

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 5 August 2013 at the Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Baker, Cole, R. Hignett, S. Hill, C. Loftus, A. McInerney, T. McInerney, Morley and Rowe

Apologies for Absence: Councillors Osborne and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, R. Cooper, G. Henry, J. Farmer and J. Eaton

Also in attendance: Councillor J Bradshaw and 25 Members of the Public

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### DEV17 MINUTES

The Minutes of the meeting held on 1 July 2013, having been printed and circulated, were taken as read and signed as a correct record.

#### DEV18 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Committee was advised that one matter had arisen which required immediate attention by the Committee (Minute Dev 24 refers). Therefore, pursuant to Section 100 B (4) and 100 E, and due to the need for a decision from the Committee relating to the second Ineos Public Inquiry, the Chairman ruled that the item be considered as a matter of urgency.

#### DEV19 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.

DEV20 - 12/00427/FUL - PROPOSED DEMOLITION OF INDOOR TENNIS BUILDING AND ERECTION OF 5 NO. DWELLINGS AND CONVERSION OF EXISTING OFFICES TO 8 NO. DWELLINGS AT COMMONSIDE FARM, DARESBUY

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

RESOLVED: That the application be approved subject to:

- a) the entering into of a Legal Agreement for the provision of a financial contribution towards off-site public open space to be spent within the Parish of Daresbury;
- b) that if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it failed to comply with Policy S25 (Planning Obligations);
- c) and the following Conditions:
  1. Standard 3 year permission (BE1);
  2. Condition specifying amended plans (BE1);
  3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
  4. Removal of permitted development rights for extensions, outbuildings and boundary treatment;
  5. Boundary treatments to be submitted and approved in writing (BE2);
  6. Conditions relating to restriction of permitted development rights relating to extensions, outbuildings and boundary fences (BE1);
  7. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);
  8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  9. Requiring provision of bin and recycling facilities prior to occupation (BE1);
  10. Final details of cycle storage facilities (BE1);
  11. Details of the permissive path as shown on the plan linking the development with Daresbury

- Village (TP7);
- 12. Retention of trees and details of any planting scheme (BE1);
- 13. Provision of bat boxes and nesting boxes;
- 14. Maintenance of Habitat Links;
- 15. No works to be undertaken during the bird nesting season.

DEV21 - 13/00039/FUL - PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 92 NO. DWELLINGS AS AMENDMENT TO PART OF PREVIOUS PLANNING PERMISSION 11/00184/FUL (REDUCING TOTAL NUMBER OF DWELLINGS FROM 143 TO 126) AT REDROW SITE, LUNTS HEATH ROAD, WIDNES

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

RESOLVED: That authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman to approve the application subject to Conditions, any such further conditions which arise as a result of amended plans, and:

- a) the entering into of a Legal Agreement including provision of a financial contribution towards off-site public open space, adoption of on-site open space, public transport/bus stops and Greenway improvements as required;
- b) that if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application; and
- c) conditions relating to the following:
  - 1. Condition specifying amended plans (BE1);
  - 2. Requiring that no development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (BE1);
  - 3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
  - 4. Landscaping condition, requiring the submission

- of both hard and soft landscaping to include tree and hedgerow planting (BE2);
5. Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
  6. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);
  7. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  8. Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
  9. Submission and agreement of finished floor and site levels (BE1);
  10. Condition restricting permitted development rights relating to frontage boundary fences (BE1);
  11. Condition restricting permitted development rights relating to addition of windows/dormers (BE1);
  12. Condition restricting permitted development rights relating to extensions and outbuildings for specified plots (BE1);
  13. Site investigation, including mitigation to be submitted and approved in writing (PR14);
  14. Submission and agreement of a scheme of biodiversity features including landscape planting, log piles, bat and bird boxes (BE1 and GE21);
  15. Conditions relating to tree and hedgerow protection during construction including special/construction working methods for driveways beneath trees (BE1);
  16. Submission and agreement of detailed construction of surface water detention pond (BE1);
  17. Survey for ground nesting birds to be submitted and approved (BE1 and GE21);
  18. Grampian conditions relating to off-site highway works to Lunts Heath Road entrance and to provide 3m wide cycle/footpath to site frontage with Wilmere Lane up to junction with Lunts Heath Road (TP6 and TP9);
  19. Grampian conditions relating to off-site works replacement highway tree planting (BE1);
  20. Phasing of the greenway;
  21. Submission and agreement of site and finished floor levels (BE1);
  22. Requiring submission, agreement and implementation of detailed method statement for removal or long term management/eradication of Japanese knotweed (BE1);
  23. Requiring the development be carried out in

accordance with the approved PRA and appropriate mitigation measures (PR16); and  
24. Submission, agreement and implementation of a surface water regulation scheme (PR16).

DEV22 - 13/00175/FUL - PROPOSED NEW FOOD PRODUCTION FACILITY, WAREHOUSE, TANK FARM, VEHICLE ACCESS AND EXTERNAL WORKS ON LAND TO THE NORTH OF EASTER PARK, GORSEY LANE, WIDNES

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

Officers advised the Committee that issues raised relating to odour, emissions and noise had been reviewed by the Environmental Health Officer who was satisfied that these could be controlled through the permitting process and that they were unlikely to result in future nuisance.

Additionally, the Highways Department had advised that they were satisfied that final design details of the proposed new access and any highways improvements on Johnsons Lane could be addressed by condition.

In summary, the Committee was advised that this development would provide significant investment in a currently vacant employment site that would provide employment opportunities in the area: 60 full time and 15 part time jobs. Further, the proposal was considered to comply with the relevant planning policies.

The Committee was addressed by Mr Andrew Strickland, on behalf of the applicant, who thanked the Planning Department for their co-operation and reiterated the Officer's update.

Members agreed to approve the application subject to the Conditions listed.

RESOLVED: That the application be approved subject to the following Conditions:

1. Time limits condition;
2. Approved plans (BE1);
3. Materials (BE2);
4. Drainage conditions including Environment Agency surface water and overland flow conditions, and full design and maintenance details of the Sustainable Urban Drainage (BE1);

5. Boundary treatment (BE22);
6. Submission and agreement of finished floor and site levels (BE1);
7. Prior to commencement bin storage facilities to be submitted and agreed (BE1);
8. Condition restricting no outdoor storage (BE1 and E5);
9. Travel plan (TP16);
10. Prior to commencement submission and agreement for new vehicle access and associated highways works (BE1);
11. Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
12. Condition(s) relating to full details of hard and soft landscaping, including planting scheme, maintenance, and replacement planting (BE1).

DEV23 - 13/00190/FUL - PROPOSED 900 PLACE SECONDARY SCHOOL WITH SPORTS AND ART/MEDIA CENTRE, ALSO FOR COMMUNITY USE, ALONG WITH MEANS OF ACCESS, CAR AND COACH PARKING, COACH LAY-BY, EXTERNAL SPORTS AND PLAY AREAS AND ASSOCIATED LANDSCAPING AND BOUNDARY TREATMENT, ON LAND TO THE SOUTH OF WHARFORD LANE AND TO THE EAST OF OTTERBURN STREET, SANDYMOOR

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

It was noted that this application was deferred from the July Committee so that further information could be obtained from the Department of Education on the nature of the impact assessment referred to in a Freedom of Information (FOI) request that was tabled at the meeting.

It was reported that a response had been received from the Education Funding Agency (EFA) on behalf of the Department of Education (DfE), dated 15 July 2013, which stated that the analysis undertaken and referred to in the letter (FOI request) was not considered a sustainability assessment. The Committee was advised therefore that the assessment was not material to the determination of the application in this case.

Members were advised that United Utilities had confirmed that they raised no objections in principle to the scheme. Further, it was reported that two further letters of

representation had been received objecting to the scheme, raising issues relating to flooding, noise and disturbance from construction and deliveries particularly for residents of Newmoore Lane. These issues had been addressed in the report. It was noted that one letter made reference to a petition of 168 signatures objecting to the scheme but this had not been submitted to date.

Officers advised that the Environment Agency had confirmed that the additional flood risk information was acceptable and that the flood risk conditions previously requested were no longer appropriate. A condition that the development be carried out in accordance with the approved details was however required, and would be dealt with through the terms of the suggested conditions already listed in the recommendation.

The Council's Highways Engineer advised that speed limits needed to be lowered on the junction of Newmoore Lane and Wharford Lane to ensure adequate visibility from driveways. It was noted that there was no evidence from traffic accident records to suggest that the junction was unsafe.

The Committee was addressed by Mr Dempsey, a local resident. He tabled the petition referred to above by Officers - 168 residents objecting to the location of the School, this was passed to Members. He commented that the junction at Newmoore Lane and Wharford Lane would not cope with the increase in traffic which would exist despite claims that some pupils would be cycling to school. He also referred to the issues related to building on a flood plain and that this could worsen in future. He reiterated that the residents were not objecting to the school itself, but to the location of the site where it was to be built.

Mrs Freeman, a representative of the agent for the applicant and resident of Sandymoor, then addressed the Committee. She referred to a letter she sent to Members dated 2 August 2013, which aside from providing clarification over the FOI request and response, responded to matters that were raised at the last meeting:

- The school site would be 150 metres away from the flood plain and matters relating to the potential flood risk and the need for a related sequential test were fully addressed in the Committee report;
- The drop off and collection points would be managed by the School in accordance with a travel plan;
- The lay-by and drop off point immediately outside the

- School was to be extended;
- A 'traffic table' would be provided at the junction of Newmoore Lane and Wharford Lane as a means of traffic calming;
- Piling would be of the 'screwed' type thus alleviating any vibrations;

She further stated that with regards to the objections over the location of the School, the Committee had already approved the temporary site which was nearby the site for the permanent School, and that this information was provided in the report for the temporary School at the time.

The Committee was then addressed by Councillor Bradshaw, Ward Councillor for Daresbury, who supported the application. He urged the Committee to approve the application now that the requested information had been provided from the EFA. He argued that the School would be good for local people especially as there was new house building planned on Sandymoor in the near future.

Mr Tully, the Council's Solicitor, provided clarification on the participation of Councillors' McInerney at the meeting. He advised the Committee that the Councillors had no Discloseable Personal Interest or Other Discloseable Interest to declare. Further he advised that following discussion with the Councillors that there was no question of predetermination or bias issues arising relating to the application and therefore, there was no impediment for them taking part in the debate and voting.

An Officer then read out the nature of the petition provided by Mr Dempsey to the Committee, and reiterated the responses given in the letter from the applicant's agent in relation to flooding and traffic issues.

Councillor Nolan, the Chairman, wished to correct a statement made by Graham Evans MP to Eric Pickles MP in the House of Commons, regarding the decision of the Committee on the Sandymoor School application at the July Committee. The Chairman confirmed that the application was 'deferred', **not** 'refused' as Mr Evans had stated. Further, he wished to correct Mr Evans' statement that the Committee was "Unite backed". In actual fact only 4 members of the Committee (out of 13) held membership with the Union. Councillor Nolan advised the Committee that he would be writing to Eric Pickles MP with the correct information.

Members debated the application taking into



consideration the representations made and additional information supplied by the Applicant and Officers. The application was moved and seconded, the majority of Members then voted to approve the scheme, subject to the Conditions listed below.

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

1. Standard 3 year permission to commence development (BE1);
2. Conditions specifying and requiring development be carried out in accordance with approved plans (BE1);
3. Requiring development to be carried out in accordance with Construction Method Statement (BE1);
4. Materials condition, requiring the development to be carried out as approved (BE2);
5. Landscaping condition, requiring the development to be carried out as approved (BE2);
6. Lighting condition, requiring the development to be carried out as approved (PR4);
7. Condition requiring installation and screening of external plant prior to occupation and operation/maintenance in accordance with manufacturer's instructions (PR2/3);
8. Condition requiring boundary treatments to be carried out in accordance with the approved details and additional details to be submitted and approved in writing prior to occupation (BE22);
9. Conditions relating to drainage details as required by the Environment Agency (PR15/16);
10. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
11. Conditions requiring vehicle access, parking and servicing and coach drop off to be constructed prior to occupation/commencement of use (BE1);
12. Condition relating to the implementation of bin store provision (BE1);
13. Condition(s) relating to site and finished floor and site levels requiring the development to be carried out as approved (BE1);
14. Condition relating to site remediation and validation (PR14);
15. Conditions relating to tree protection (boundary trees) during construction (BE1);
16. Condition relating to Travel Plan implementation (TP16);
17. Requiring implementation of cycle parking (TP6);
18. Requiring implementation of a scheme of biodiversity

enhancement features to be implemented in accordance with scheme to be submitted and agreed (BE1 and GE21);

19. Requiring piling to be screwed piles (BE1);
20. Grampian style condition requiring provision of a highway traffic table prior to commencement of use (TP18); and
21. Submission, agreement and implementation of drop-off/collection management plan (TP18).

DEV24 PUBLIC INQUIRY RELATING TO 13/00011S73 - PROPOSED VARIATION OF CONDITION 57 OF BEER PERMISSION 01.08.10.04/8C (HALTON REF 07/00068/ELC) TO VARY (BY INCREASE) THE MAXIMUM AMOUNT OF REFUSE DERIVED FUEL (RDF) WHICH MAY BE TRANSPORTED BY ROAD TO THE ENERGY FROM WASTE FACILITY (EFW) FROM 85,000 TONNES PER ANNUM TO 480,000 TONNES PER ANNUM AT INEOS CHLOR SOUTH PARADE, RUNCORN, AND TO PLACE AN OBLIGATION ON THE OPERATOR OF THE EFW FACILITY TO REPORT ANNUALLY TO HALTON BOROUGH COUNCIL THE ACTIONS TAKEN TO SECURE THE DELIVERY OF RDF BY RAIL AND OR WATER OVER THE PREVIOUS 12 MONTH PERIOD TOGETHER WITH RECOMMENDATIONS FOR THE YEAR AHEAD

The Committee was provided with an update on the position relating to the above Application/Appeal. The application was refused at the June Committee meeting for the following reason:

*“That the application be refused to minimise road traffic movements in the locality.”*

On 4 July 2013 the Council received notice that the applicant had referred the matter to the Secretary of State by way of appeal against the Council decision. This meant that the application would be determined by the Secretary of State following a Public Inquiry. Although at this stage there were no details available as to the timetable to be adopted by the Secretary of State, the Council would have to make preparations relating to the position to be taken by the Council in respect of the appeal, and the Committee must be advised as to the logistics of holding the appeal and being represented at the appeal. The Committee was advised of the possible cost implications on the Council.

Members were advised of the ways that the appeal could be approached. Option 10.4 in the report was moved and seconded as the most cost effective approach to the

appeal and Members were in favour of this. It was agreed therefore, that Option 10.4 would be adopted.

RESOLVED: That option 10.4 be adopted as the most cost effective approach to the appeal.

*Meeting ended at 7.45 p.m.*