

REPORT TO: Development Control Committee
DATE: 10 March 2014
REPORTING OFFICER: Strategic Director, Policy & Resources
SUBJECT: Miscellaneous Items
WARD(S): Boroughwide

The following Appeals have been received / are in progress:

13/00011/S73

APP/D0650/A/13/2201280 - Proposed variation of condition 57 of BERR 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 up 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 at Runcorn Energy From Waste Facility, Barlow Way, Off Picow Farm Road, Runcorn, Cheshire, WA7 4HG.

Inquiry held in January, currently awaiting decision of the SoS.

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry has been held, currently awaiting decision of the SoS.

13/00022/GNWORK (APP/D0650/C/13/2207343) - Enforcement notice issued for the construction of the area of hard-standing on land at Sandy Lane, Preston Brook, Runcorn, Cheshire, WA7 3AW.

In progress being dealt with by written representations.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft

landscaping and demolition of the existing school buildings at The Heath Specialist Technology College

The Secretary Of State has called the application in for his consideration. This will now be heard by a public Inquiry later in the year.

Power 96 of the Council's Constitution

96. To exercise the Council's powers and Duties and to determine all matters having regard to approved Council policies, standards and guidance within the powers and duties of the Development Control Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than (in relation to an application) which:

- (a) is a notifiable application;
- (b) any Member requests (for planning purposes) in writing should be presented to the Committee;
- (c) is submitted by or on behalf of a Member
- (d) is submitted by or on behalf of an employee of the Council who is directly involved in the planning process;
- (e) involves more than 10 residential units;
- (f) involves non-residential development exceeding 1,000 square metres of building footprint.

NOTE: exceptions (a), (e) and (f) shall not apply in respect of an application to extend the life of a planning permission or to vary any condition attached to a planning permission.

Introduction

1. This item is seeking a temporary amendment to the Council scheme of delegation in relation to Non Material Amendments.
2. Section 96A was introduced in 2009 and allows a non-material amendment to be made to an existing planning permission via a simple application procedure with a quick decision time. There is no statutory definition of 'non-material', although it is usually an alteration that is usually considered very

minor. This is because it is so dependent on the context of the overall scheme. What may be non-material in one context may be material in another. Consultation is left to the discretion of the Local Authority, and is often not expected. The time period of determination is 28 days.

The requested amendment

3. The regulations state that the notifications in relation to non – material amendment must be issued within 28 days of receipt.
4. Given the timescales involved in processing a request and that an alteration that is usually considered very minor. This is because it is so dependent on the context of the overall scheme.
5. On this basis officers are seeking that all Non material amendments including any of the categories listed within power 96 be delegated to the Operational Director – Policy, Planning and Transportation.