

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 14 August 2006 at Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Blackmore, Hignett, Morley, Leadbetter, Polhill, Rowan, Sly and Whittaker

Apologies for Absence: Councillor Osborne

Absence declared on Council business: (none)

Officer present: P. Watts, J. Tully, A. Pannell, S. Baxter and G. Ferguson

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

		Action
EXB10	<p>MINUTES</p> <p>The Minutes of the meeting held on 10th July 2006 having been printed and circulated, were taken and signed as a correct record.</p> <p>RESOLVED: That the minutes be noted.</p>	
EXB11	<p>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.</p> <p>(i) Plan No. 05/00887/FUL</p> <p>Proposed single story non-food retail unit comprising 41,000 sq. ft. floorspace; (including 10,000 sq.ft. garden centre and 11,000 sq. ft. mezzanine) plus a second single storey non-food retail unit comprising 9,203 sq. ft. floorspace, access road from Daresbury Expressway and related parking/servicing areas at The Bridge Retail Park, Okell Street, Runcorn; St. Modwen Properties PLC.</p> <p>This application was originally approved by</p>	

Committee on 18th January 2006, subject to conditions. Amendments were given further consideration at the 15th March 2006 meeting and approved. Planning permission had not yet been issued and had been pending the resolution of various highway and layout issues and their impact on the Section 35 Highways Adoption Agreement and Section 106 Agreement. A draft decision notice had been prepared and reflected the resolution of the Committee at the January and March meetings.

Since the March meeting, the applicant and end user had considered the draft decision notice and the precise wording of conditions and their impact on the operational requirements of the occupier. The applicant and occupier had requested that a number of conditions are varied. One condition related to goods to be sold and the full wording of this condition was recorded in the minutes. Other conditions, though not set out in full at the January or March meetings related to the extension of various hours and amenity issues. Any variation of the goods to be sold condition required the express permission of the Committee. The other conditions and proposed variations to the draft notice prepared by officers were brought to the attention of the Committee, given the proximity of housing to the development and local sensitivities, which were reported at the previous meetings. The conditions considered were as follows:

ARTICLE I. GOODS TO BE SOLD

The applicant had requested that this condition be varied as it would not enable the end users to retail their full product range. That range included lighting and kitchenware. The applicant considered that the issue could be addressed by including the wording “and ancillary products thereto” in the condition. Officers considered that the definition was too imprecise and would be unenforceable. The words “lighting and kitchenware” could, however, be added as the sale of these additional goods was unlikely to have a detrimental impact on the vitality and viability of nearby town centres. The condition as amended would read as follows:

The retail units hereby permitted shall be used only for the sale of building and DIY supplies, garden centre goods, furniture, carpets and floor coverings, household textiles and wall coverings, lighting, kitchenware, electrical goods, computers and ancillary personal computer accessories and software, boating and caravanning and camping equipment, bicycles, auto parts and accessories, office furniture and office equipment (excluding stationery) and for no other

purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Opening Hours

The specified opening hours on the application were 0900-2000. Subsequently, the applicant had requested that the hours be amended to 0800-2200 Monday to Saturday, Sunday trading hours and standard opening hours, ie. 0800 –2200, on Bank/Public Holidays.

The proposed store trading hours would remain as follows:

0800-2000 Monday - Saturday and Bank/Public Holidays and Sunday trading hours, ie any six hours between 1000-1800.

Delivery hours.

The end user had indicated that due to operational requirements, deliveries were required on Sundays and Bank/Public holidays. Deliveries also take place at either end of the day. Given that a Bank/Public holiday was a normal trading day, it would be unduly restrictive to prevent deliveries. Sunday was however the traditional day of rest and it would be unreasonable to allow deliveries, particularly as they precede, store opening hours. Proposed delivery hours were therefore as follows:

Deliveries shall be restricted to between the hours of 0730 and 2000 hours Monday to Friday and on Bank/Public Holidays and 0730- 1800 Saturday, with no deliveries permitted on Sundays.

Delivery doors.

This condition required delivery doors to be closed at certain times to minimise nuisance from noise and to safeguard residential amenity. As this condition related to noise levels, which were dealt with by separate conditions relating to the closure of all doors at certain times and to a boundary noise level condition, it results in unnecessary duplication. See 'closure of all doors' and 'maximum boundary noise levels' below

It is recommended that the delivery doors condition be deleted as the remaining conditions referred to above will provide appropriate protection and safeguards.

Running of engines by waiting vehicles.

This condition required that there shall be no waiting of delivery vehicles or running of engines in the service yards or on the service road. Members would be aware that the service road had now been deleted (amendment at the March meeting). The applicant considered that preventing vehicles waiting in the service yards was unduly restrictive, as it would result in delivery vehicles waiting elsewhere, ie. on the access road. This could be detrimental to highway safety. The applicant/end user was, however, prepared to accept no running of engines. After further consideration, officers considered that it would be appropriate to amend the condition as follows:

There shall be no running of engines by waiting vehicles in the service yards.

Closure of all doors at specified times.

Following further discussion with the applicant/end user and clarification of operational requirements, it was considered that this condition should reflect store delivery hours Monday to Saturday and Sunday trading hours. It was recommended that the condition be worded as follows:

All doors shall be kept closed except for essential access and egress outside approved delivery hours and outside Sunday trading hours.

Restriction on fork lift truck movements.

Following further discussion with the applicant/end user and clarification of operational requirements, it was considered that fork lift truck movements should be allowed outside the building within store delivery and Sunday trading hours. This would allow for the movement of goods from deliveries as well as for the general movement of goods from the service yard into the store. It was recommended that the condition be worded as follows:

Fork lift truck movements shall be restricted to inside the buildings outside approved delivery hours and outside Sunday trading hours.

Maximum boundary noise levels.

Discussions had taken place with the applicant's noise consultant to clarify and agree noise levels, their source and location and to agree a workable condition.

Rubber seals to loading bay doors

On further consideration of operational requirements, ie. end user delivery lorries are side loading, this condition is unworkable.

It is recommended that the condition requiring rubber seals to loading doors is deleted.

Outside storage.

Due to operational requirements there was a need to store products in the main service yard. Following negotiation, officers agreed that this restriction was too onerous and that storage with height limitations and a requirement to keep an undesignated area free for vehicle turning, offers a balanced solution to meeting the operational needs of the end user, overcoming highway safety concerns and safeguarding residential amenity. It was considered that restricting the height of storage in the service yard to the height of the acoustic boundary fencing would minimise any visual impact from neighbouring dwellings. The end user had reservations about the height limit as storage racking can be up to 5m high. Officers considered that residential amenity remained a key consideration and that any storage visible over the fence at ground level would be unreasonable, given the proximity of neighbouring houses. It was recommended that the condition be worded as follows:

Sufficient space shall be made available for an articulated vehicle to turn within the main service yard at all times to enable the vehicle to leave the main service yard in forward gear. There shall be no outdoor storage of equipment, goods, plant or materials in the smaller service yard, without the prior written approval of the Local Planning Authority. The maximum storage height shall be limited to the approved height of the acoustic fence on the southern boundary.

Construction work audible at the site boundary.

The purpose of this condition was to restrict construction work audible at the site boundary to specified hours. The draft condition allowed such work between 0730 and 1900 hours Monday to Friday 0730 to 1300 hours

Saturdays, with no operations on Sundays or Bank/Public Holidays. The applicant/end user would like a degree of flexibility to undertake internal fitting out works outside the above hours. The fitting out phase would be over a short period of time towards the end of the construction period.

Boundary treatment.

This condition included reference to the acoustic fence. In line with the acoustic consultants recommendation, the minimum height of the acoustic fence for noise mitigation purposes was 3m. The rear gardens of residential properties would be at a slightly higher level, by up to about 1.2m above service yard and fence level. The impact of the fence would therefore be mitigated and should not therefore differ substantially to existing residential boundary wall and fence heights, which were at around about 2m high. Anything over 3m would have a visible impact when viewed from residential properties. In this context, officers consider that the maximum height of the acoustic fence should be 3m.

It is recommended that the maximum height of the acoustic fence from ground level should be set at 3m and that this is reflected in the wording of boundary treatment condition.

RESOLVED: That

- 1) the conditions be varied or deleted as outlined above; and
- 2) all other conditions referred to in the minutes of the January and March meetings still remain applicable to this application.

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(ii) Plan No: 06/00370/FUL

Proposed erection of a 33,556 sq m distribution warehouse development (B8) and associated office space, parking, landscaping and infrastructure; Manor Park 3-Sector D, Eastgate Way, Runcorn; Gladman Developments Ltd

The Consultation process undertaken was outlined in the report together with background information in respect of the site. It was noted that one representation had been received to date.

The letter of objection from the Chair of Halton Natural Environment Round Table, related to the loss of

wildlife habitat and inadequate compensatory provision, suggesting use of a green roof and other environmental measures including water recycling and sustainable urban drainage systems, potential light pollution.

RESOLVED: That the application be approve subject to 19 No. conditions relating to the following:

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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 and requiring minimum floor levels to be set at 5.8 m AOD (PR16)
4. Submission, agreement and implementation of scheme for drainage (BE1)
5. Provision of oil interceptors to vehicle parking areas (PR5)
6. Landscaping condition, requiring the submission of both hard and soft landscaping. (BE2)
7. Submission, agreement and implementation of habitat management plan (GE19)
8. Submission, agreement and implementation of bird nesting features for swifts within the building (GE19)
9. Protection of water courses and retained habitat during construction (GE19)
10. Requiring specified bunding of any fuel/chemical storage (PR5)
11. Boundary treatments to be submitted and approved in writing. (BE2)
12. Wheel cleansing facilities to be submitted and approved in writing and used during construction. (BE1)
13. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
14. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use. (BE1)
15. Agreement and implementation of cycle parking provision (TP6)
16. Requiring implementation of agreed Travel Plan (TP16)
17. Restricting external lighting (BE1)
18. Restricting external storage to that shown on plan (E5)
19. Agreement of colour coating for fuel tanks (BE1)

(iii) Plan No. 06/00435/FUL

Proposed erection of 6 no B1/B2/B8 commercial units with appropriate parking, access roads and hard & soft landscaping on site adjacent to Phase 1 Heron Business Park, Tanhouse Lane, Widnes; St Modwen Developments.

The consultation process undertaken was outlined in the report together with background information in respect of the site. It was noted that no representations had been received to date.

RESOLVED: That the application be approved subject to the following 13 conditions listed below: -

1. Standard condition relating to timescale and duration of the permission;
2. Specifying amended plans (BE1).
3. Ground investigation study required prior to the commencement of development (PR14).
4. Wheelwash condition required for construction phase (BE1).
5. Parking conditions (2 separate conditions) to ensure 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 & E5).
6. Landscaping condition is required to ensure comprehensive details are provided prior to the commencement of development (BE2 & E5).
7. Replacement tree planting condition (BE2).
8. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2 & E5).
9. Condition to show the levels details for the proposal and how it links in with the adjoining cycleway/landscape strip (BE1).
10. Visibility splay condition for access onto Brown Street to ensure that this is maintained at all times (BE1).
11. Details of the design of the bin storage (BE2 & E5).
12. Storage condition to ensure no outside storage (E5).
13. A Travel Plan is required prior to the occupation of the units.

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4. MATTER RELATING ADJOINING AUTHORITY CONSULTATIONS

(i) Plan No. 06/00172/ADJWST & 06/00173/ADJELC:

Adjoining Authority Consultation by Cheshire County Council for the construction and operation of an Integrated

Waste Management Facility (IWMF) and Environmental Technologies Complex (ETC), including landscape/ ecological mitigation and vehicular access from Kamira Road, water access via an upgraded berth facility on the Manchester Ship Canal and rail access via an existing rail spur and construction of a proposed Refuse Derived Fuel (RDF) Plant on Land Adjacent To Manchester Ship Canal Ince Cheshire on land adjacent to the Manchester Ship Canal at Ince Marshes; Peel Environmental Ince Ltd

One resident had objected on the following grounds – local area is already overdeveloped with industry, concerned about air pollution, traffic noise, road safety and health implications.

Halton Friends of the Earth have raised objections on public health grounds, transport, and have recommended a zero waste policy.

Hale Parish Council had asked that the detrimental effect on Hale was taken into consideration.

The Committee were advised that the Environmental Statement lacked detail and there was insufficient information in the report to clarify what the impact on the Borough's roads would be and whether any additional public transport services were required, as well as a number of other site specific detailed matters. As a consequence it was considered that at this stage there was no real alternative but to deposit an objection in response to the consultation.

RESOLVED: That Cheshire County Council and the DTI, be advised that Halton objects to the proposal due to the lack of information provided within the submission.

(N.B Councillor Blackmore declared a personal interest in the above item and left the room during its consideration)

(ii) Plan No. 06/00479/ADJ:

Adjoining authority consultation by Liverpool City Council to erect multi storey car park 869 spaces over 5 levels and hotel 155 bedrooms up to 11 storeys in height with covered bridge link to terminal building and creation of additional surface car parking, reconfiguration of existing parking and access roads on land at Liverpool John Lennon Airport; Liverpool City Council Plc.

The Council actively supported the work with the airports to deliver sustainable surface access, as highlighted

in the Local Transport Plan. It had also taken an active role in the Liverpool John Lennon Airport Transport Forum alongside other representatives.

The proposal was an interim step towards the long term expansion plans and it was recommended that a letter would be sent to Liverpool City Council supporting the proposal.

RESOLVED: That Halton Borough Council have no objections to the development and supports the expansion of this regionally important facility

(N.B Cllr. Thompson is the Council's representative on the Liverpool Airport Consultation Committee. Although this does not count as a personal interest (let alone a personal and prejudicial interest) in the application to avoid any suggestion of bias Cllr. Thompson took no part in the deliberation of the application.

EXB12 MISCELLANEOUS ITEMS

1) Appeals have been received following the Council's refusal of the following applications:-

05/00932/FUL	Retrospective application for retention of boundary fencing (to replace damaged section) at Selwyns Travel Ltd, Cavendish Farm Road, Runcorn, Cheshire, WA7 4LU
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06/00180/FUL	Proposed two storey side/rear extension to form bedroom, bathroom, garage and kitchen at 18 Kingsley Road, Runcorn, Cheshire, WA7 5PL
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2) An appeal was lodged following the Council's refusal of the following application:-

A decision had been received as follows :-

05/00874/OUT	Proposed alterations to and conversion of Nos 179 - 181 to 4 No. apartments, with new garage block, erection of 5 No. two storey mews dwellings, new double garage to No. 177 and related access improvements (design/ external
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appearance and landscaping reserved)
at 177-181 Heath Road, Runcorn,
Cheshire, WA7 4XG

This appeal was allowed

3) The following applications have been withdrawn :-

06/00260/REM	Proposal for 45 No. 2.5 storey dwellings with associated car parking and landscaping at DATS Holdings, Nicolford Hall, Norlands Lane, Widnes, Cheshire
06/00343/FUL	Proposed two storey three bedroom detached dwelling at Land Adjacent To 1 Breck Road, Widnes, Cheshire, WA8 6HH
06/00347/FUL	Proposed residential development comprising 4 No. two storey detached dwellings at Land Off Eltham Walk, Weates Close, Widnes, Cheshire
06/00362/TEL	Application for prior approval of telecommunications development comprising of a 15m high Flexicell 2 (Type E) column, 3 No. antennas, 2 No. equipment cabinets and associated development at Land Off Bennetts Lane, Widnes, Cheshire
06/00381/FUL	Proposed single storey and two storey extension to rear of 74 Dorchester Park, Runcorn, Cheshire, WA7 1QB
06/00388/FUL	Proposed extension to existing car park on to previously grassed area to front of lower wing building to provide up to 50 No. spaces at Wade Deacon High School, Birchfield Road, Widnes, Cheshire, WA8 7TD

Meeting ended at 7.00 p.m