



Appeal Decision

Site visit made on 31 January 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/D0650/W/22/3305916

34 Cronton Lane, Widnes WA8 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Rachel Heaton of Cronton Dental Ltd against the decision of Halton Borough Council.
 - The application Ref 21/00629/COU, dated 1 November 2021, was refused by notice dated 27 May 2022.
 - The development proposed is the change of use from dwelling (Use Class C3) to dental practice (Use Class E(e)) with onsite parking for 8 vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling (Use Class C3) to dental practice (Use Class E(e)) with onsite parking for 8 vehicles at 34 Cronton Lane, Widnes WA8 5AJ in accordance with the terms of the application, Ref 21/00629/COU, dated 1 November 2021, subject to the conditions identified in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development upon highway safety with particular regard to the adequacy of parking provision.

Reasons

3. The proposal is intended to operate as a private practice providing 2 consulting rooms and, possibly, to offer a new NHS service that would provide advanced dentistry practice through referrals. It is expected that the practice would have up to 40 patients over the course of the day and 5 members of staff on site at any one time.
4. Whilst the reason for refusal does not make reference to policy, the committee report refers to Policies C1 and C2 of the Halton Delivery and Allocations Local Plan 2022 (LP). Policy C1 addresses the transport network and accessibility and supports development that, amongst other things, does not have an unacceptable impact on highway safety and makes appropriate provision for car and cycle parking. Policy C2 addresses parking standards, which are set out in Appendix D.
5. The adopted parking standards recommend the provision of 11 parking spaces. The appeal plans, however, indicate the provision of 8 spaces. Therefore, in accordance with LP Policy C2 it is necessary to demonstrate that there would be no harmful impacts on the street scene or the availability of on-street parking.

6. The spaces would all be accessed off Hill View and include 2 spaces within the existing integral garage. It has been suggested that the garage spaces are unlikely to meet current guidance in terms of internal dimensions. However, in the absence of evidence to the contrary, it is reasonable to consider such spaces suitable for the parking of smaller vehicles and to count them towards parking provision.
7. The site is in a residential area and would be accessible on foot for a significant number of people. The site offers access to bus stops on Cronton Road and I also note that the proposal includes secured storage for 4 bicycles. This suggests that there is the opportunity for staff and patients to access the dental practice without relying upon the private car.
8. Whilst it can only represent a snapshot in time, I undertook my site visit to coincide with the end of the academic day at the nearby Cronton Sixth Form College. I witnessed many pupils walking along Cronton Lane and waiting at the nearby bus stops. At the time there was also a constant flow of traffic along Cronton Road and regular vehicular movements on Hill View. I saw, and experienced first-hand, that vehicles had to wait to exit from Hill View onto Cronton Lane.
9. The proposed parking spaces are accessed at a point close to the Hill View junction with Cronton Lane. Due to its restricted width and some on street parking, Hill View does not allow two-way traffic for some of its length. It is, however, straight so any driver emerging from the parking spaces would be able to see if a car or pedestrian were approaching and could wait until the other highway user had passed. Furthermore, vehicles turning into Hill View from Cronton Lane would see such manoeuvres in advance, given the intended reduction in height of the piers to the low boundary wall, and would therefore have adequate time to slow down so as to avoid conflict.
10. On my visit I observed a delivery vehicle passing parked cars on Hill View. This demonstrated that deliveries could take place at the appeal site, and that emergency vehicles could gain access to properties that are served off Hill View.
11. I note the concern that has been expressed that traffic might back up on Cronton Lane whilst waiting for vehicles to manoeuvre into and out of the proposed parking spaces. Whilst I acknowledge that such activity would disrupt the free flow of traffic on a busy route to the College, no substantive evidence has been presented that demonstrates that this would give rise to conditions that are prejudicial to highway safety. Reference has been made to a fatal accident on Cronton Lane, but it is unclear from the information provided whether that was in connection with the turning of vehicles into and out of Hill View. It does not, therefore, support a conclusion that the proposal would materially increase the likelihood of road traffic accidents.
12. Any on street parking on Hill View opposite the proposed parking spaces, would restrict the highway width and consequently increase the time it would take to manoeuvre into and out of the proposed parking spaces. The flow of traffic would slow therefore, which I acknowledge would be inconvenient, but, as set out above, it has not been demonstrated that this would be harmful to highway safety.

13. At my visit I noted that parking is not restricted along Hill View and Tynwald Close and whilst there was some on-street parking, there remained some capacity to accommodate additional parking on such roads. Whilst I did not see any students parking on Hill View or Tynwald Close it is reasonable to conclude that it does take place. Nonetheless, from my observations and the information provided, I consider that there would be sufficient on street parking to accommodate any limited overspill parking from the proposal and that generated by the College.
14. I have had regard to the comments from the Police's Designing Out Crime Officer (DOCO) that there have been a high number of parking complaints around the shops. However, there is nothing before me that indicates that the proposal would exacerbate such problems given that the shops are some distance away on Cronton Lane. Moreover, I note that the DOCO does not refer to parking complaints on Hill View and Tynwald Close.
15. The proposed dental practice would be open at times that coincide with the start and finish of the academic day at the College, and as such there would be some use of the parking spaces at the time that students are walking to and from the College. I acknowledge that pedestrians, including students, would have to walk past the parking bays however the visibility is good, and the distance is short, thereby minimising any risk of conflict between pedestrians and vehicles.
16. Given such factors, the limited shortfall in on-site parking below the adopted recommended standards would not be significant. Therefore, even if the development were to result in more people parking on nearby streets, I am not persuaded that the situation would be detrimental to highway or pedestrian safety. Furthermore, the proposal would not adversely affect the availability of on-street parking or harm the street scene. In reaching this conclusion I have had regard to the comments of the Highway Authority who have not objected to the proposal.
17. Consequently, I conclude that the proposal would not harm highway safety with particular regard to parking provision. It would therefore accord with LP Policies C1 and C2 which support development that does not have unacceptable impact on highway safety and makes appropriate provision for car and cycle parking.

Other Matters

18. Concern has been expressed about the loss of a bungalow adding to a shortage of that type of housing. However, no evidence has been provided to demonstrate that point and my attention has not been drawn to any adopted policy that seeks to prevent the loss of bungalows to non-residential uses.
19. I note the concern that has been expressed that youths will congregate at the site. No information has been submitted to substantiate such a claim, however, and I am not aware that there is a causal link between the operation of dental practices and anti-social behaviour.
20. I have taken into account representations about pollution from vehicles. However, as the roads are already busy and the additional number of vehicles associated with the proposed use would be limited, I am not persuaded that there would be an increase in pollution that would adversely affect the health

or living conditions of nearby residents. Issues of loss of privacy and noise can be addressed through the use of conditions as set out below. As such the living conditions of nearby residents would not be unacceptably harmed.

21. There is nothing before me that suggests a need to install window shutters. Advertisements are the subject of separate legislation and as such is not a matter for consideration in this appeal. Taking such matters into consideration I have no reason to disagree with the Council's conclusion that the proposal will not be harmful to the character and appearance of the area.
22. The existence of other, more centrally located, premises for the proposed use and the lack of any need for private dentist have not been proven and as such do not weigh against the proposal.
23. Representations have been made to the effect that the rights of neighbouring occupiers, under the Human Rights Act 1998, Article 8, would be violated if the appeal were allowed. Given that I have found that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers. The degree of interference that would be caused would be insufficient to give rise to a violation of such rights.
24. Overall, I find no harm regarding the matters I have referred to in this section and therefore they do not provide reason to withhold planning permission.

Conditions

25. The Council has suggested several conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.
26. In addition to the standard time limit condition limiting the lifespan of the planning permission (1) I have also, in the interests of certainty and best practice, attached conditions specifying that the development is carried out in accordance with approved plans (2).
27. In the interests of protecting living conditions of neighbouring occupants, it is necessary to impose a condition requiring the obscure glazing of new windows on the side elevation that faces towards the adjoining property on Cronton Lane (3). For the same reason I have imposed a condition restricting the hours of opening to the public which, for the avoidance of doubt, expressly states that the premises shall not open to the public on Sundays (4).
28. In the interest of the character and appearance of the area and highway safety, I have imposed a condition that requires the implementation of the approved boundary treatment (5). I have also imposed a condition, in the interests of character and appearance, that requires that all hard and soft landscape works are carried out prior to first use of the development (10).
29. I have included conditions relating to access and parking to ensure that the development does not adversely impact on highway safety (6). For this reason, it is also necessary to include a condition that restricts the use to a dental practice given that it has not been demonstrated that other Class E uses would not result in highway safety concerns (11). It is also reasonable to require electric vehicle charging points (7) and cycle parking spaces (8) to be provided within the development to promote sustainable forms of development.

30. As the proposal increases the amount of hard surfacing within the site it is necessary to include a condition to ensure that the site is suitably and correctly drained to avoid a risk of flooding (9). I have not, however, included a similar requirement for foul drainage within the condition as there is no evidence before me that suggests that the existing foul drainage arrangements would be inadequate for the proposed use.
31. The Highway Authority has asked for consideration to be given to an amendment to the weekday working hours so that the practice would not open until after the morning peak. Whilst this would be beneficial there is no clear highway safety justification for the imposition of such a condition within the submitted information. As such it has not been sufficiently demonstrated that such a condition is necessary.

Conclusion

32. For the reasons given above I conclude that the proposal accords with the development plan when taken as a whole and there are no material considerations which indicate that the decision should be taken otherwise than in accordance with it. Consequently, the appeal is allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 0001-01 amended – Existing elevations, plans & site location plan; Drawing number 0001-02 amended - Proposed elevations, proposed block plan showing drop crossings & existing site photograph; Drawing number 0001-03 amended - Existing & proposed block plan including areas & with proposed hard landscape materials noted; Drawing number 0001-04 amended - Proposed plans & proposed front elevation as viewed from Hill View; and Drawing number 0001-05 amended - Proposed block plan
- 3) The new window and door located on the rear, east facing elevation that will serve the Staff Room and Decon Room shall be obscurely glazed prior to the first use of the development hereby approved and shall be retained as such thereafter.
- 4) The use hereby permitted shall not be open to customers/patients outside of the following times:
8:30am – 7pm Monday to Friday
9am – 1pm Saturday
And not at any time on Sundays
- 5) The boundary treatments detailed on approved drawing number 0001-04 amended shall be implemented prior to the first use of the development hereby approved and shall be maintained thereafter.

- 6) Prior to the first use of the development hereby approved the vehicle accesses and parking areas shall be laid out and surfaced in accordance with the approved plans and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.
- 7) Prior to the first use of the development hereby approved Electric Vehicle Charging Points for 2no. spaces (minimum) as shown on approved drawing number 0001-03 amended shall be implemented. The charging points shall be maintained thereafter.
- 8) Prior to the first use of the development hereby approved the cycle parking spaces as shown on approved drawing number 0001-03 amended shall be implemented. The cycle parking shall be maintained thereafter.
- 9) Prior to the first use of the development hereby approved a drainage strategy to identify how surface water drainage would be managed, shall have been submitted to and approved in writing by the local planning authority, and fully implemented.

The drainage strategy should demonstrate the management of surface water runoff in accordance with the sustainable drainage (SUDS) hierarchy, with surface water discharge locations considered in preferential order:

- Soakaway (infiltration),
- Discharge to watercourse,
- Discharge to surface water sewer, and finally
- Discharge to combined sewer.

The drainage strategy report should provide evidence that the development would not be at risk of flooding and would not increase the risk of flooding elsewhere throughout the life of the development with consideration of the impact of climate change on rainfall intensity.

The drainage strategy report should include details of any increase in impermeable area and evidence that any drainage network such as sewers would have capacity to receive the proposed flows.

A conceptual drainage layout drawing should also be prepared indicating runoff areas and the location and volume of any attenuation storage needed to achieve the required discharge rate.

- 10) Prior to the first use of the development hereby approved, all hard and soft landscape works shall be carried out in accordance with approved drawing number 0001-03 amended.
- 11) The premises shall be used for the purpose of a dental practice and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

End of Schedule