



Appeal Decisions

Site visit made on 26 April 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/D0650/W/22/3311444

Green Oaks Centre, Green Oaks Way, Widnes, Halton WA8 6UD

- 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 Savills (UK) Limited against the decision of Halton Borough Council.
 - The application Ref 22/00284/FUL, dated 27 May 2022, was refused by notice dated 12 October 2022.
 - The development proposed is the installation of Car Park Management System on Existing Car Park with Automatic number plate recognition cameras and non-illuminated signage.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a car park management system on the existing car park with automatic number plate recognition cameras at Green Oaks Centre, Green Oaks Way, Widnes, Halton WA8 6UD in accordance with the terms of the application, Ref 22/00284/FUL, dated 27 May 2022, and the plans submitted with it, subject to the following 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:
 - 8709-BOW-A0-ZZ-DR-A-P002 rev. P3
 - 8709-BOW-A0-ZZ-DR-A-P003 rev. P2

Procedural and Preliminary Matters

2. The application form covered the application for planning permission and consent to display advertisements. Therefore, the description of the proposal on the application form included references to development covered within the application for consent to display advertisements. Furthermore, Section E of the appeal form identifies that the planning application concerns the installation of the car park management system only. I have therefore removed wording from the description of development which relates to development which is considered under the application for consent to display advertisements. I have determined this appeal on that basis.
3. The appellant has indicated on the application form that the proposed development has started and been completed, and the Council has treated the application as retrospective when determining the application. However, during my site visit I observed a development which is different to that shown on the application plans. The alignment of the pay and display machines was different

to that shown on the Signage Location Plan (ref. 8709-BOW-A0-ZZ-DR-A-P002 rev. P3).

4. My assessment is therefore made on the details shown on the application plans as this is the development which has been applied for and consulted upon. Throughout my decision I will refer to it as the proposed development, albeit certain aspects have already been constructed.
5. The Signage Location Plan includes the red line site boundary, two of the proposed non-illuminated signs and a new post are located outside of the site boundary. I wrote to the Council and the appellant to ask for comments on the implication of this. Both parties agreed that the signage could not be considered as part of the planning application. Nevertheless, these aspects of the proposed development have been considered as part of the appeal (Ref. APP/D0650/H/22/3311445) which concerns the application for advertisement consent on the same appeal site.
6. The postcode for the site address listed on the appeal form and application form were different, it has been clarified with the appellant that the correct post code is WA8 6UD.

Main Issues

7. The main issues of this appeal are:
 - the effect of the proposed development on the vitality and viability of the town centre; and,
 - the suitability of the proposed development for all users.

Reasons

Vitality and viability of the town centre

8. The proposed development includes the installation of a car park management system which includes pay and display machines, automatic number plate recognition (ANPR) cameras, only. It does not consent to the introduction of parking charges, which itself does not constitute development and could be implemented without the need for planning permission.
9. The Council and interested parties have argued that the proposed development would lead to decreased footfall within the town centre and the reduction in free parking would lead to the displacement of parking onto nearby residential streets. However, this contention is largely reasoned by the introduction of parking charges which is outside of the scope of the planning appeal. There is no substantive evidence to suggest that the installation of pay and display machines and ANPR cameras would directly affect footfall in the town centre and lead to the displacement of parking to residential streets. The provision of car parking spaces remains the same as existing and they would be available for use by all users.
10. It has been put to me that the installation of the aforementioned infrastructure would have an effect on people where the protected characteristic of disability is engaged. It is argued that the proposed development would lead to displacement of parking and therefore overcrowding of other car parks and people would have to park a significant distance from Widnes Market. Nevertheless, the installation of the infrastructure would not alter the overall

number of car parking spaces nor the provision of disabled spaces. Blue badge holders would still be able to use the disabled spaces which are in proximity to the market.

11. Accordingly, the proposed development would not have a harmful effect on the vitality and viability of the town centre. The appeal scheme therefore would not conflict with Policy CS(R)18 of the Halton Delivery and Allocations Local Plan (LP), March 2022, which indicates that development proposals would be expected to be flexible and adaptable to respond to future social, technological, economic, environmental and the health needs of the Borough.

Suitability of the proposed development

12. I acknowledge concerns raised by local councillors and interested parties in relation to the different aspects of the car park management system. I accept that the height and size of the display and keypad on the pay and display machines could be challenging for users with visual and/or mobility impairments. However, the proportion of users who would find the machines difficult to use has not been demonstrated. In any event, the signage indicates that users would also be able to pay for parking using a mobile phone. If they are paying by mobile phone, users would not have to interact with the machines.
13. The proposed pay and display machines are all sited reasonably close to the disabled parking spaces within wide footpaths to ensure movement is not impeded. However, I appreciate car park users with mobility impairments may wish to minimise the distance they have to travel. To achieve this, in this instance, they would also be able to use a mobile phone to pay for parking. Given the machines would be suitable for use for most users and there are alternative ways of paying for parking, the pay and display machines would be suitable for the proposed use.
14. Although the car park management system may be more difficult for car park users to interact with, where the protected characteristics of age and disability are engaged, I conclude that the proposed development would be suitable for all users. The appeal scheme therefore complies with LP Policy CS(R)18 which indicates that development proposals will be expected to create places that are attractive, promote active lifestyles and work effectively for all members of society.

Other Matters

15. S73A of the Town and Country Planning Act 1990 allows for planning applications to cover development carried out before the date of the application. Paragraph 17b-012 of the Planning Practice Guidance advises that a local planning authority can invite a retrospective application where it is an appropriate way forward to regularise the situation, but it cannot be assumed that permission will be granted and the LPA should take care not to fetter its discretion prior to the determination, such that an application must be considered in the normal way.
16. Interested parties have alleged that the site boundary does not show the correct site and includes land not owned by the applicant. However, the appeal has been supported by a land ownership certificate which acknowledges that notice has been served on the landowners and therefore the requirements of

The Town and Country Planning (Development Management Procedure) (England) Order 2015 have been satisfied.

17. It has been put to me that anti-social issues are not present within the car park and as such the proposed cameras are not required. In this instance, the use of cameras is not predicated on whether they are required to address concerns with anti-social behaviour. Likewise, it has been suggested that the operator should use people to issue fines rather than cameras linked to a Driver and Vehicle Licensing Agency (DVLA) database. My assessment is based on the planning merits and acceptability of the appeal scheme that is before me only, and I have not therefore considered the merits of alternative schemes, which are not.
18. Interested parties have raised concerns with the operation of a kiosk within the car park and have suggested a planning application for a drive thru is linked to the proposed development subject to this planning appeal. This planning appeal concerns the merit of the proposed development that was determined by the Council. The decision is not affected by ongoing operations not covered within the planning application and is without prejudice to the determination of future planning applications or enforcement action for alternative uses on the appeal site.
19. The introduction of the car parking management system would not impede elderly people using the Market as a meeting hub. I therefore do not consider that the proposed development would fail to eliminate discrimination, advance opportunities or foster good relations with people where the protected characteristic of age is engaged.
20. In reaching this view, I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010 and the proposed development would therefore be consistent with the three aims of the PSED.

Conditions

21. The Council has suggested a condition relating to approved plans, that it considers would be appropriate. I have considered this in light of the Planning Practice Guidance and I conclude that a condition specifying approved plans is necessary as this provides certainty. I have also attached a condition specifying a time limit to implement the permission, as this is required¹ and because I do not consider the application to be fully retrospective for the reasons given above.

Conclusion

22. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.

¹ S91 of the Town and Country Planning Act 1990

23. Therefore, for the reasons given above I conclude that the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR