

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 10 April 2017 at The Board Room - Municipal Building, Widnes*

Present: Councillors Nolan (Chair), Morley (Vice-Chair), J. Bradshaw, Cole, Gilligan, R. Hignett, C. Plumpton Walsh, June Roberts, Thompson and Woolfall

Apologies for Absence: Councillor Zygadllo

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, G. Henry and P. Peak

Also in attendance: 5 Members of the public

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

*Action*

#### DEV42 MINUTES

The Minutes of the meeting held on 6 February 2017, having been circulated, were taken as read and signed as a correct record.

#### DEV43 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.

*Councillor Morley entered the room part way through the Officer's presentation of the following item. The Council's Legal representative reminded the Committee that Councillor Morley would be unable to participate in the debate or vote on the item.*

#### DEV44 - 16/00475/FUL - PROPOSED ERECTION OF RETAIL FOODSTORE (USE CLASS A1), VEHICULAR PARKING, SERVICING AREAS, ACCESS ROADS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON PART OF SITE OF FORMER ETERNIT UK LTD, DERBY ROAD, WIDNES

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

The Committee was notified that an email had been received from the adjoining developer querying whether existing contractual obligations restricted the ability to construct the principle access to Derby Road as currently proposed given the conflict with their approved scheme. Officers advised that this would be dealt with in consultation with the Highways Department to secure the most appropriate design and requested that, once it was resolved, authority be delegated to the Operational Director – Policy, Planning and Transportation, to determine the application.

Members were advised that Officers had met with the drainage engineer for the scheme and additional supporting information was provided with respect to the ability to adequately drain the scheme. It was noted that any potential for flooding could be contained within the site, and any outstanding details could be addressed by condition.

Members were advised that with regards to the outstanding query regarding the potential for car and HGV headlights to shine into the windows of surrounding existing and proposed houses, it was acknowledged that scope existed for planting to the embankments for the majority of the site which could be used to minimise potential nuisance. It was noted that whilst planting on site could not be used to screen lights from vehicles exiting the service yard, it was reported that the adjoining residential developer was aware of the potential issue and stated that landscaping could be used within their site to minimise potential light nuisance. The applicant had also stated they would be willing to implement a management plan requiring drivers to dim lights when manoeuvring within the service yard.

Other minor amendments were noted since the publication of the agenda pack; relating to a reduction in the number of parking spaces to 159; the metal railing to the site frontage with Derby Road; the addition of a retaining wall and other highway alterations.

Members were also advised that further conditions were recommended relating to agreement of a management plan for the agreed drainage attenuation hydrocarbon capture, a service management plan, submission and agreement of external lighting and the height of timber fence to the eastern boundary.

The Committee was addressed by Keith Jones, a representative of the applicant. He stated that every effort had been made to achieve the best possible shopping facility in the area which was of a high quality and would

make use of what was a derelict site. They also made a contribution to highway improvements and added that the scheme would bring approximately 30-50 jobs to the local economy.

Following Members queries regarding delivery hours and the potential for noise during these times, it was noted that a noise impact assessment had been carried out and agreed by the Council's Environmental Health Officer, which determined that there would be no significant noise nuisance to residents. Members were also advised that no discussions had taken place with the applicant over parking schemes being operated in the car park.

Members agreed that the application be approved subject to the conditions below and allowing delegated authority with regards to the final access design.

**RESOLVED:** That the application be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to approve the application subject to the following:

- a) A legal or other appropriate agreement relating to financial contributions towards off site highway improvements.
- b) Conditions relating to the following:
  1. Specifying amended/approved plans;
  2. Conditions relating to ground investigation and mitigation (PR14);
  3. Environment Agency conditions relating to submission and agreement of remediation verification report (PR14);
  4. Environment Agency condition relating to restriction on piling or other penetrative foundation design without prior written consent (PR15);
  5. Requiring submission and agreement of detailed foundation design (PR14);
  6. Materials condition, requiring development be carried out as approved (BE2);
  7. Hard landscaping condition, requiring development be carried out as approved (BE2);
  8. Requiring submission and agreement of detailed soft landscaping scheme (BE2);
  9. Boundary treatment requiring development be carried out as approved (BE2);
  10. Cycle parking condition, requiring development be carried out as approved (TP6);

11. Restricting store delivery and waste collection times to 0500 – 2300 hours on any day (PR2);
  12. Restricting store opening hours to 0800 – 2200 hours Monday to Saturday and 0900 – 1800 on Sunday;
  13. Requiring submission and agreement of detailed surface and foul drainage (BE1/PR16);
  14. Condition requiring submission and agreement of a detailed Construction Management Plan including routing of construction and delivery vehicles and wheel cleansing facilities (BE1);
  15. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  16. Vehicle access, parking servicing etc to be constructed prior to occupation of properties / commencement of use (BE1);
  17. Finished floor and site level condition requiring development be carried out as approved (BE1);
  18. Submission and agreement of site specific risk assessments/detailed method statement for any / all areas of excavation that will penetrate the capping layer (PR14);
  19. Requiring development be carried out in accordance with the approved PRA and mitigation measures (PR16);
  20. Requiring submission and agreement of retaining wall details (BE1);
  21. Requiring submission and agreement of a service/delivery management plan (PR4);
  22. Requiring submission and agreement of a management plan for the agreed drainage/hydrocarbon capture scheme (PR16);
  23. Requiring submission and agreement of external lighting (PR4); and
  24. Requiring submission and agreement of height of close boarded timber fence approved to eastern boundary (BE2).
- c) That if the Section 106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application; and
- d) Finalisation of the access layout arrangements.

DEV45 - 17/00094/FUL - PROPOSED DEMOLITION OF EXISTING TALLOW FARM, AIR LOCK, ELECTRICAL AND MOTOR STORES AND REPLACEMENT WITH A NEW RAW MATERIALS RECEPTION BUILDING AT SECANIM, DESOTO ROAD, WIDNES

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

Since the publication of the agenda pack it was reported that the Council's retained advisers had confirmed that they were satisfied that the ecology and waste issues which remained outstanding, could be addressed by planning conditions. It was also noted that additional conditions were recommended relating to submission of a site waste management plan and energy performance and sustainable design, in accordance with waste policy WM10 and CS19.

The Committee agreed that the application be approved subject to the conditions listed below and the addition of the conditions discussed above.

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

1. Specify approved plans;
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);
4. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
5. Vehicle access, parking, servicing etc to be constructed prior to commencement of use (BE1);
6. Requiring finished floor and site levels be carried out as approved (BE1);
7. Site investigation, including mitigation to be submitted and approved in writing (PR14);
8. Restriction of external lighting (PR4);
9. Securing provision of high speed access doors and interlocked raw materials hopper lids (PR3);
10. Requiring submission and agreement of noise mitigation measures to be employed during construction / demolition activities (GE18);
11. Requiring submission and agreement of a site wide waste management plan (WM8); and
12. Requiring submission and agreement of a scheme for

high environmental performance and sustainable design for the proposed building (WM10).

*Meeting ended at 6.55 p.m.*