

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Wednesday, 26 September 2007 in the Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), P. Blackmore, S. Blackmore, Hignett, Leadbetter, Morley and Osborne

Apologies for Absence: Councillors Rowan and Sly

Absence declared on Council business: Councillor Polhill

Officers present: P. Watts, M. Simpson, L. Beard, R. Cooper, G. Henry, A. Pannell and J. Tully

Also in attendance: 8 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

DEV33 MINUTES

The Minutes of the meetings held on 31st July and 13th August 2007, having been printed and circulated, were taken as read and signed as a correct record.

DEV34 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.

DEV35 - PLAN NO. 07/00362/FUL - PROPOSED CONSTRUCTION OF 4 NEW RAILWAY SIDINGS, CONSISTING OF 4 X 550M LENGTH TRACKS WITH HEAD SHUNT AND "TURNOUT" FROM THE EXISTING DITTON JUNCTION SIDINGS, TEMPORARY ACCESS ROAD FOR CONSTRUCTION TRAFFIC FROM HALEBANK ROAD AND TEMPORARY WORKS COMPOUND TO THE LAND AT HBC FIELDS, HALEBANK ROAD, WIDNES.

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

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of the site. It was reported that 12 letters of objection had been received details of which were outlined in the report.

The Committee was informed of a slight amendment to the applicant details, which should have read 3MG Mersey Multimodal Gateway Project Team, rather than just 3MG Mersey Multimodal Gateway.

RESOLVED: That subject to the secretary of State not calling in the application, that authority be delegated to the Operational Director – Environmental and Regulatory Services to approve the application in consultation with the Chair or Vice Chair of the Committee subject to conditions relating to the following:

1. Specifying amended plans (BE1);
2. Requires that the development be carried out in accordance with all approved documents and associated supporting information including all suggested mitigation measures and methods of good practice throughout unless otherwise agreed by the Local Planning Authority;
3. Requiring submission and agreement of a scheme of noise mitigation covering implementation and operational phases and implementation in full (PR2);
4. Submission, agreement and implementation of a scheme of dust suppression through the construction phase (PR1);
5. Restricting construction and delivery hours (BE1);
6. Site investigation, including mitigation to be submitted and approved in writing (PR14);
7. Survey and protection of ground nesting birds prior and during construction (GE21);
8. Agreement and implementation of a scheme of compensatory flood storage works (PR16);
9. Agreement and implementation of scheme for disposal of foul and surface waters (PR5);
10. Facilities for storage of chemicals (PR5);
11. Restricting discharge of foul or contaminated drainage (PR5); and
12. Requiring reinstatement of proposed temporary access road and compound in accordance with timetable and details agreed by local Planning Authority (BE1);

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DEV36 - PLAN NO. 07/00444/FUL - PROPOSED SINGLE STOREY TRUCK SERVICING FACILITY AND ASSOCIATED SITE INFRASTRUCTURE TO THE LAND OF BROWN STREET, WIDNES.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. The Health and Safety Executive, Environment Agency and United Utilities had been consulted and did not raise any objections.

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

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1. Standard commencement condition;
2. Submission of materials (BE2 Quality of Design);
3. Site investigation, remediation plan (PR14 Contaminated Land);
4. Cycle parking details (TP6 Cycling provision as Part of New Development);
5. Car parking layout maintained as part of this scheme (BE1 General Requirements for New Development);
6. Provision of bin storage/waste (BE1 General Requirements for New Development);
7. No outside storage (BE1 General Requirements for New Development);
8. Wheelwash during construction (BE1 General Requirements for New Development);
9. Visibility Splay (BE1 General Requirements for New Development); and
10. Submission and implementation of remediation scheme;

DEV37 - PLAN NO. 07/00446/FUL - PROPOSED ALTERATION AND EXTENSION TO RAIL FREIGHT PARK INCLUDING ERECTION OF NEW HEADQUARTERS OFFICE BUILDING, WORKSHOP BUILDING, EXTENSIONS TO EXISTING GANTRY CRANE TRACKS, GATE HOUSE AND ANCILLARY DEVELOPMENT TO THE LAND AT WIDNES INTERMODAL RAIL DEPOT, DESOTO ROAD, WIDNES.

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

It was reported that the applicant had failed to completely resolve the issue regarding flooding. The Environment Agency had confirmed that this could be resolved through additional information.

RESOLVED: That authority be delegated to the Operational Director – Environmental Services and Regulatory to approve the application in consultation with

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the Chair or Vice Chair of the Committee subject to conditions relating to the following:

1. Requiring the applicant to enter into a legal or other agreement in relation to developer contributions to sustainable transport (TP1);
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Submission, agreement and implementation of site and finished floor levels (BE1);
4. Landscaping condition, requiring the submission of both hard and soft landscaping. (BE2);
5. Boundary treatments to be submitted and approved in writing. (BE2);
6. Wheel cleansing facilities to be submitted and approved in writing and used during construction. (BE1);
7. Construction and delivery hours to be adhered to throughout the course of the development. (BE1);
8. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use. (BE1);
9. Agreement and implementation of cycle parking provision (TP6);
10. Requiring implementation of agreed Travel Plan (TP16);
11. Restricting external lighting (BE1);
12. Requiring submission and agreement of colour scheme for external fuel tanks (BE1);
13. Submission and agreement of additional details relating to ancillary buildings including pumping house;
14. Requiring submission and agreement of additional details relating to details of locations and height of external storage and requiring the development to be carried out in accordance with the agreed details. (BE1); and
15. Site investigation, including mitigation to be submitted and approved in writing. (PR14);

Plus any conditions required by the Environment Agency.

DEV38 - PLAN NO. 07/00470/OUT - PROPOSED OFFICE DEVELOPMENT OF 3 UNITS TO THE SITE OFF CLIFTON ROAD, SUTTON WEAVER, RUNCORN.

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 the following conditions:

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1. Standard outline conditions (4) (BE1);
2. Amended plans (BE1, TP6, TP7, TP12);
3. Prior to the commencement of development provision of private amenity space per existing dwelling (BE1);
4. Prior to the commencement of development provision of private garage per dwelling (BE1);
5. Prior to commencement of development Ground Investigation (PR14);
6. Prior to commencement of development provision of Drainage conditions (2) (BE1);
7. Prior to commencement of development agreement of boundary treatment (BE22);
8. Landscaping Scheme conditions (3) (BE1);
9. Prior to commencement of development provision of acceptable connection to adopted highway of Clifton Road including provision of tactile paving at crossing points and removal of obstructions and other works to be undertaken through Section 278 Agreements (BE1, TP6, TP7, TP12);
10. Prior to commencement of development provision of Road Safety Audits (BE1, TP6, TP7);
11. Prior to commencement of development provision of structural calculations in relation to the provision of any retaining walls required as part of the development (BE1);
12. Prior to commencement of development provision of a Green Travel Plan (TP16);
13. Prior to commencement of development provision of details of changing and shower facilities (BE1);
14. Prior to commencement of development provision of Materials (BE2);
15. Prior to commencement of development details of wheel cleansing including method statement for provision (BE1);
16. Prior to commencement of development provision of Bin Storage details (BE1);
17. Prior to commencement of development provision of Cycle Storage details (BE1);
18. Prior to commencement of development provision of existing land levels on and adjacent to the site and finished floor levels to be agreed (BE1);
19. Layout of all access, car parking and service areas as agreed and shown on approved plans (BE1, TP6, TP7, TP12);

20. Control of building height to no more than 7.5m at the ridge (BE1 and BE2);
21. External Lighting restriction (BE1);
22. External Storage restriction (BE1); and
23. Construction Hours restriction (BE1);

An additional condition was added as follows:

24. Signage to indicate "Right Turn Only" from development.

DEV39 - PLAN NO. 07/00530/WST - PROPOSED ERECTION OF PORTAL FRAME BUILDING FOR WASTE TRANSFER AND ASSOCIATED SITE WORKS TO THE LAND AT P&N SKIP HIRE, PICKERINGS ROAD, WIDNES.

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

It was reported that there was an ongoing consultation taking place with the Council's Environmental Officer with regard to noise. The Committee was informed of additional planning condition relating to operating hours, that they would be between 06.00am and 7.30pm during the week and 6.00am until 2.00pm on a Saturday. It was noted that there was an exemption to this rule in the event of taking emergency waste from companies such as United Utilities and a provision would be made for this within the conditions.

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

1. Specifying amended plans (BE1);
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Submission, agreement and implementation of site and finished floor levels (BE1);
4. Submission, agreement and implementation of drainage details (BE1);
5. Landscaping condition, requiring the submission of hard and soft landscaping. (BE2);
6. Boundary treatments to be submitted and approved in writing. (BE2);
7. Wheel cleansing facilities to be submitted and approved in writing and used during construction. (BE1);
8. Construction and delivery hours to be adhered to

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- throughout the course of the development. (BE1);
9. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use of the new building. (BE1);
 10. Agreement and implementation of cycle parking provision (TP6);
 11. Restricting external lighting (PR4);
 12. Requiring submission and agreement of additional details relating to details of locations and height of external storage and requiring the development to be carried out in accordance with the agreed details. (BE1);
 13. Requiring demolition and removal of the existing waste sorting building/ facilities in accordance with a scheme and timetable to be agreed (BE1);
 14. Site investigation, including mitigation to be submitted and approved in writing. (PR14);
 15. Requiring all loaded HGV vehicles entering and leaving the site to be fully sheeted (BE1);
 16. Prohibiting burning of waste (PR1);
 17. Requiring all plant, machinery and other equipment to be properly silenced and maintained in accordance with manufacturer instructions (BE1);
 18. Specifying amended plans (BE1);
 19. Materials condition, requiring the submission and approval of the materials to be used (BE2);
 20. Submission, agreement and implementation of site and finished floor levels (BE1);
 21. Submission, agreement and implementation of drainage details (BE1);
 22. Landscaping condition, requiring the submission of hard and soft landscaping. (BE2);
 23. Boundary treatments to be submitted and approved in writing. (BE2);
 24. Wheel cleansing facilities to be submitted and approved in writing and used during construction. (BE1);
 25. Construction and delivery hours to be adhered to throughout the course of the development. (BE1);
 26. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use of the new building. (BE1);
 27. Agreement and implementation of cycle parking provision (TP6);
 28. Restricting external lighting (PR4);
 29. Requiring submission and agreement of additional details relating to details of locations and height of external storage and requiring the development to be carried out in accordance with the agreed details. (BE1);

30. Requiring demolition and removal of the existing waste sorting building/ facilities in accordance with a scheme and timetable to be agreed (BE1);
31. Site investigation, including mitigation to be submitted and approved in writing. (PR14);
32. Requiring all loaded HGV vehicles entering and leaving the site to be fully sheeted (BE1);
33. Prohibiting burning of waste (PR1); and
34. Requiring all plant, machinery and other equipment to be properly silenced and maintained in accordance with manufacturer instructions (BE1);

The Committee was informed of the following additional condition:

Condition relating to opening / operating hours.

DEV40 - PLAN NO. 07/00538/FUL - PROPOSED MINOR ALTERATIONS TO PLANNING APPROVAL 05/00903/FUL TO MEADOW LODGE, BENNETS LANE, WIDNES.

It was reported that this application had been withdrawn.

DEV41 - PLAN NO. 07/00555/FUL - PROPOSED ERECTION OF 16 NO. COURTYARD HOUSES, PRIVATE ACCESS ROAD AND PRIVATE OPEN SPACE TO THE LAND AT DAWSONS DANCE CENTRE, LUNTS HEALTH ROAD, WIDNES.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was reported that no comments had been received following the Council's formal consultation process.

RESOLVED: That the application be approved subject to the application not being called in by the Secretary of State and the following conditions:

1. Standard condition relating to timescale and duration of the permission;
2. Wheel wash condition required for construction phase (BE1);
3. Parking conditions (2 separate conditions) to ensure access and parking 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);
4. Landscaping condition is required to ensure

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- comprehensive development of the site (BE2);
5. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2);
 6. Drainage condition, requiring the submission and approval of drainage details (BE1);
 7. Construction hours to be adhered to throughout the course of the development. (BE1);
 8. Delivery hours to be adhered to throughout the course of the development. (BE1);
 9. Materials condition, requiring the submission and approval of the materials to be used. (BE2);
 10. Site investigation, including mitigation to be submitted and approved in writing. (PR14);
 11. A condition and removing permitted developments from the property including extension, detached buildings, porches, boundary treatments, hard standing, roof alterations and garage conversions. (BE1);
 12. Details of off site highway works, to include a refuge island and an extension to the ghost island, to be submitted to, agreed and constructed prior to commencement of development (BE1); and
 13. Prior to the commencement of development details of existing site levels and finished floor levels to be submitted and agreed (BE1);

It was reported that amended plans had been received which included a comparatively minor detail to be added to conditions as follows:

14. Amended plans (BE1)

DEV42 - PLAN NO. 07/00616/FUL - PROPOSED DEVELOPMENT OF 15 NUMBER RESIDENTIAL DWELLINGS AND ACCESS ROAD TO THE LAND AT 177-181 HEATH ROAD, RUNCORN.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was noted that this was a re-submission of application (07/00371/FUL), which received 8 letters of objection. Following consultation of this application (07/00616/FUL) at the time of writing 1 letter of objection had been received from local residents details of which are outlined in the report. Since the report was published a further six objections had been received and a letter from the MP.

Mr Horswill addressed the Committee raising

objections against the proposal.

It was reported that there was an amendment to paragraph two of the design section of the report. Plans were now to access all dwellings from the new adoptable standard access road with no private drives off Heath Road.

It was advised that the Council's Highway Engineer raised no objection provided issues regarding visibility on Heath Road improved through the removal of a tree and that a Grampian condition was attached for the relevant off-site works, removing the need for to include this in the Section 106 agreement. It was also noted that there was an additional condition for a bin provision.

Members discussed the application and it was felt that over time, should more trees be removed and more modern properties built, it would result in loss of character in the area. Members also noted that the properties 177 – 181 Heath Road were still owned by local residents and not the applicant who is the prospective purchaser.

Amendments were made to condition No. 4 and 7 as outlined below.

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

- A) The applicant entering into a legal agreement in relation to the payment of a commuted sum for the provision and improvement of off-site open space, replacement tree planting, and highways works.
- B) Conditions relating to the following;
 - 1. Standard commencement condition;
 - 2. Construction hours (BE1);
 - 3. Wheel cleansing facilities to be submitted and approved in writing. (BE1);
 - 4. Appropriate visibility splays to include the removal of tree identified on plans (BE1);
 - 5. The provision of dropped crossings for pedestrians (TP7);
 - 6. Width off access road and turning to accommodate large vehicles (BE1);
 - 7. Grampian condition for off site highways works – box junction. And to include re-instatement of footpath across the front of the site as well as additional road markings that would be required. (BE1);

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8. Agreement with Highway Authority for road adoption (BE1);
9. No conversion of garages (TP12);
10. No fences adjacent to the new highway (BE1);
11. Condition relating to 20mph speed limit (TP17);
12. Road safety audits and implementation of recommendations (BE1);
13. Materials condition, requiring the submission and approval of the materials to be used (BE2);
14. Boundary treatments to be submitted and approved in writing. (BE2);
15. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1);
16. Site investigation, including mitigation to be submitted and approved in writing. (PR14);
17. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2);
18. Drainage condition, requiring the submission and approval of drainage (BE1);
19. Conditions relating to tree protection during construction and lifetime of development (BE1); and
20. Submission and agreement of finished floor and site levels. (BE1);

- C) That if the legal agreement is not executed within a reasonable period of time authority is delegated to the Operational Director- Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman to refuse the application on the grounds that it fails to comply with UDP Policy S25 Planning Obligations.

An additional condition was noted as follows:

21. Provision of bins

DEV43 MISCELLANEOUS ITEMS

It was reported that an appeal had been received following the Council's refusal of the following application: -

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| 06/00939/COU | Proposed change of use of car wash into a takeaway (Class A5) at Halton Brow Service Station Halton Brow Runcorn |
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It was noted that appeals were lodged following the Council's refusal of the following applications:

Decisions had been received as follows:

06/00758/REM Application for reserved matters for erection of 42 No. dwellings (up to 2.5 storeys in height) including access and parking at Nicolford Hall Norlands Lane Widnes

This appeal was allowed

Amended plans were received prior to the inquiry and this left one remaining objection. The amended plans were therefore accepted as minor amendments. The description of development was then changed to 'the erection of 41 dwellings of up to 2.5 storeys in height, including access and parking.'

The remaining issue was the implications of the proposed development for the living conditions of future occupiers, with regard to the provision of amenity space. The inspector's report stated that it was estimated that 18 of the 29 houses would be smaller in size than 80 m² as required by Supplementary Planning Guidance. The Council objected that the proposed development would not be conducive to family life and would undermine its objective to develop sustainable communities, in which families want to stay. The inspector went on to say that the SPG allowed for 50m² gardens in town centres in order to encourage higher density housing - but did not explain to my satisfaction why amenity areas of a similar size would be harmful to the *living conditions* of suburban residents. The report went on to say that town centres usually provided more recreational facilities than outer areas but those in my experience did not always include outdoor green spaces.

The Inspector considered the SPG to be guidance rather than statutory policy, and stated just because the gardens would be modest it did not follow that unacceptable harm would necessarily be caused to future occupiers. The view was that the proposed gardens would provide sufficient space for sitting out, hanging laundry and for children to play.

PPS3 indicated that where family housing was proposed, it was important to provide recreational areas, including private gardens, play areas and informal play space. The proposed dwellings would include front gardens as well as back, which would face a speed-limited cul-de-

sac rather than a main road. These gardens would not be private, as required by the SPG, but they could still be used. The development would also include communal open space on-site and lie near to public parks. The appellant has made a planning agreement to fund improvements to local sports facilities and play areas. Overall, the Inspector considered that the proposed development would provide adequate access to varied amenity spaces and would not prejudice the living conditions of future occupiers.

06/00794/COU Proposed change of use from off licence (Class A5) at 10 Cronton Lane Widnes

This appeal was allowed

The main issue was the effect of the proposal on highway safety. The Council raised concern that the proposal would generate a need for two or more off-road parking spaces but following the site visit the inspector did not support that conclusion. However, the inspector acknowledged in the report that there was some illegal kerbside parking.

It was stated that the parade was easily accessible to local residents by public transport and there would be adequate off-road and/or unrestricted kerbside parking available for customers within a reasonable walking distance of the proposed take-away. Consequently the proposal would be unlikely to significantly increase the risk of vehicular conflict and would not, therefore, detrimentally affect highway safety.

3) The following applications have been withdrawn :-

07/00371/FUL Proposed erection of 15 No. residential dwellings and access road at 177-181 heath Road Runcorn

07/00398/FUL Proposed single storey extension of north porch to form meeting room, kitchen and wc at All Saints Church Daresbury Lane Daresbury

07/00443/COU Proposed change of use from sewing shop to hot food takeaway (Class A5), external alterations including flue to

	extraction system and security roller shutters at 83 Albert Road Widnes
07/00445/FUL	Proposed two storey extension to rear at 37 Norlands Lane Widnes
07/00452/FUL	Proposed two storey extension to rear at 5 Balfour Street Runcorn
07/00481/FUL	Proposed alterations to existing shop front to Nos 29,31,31a & 33 Widnes Road Widnes
07/00484/OUT	Outline application (with appearance/landscaping/layout matters reserved) for proposed residential development comprising 40 No. three bedroom houses & 2 No. four bedroom houses together with 72 No. two bedroom apartments at Golden Triangle Complex Off Hale Road Widnes
07/00485/OUT	Outline application (with appearance/landscaping/layout matters reserved) for proposed residential development comprising 36 No. three bedroom houses & 2 No. four bedroom houses together with 42 No. two bedroom apartments at Golden Triangle Complex Off Hale Road Widnes
07/00564/TPO	Application for consent to fell 1 No. Sycamore to ground level at 84 Heath Road Widnes

The following report was to be noted for information

07/00510/ELD – Application for a Certificate of Lawfulness for proposed use of site as a secure residential care and treatment facility to the land bounded by Gorsey Lane, Bennetts Lane and Dans Road Widnes.

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Meeting ended at 7.00 p.m.