

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 15 August 2011 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Balmer, J. Bradshaw, A.Cole, Gilligan, Hignett, Hodgkinson, Leadbetter, McInerney and Osborne

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Cross, A. Plant, J. Farmer, R. Wakefield, P. Shearer and R. Cooper

Also in attendance: Councillors Fry, Rowe and K Loftus and 81 members of the Public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

	<i>Action</i>
DEV12 MINUTES	
The Minutes of the meetings held on 4 July 2011, having been printed and circulated, were taken as read and signed as a correct record.	
DEV13 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.	
DEV14 - 11/00044/FUL - PROPOSED DEMOLITION OF EAST LANE HOUSE AND TERRITORIAL ARMY CENTRE AND THE DEVELOPMENT OF A RETAIL STORE (USE CLASS A1), CAR PARKING, SERVICING A PETROL FILLING STATION AND ASSOCIATED LANDSCAPING AT EAST LANE, RUNCORN	
The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	

It was reported that in addition to the objection received from the current owners of Halton Lea, Runcorn One Ltd, an additional letter had been received from the Solicitors acting on behalf of Runcorn One, Olswang, which concluded that the Committee report was flawed and contained errors of planning law and thus, a decision to approve the application could be challenged in the Courts. A further letter had been received from them the day of the meeting confirming these views.

Officers provided Members with a document titled 'Addition to Agenda Report Conclusion' which provided clarification of the planning policies pertinent to this application (specifically, with reference to PPS4).

It was further reported that additional comments had been received from Highcross Strategic Advisors, who represented the owners of Grosvenor House, who had written to support the proposal as it would result in highway improvements which would improve the attractiveness of their property to potential investors.

It was noted that the highway engineers had recommended additional conditions as follows:

- Retaining walls details;
- A car parking management plan;
- A site services plan to manage deliveries to and from both the service yard and the filling station;
- A construction management plan for the building demolition;
- Before development begins, details of alterations to surrounding adopted highways on north way, east lane and crown gate, to be carried out to agreed timetable;
- Before development details of pedestrian and cycle linkages east land to Rhoehampton Drive and Alexander House and Sorting Office; and
- Details of management company response for highway landscaping.

The Committee was then addressed by Mr Daniel Lampard, a representative from Runcorn One, who spoke against the proposal, citing that this development would undermine the ability of Runcorn One to invest and improve Halton Lea and that it would ultimately divert traffic away from the centre, which would impact upon the retailers.

Mr Chris Edge, a representative for the applicant, then addressed the Committee speaking for the proposal.

He disagreed that the proposal would divert traffic from Halton Lea and advised that an enhanced footbridge would be built leading to Halton Lea providing easy access for shoppers. He stated that 230-240 jobs would be created and that competition with Asda would have a positive impact upon the area.

Members debated the proposal taking into consideration the additional information provided. Although there were differences of opinion of the potential impact the development may have on Halton Lea, the Committee agreed that the advantages the development would bring, such as employment and regeneration, must be taken into consideration and that these outweighed any material considerations.

RESOLVED: That the application be approved subject to the following, notwithstanding the clear policy advice contained within PPS4 Policy EC17.1, the Committee felt that the benefits which would be derived by approving the application through employment generation and regeneration outweighed this policy advice and consequently:-

- a) delegated authority be given to the Operational Director Planning, Policy and Transportation, in consultation with the Chair and Vice Chair, to approve the application subject to conditions referred to below and legal agreement* and the application not being called in by the Secretary of State; and

**Section 106 for the submission of financial contributions towards highway, environmental and regeneration improvements and demolition of the existing office building within 12 months of the grant of planning permission.*

- b) The conditions, referred to above are:

1. 3 year implementation (BE1);
2. Amended plans (BE1 + BE2);
3. Provision of full details of a replacement footbridge located at the north west of the site. Such details to be implemented within an agreed timescale with the Local Planning Authority (BE1, BE22, TP12, TP6, TP7);
4. Materials submission prior to development beginning (BW2);
5. Boundary treatment details, including the gabion wall on the East Lane and Crowngate frontage,

- submission prior to development beginning (BE22);
6. Tree Protection measures during construction (BE1);
 7. Landscaping Scheme including retention of hedgerow on northern and eastern boundaries of the site and replacement of missing sections, submission prior to development beginning (BE1);
 8. Ecological and bat protection (BE1);
 9. Provision of bat and bird boxes as part of the development (BE1);
 10. Ground Investigation submission prior to development beginning (PF14);
 11. Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning (BE1);
 12. Submission of scheme for the management of overland flow from surcharging of the on-site surface water drainage system (BE1);
 13. Submission of details of cycle parking prior to development beginning (TP12);
 14. Submission of details of disabled parking spaces prior to development beginning (TP12);
 15. Submission of structural calculations for all retaining walls adjacent to the adopted highway prior to development beginning (BE1);
 16. Submission of a Travel Plan prior to development beginning (TP16);
 17. Submission of a Construction Management Plan, including a phasing strategy, prior to development beginning (BE1);
 18. Submission of details of wheel cleansing facilities, including a method statement and site plan identifying the facility location, prior to development beginning (BE1);
 19. Hours of construction (BE1);
 20. Submission of details of on site parking for construction, prior to development beginning (BE1); and
 21. Restricted hours for Petrol Filling Station 0700 – 2300 Monday to Friday; 0800 – 1800 Saturdays, Sundays and Bank Holidays; Deliveries to the petrol filling station permitted only between 0700 – 2300 Monday to Friday; 0800 – 1800 Saturdays, Sundays and Bank Holidays (BE1).

To avoid any allegation of bias Councillor Balmer did not take any part in the debate of the following item and did not vote, as he had previously been employed to prepare drawings for a play centre in his profession as an architect.

DEV15 - 11/00156/FUL - PROPOSED NEW DISTRICT CENTRE INCLUDING 1 NO CONVENIENCE STORE, 5 NO RETAIL UNITS WITH OFFICE SPACE TO FIRST FLOOR, AND CONSTRUCTION OF PUBLIC HOUSE WITH MANAGER'S ACCOMMODATION AT FIRST FLOOR WITH ASSOCIATED ACCESS, SERVICE AREA AND PARKING AT LAND OPPOSITE LANARK GARDENS, QUEENSBURY WAY, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Officers reported that there had been an additional 10 letters of objection to the proposal citing the same grounds as already mentioned in the report.

Officers further updated the Committee on traffic issues relating to the scheme. Members were advised that this proposal was smaller in scale than the previous one and research had shown that it would have a minimal impact on the volume of traffic in the area.

The Committee was addressed by Helen Carlin, a local resident, who spoke against the application. She stated that she had lived in the area since 2003 and had never been consulted on any development of the area, nor had other residents. She went on to say that a school, health centre, small shops and a community centre were needed and raised concerns over the usage of land for the proposed pub and parking for 106 cars.

Councillor Fry addressed the Committee opposing the application. He referred to the Unitary Development Plan and its reference to local shops and facilities. He urged the Committee to defer the item until the residents could be consulted.

In response to comments regarding public consultations, Members were referred to the Unitary Development Plan UDP (and to the Halton Local Plan which had preceded it). These demonstrated that there had been consultation on proposed local centres since the early 1990's.

Following debate Members still raised concerns over the safety of pedestrians and increased traffic flows on Falkirk Avenue and Queensbury Road. It was determined however that these did not pose grounds for refusal.

RESOLVED: That the application be approved subject to the following conditions:-

1. Standard condition relating to timescale and duration of the permission;
2. Condition listing all plans and amended plans (BE1);
3. Wheelwash condition required for construction phase (BE1);
4. Parking conditions (2 separate conditions) to ensure parking and servicing areas is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12 & E5);
5. Condition(s) in relation to details of hard and soft landscaping (BE2);
6. Condition in relation to boundary treatment details (BE2);
7. Details of the design of the bin storage (BE2);
8. Condition that the development is carried out in accordance with the submitted ecological reports and mitigation measures (GE21 and GE25);
9. Condition that no clearance works shall be carried out during bird nesting season (GE21);
10. Condition that site is checked for amphibians prior to commencement;
11. Condition for protective fencing around adjacent pond (GE1 and GE25);
12. Condition for a wildlife protection plan for the terrestrial habitat and ditch system associated with the adjacent pond (GE25);
13. Four Environment Agency conditions relating to submission of details of surface water runoff, overland flow, scheme to remove suspended solids and a scheme for foul drainage, oil and petrol separators and installation of trapped gullies (BE1 and PR16);
14. Construction hours to be adhered to throughout the course of the development (BE1);
15. Delivery hours to be adhered to throughout the life of the permission (BE1);
16. Opening hours to be adhered to throughout the life of the permission (BE1);
17. Condition stating that there shall be no external flues on any units (BE2);
18. Condition stating that there shall be no external

- shutters on any units (BE2);
19. Materials condition(s), one for the development to be carried out in accordance with submitted details and a second requiring the submission and approval of those materials not yet submitted (BE2);
 20. Details of equipment to control the emissions of fumes shall be submitted and agreed in writing (BE1 & PR3);
 21. Condition that construction traffic is to use Queensbury Way (BE1); and
 22. Condition identifying use class restrictions.

DEV16 - 11/00186/COND - APPLICATION PURSUANT TO CONDITION 57 (PERMISSION GRANTED BY SECRETARY OF STATE) ASKING HALTON BOROUGH COUNCIL FOR AGREEMENT IN WRITING, TO INCREASE THE QUANTITY OF REFUSE DERIVED FUEL DELIVERED TO THE ENERGY FROM WASTER POWER STATION BY ROAD FROM 85,000 TONNES TO 480,000 TONNES PER ANNUM AT LAND OFF PICOW FARM ROAD AT INEOS CHLOR

Members were advised by the Council's Legal Officer that correspondence received from GVA had raised two issues which were material considerations and which had to be resolved before the application could be determined. The first issue related to the type of waste which could be used from which fuel could be derived. This centred on the meaning of the word 'domestic': it could mean derived from either municipal household waste or simply derived from within the UK. The issue had only been raised the previous week by GVA and enquiries of the Department of Energy and Climate Change had not produced a definitive statement to resolve the issue. The second issue had only been submitted in detail on the afternoon of the committee meeting. GVA had produced a counsel's opinion relating to the jurisdiction of the Committee to determine the application. The applicant was entitled to have time to comment on this and there was clearly insufficient time to analyse the counsel's opinion prior to the meeting.

It was concluded therefore, that the Development Control Committee were not legally in a position to determine the application at this time. The item therefore should be deferred.

RESOLVED: That the application be deferred until such time as the issues reported above were resolved.

DEV17 - 11/00240/FUL - REDEVELOPMENT OF SITE FOR THE ERECTION OF AN A1 FOOD STORE (1710 SQM GEA), AN A4 FAMILY PUB/RESTAURANT (683 SQM GEA), CAR DEALERSHIP (1,445 SQM GEA) COMPRISING NEW AND USED SALES DISPLAY FORECOURT AND SHOWROOM/OFFICES, WORKSHOP (SERVICING, MOT TESTING), WITH ASSOCIATED PARKING, VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING AT VESTRIC HOUSE, WEST LANE, HALTON LEA, RUNCORN, WA7 2PE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

It was reported that the following additional conditions had been recommended by the Highways Engineer:

- Submission of detailed information relating to retaining walls;
- Levels information on and off site to be submitted;
- Amended plans to demonstrate car transporter turning; and
- Amended plans to show improved landscaping.

The Committee was then addressed by Councillor Kath Loftus who spoke in favour of the application.

RESOLVED: That, notwithstanding the clear policy advice contained within PPS4 Policy EC17.1, the Committee felt that the benefits which would be derived by approving the application through employment generation outweighed this policy advice and consequently:-

- a) The application be approved subject to Section 106 for the submission of financial contributions towards highway improvements (including pedestrian and cycle route improvements within the area) and environmental improvements (to open spaces within the area of the site) and that the applicant make reasonable endeavours to market the A4 Family Pub/Restaurant for a period of 12 months beginning with the granting of the planning permission and for the car sales buildings to be practically completed within 6 months from commencement of trading of the A1 retail unit;
- b) And the following conditions be imposed:-
 1. 3 year implementation;

2. Amended plans (BE1 + BE2);
3. Materials submission prior to development beginning (BE2);
4. Boundary treatment details submission prior to development beginning (BE22);
5. Tree Protection measures during construction (BE1);
6. Landscaping Scheme submission prior to development beginning (BE1);
7. Ground investigation submission prior to development beginning (BE1);
8. Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning;
9. Entering into the Council's proposed parking partnership group prior to the first occupation of the any of the premises;
10. Submission of details of cycle parking prior to development beginning (TP6);
11. Submission of details of disabled parking spaces prior to development beginning;
12. Submission of Highway Safety Audits prior to development beginning (BE1);
13. Submission of structural calculations for all retaining walls adjacent to the adopted highway prior to development beginning (BE1);
14. Submission of a Travel Plan prior to development beginning (TP16);
15. Submission of a Construction Management Plan, including a phasing strategy, prior to development (BE1);
16. Submission of details of wheel cleansing facilities, including a method statement and site plan identifying the facility location, prior to development beginning (BE1);
17. Hours of construction (BE1); and
18. Submission of details of on site parking for during construction, prior to development beginning (BE1).

DEV18 MISCELLANEOUS ITEMS

The following applications had been withdrawn:-

08/00274/HSC

Application for continuation of consent under Planning (Hazardous Substances Consent) Regulations 1992, as

amended 1999, following change of control of part of the land at Ineos Chlor Ltd, Runcorn Site HQ, Runcorn, Cheshire.

08/00275/HSC

Application for continuation of consent under Planning (Hazardous Substances Consent) Regulations 1992, as amended 1999, following change of control of part of the land at Ineos Chlor Ltd, Runcorn Site HQ, Runcorn, Cheshire.

11/00104/FUL

Proposed two storey extension to existing unit to provide reception and offices at Midas Engineering Supplies Ltd, Faraday Road, Runcorn, Cheshire.

11/00214/ADV

Proposed temporary directional advertisement sign at Land to the East of 8 Norlands Lane, Widnes, Cheshire.

11/00224/FUL

Proposed single storey rear extension at 2 The Square, Chester Road, Daresbury, Warrington.

The following applications had gone to appeal:-

10/00496/FUL

Proposed replacement of flat roof of front dormer to a pitched roof at 4 Bandon Close, Hale, Liverpool, L24 5RZ

11/00100/OUT

Proposed erection of one dwelling on Land behind 33 Lilac Avenue, Widnes, Cheshire

11/00135/OUT

Retrospective application to change flat roof dormer window to pitched roof dormer window at

8 Bandon Close, Hale, Liverpool,
L24 5RZ

Planning Appeal Decisions:-

10/00385/FUL

Proposed two storey and single
storey rear extension at 16 Main
Street, Runcorn, Cheshire

DISMISSED

Meeting ended at 8.15 p.m.