

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 15 March 2010 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), P. Blackmore, Hignett, Hodgkinson, Leadbetter, Morley, Osborne, Polhill and E. Ratcliffe

Apologies for Absence: Councillors J. Bradshaw

Absence declared on Council business: None

Officers present: P. Watts, R. Cooper, J. Farmer, A. Pannell, A. Plant, P. Shearer, M. Simpson, J. Tully and R. Wakefield

Also in attendance: Councillor Drakely, and 38 members of the public.

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

|  | <i>Action</i> |
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| <p>DEV67 MINUTES</p> <p>The Minutes of the meeting held on 15 February 2010, having been printed and circulated, were taken as read and signed as a correct record.</p>  |               |
| <p>DEV68 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</p> <p>The Committee considered the following applications for planning permission, and in accordance with its powers and duties made the decisions described below.</p>  |               |
| <p>DEV69 - 09/00404/OUT - OUTLINE APPLICATION (WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT UP TO 5 NO. DWELLINGS ON LAND TO THE REAR OF NO. 8 MOUGHLAND LANE, RUNCORN.</p> <p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was reported that this item was deferred at a previous Committee in order to analyse and carry out a</p> |               |

more detailed appraisal in light of the new information received.

The Committee was advised that in relation to the highway conditions, explicit and articulate advice had been sought and the scheme now satisfied the highway standards.

It was reported that 24 further objections had been received since the report had been written and consultation had been carried on amended plans. The objections raised the following concerns:

- they did not consider the land to be of brownfield;
- the loss of garden space to number 8 Moughland Lane;
- poor highways visibility at the junction of Tree Bank Close and Moughland Lane;
- the existing narrowness of Tree Bank Close and additional traffic congestion;
- density of the development;
- loss of privacy and security;
- impact on mature trees and habitat;
- loss of privacy to neighbours;
- insufficient parking; and
- the siting of a speed bump outside of bedroom window of no 2 Tree Bank Close – as a speed bump cause noise nuisance.

It was further noted that objections had also been received in relation to the removal of a sycamore tree on the corner of 8 Moughland Lane for the purpose of improved highway visibility, as it fell within a group Tree Preservation Order (TPO). It was noted that the Council's Open Spaces Officer had inspected the tree and confirmed that the tree was a fairly young specimen, leaning towards the road due to its location beneath the crowns of a larger lime and sycamore. Its roots had potential to cause structural failure to the retaining wall adjacent to the highway in the future and it had been recommended that the tree be removed.

The Committee was advised that the validity of the application had been questioned as the red line boundary had been altered to include the owners house 8 Moughland Lane. The owner of the land was now the applicant and the correct certificates had been provided, therefore the application was valid.

Members were also made aware that local residents had set up an online petition in objection to the application

which contained 248 signatures.

It was reported that further conditions recommended that there be an amended plan condition included, Grampian style conditions were recommended for the removal of the tree for highway visibility and offsite highway works.

Members were informed that Councillor Bradshaw wished to have his concerns noted in relation to the following:

- the number of proposed houses was too many for the area;
- lack of width of the access road;
- lack of garden to No. 8 Moughland Lane;
- the possibility of the land being used for flats in the future; and
- the ring barking of the Sycamore trees.

Ms Shone addressed the Committee on behalf of the residents and spoke against the proposal raising issues such as the narrow width of Tree Bank Close and the impracticality for refuse and emergency vehicles, the destruction of mature trees, shrubs and green areas, reduction of security and boundary fencing, lack of privacy, loss of heritage and the character of the development not being suitable with the surrounding area.

Ward Councillor M. Ratcliffe addressed the Committee and spoke against the application echoing the concerns raised by Ms Shone and further noted that it was felt the density of the development was too high for the surrounding area, the Victorian character of the building would be lost and the impact on wildlife would be negative.

Members asked whether a risk assessment had been carried out in relation to the access road at Tree Bank Close. In response it was noted that a Stage 1 safety audit had been undertaken which was the necessary safety measure required at this preliminary design stage.

The Committee further enquired whether there was a possibility of erection of flats. In reply it was noted that as this application was an outline application only, the types of styles and schemes applied for in the future would have to be decided as a separate application at a future Committee once they were received.

The Committee discussed the application in detail and agreed that due to the loss of amenity and green space

the application should be refused. Members agreed that the drafting of the reasons for refusal be delegated to the Operational Director Environmental and Regulatory Services in consultation with the Chair and Vice Chair of the Committee.

RESOLVED: That the application be refused and the drafting of the reasons for refusal be delegated to the Chair and Vice Chair in consultation with the Operational Director, Environmental and Regulatory Services.

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**(NB: COUNCILLOR POLHILL DECLARED A PERSONAL AND PREJUDICIAL INTEREST IN THE FOLLOWING ITEM DUE TO A FAMILY MEMBER LIVING IN THE AFFECTED AREA AND LEFT THE ROOM DURING ITS CONSIDERATION.)**

DEV70 - 09/00512/FUL - FULL APPLICATION FOR THE ERECTION OF 74 DWELLINGS, GARAGES, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS AT THE LAND OFF ST AIDENS DRIVE, WIDNES.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was noted that comments had been received from 39 local residents, details of which were outlined in the report.

It was noted that since the report was written a further 3 objections had been received from local residents concerning the following:

- too small an area for this amount of additional housing;
- no three storey properties;
- increase in volume of traffic and potential hazards;
- Halton building more houses than Warrington;
- impact on north Widnes environment;
- erosion of north Widnes green fields;
- Iona Crescent already has issues with parking and was not yet fully occupied;
- not suitable for major access route;
- if St Aidens Drive is not suitable for access, then Iona Crescent is not also;
- site has no 'natural' access;
- alternative routes should be considered from Wilmere Lane and Norlands Lane;
- impact of traffic on small children in cul-de-sac;
- safety and well being of people should be forefront of

decisions of the Council; and

- Identification of the site as a Phase 3 housing allocation and requirement for this to be taken fully into consideration during the decision making process; this and 09/00529/out should be considered together.

Mr Harper addressed the Committee and spoke against the application raising concerns regarding the premature development of this Phase 3 allocated site, the need to develop greenfield sites, the impact upon the greenbelt, the wider impact upon the environment, the availability of housing sites elsewhere within the Borough, the impact upon landscape and the natural environment, lack of infrastructure and highway and pedestrian safety.

Ms Aspinall – Assistant Planning Director – Countryside Properties, addressed the Committee and spoke in favour of the application and noted that the proposals had been put forward following extensive consultations with Council Officers and would provide continuation of the development of the adopted land allocations.

Ward Councillor Drakely addressed the Committee on behalf of residents and raised concerns in relation to the increasing strain on the local infrastructure in terms of traffic, pedestrian safety, drainage issues and character of houses being inappropriate.

The Committee was advised that the application was acceptable in policy terms and had explained to them the relevance of existing UDP policies and more recent advice given with Policy Statements and within Regional Spatial Strategy.

Members discussed highway safety, the access road for construction traffic, and additional access road of Norlands Lane and establishment of a resident liaison panel. The Committee agreed that providing considerable attention was paid to safety of the site, and a financial contribution be provided towards highway improvements, the application should be approved.

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

- a) The entering into a Legal Agreement for the provision of a financial contribution towards off-site public open space and improvements to the local highway

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network;

- b) The following conditions,
1. Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990)
  2. Amended and approved plans Drawing List (BE1, BE2, GE27)
  3. No development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan; (BE1)
  4. No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels; (BE1)
  5. No development shall begin until the Council inspects the site markings to establish individual building locations of plots 15-24 and 68-74, the development to be constructed in accordance with the locations as approved on site; (BE1)
  6. No development shall begin until such time as a surface water regulation scheme has been submitted and approved in writing; the approved scheme to be implemented within an agreed timing/phasing arrangement or otherwise approved in writing with the LPA; (BE1 and PR16)
  7. The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed within; (BE1 and PR16)
  8. Existing tree survey recommendations and measures for protection during construction; (BE1 and GE27)
  9. Prevention of any tree felling without consent; (BE1 and GE27)
  10. Implementation of detailed landscaping scheme (BE1 and GE27)
  11. Replacement of any damaged or dying trees within 3 years of completion (BE1 and GE27)
  12. Replacement tree planting protected for 5 years following planting to be replaced with agreed species (BE1 and GE27)
  13. Prior to commencement terrestrial habitats survey and necessary mitigation measures; (BE1, GE21 and GE25)
  14. Prior to commencement a scheme of protective measures for wildlife in accordance with the ecological survey to be submitted, approved and

- implemented; (BE1, GE21 and GE25)
15. Prior to commencement a survey for ground nesting birds to be submitted and approved; (BE1 and GE21)
  16. Prior to commencement submission of a biodiversity action design plan to show how features within the house design will encourage wildlife to the scheme; (BE1 and GE21)
  17. Prior to commencement ground investigations for potential pollutants and remediation scheme where necessary; (BE1 and PR6)
  18. Prior to commencement full details of boundary treatment (BE22)
  19. Prior to commencement provision of a surface water drainage scheme to be submitted and approved; (BE1)
  20. Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved; (BE1)
  21. No development shall begin until a construction management plans is submitted to and approved. Such plan as approved shall be adhered to throughout the construction period to the satisfaction of the LPA; (BE1)
  22. Completed in accordance with approved materials unless otherwise agreed with LPA (BE2)
  23. Prior to occupation laying out of approved vehicle access, service and parking areas and retained as such (BE1)
  24. Prior to occupation the buildings to be inspected by a SAP assessor for compliance with Target Emissions Rate (EM18 – RSS)
  25. Restricted hours of development and deliveries related to development during construction period; (BE1)
  26. Provision of required refuse and recycling storage facilities for all individual dwellings at developer's expense (BE1)
  27. Prior to completion of development a scheme to be submitted to show how the main access road into the site is to be closed permanently to vehicular traffic at such time when the site has an adopted vehicular link to the site to the northwest. Such scheme as approved shall be implemented in full in a timescale to be agreed with the Local Planning Authority (BE1)
  28. Remove permitted development rights for hard surfacing front (BE1)

29. Restriction on the conversion of garages
  30. Remove permitted development for Class A and E (extensions and outbuildings) for specific plots 5; 6; 7; 8; 9; 11; 12; 13; 14; 15; 16; 18; 19; 21; 22; 23; 24; 32; 34; 35; 37; 39; 40; 41; 48; 49; 50; 54; 71; 72. (BE1 and BE2)
  31. Remove permitted development for fences/walls front of building line (BE1)
  32. Provision of service connections as part of site infrastructure; and
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environmental and Regulatory Services, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

It was reported that Condition 5 will specifically relate to development beginning on those particular plots as identified, and Condition 30 shall relate to all plots.

DEV71 - 09/00529/OUT - OUTLINE APPLICATION (WITH ACCESS, APPEARANCE LANDSCAPING, LAYOUT AND SCALE MATTERS RESERVED) FOR REDEVELOPMENT OF VACANT LAND TO PROVIDE 26 NO. 3/4/5 BEDROOM DWELLINGS WITH ASSOCIATED INFRASTRUCTURE UPGRADES ON THE LAND TO THE REAR OF 06-42 NORLANDS LANE AND 31/51 CRONTON LANE, WIDNES.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was reported that United Utilities had raised no objections to the proposal provided that the site was drained on a separate system with only foul drainage connected into the foul sewer. It was noted that 23 representations had been received from local residents, details of which were outlined in the report for information.

It was further reported that since the report had been written 10 additional objections had been received in relation to the following:

- identification of the site as a Phase 3 housing allocation and requirement for this to be taken fully into consideration during the decision making process;

- volume of additional traffic and congestion;
- more cars parking on Norlands Lane;
- the need for a crossing point in the vicinity of the roundabout at Norlands Lane/Cronton Lane;
- the number of dwellings and the density;
- height of the buildings, three storey would be overbearing and cause overlooking;
- building design would not be in keeping with the area;
- the lack of open space provision;
- impact on drainage and flooding (there is a field drain along the western boundary);
- these have been addressed in the report, this and 09/00512/FUL and any other future housing should be considered together.

The Committee was advised that a further condition was recommended for amended plans.

Mr Brady addressed the Committee and spoke against the application raising concerns in relation to the height of the dwellings and loss of privacy this would cause, the character of dwellings not being in keeping with the surrounding area, impact on traffic as it was currently very difficult to cross Cronton Lane during rush hour, issues of parking outside shops and lack of green space.

Ward Councillor Drakely addressed the Committee and spoke against the application echoing Mr Brady's comments in addition to concerns raised for application number 09/00512/FUL.

The Committee held a wide ranging discussion and agreed that a condition be added restricting the height of dwellings be two storeys only.

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

- d) The entering into a Legal Agreement for the provision of a financial contribution towards off-site public open space and improvements to the local highway network;
- e) The following conditions,
  1. Standard approval condition (BE1)
  2. Standard time limit conditions for outline permission
  3. Standard outline conditions for approval of

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- reserved matters (BE1)
4. Final design details of access off Norlands Lane
  5. Prior to commencement submission of material samples (BE2)
  6. Prior to commencement submission of boundary treatment details (BE22)
  7. Prior to commencement ground investigation (PR14)
  8. Prior to commencement details of existing and proposed levels on and adjacent to the site (BE1)
  9. Prior to commencement details of foul and surface water drainage (BE1)
  10. Prior to commencement submission of details of a surface water regulation system.
  11. Prior to commencement submission of landscaping scheme including scheme for replacement tree planting (BE1)
  12. Prior to commencement submission of species planting scheme (BE1)
  13. Replacement of any damaged or dying trees within 3 years of completion (BE1 and GE27)
  14. Replacement tree planting protected for 5 years following planting to be replaced with agreed species (BE1 and GE27)
  15. Prior to commencement of development, the developer is to submit a biodiversity design plan (BE1, GE21 and GE25)
  16. Standard tree conditions for protection measure of those to be retained.
  17. Prior to any commencement of works, a detailed survey is recommended to check for ground nesting birds
  18. Prior to commencement the submission of an Energy Strategy, how 10% of that phase of developments predicted energy requirements are to be met from decentralised, renewable or low-carbon sources (RSS Policy EM18).
  19. Prior to commencement details of wheel wash to be submitted, facilities to be used during the course of construction (BE1)
  20. Conditions limiting hours of construction and construction deliveries (BE1)
  21. Conditions removing class A, B and E of the GPDO.
  22. Provision of bins and recycling facilities prior to occupation (BE1)
  23. Provision of service connections as part of site infrastructure.

Additional conditions were added as follows:

- 24. amended plans; and
- 25. a restriction of two storeys be enforced.

DEV72 - 10/00013/FUL - PROPOSED ERECTION OF 18 NO. COURTYARD HOUSES, DETACHED GARDENS, PRIVATE ACCESS ROAD AND PRIVATE OPEN SPACE TO THE LAND AT DAWSON DANCE CENTRE, LUNTS HEATH ROAD, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was noted that one letter of objection had been received relating to the size of the proposed footprint being larger than previously approved.

The Committee was advised that amended plans had been received and indicated that the location of the bin store had been brought forward into the central courtyard. It was reported that this has made the bin store more accessible to residents and would have been a requirement of the building regulations. Due to a consultation it was requested to delegate authority to the Operational Director – Environmental and Regulatory Services in consultation with the Chair or Vice Chair to determine the application following the end of the consultation period and subject to the recommendation contained within the report.

Mr Harper addressed the Committee and spoke against the application raising concerns regarding the footprint exceeding the original plans, the landscaping scheme and felt that the application did not conform to planning guidance.

Ward Councillor Drakely addressed the Committee and spoke against the application raising concerns relating to the increase in houses as application no 07/00555/FUL proposed 16 dwellings and requested that the Committee refuse this application therefore agreeing to 16 dwellings (not the proposed 18 from this application).

Members discussed the application and noted that should there be any residual asbestos remaining on site this should be removed effectively and safely. Officers confirmed that this application was identical to 07/00555/FUL with the exception of there being 18 dwellings not 16. Arising from the discussion an amendment was proposed to refuse the application.

RESOLVED: That the application be refused as the Strategic Director

development represented overdevelopment and that there was no justification for the additional dwellings and as such the proposal was contrary to greenbelt policy

- Environment

DEV73 MISCELLANEOUS ITEMS

It was reported that appeals had been received following the Council's refusal of the following applications:-

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|--------------|--|
| 09/00206/OUT | Outline application (with all matters reserved) for demolition of existing bungalow and erection of 2 No. dwelling houses at 22 Rock Lane Widnes |
| 09/00351/COU | Proposed change of use from retail (Class A1) to hot food takeaway (Class A5) with new flue and rear fire door at Occasions Ascot Avenue Runcorn |
| 09/00418/FUL | Proposed erection of 1 No. two storey (end of terrace) dwelling at Welsh Chapel Waterloo Road Runcorn  |

It was further noted that the following applications had been withdrawn:

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|--------------|---|
| 09/00449/FUL | Proposed conservatory to rear of 33 Lessingham Road Widnes  |
| 09/00507/COU | Proposed change of use of part of building designated as Class B2 Use to Class A3 Use together with installation of a ramped access for disabled persons at Oakley House Dennis Road Widnes |
| 09/00548/FUL | Proposed single storey rear bathroom extension for disabled person at 171 Royal Avenue Widnes   |
| 10/00033/TEL | Prior notification of telecommunications  |

development comprising 15m high telegraph pole accommodating 6 No. shrouded antennas and 2 No. ground based equipment cabinets at Amazing Glazing Appleton Village Widnes

10/00040/HSC

Claim for deemed consent for storage and use of 199 tonnes of hazardous substances categorised in part B section (i) R50/R53 and 499 tonnes of hazardous substances categorised in part B section (ii) R51/R53 at Innospec Widnes Limited Bennetts Lane Widnes

*Meeting ended at 8.15 p.m.*