is parallel to Ollier Street and Thomas Street) together with fencing and type 3 gates to block off the alley running between Ollier Street and Thomas Street.

Proposed erection of 2 no. type 1 pedestrian alley gates to block off alley between Haddon Drive and Tiverton.

ADDRESS OF SITE: Between No. 10-12 Wavertree Ave and 9-11 Squires Ave, Widnes, No. 21-23 Squires Avenue and 22-24 Wavertree Avenue, Widnes Cheshire, No. 52 and 53 Brunner Road, and 34 and 36 Wavertree Ave, Widnes, between Ollier Street and Thomas Street and between Haddon Drive and Tiverton Close.

WARDS: Kingsway, Riverside and 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 the Emergency Services and United Utilities have all been consulted.

United Utilities have confirmed that they raise no objections in principle to all of the five applications.

Any further representations will be reported on the amendments list or orally at Committee.

SITE/LOCATION:

The Council's alley gating programme currently has five individual gating schemes that require planning permission. These include the proposed gates to be located at

- Between No. 10-12 Wavertree Ave and 9-11 Squires Ave, Widnes (08/00593/HBCFUL)
- Between No. 21-23 Squires Avenue and 22-24 Wavertree Avenue, Widnes Cheshire (08/00594/HBCFUL)
- Between No. 51 and 53 Brunner Road, and 34 and 36 Wavertree Ave, Widnes (08/00595/HBCFUL)
- The erection of type 3 vehicular access gates (to block entry to alley which is parallel to Ollier Street and Thomas Street) together with fencing and type 3 gates to block off the alley running between Ollier Street and Thomas Street (08/00584/HBCFUL).
- Proposed erection of 2 no. type 1 pedestrian alley gates to block off alley between Haddon Drive and Tiverton (08/00609/HBCFUL).

RELEVANT HISTORY:

The Executive Board gave approval for the implementation of a pilot alleygating scheme 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 the gates at the entrance of alleyways at the above site locations following successful completion of earlier schemes.

Justification for the Scheme

Gating of alleyways or "alleygating" has proved to be a very successful 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. All of 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

The five schemes currently submitted proposes to gate enclose alleys by erecting gates at:

- Between No. 10-12 Wavertree Ave and 9-11 Squires Ave, Widnes (08/00593/HBCFUL)
- Between No. 21-23 Squires Avenue and 22-24 Wavertree Avenue, Widnes Cheshire (08/00594/HBCFUL)
- Between No. 51 and 53 Brunner Road, and 34 and 36 Wavertree Ave, Widnes (08/00595/HBCFUL)

- Between Ollier Street and Thomas Street. (08/00584/HBCFUL)
- Between Haddon Drive and Tiverton (08/00609/HBCFUL)

The gates would limit access to residents, who require access to the rear of their properties, these residents would be provided with keys.

Legal Issues

The Council presently maintains all the alleyways under consideration. 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 a duty to prevent, as far as possible, the stopping up or obstruction of any highway for which it is responsible. Whilst gating without an order is strictly unlawful, there are nevertheless strong policy grounds to justify the Council proceeding with this additional scheme. At the time of writing this report the gating orders for each of the scheme were being dealt with by the Council's Highways Authority, but had not yet been approved.

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 the following conditions;

1. Standards time limit for implementation
2. Requiring colour coating Dark Green BE22.