



## Development Control Committee

Monday, 13 September 2010 6.30 p.m.  
Civic Suite, Town Hall, Runcorn

A handwritten signature in blue ink, appearing to read 'David W R'.

Chief Executive

### COMMITTEE MEMBERSHIP

Councillor Paul Nolan (Chairman)
Councillor Dave Thompson (Vice-Chairman)
Councillor Peter Blackmore
Councillor John Bradshaw
Councillor Ellen Cargill
Councillor Ron Hignett
Councillor Mike Hodgkinson
Councillor Dave Leadbetter
Councillor Tom McInerney
Councillor Keith Morley
Councillor Shaun Osborne

*Please contact Ann Jones on 0303 333 4300 Ext. 1179 or  
ann.jones@halton.gov.uk for further information.  
The next meeting of the Committee is on Monday, 11 October 2010*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

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<b>1. MINUTES</b>	<b>1 - 11</b>
<b>2. DECLARATIONS OF INTEREST</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached, and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
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***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**DEVELOPMENT CONTROL COMMITTEE**

*At a meeting of the Development Control Committee on Monday, 9 August 2010 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Thompson (Vice-Chairman), J. Bradshaw, Hignett, Hodgkinson, Leadbetter, McInerney, Morley and Osborne

Apologies for Absence: Councillors Nolan, P. Blackmore and E. Cargill

Absence declared on Council business: None

Officers present: P. Watts, M. Simpson, J. Farmer, A. Jones, A. Plant, P. Shearer and J. Tully

Also in attendance: 15 Members of the public

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

	<i>Action</i>
DEV12 MINUTES	
The Minutes of the meeting held on 5 July 2010, having been printed and circulated, were taken as read and signed as a correct record.	
DEV13 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.	
DEV14 - 10/00029/FUL - PROPOSED NEW RESIDENTIAL DEVELOPMENT OF 6 NO. SEMI DETACHED HOUSES ON THE LAND AT LODGE FARM, NORTON VILLAGE, NORTON, RUNCORN, WA7 6PZ	
The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	
Councillors Austin and Lloyd Jones addressed the Committee and spoke against the application, raising the	

following areas of concern:

- Loss of a unique character building which was part of the village atmosphere;
- The new development would be out of character;
- The development would have a detrimental effect on house prices;
- Wildlife would be threatened;
- Traffic volume would be increased;
- Safety of the site and surrounding area;
- Contractor adherence to the building rules;
- Completion of a summer survey in relation to wildlife; and
- The application be deferred in order to consider all options for the future use of the site.

Mr Fred Dipnall addressed the Committee and spoke against the application, tabling a presentation for reference. His objections included:

- Unsuitable infrastructure of road networks;
- Access issues in terms of there only being one entrance and exit road;
- The dangers of there being only one pavement and having no curb stones; and
- Importance of retaining the character of the village.

In response it was reported that the building was not Listed nor was it included on the Council's list of historical buildings. Advice had been sought from the Conservation Consultant to clarify this. It was further noted that the building did not justify any protected status under the 'principles of selection' for agricultural buildings built around the turn of the 19<sup>th</sup> Century, produced by the English Heritage.

It was further noted that an additional condition was recommended to ensure the full protection of the sandstone dwarf wall adjacent to the Norton Village Highway.

RESOLVED: That the application be approved subject to entering into a Section 106 agreement for a financial contribution towards off-site public open space, and the following conditions:-

1. Standard 3 year permission (BE1);
2. Amended and approved plans (BE1, BE2 & GE27);
3. Before development details of the footway alongside

Strategic Director  
- Environment  
and Economy



Highgate Close shall be submitted to and approved in writing. To be implemented to an agreed timetable and no later than first occupation of the dwellings (BE1);

4. Before development begins submission of a ground investigation (PR14);
5. Before development begins submission and approval of a Biodiversity action plan and implementation prior to occupation (BE1);
6. Before development begins submission of details of Tree Protection (GE27);
7. Before development begins submission of a landscaping scheme incorporating the required replacement tree planting (GE27);
8. Construction management plan;
9. Before development begins submission of archaeological investigation for approval and implemented in accordance with LPA requirements (BE6);
10. Before development begins submission of full schedule of materials (BE2);
11. Before development begins submission of boundary treatment details (BE22);
12. Before development begins submission of existing and proposed site levels of development and adjacent land (BE1);
13. Before development begins submission of details of wheel wash facilities including method statement and site plan for use during construction (BE1);
14. Retention of visibility splay (BE1);
15. No planting higher than 600mm or otherwise agreed in writing within the visibility splay (BE1);
16. Restricted times of deliveries (BE1);
17. Restriction to development avoiding nesting birds (BE1);
18. Pd removed for A and E and porches (BE1 and BE2);
19. Pd removed for additional windows/dormers (BE1 and BE2); and
20. Pd removed for fences/walls (BE1 and BE22).

An additional condition was agreed as follows:

21. Full protection of the sandstone dwarf wall adjacent to the Norton Village highway.

NORLANDS LAND AND 31-51 CRONTON LANE, WIDNES,  
CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. An amended site plan and red line site boundary had been received since the original report, removing a small area in the north east corner of the site, which was formally used for a substation. This did not alter the scheme that was already consulted on.

It was reported that one further representation had been received from the resident of 25 Norlands Lane, which raised concerns in relation to potential contamination, specifically from the former substation land, and potential linkage through proposed pond.

Conditions were recommended for further site investigations and mitigation measures to be submitted and agreed prior to commencement; and for construction details of the pond to be approved, along with full details of drainage and landscaping agreed prior to commencement.

Councillor Murray addressed the Committee and spoke against the application and raised concerns regarding the use of green field site, flood risk dangers and the safety of pedestrians around the shops and junctions, and that highway alterations should be implemented before works commence on site. Cllr Murray made reference to emails from the Councils Highways department and the issues around the junction of Norlands and Cronton Lane. In response it was reported that although all the issues raised in the email were valid issues they had been correctly answered by the Planning Officer.

Mr Jonathan Chapman, acting for the applicant, addressed the Committee and spoke in favour of the application, stating that the development was in keeping with local architectural styles and that developer would be prepared to invest in local road developments in partnership with the Council.

In response to the concerns raised it was reported that flood risk assessments had been submitted and there were three conditions covering issues around flooding. It was further noted that the road collision history did not merit highway amendments at this current time. However the Committee was advised that plans had been drafted for highway improvements in the area concerned although a definite date had not been set for commencement of such

works.

Members suggested an increase in police presence in the area to tackle the congestion issues and illegally parked cars by the shops on Cronton Lane and agreed that that a pedestrian crossing would be required in the area. Officers confirmed that planning for this was already at the consultation stage and could be prioritised subject to sufficient funding. The Committee stressed the need for early implementation of the highway improvements for obvious safety reasons.

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

Strategic Director  
- Environment  
and Economy

(a) The entering into a Legal Agreement for the provision of a financial contribution towards off-site public open space and off site highways works, and;

(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);
- 3 No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels; (BE1);
- 4 Prevention of any tree/hedge felling without consent; (BE1 and GE27);
- 5 Submission and implementation of detailed landscaping scheme (BE1 and GE27);
- 6 Replacement of any damaged or dying trees within 3 years of completion (BE1 and GE27);
- 7 Replacement tree planting protected for 5 years following planting to be replaced with agreed species (BE1 and GE27);
- 8 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);
- 9 Condition for the provision of bird nesting boxes (BE1, GE21 and GE25);
- 10 Condition relating to work to be carried out outside of the bird nesting season (BE1 and GE21);

- 11 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);
- 12 Prior to commencement ground investigations for potential pollutants and remediation scheme where necessary; (BE1 and PR6);
- 13 Environment Agency condition relation to the submission of a revised remediation strategy should unexpected contamination be encountered;
- 14 Prior to commencement full details of boundary treatment (BE22);
- 15 The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed within; (BE1 and PR16);
- 16 Prior to commencement provision of a surface water drainage scheme to be submitted and approved; (BE1);
- 17 Condition restricting the discharge rates from the site as recommend by United Utilities ;
- 18 Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved; (BE1);
- 19 Prior to the commencement of development submission and approval of materials (BE2);
- 20 Prior to the commencement final details of the access onto Norlands Lane to be submitted (BE1);
- 21 Prior to occupation laying out of approved vehicle access, service and parking areas and retained as such (BE1);
- 22 Restricted hours of development and deliveries related to development during construction period; (BE1);
- 23 Provision of required refuse and recycling storage facilities for all individual dwellings at developer's expense (BE1);
- 24 Remove permitted development rights for hard surfacing front (BE1);
- 25 Restriction on the conversion of garages;
- 26 Remove permitted development for Class A and E (extensions and outbuildings) (BE1 and BE2);
- 27 Remove permitted development for fences/walls front of building line (BE1); and

Additional conditions were reported as follows:

- 28 Further site investigations and mitigations measures to be submitted and agreed prior to commencement;
- 29 Construction details of the pond to be approved;
- 30 Full details of drainage and landscaping agreed; and
- 31 Condition relating to the removal of Japanese Knotweed.

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 – Environment & 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).

DEV16 - 10/00150/FUL - THE ERECTION OF 20 NO. TWO AND THREE BEDROOM HOUSES WITH ASSOCIATED LANDSCAPING ON THE LAND OFF RIVENMILL CLOSE, WIDNES, CHESHIRE

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was reported that this application had been to an earlier Committee with a recommendation for refusal due to the loss of employment land. However further evidence had been submitted in relation to the concerns of the officers regarding allocated employment land and it is now recommended for approval.

Since the publication of the report one further condition was recommended for surface water drainage details to be submitted for approval prior to commencement.

It was further reported that additional comments had been received from a resident relating to disturbance and disruption of construction, development of commercial buildings would be quicker than residential, property devaluation, quietness of commercial property compared to residential, threat to quality of life and possible theft and increase in traffic.

Mr Sean Taylor addressed the Committee on behalf of the applicant and spoke in favour of the application commenting that the scheme complies with the national

strategy for housing development.

Mr Peter McGarry addressed the Committee against the application raising concerns in relation to the potential anti social behaviour issues that affordable housing could attract, and the lack of nearby facilities for children.

In response officers commented that developing the site would be a big improvement from its present state. Speculating on the type of owners/tenants was not a condition of approval. It was confirmed that the Police received the Councils list of applications, so were aware of this application, and had not raised any objections,

RESOLVED: That the application be approved subject to S.106 for off-site public open space and the following conditions:-

Strategic Director  
- Environment  
and Economy

- 1 Standard 3 year permission (BE1);
- 2 Plans and amended plans (BE1, BE2);
- 3 Before development begins submission of a ground investigation (PR14);
- 4 Before development begins submission of a landscaping scheme incorporating the required replacement tree planting (GE27);
- 5 Before development begins submission of a construction management plan (BE1);
- 6 No development shall begin until the Council inspects the site markings to establish individual building locations of plots 3 and 4, the development to be constructed in accordance with the locations as approved on site ; (BE1);
- 7 Before development begins submission of full schedule of materials (BE2);
- 8 Before development begins submission of boundary treatment details (BE22);
- 9 Before development begins submission of existing and proposed site levels of development and adjacent land (BE1);
- 10 Provision of thermal glazing to the kitchen and habitable room windows of the dwellings (BE1);
- 11 Before development begins submission of details of wheel wash facilities including method statement and site plan for use during construction (BE1);
- 12 Retention of visibility splay (BE1);
- 13 No planting higher than 600mm or otherwise agreed in writing within the visibility splay (BE1);
- 14 Restricted times of deliveries (BE1);
- 15 Restriction to development avoiding nesting birds (BE1);

- 16 Pd removed for A and E and porches (BE1 and BE2);
- 17 Pd removed for additional windows/dormers (BE1 and BE2);
- 18 Pd removed for fences/walls (BE1 and BE22); and
- 19 Pd removed for any hard surfacing within dwelling plots (BE1).

An additional condition was reported as follows:

- 20 The submission of details of how surface water is to be drained.

DEV17 - 10/00157/COU - CHANGE OF USE FROM PUBLIC HOUSE & MANAGERS ACCOMMODATION/SIX LETTING ROOMS TO SINGLE RESIDENTIAL DWELLING HOUSE ON GROUND FLOOR & SIX LETTING ROOMS ON FIRST FLOOR AT THE QUEENS ARMS SITE, MOOR LANE, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was reported that the Council had received a written objection from one local resident, which had been supported by a 12-person petition. Details of the objections were outlined in the report for information.

The Committee was advised that the change of use to residential was acceptable in principle and there was a concurrent planning application for the whole of the building to be converted to a dwelling which is acceptable. However this particular proposal raised issues which were felt would result in an unacceptable impact on the amenity of the existing residential occupiers.

In particular this relates to the provision of car parking on site. For a family dwelling and six single bed units, the Council required the provision of 8 car parking spaces on site. It was reported that the proposal could provide only 2 spaces on site. This would result in an under provision of 6 spaces and would mean future residents parking on the adjacent highway of Rose Street. There were already highway restrictions in front of the public house on Rose Street which would serve to exacerbate this situation.

Councillor Horabin addressed the Committee and spoke against the application on behalf of the residents on Smith Road, Row Street and Caldwell Road, Widnes.

RESOLVED: The application be refused as the proposal failed to provide the appropriate levels of off-street car parking. This would result in a detrimental and harmful impact on the amenity of the adjacent residential area, particularly those occupiers of Rose Street. As such the proposal failed to comply with Policies BE1 and TP12 of the Halton Unitary Development Plan.

DEV18 - 10/00214/FUL & 10/00215/S73 - PROPOSED ERECTION OF MEZZANINE SALES FLOOR AND ASSOCIATED INTERNAL AND EXTERNAL WORKS; AND PROPOSED REMOVAL OF CONDITION NO 4 ON PLANNING CONSENT 02//00630/FUL TO ALLOW FOR UPLIFT IN THE NET RETAIL FLOOR SPACE AT WIDNES ROAD, WIDNES, WA8 6AF

The Committee was advised that this application had been deferred as the applicant had not yet agreed the heads of terms for a S.106 Agreement

DEV19 MISCELLANEOUS ITEMS

The Committee was advised that appeals had been received following the Council's refusal of the following applications:-

10/00176/TEL	Prior notification of telecommunications development for the installation of a radio base station consisting of a 12.5m high streetworks monopole housing 3 No. O2 antennas, 3 No. Vodafone antennas and 2 No. ground based equipment cabinets on Footpath at Junction of Hale Road and Crossway, Widnes Cheshire
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10/00193/TPO	Proposed crown thinning/lifting of 2 No. Sycamore trees at 18A Hough Green Road Widnes
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An appeal had been received against an Enforcement Notice for the following enforcement case :-

10/00044/COUGEN	Depositing Of Building Material in Open Space at Sandy Lane Preston Brook Runcorn
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It was further noted that an appeal was lodged



following the Council's refusal of the following application:-

A decision had been received as follows :-

09/00511/COU      Proposed change of use of ground floor  
office to 3 No. residential care bedsits at  
1 Peelhouse Lane Widnes

**This appeal was allowed**

This application was reported to the January Development Control Committee and the application was refused on the basis that the proposal would create an environment in which anti social behaviour could result and a perception of fear and concern because of the likelihood of increased crime and disorder. The Inspector stated that he did "not consider the risk of additional criminal and anti-social behaviour as a consequence of the small development proposed, which in any event is intended as a means of facilitating progression to responsible citizenship, to be so great as to significantly harm the living conditions of local residents and thereby outweigh the need for it and the advantages of utilising for that purpose an existing building in an accessible and sustainable location."

*Meeting ended at 7.57 p.m.*

**REPORT TO:** Development Control Committee

**DATE:** 13 September 2010

**REPORTING OFFICER:** Strategic Director, Environment & Economy

**SUBJECT:** Planning Applications to be determined by the Committee

**WARD(S):** Boroughwide

The following applications for planning permission are submitted to the Committee for consideration with a recommendation in each case. Those applications marked \* are considered to have significant employment implications.

An Amendments List, containing the categorisation of planning applications, additional information and amendments to recommendations, will be circulated to Committee Members before the meeting together with plans showing the location of each application site. Those applications now before the Committee, where the planning issues are considered clear by the Chairman, will be included in List A. Unless a Member considers that additional information is required on a particular application in List A it is **RECOMMENDED** that each of the applications be determined (whether for approval or for refusal) in accordance with the conditions or the reasons printed in the Agenda and in the Amendments List previously circulated.

The remaining applications are included in List B. Together with those applications about which Members require further information, List B applications will be considered following determination of applications remaining in List A.

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**PLAN NUMBER:** 10/00214/FUL & 10/00215/S73

**APPLICANT:** Asda Stores Limited

**PROPOSAL:** Proposed erection of mezzanine sales floor and associated internal and external works; and  
  
Proposed removal of condition No.4 on planning consent 02/00630/FUL to allow for uplift in the net retail floor space at

**ADDRESS OF SITE:** Widnes Road, Widnes

**WARD:** Kingsway & Appleton

**RECOMMENDATION:**

Approve

**CONSULTATION AND REPRESENTATION:**

The application was advertised in the local press and by a site notice displayed near to the site. The nearest affected occupiers of the adjacent and nearby residential properties were notified by letter. The Council's Highway Engineers and Environmental Health Officer have been consulted.

No representations have been received from local residents.

Any further comments received will be reported to Members in the amendments list or orally at the Committee meeting.

**SITE/LOCATION:**

The site is located on Widnes Road, in an area identified as secondary shopping area (Policy TC8), and is also in an area allocated Retail and Leisure uses (Policy TC1) in the Halton Unitary Development Plan.

**RELEVANT HISTORY:**

In 1999 planning permission was granted (Ref. 99/00419/EIA) for the redevelopment of land the land around Widnes Road for a proposed 7,952sq.m. food store, petrol filling station, 5 No .retail units (A1, A2, A3 uses), service areas, car parking and landscaping, and for the closure of Widnes Road and, to provide of pedestrian link, bus lane.

In 2001 reserved matters were granted permission (Ref. 01/00278/REM) for the proposed food store, petrol filling station and associated works.

In 2002 planning permission 02/00630/FUL was granted for food store, petrol filling station and associated service areas, car parking and landscaping, this is the permission that Asda implemented (apart from the petrol filling station which has not been built).

In 2004 there were several applications granted permission including one for a canopy over the doorway and two for the display of various signs (04/00961/FUL, 04/00388/ADV, and 0400097ADV).

In 2008 advertisement consent (Ref. 08/00006/ADV) was granted for various illuminated signage.

**DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:**

National planning policy on retail development is outlined in Planning Policy Statement 4 (PPS4) '*Planning for Sustainable Economic Growth*' is relevant to the proposal.

The following key policies within the adopted Unitary Development Plan are relevant:

Policy S16 Retail Hierarchy  
Policy S17 Retail Development  
Policy S25 Planning Obligations;  
Policy BE1 General Requirements for Development;  
Policy BE2 Quality of Design;  
Policy TC1 Retail and Leisure Allocations;  
Policy TC2 Retail Development to the Edge of Designated Shopping Centres;  
Policy TC5 Design of Retail Development;  
Policy TC8 Non-retail Uses Within Primary and Secondary Shopping Area;  
Policy TP1 Public Transport Provision as Part of New Development;  
Policy TP7 Pedestrian Provision as part of New Development;  
Policy TP12 Car Parking; and  
Policy TP14 Transport Assessments

### **OBSERVATIONS AND ISSUES:**

Consideration of this application was deferred at the 9<sup>th</sup> August Committee meeting, to enable negotiation to continue over the "Heads of Terms" to be included within the recommended planning obligation.

#### The proposal

Two planning applications 10/00214/FUL & 10/00215/S73 have been submitted. The first application seeks planning permission for a new mezzanine floor providing 2,803sq.m. of gross floor space, this would result in an additional net retail floor space of 1,393 sq m. The second application seeks removal of condition no. 4 of planning permission 02/00630/FUL, which currently restricts the net retail floor space at the store to 4,181 sq m.

The existing store has a gross floor space of 6,855 sq m, and a net retail floor space of 4,181 sq m. The provision of the mezzanine would result in a gross floor space of 9,658 sq m and a net retail floor space of 5,574 sq m.

Externally the only alterations that are required are the provision of two external fire escape stairs, creation of a new ground floor fire exit, and a new fire exit gate onto Milton Road.

The main issues and material planning considerations arising as a result of the proposal are: - Retail impact; highways matters; air quality; improvements to linkages within Widnes town centre.

#### Planning Policy and Retail Impact

National planning policy on retail development is outlined in Planning Policy Statement 4 (PPS4) '*Planning for Sustainable Economic Growth*'. PPS4 seeks to ensure that town centre uses are directed towards town centres and that the development proposed is appropriate in terms of its size and will not undermine the vitality and viability of surrounding centres.

The site is located within an area identified as secondary shopping area and also a retail and Leisure allocation in the Halton Unitary Development Plan, Policies TC1, TC2 and TC8 are therefore relevant to the applications. The site is an existing supermarket and the use therefore already established. This application seeks to establish whether it is acceptable to increase the retail floor space at the site.

The applicant has submitted a retail assessment with the application. In consideration, the use of the entire mezzanine for comparison goods (i.e. non-perishable goods, household goods, clothing, and shoes electrical) is considered acceptable. However, the assessment does not demonstrate that it would be acceptable for the proposed mezzanine to be entirely used for convenience goods (i.e. perishable goods, food, beverages, and newspapers). It is therefore considered necessary to restrict the additional net retail floor space so that it cannot be used for convenience goods.

Should further supporting information be submitted by the applicant to support a case for both comparison and convenience goods then Members will be updated at the meeting.

Secondly, whilst it is considered acceptable to remove condition No.4 on planning consent 02/00630/FUL to allow for the increase on floor space, a condition is recommended on the permission to restrict the additional net retail floor space to 1,393 sq m, restriction the overall net retail floor space at the store to 5,574 sq m.

#### Amenity

The site is located centrally in Widnes Town Centre just to the south of the primary shopping area. The application does not present a change in use of the current activities at the site but does present an intensification of use. There are residential properties just to the north off Milton Road and to the east adjacent to Widnes Road. It is considered that the proposal would not adversely impact upon the amenity enjoyed by the residents of these properties. The proposal does have the potential to increase traffic movements to the site which has implications for air quality. This matter is dealt with below.

Externally the only alterations that are required are the provision of two external fire escape stairs, creation of a new ground floor fire exit, and a new fire exit gate onto Milton Road. These would be on the south and west elevations of the building and would not have a visual impact, and considered to be acceptable.

### Air Quality

The Environmental Health Officer has been consulted on the application. The Council is in the process of declaring an Air Quality Management Area around Milton Road under the Environment Act 1995. This is because of the level of nitrogen dioxide along Milton Road is exceeding the objective level caused by queuing traffic along Milton Road.

The applicant has submitted an air quality assessment with the application which, indicates that the proposal does have the potential to further increase traffic which could have a further negative impact on air quality on Milton Road.

However, there is potential through this application to look at offsite improvements to the surrounding road network that could help to relieve some of the standing traffic at the Milton Road junction and mitigation measures that would counteract the impacts any increase in traffic caused by the development would make.

### Highways

The site currently has permission for a petrol filling station granted as part of the wider scheme for the supermarket (02/00630/FUL). To date the petrol filling station has not been implemented. The area to the eastern boundary of the site, where it would be located, is laid out as car parking. Currently there is nothing to stop Asda from implementing the petrol filling station.

The Highways Officer states that currently there is not enough information to demonstrate that both the additional retail space and the petrol filling station can be accommodated without having a negative impact. This is because the mezzanine is likely to require the parking spaces currently sited in the location of the proposed petrol filling station.

Unless the applicant can provide information to demonstrate that both the mezzanine and the petrol filling station could both be accommodated then agreement will be required to stipulate that only one of these schemes can be implemented.

The applicant's proposal does have the potential to increase traffic movement on the local road network and therefore they will be expected to help mitigate against these impacts.

Proposal to improve pedestrian and cycle linkages across the site and the wider town centre have also been discussed with the applicant, including improved sign posting and potential review of street furniture to improve sightlines to the town centre. These need to be secured as part of any approval given.

## Conclusion

The proposed mezzanine floor extension is considered acceptable in principle provide that an appropriate restrictive obligation and mitigation package is agreed. However, at this moment in time agreement has not been reached upon all of these matters and negotiation is still on-going. Subject to these matters being resolved, the proposal can comply with Policies S16, S17, BE1, BE2, TC1, TC2, TC5, TC8, TP7, TP12 and TP14 of the Halton Unitary Development Plan, it is recommended that the application be approved subject to conditions listed below and the satisfactory signing of a section 106 agreement. It is also recommended that condition no. 4 of planning permission 02/00630/FUL is removed.

## **RECOMMENDATION**

That delegated authority is granted to the Operational Director – Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman of the Committee to determine the applications upon the satisfactory conclusion of negotiations to conclude the necessary planning obligation.

**10/00214/FUL** - Proposed erection of mezzanine sales floor and associated internal and external works.

Should the application be approved it is recommended that permission be subject to the following:-

(a) The entering into a Legal Agreement heads of terms to be agreed under delegated authority.

(b) The following conditions:

- 1 Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990)
- 2 Condition listing approved plans and drawings (BE1, BE2, GE27)
- 3 Condition restricting the additional net retail floor space from the mezzanine to 1,393 sq m (restricting the overall net retail floor space at the store to 5,574 sq m).
- 4 Condition restricting the mezzanine to comparison goods only (non-convenience).
- 5 Condition for a scheme to improve pedestrian and cycle linkages through the site (BE1)

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 & 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).

And for application:-

**10/00215/S73** - Proposed removal of condition No.4 on planning consent  
02/00630/FUL to allow for uplift in the net retail floor space.

**That condition no. 4 of planning permission 02/00630/FUL is removed.**

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**PLAN NUMBER:** 10/00279/FUL

**APPLICANT:** Pringle Construction Ltd

**PROPOSAL:** Proposed erection of 18 No. courtyard houses, detached garages, private access road and private open space.

**ADDRESS OF SITE:** Dawsons Dance Centre, Lunts Heath Road, Widnes

**WARD:** Farnworth

**SUMMARY RECOMMENDATION:**

Approve with conditions, subject to the application not being called in by Secretary of State.

**CONSULTATION AND REPRESENTATION:**

The proposal was advertised in the press and by way of site notice, as a departure from the Development Plan. The neighbouring properties along Lunts Heath Road were also consulted.

A copy of a letter sent to the applicant by an adjoining landowner has been copied to the Council raising issues in respect of potential parking restrictions on the access road, which could affect an elderly resident who has been using the access for parking. The applicant has agreed to provide access from the access road to the front of the property to overcome this concern.

United Utilities have been consulted and have no objection. The Council's Environmental Health Officer, Open Spaces Officer and Highways Engineer have also been consulted.

The Council's Environmental Health Officer has no objection but recommends that a ground investigation and remediation plan and details of surface water discharge be required through condition.

**SITE/LOCATION:**



The site is 0.7 hectares of land, which was formerly used as a dance hall, and for other social club uses. The site is located in the Green Belt on the northern outskirts of Widnes and is bounded to the south by the Church View Pub and No's 44- 50 Lunts Heath Road.

RELEVANT HISTORY:

10/00279/FUL	Proposed development comprising 18 No. courtyard houses, detached garages, private access road and private open space. – This application was refused by the committee in March on the basis that the application was considered to be an overdevelopment. The Council have received an appeal against this decision.
08/00569/FUL	Proposed erection of 1 No. single and 2 No. double detached garages (associated with 07/00555/FUL)
07/00555/FUL	Proposed erection of 16 No. courtyard houses, private access road and private open space at
06/00436/FUL	Proposed erection of 10 No. Courtyard Houses. The layout of this approved scheme is similar to that now proposed.
95/0000366/FUL	Application for a proposed rear single storey extension to provide bar cellar/ store, kitchen and shower room.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as Green Belt in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are: -

- BE1 General Requirements for Development,
- BE2 Quality of Design,
- S21 Green Belt,
- GE1 Control of Development in the Green Belt,
- GE28 The Mersey Forest,
- PR14 Contaminated Land,
- TP12 Car Parking,
- H2 Design and Density of New Residential Development,
- H3 Provision of Recreational Green space.

The Council's Supplementary Planning Guidance for New Residential Development is also of relevance

OBSERVATIONS AND ISSUES:

The site is currently vacant but was previously used as a dance hall and for other social club uses. It is all hard surfaced except for boundary hedging. The application is for the proposed erection of 18 No. courtyard houses with a maximum roof height of 8.3 metres and a total covered area of 1169.17 square metres. The dwellings are in three blocks forming a courtyard arrangement on the eastern part of the site, roughly where the existing buildings (which had total footprint of 1019 square metres) were located. The floor space above has been slightly reduced from the previous scheme submitted and refused.

The previous application for 18 dwellings was considered by the Committee in March. This application was refused on the basis that the application was overdevelopment and that a sufficient evidence for a larger development had not been made by the applicant. This application now includes a viability appraisal, which includes details of the costs of remediation of the site and details of the change in housing market since the earlier approvals were given.

### Planning Policy

The main issue in relation to this case is whether considerations in support of the proposed dwellings are sufficient to out weigh the policy presumption against inappropriate development in the Green Belt, albeit said that the principle of development on this site has already been established by the earlier grant of consent.

The proposed 18 dwellings although larger in footprint than the original buildings on the site are smaller in footprint when compared to the 16 dwellings granted approval in 2007, permission for which is still extant.

### Landscaping, Private Garden Space and Open Space

As with the earlier schemes landscaping will, in addition to the building shape and mass of the new courtyard, improve the visual amenity of the area. Landscaping would be natural and informal from distant views. A detailed landscape scheme has been provided and implementation would be conditioned.

Policy H3 Provision of Recreational Green space states that sufficient recreational green space should be provided to meet the needs of local people living there. A formal area of open space is intended as part of the scheme, which will also provide a useful physical and visual link to the 2.5-hectare field to the north.

The garden sizes for the properties are below the normal minimum standard set out, however, the communal open space adjacent to dwellings is available to all residents for recreational open space.

The Landscape Character Assessment looks at the landscape and visual character of the borough and used to aid in determining planning applications and to guide enhancement. The Landscape Character Assessment for North Widnes states that any new development along the fringes should incorporate appropriate green infrastructure such as pockets of woodland and wooded field ponds to ensure that it reduces the prominence of built form. The proposal does include a landscaping scheme with a communal landscaped area containing a number of trees and a number of trees to the rear of the houses adjacent to the Green Belt. This landscaping would bring about significant improvement to the appearance the site.

### Highway Safety

The traffic estimates of existing highway vehicle movements indicate there will be a substantial change, from a pattern of shorter, sharply peaked movements to normal small scale residential traffic movements.

The Council's Highways Engineer raise no objection to the scheme but has recommended a condition relating to off site highway works, including a pedestrian island on Lunts Heath Road.

### Conclusion

The previously submitted application was refused on the basis that the application was overdevelopment and that a sufficient case for the increased number of dwellings had not been made. This application now includes a viability appraisal which includes details of the costs of remediation of the site and details of the change in housing market since the previous approvals. These details provide a detailed breakdown of costs and an analysis of how market conditions make the implementation of the earlier scheme no longer viable. An assessment of this information validates this conclusion and on this basis the request for 2 additional units is not considered unreasonable.

The proposal would achieve the earlier supported objective of allowing the site to be remediated and the general character of the green belt to be improved. On this basis approval of this amended scheme is recommended.

An appeal has been lodged against the Council's refusal earlier. Should the application before Committee be approved the applicant has agreed to withdraw this appeal.

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### **RECOMMENDATION:**

Approve 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 comprehensive development of the site (BE2).
5. Drainage condition, requiring the submission and approval of drainage details (BE1)
6. Construction hours to be adhered to throughout the course of the development. (BE1)
7. Delivery hours to be adhered to throughout the course of the development. (BE1)
8. Materials condition, requiring the submission and approval of the materials to be used. (BE2)
9. Remediation Strategy to be submitted and approved in writing.(PR14)
10. A condition and removing permitted developments from the property including extension, detached buildings, porches, boundary treatments, hard standing, roof alterations and garage conversions. (BE1)
11. 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)

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**PLAN NUMBER:** 10/00302/COU

**APPLICANT:** Mr Geoff Hunter

**PROPOSAL:** Proposed change of use from Class A2 to Class A5 hot food takeaway, new shop front and external extraction system

**ADDRESS OF SITE:** 176, Widnes Road, Widnes

**WARD:** Appleton

**SUMMARY RECOMMENDATION:**

Refuse

**CONSULTATION AND REPRESENTATION:**

Adjoining properties have been consulted and the application advertised by way of site notice. No objections/ representations have been received in relation to the application.

The Councils Environmental Health Officers have been consulted. Any comments not covered within the body of this report will be reported orally to Members at the meeting.

#### SITE/LOCATION:

The site comprises a mid-terraced two storey property on Widnes Road and within the Widnes Town Centre Primary Shopping Area. The property is currently vacant but was previously used as an insurance claims offices. The enclosed rear yard which will be used for bin storage is accessed via Farrant Street.

#### RELEVANT HISTORY:

Planning permission was previously granted for use of the premises as a first floor office with ground floor reception. The premises have since been used as an insurance claims office, but are now vacant.

#### UDP PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The property falls within the 'Widnes Primary Shopping Area' within the Halton Unitary Development Plan. The following Policies are of relevance:

TC8 'Non-Retail Uses Within Primary and Secondary Shopping Areas',  
TC11 'Food and Drink Outlets' and  
BE16 'Alterations to and New Shop Fronts'

The Councils 'Shop Fronts, Signage and Advertising' and the 'Designing for Community Safety' Supplementary Planning Documents are also of relevance.

#### OBSERVATIONS AND ISSUES:

Planning permission is sought to change of use of a vacant former office premises (Class A2) to a hot food take away (Class A5). The proposal also involves the installation of a new shop front and an external extraction flue to the rear.

#### Planning Policy and Council Objectives

The site falls within the 'Widnes Primary Shopping Area' in the Halton Unitary Development Plan, which identifies food establishments, as an appropriate non-retail town centre use. Whilst UDP Policy TC8 seeks to restrict the numbers of non-retail uses to a percentage of the total within the area, this property, albeit currently vacant, does benefit from consent for non-retail usage, therefore in overall terms does not increase the amount of floorspace occupied by non-retail uses. The issues which, therefore need to be addressed are whether or not this situation should be perpetuated by the grant of a further consent and also whether the use now proposed is acceptable in other terms.

Policy TC8 seeks to limit the amount of non retail frontage to 20%. At present there is approximately 25% given over to such uses. Given this over provision an opportunity exists not to support the continuation of this position and particular the concentration of hot food establishments in the immediate vicinity.

Consideration also has to been given when considering the provision of a hot food takeaway, on the assumption that the outlet may provide food, which is likely to be unhealthy in terms of high fat and salt content. The UDP acknowledges that there is a poor health position within the Borough and is underpinned by a strategy that seeks to reverse this position. This objective is further underpinned, as a key aim within the Council's Corporate Plan.

#### Suitability of the Premises.

The Councils Environmental Health Officer has identified significant shortcomings in the proposed internal layout with respect to suitability for food preparation and safety. It has been suggested that if planning permission is approved for such a use significant variations will be required to the internal layout to ensure that adequate provision can be made for emission extraction, storage and staff facilities. The applicant has been asked to address these concerns but to-date as failed to provide appropriate and acceptable detail.

#### Design, Character and Amenity

The site is located within the Widnes primary shopping area. The proposals include modernisation of the existing dated shop front with coloured render, a new aluminium shop front and replacement signage and are therefore considered to offer significant improvements in terms of the visual appearance of premises in a prominent location.

Limited details have been submitted with regard to proposed security shutters to the shop front but referred to within the submission. It is, however, considered that a condition could be attached to any permission requiring such details to be agreed and that any new shutters are perforated, colour coated and that the shutter housing be hidden behind the fascia.

The proposed external extraction flue will be situated to the rear of the building. It is considered that no significant design or amenity issues arise given that this will be substantially screened from immediate view by existing surrounding buildings and structures. It is considered that adequate provision can be made for refuse storage and collection within an existing rear yard with collection via an existing alleyway. The application suggests that the business will be aimed at shopping trade with requested hours of 09:00-18:00 Monday – Saturday and 10:00-16:00 on Sunday and Bank Holidays.

#### Highways and Parking

The proposals are within the designated town centre with its associated parking and travel connections. It is therefore considered that no parking or servicing issues arise and the Councils Highways Engineers therefore raise no objections.

### Conclusion

Although the re-use of this vacant premises and the potential investment in its appearance will bring some advantage, the introduction of a further hot food establishment will do little to add to the mix of offer already available in the town centre or its overall viability or vitality.

Furthermore, there are concerns, as yet unaddressed, as to whether in any event these premises can adequately operate as a food outlet to a modern acceptable standard.

Of more general concern is the concentration of food outlets in the town centre and the negative impact these can potentially have on the Council's aim to improve the health within the borough. Whilst currently adopted development plan policies may not support resisting proposals on these grounds, it is nevertheless an important consideration and an objective which should be borne in mind when considering this proposal.

For these reasons it is recommended that the application be refused.

### RECOMMENDATION:

Refuse:

1. The proposed use of these premises, as a hot take away food establishment would lead to a further concentration of similar uses within the town centre and detract from its potential offer, vitality and viability. As such the proposal would be contrary to policies TC4 and TC8 of the UDP;
2. The applicant has failed to provide adequate information to demonstrate that the premises can operate satisfactorily, as a hot food retail premises.

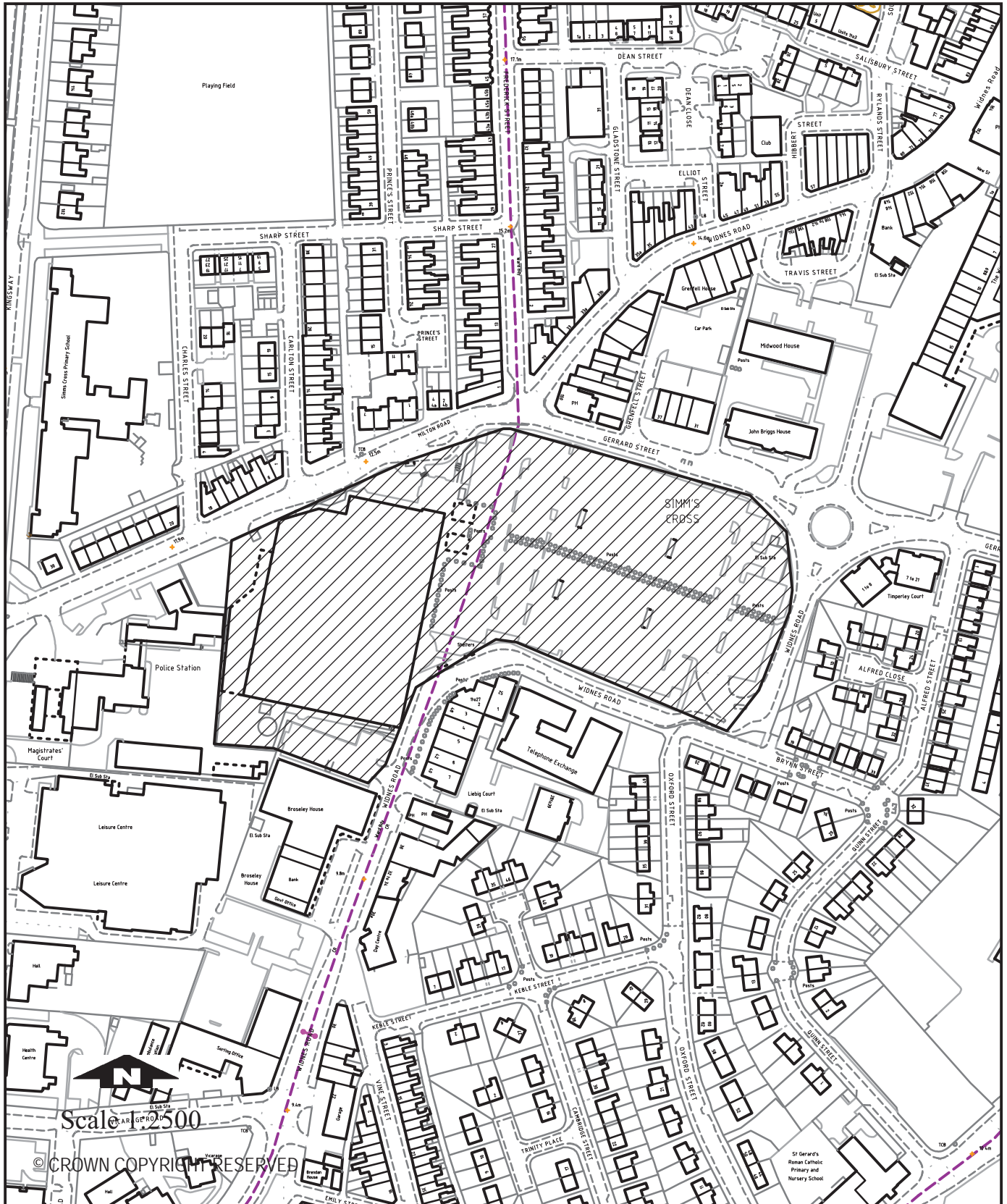


# PLAN 1a

## PLAN NUMBER 10/00214/FUL

DEVELOPMENT CONTROL COMMITTEE

13th September 2010







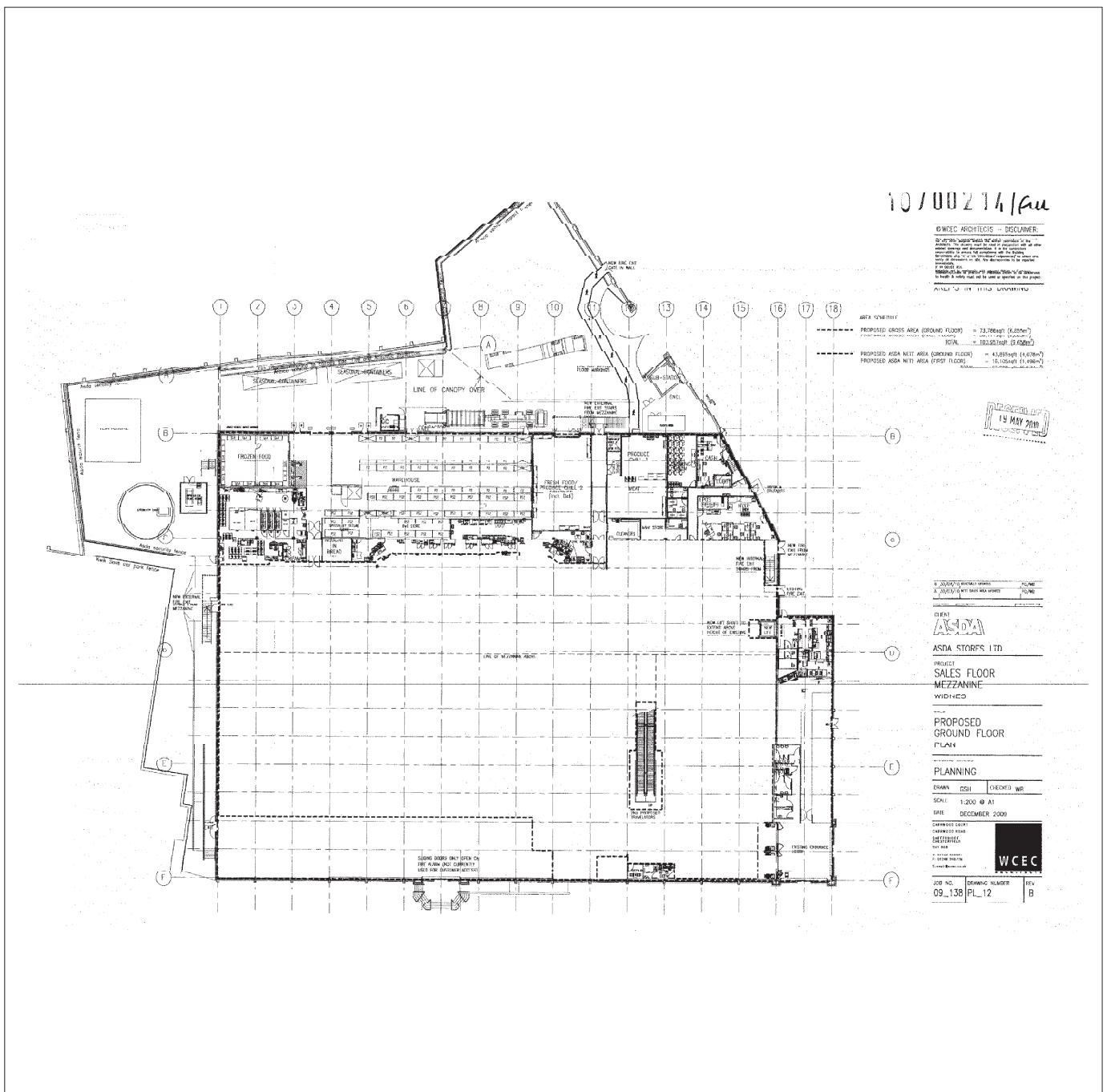
# PLAN 1b

## PLAN NUMBER 10/00214/FUL

### LAYOUT PLAN

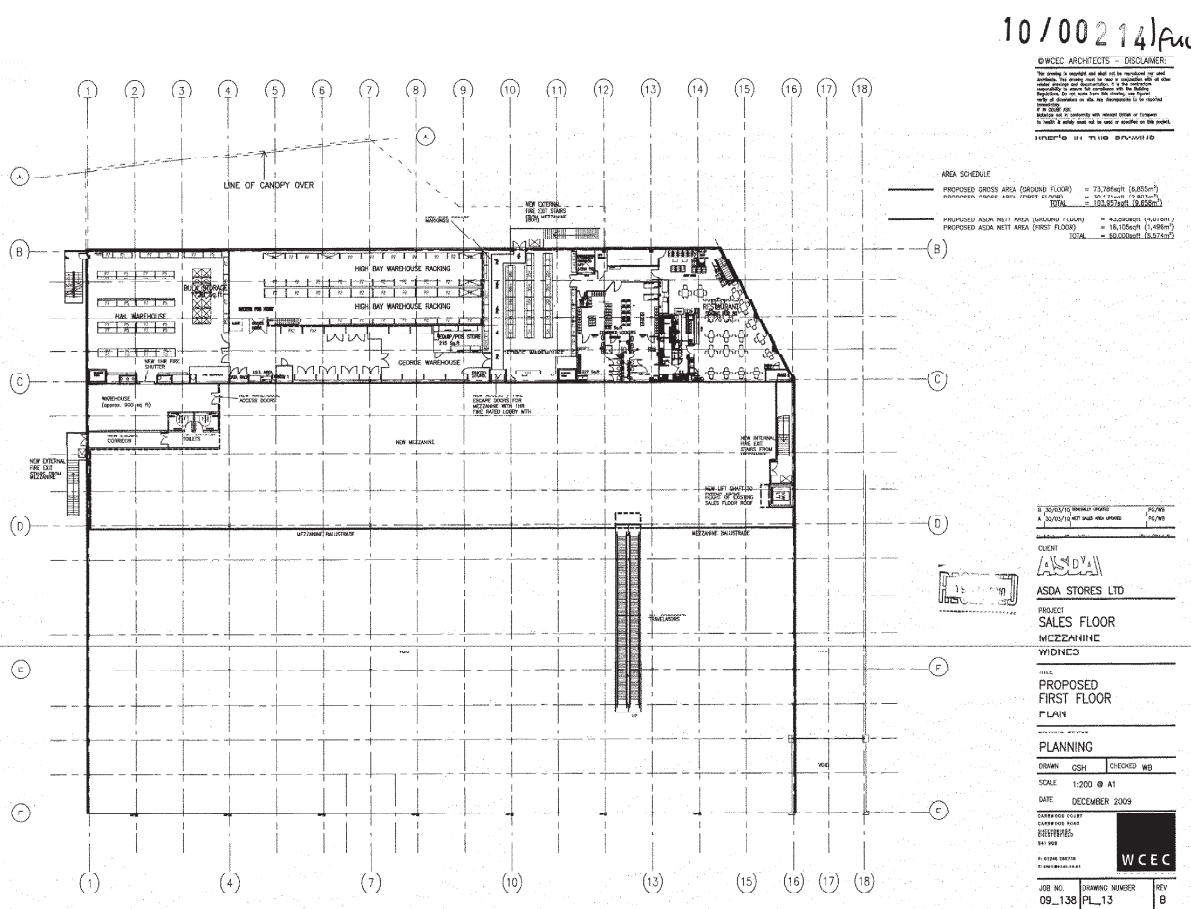
DEVELOPMENT CONTROL  
COMMITTEE

13th September 2010



**PLAN 1c**  
**PLAN NUMBER 10/00214/FUL**  
**LAYOUT PLAN 1st Floor**

**13th September 2010**





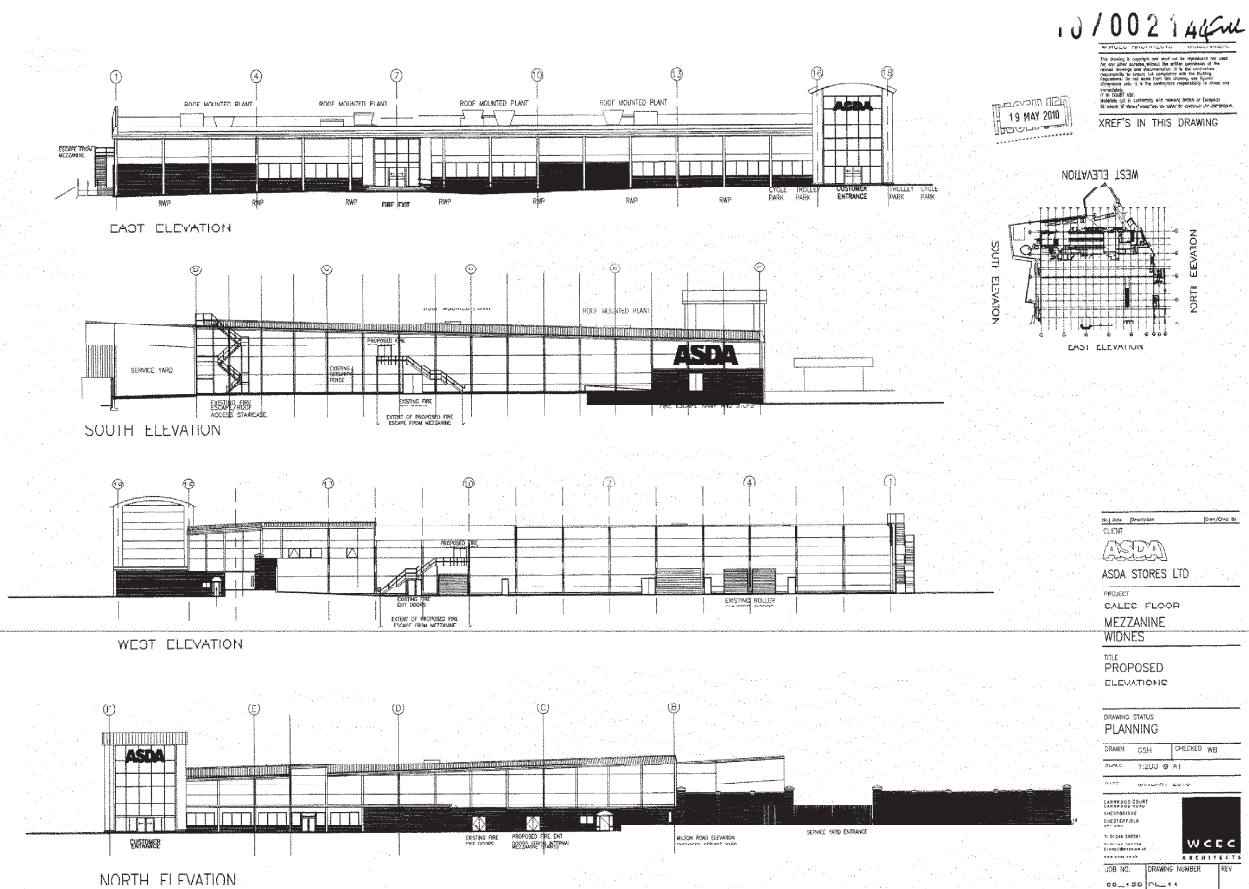
# PLAN 1d

## PLAN NUMBER 10/00214/FUL

### PROPOSED ELEVATIONS

DEVELOPMENT CONTROL  
COMMITTEE

13th September 2010







# **PLAN 1e**

## **PLAN NUMBER 10/00214/FUL**

DEVELOPMENT CONTROL COMMITTEE

13th September 2010





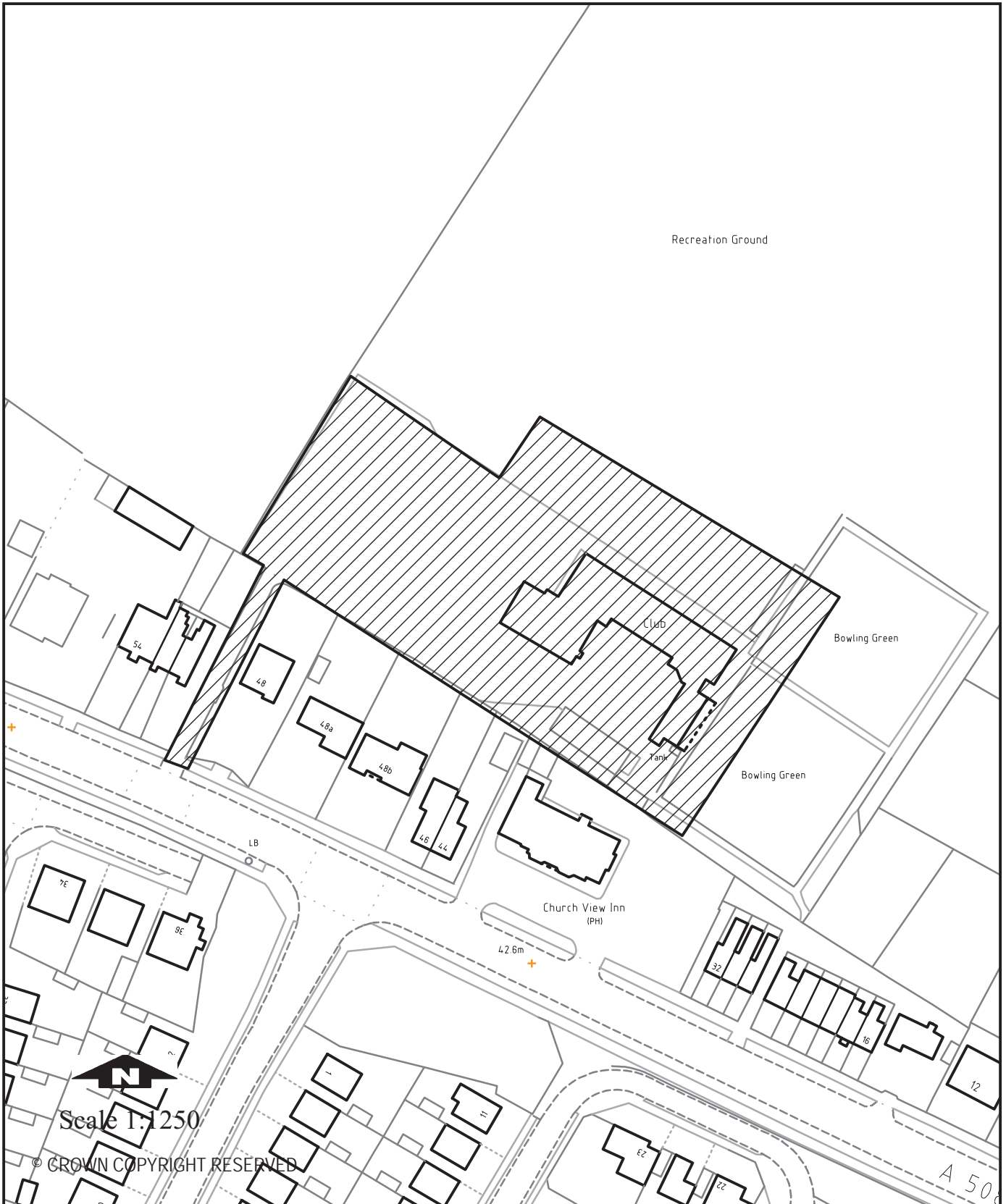


# PLAN 2a

## PLAN NUMBER 10/00279/FUL

DEVELOPMENT CONTROL COMMITTEE

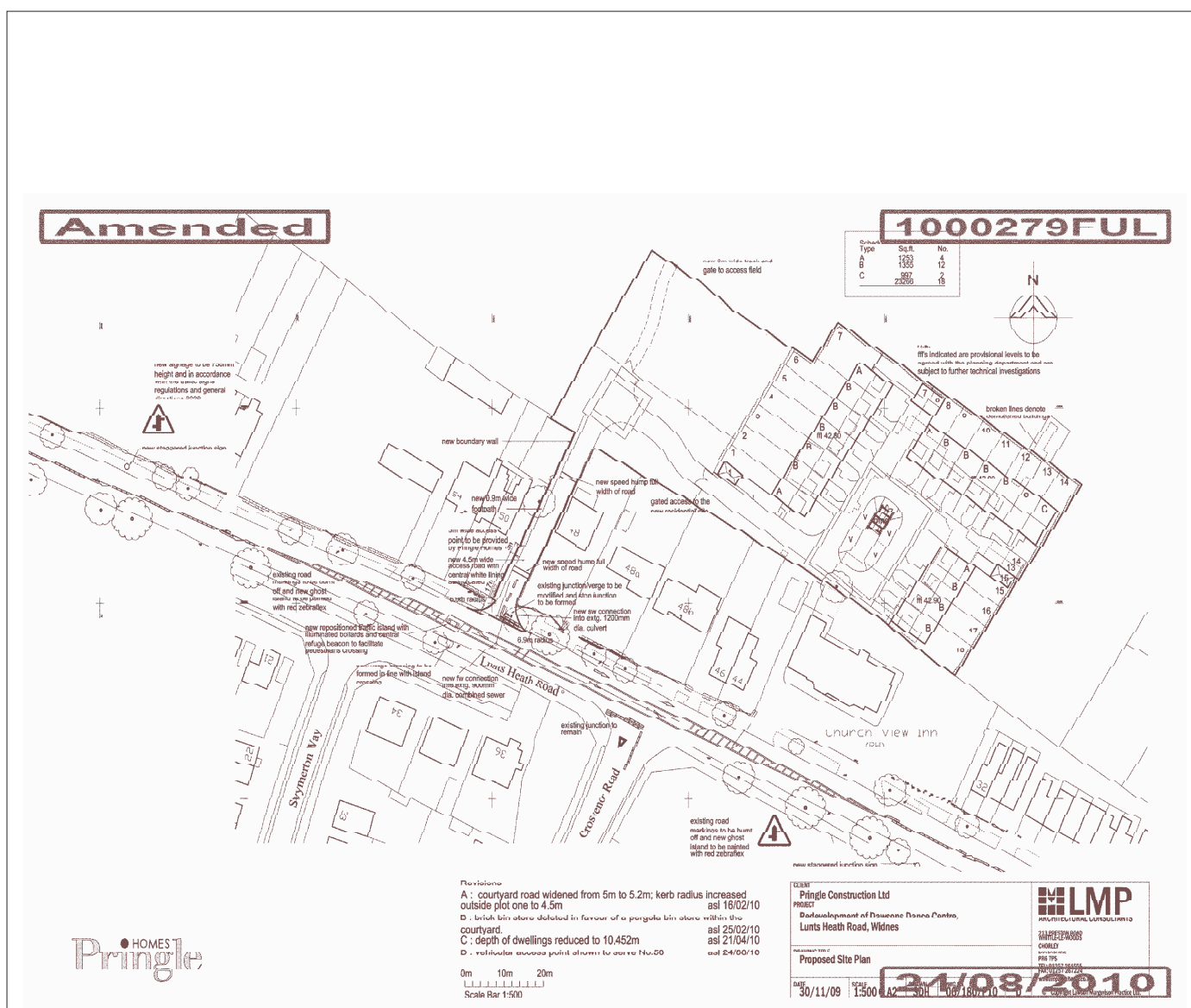
13th September 2010



**PLAN 2b**  
**PLAN NUMBER 10/00279/FUL**  
**LAYOUT PLAN**

## DEVELOPMENT CONTROL COMMITTEE

# 13th September 2010





# **PLAN 2c** **PLAN NUMBER 10/00279/FUL** **PROPOSED ELEVATIONS**

**DEVELOPMENT CONTROL  
 COMMITTEE**

**13th September 2010**





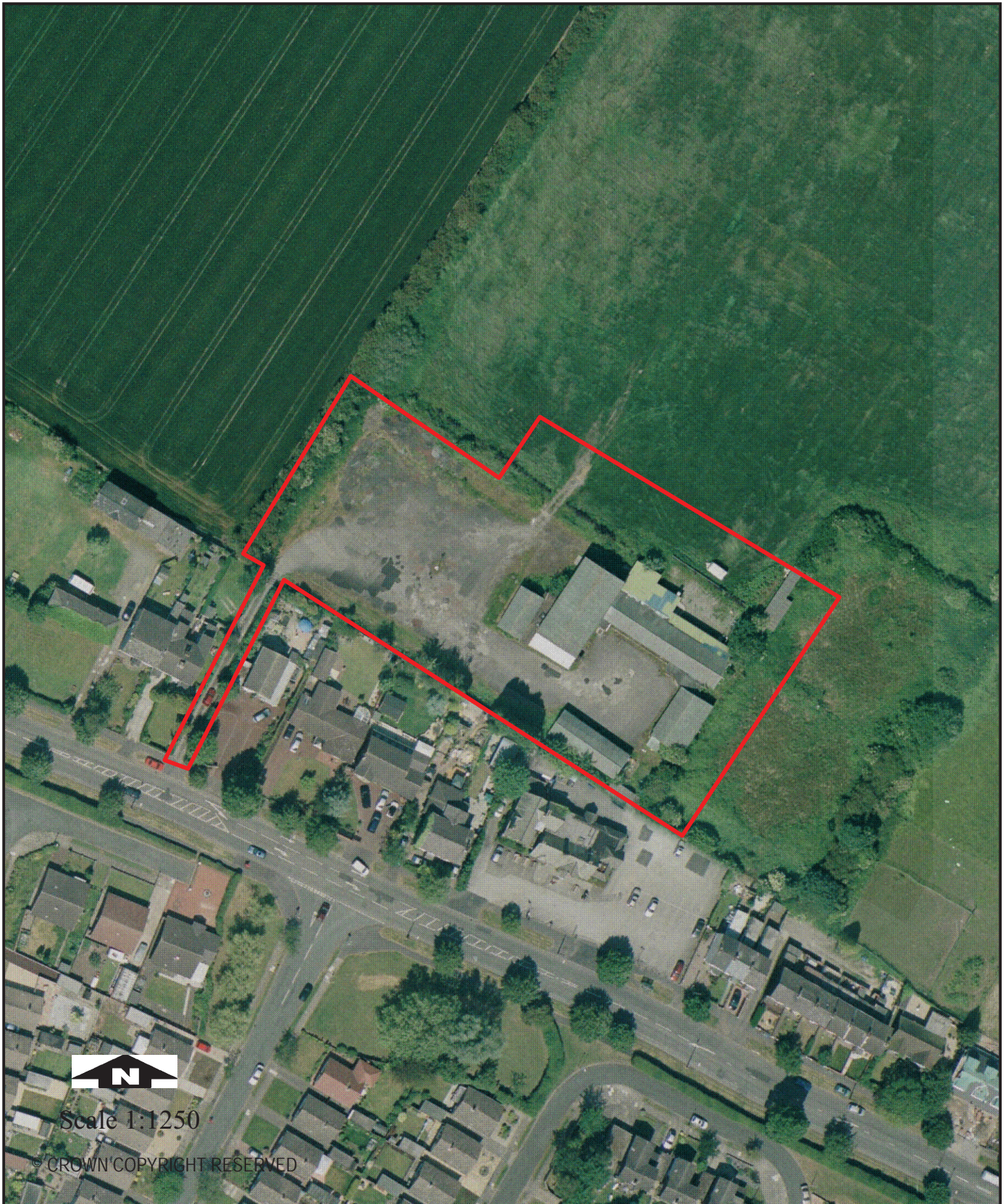


# **PLAN 2d**

## **PLAN NUMBER 10/00279/FUL**

DEVELOPMENT CONTROL COMMITTEE

13th September 2010



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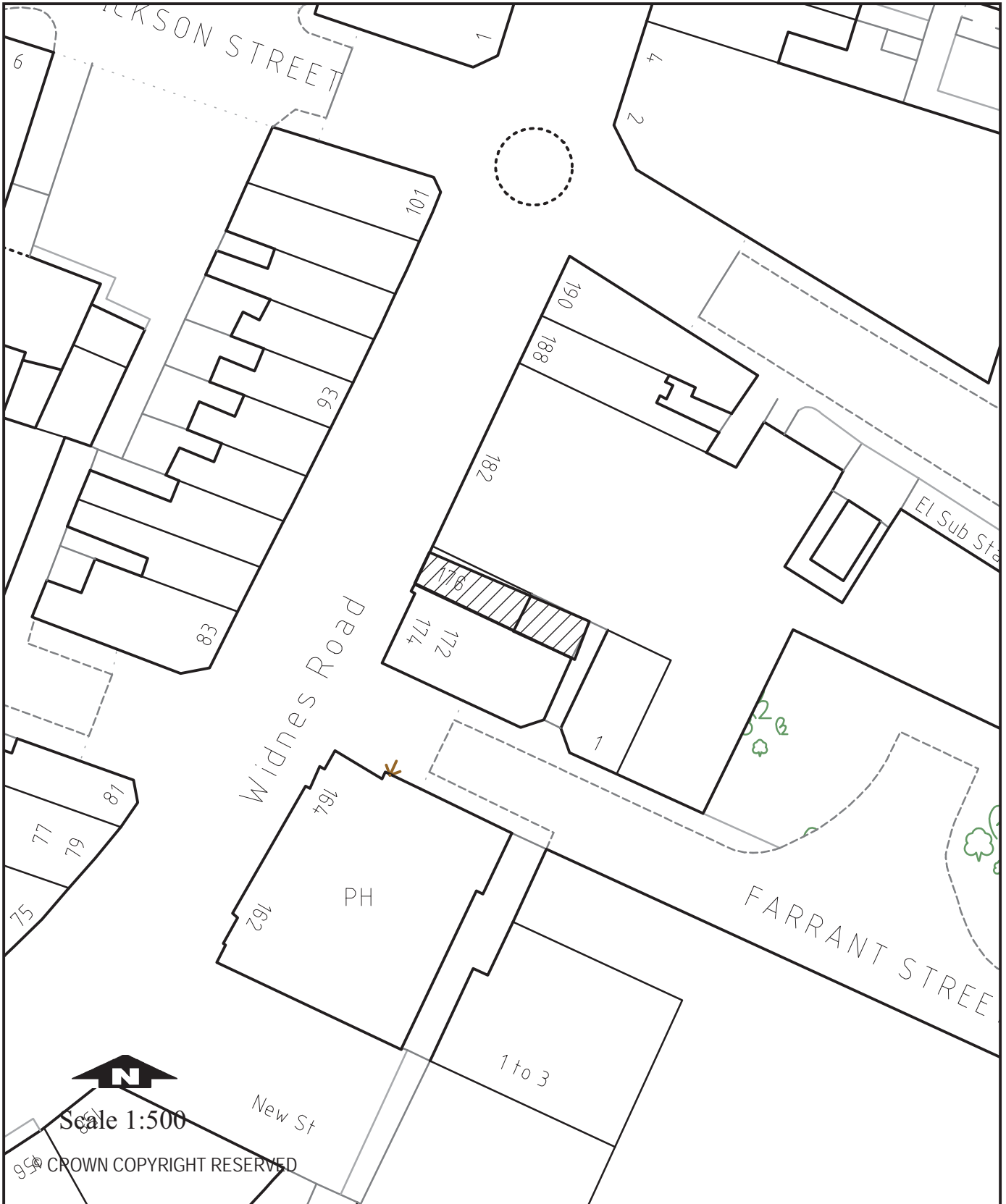


# PLAN 3a

## PLAN NUMBER 10/00302/COU

DEVELOPMENT CONTROL COMMITTEE

10/00302/COU





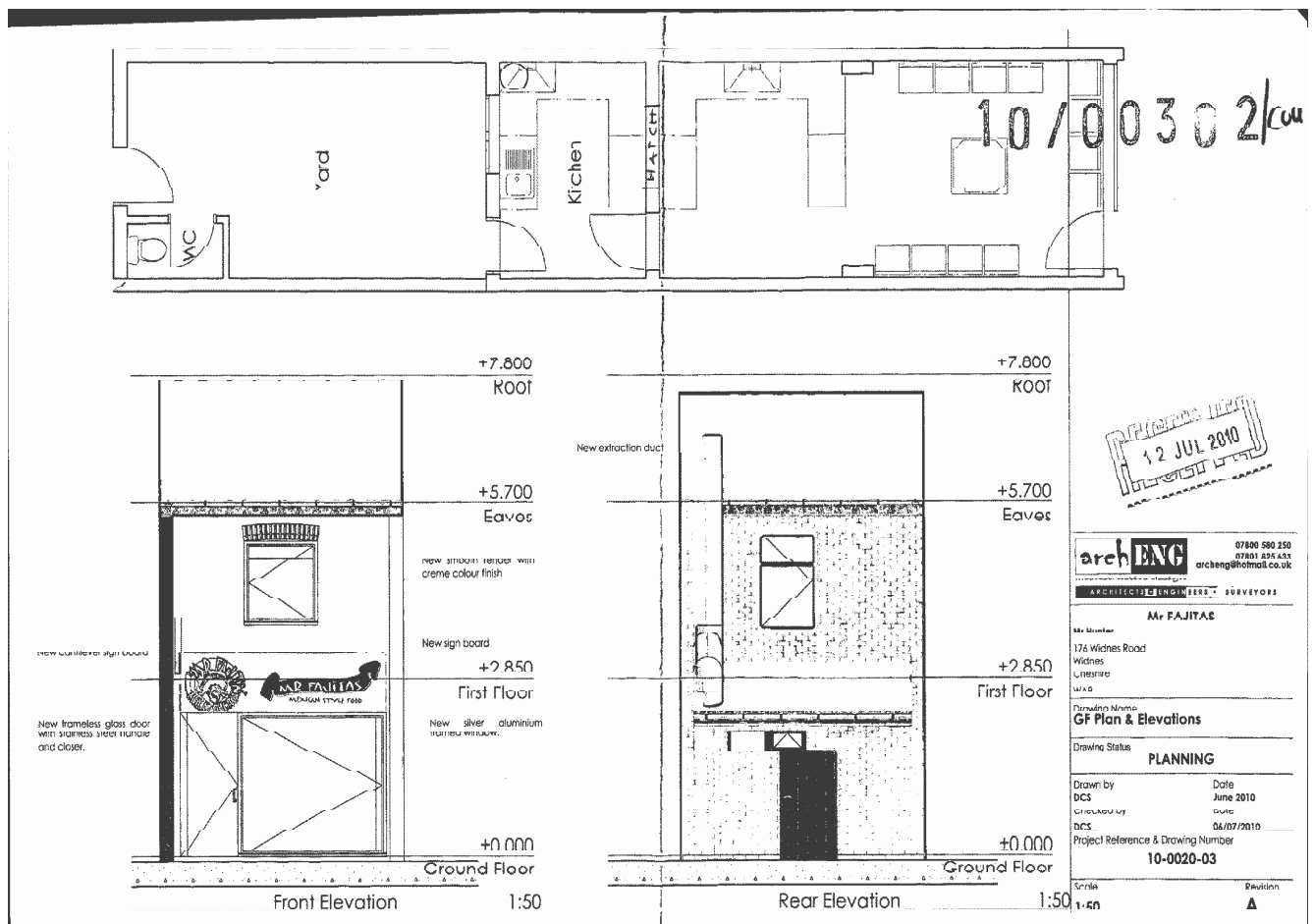
# PLAN 3b

## PLAN NUMBER 10/00302/COU

### LAYOUT PLAN

DEVELOPMENT CONTROL  
COMMITTEE

13th September 2010





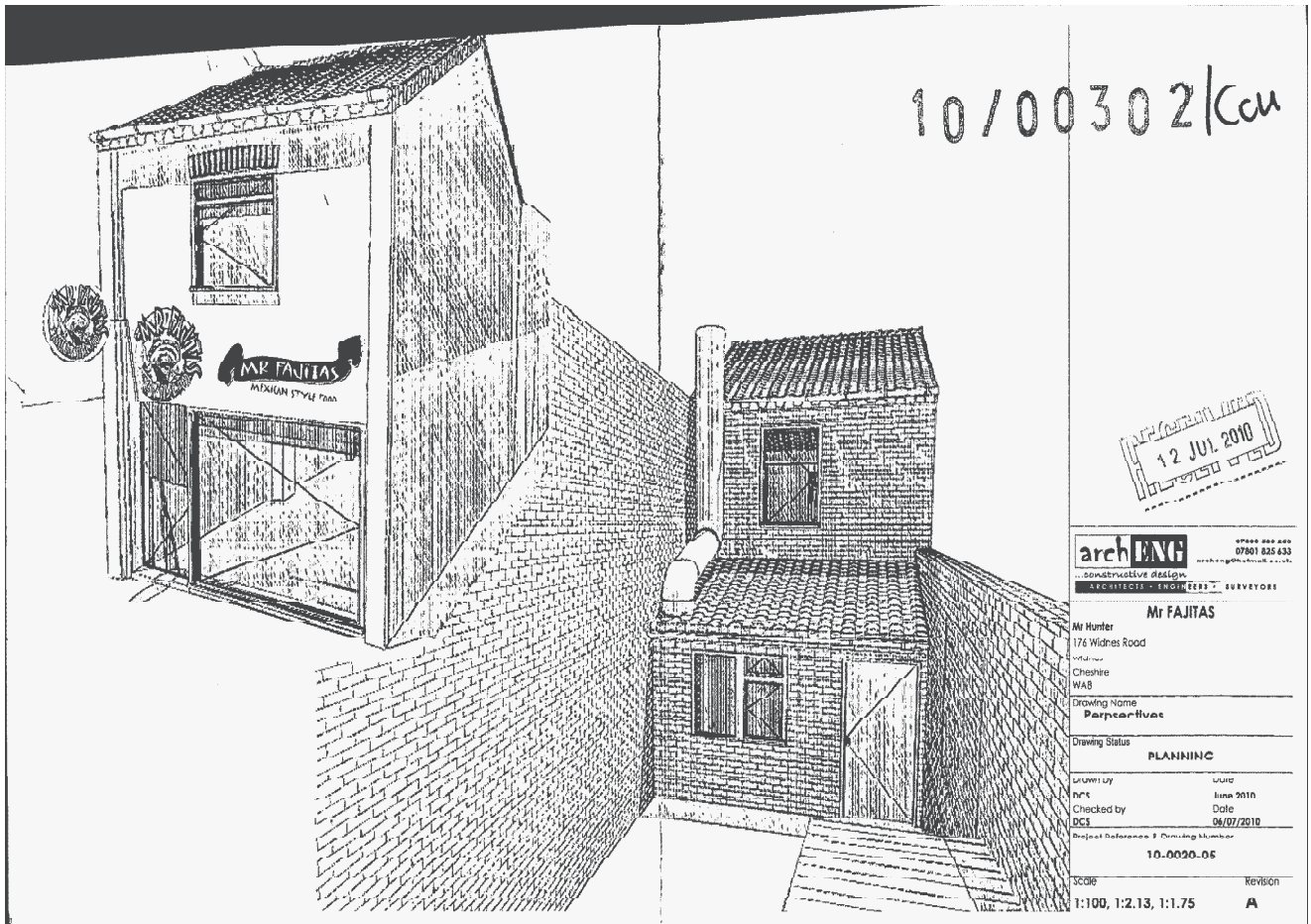
# PLAN 3c

## PLAN NUMBER 10/00302/COU

### PROPOSED ELEVATIONS

DEVELOPMENT CONTROL  
COMMITTEE

13th September 2010





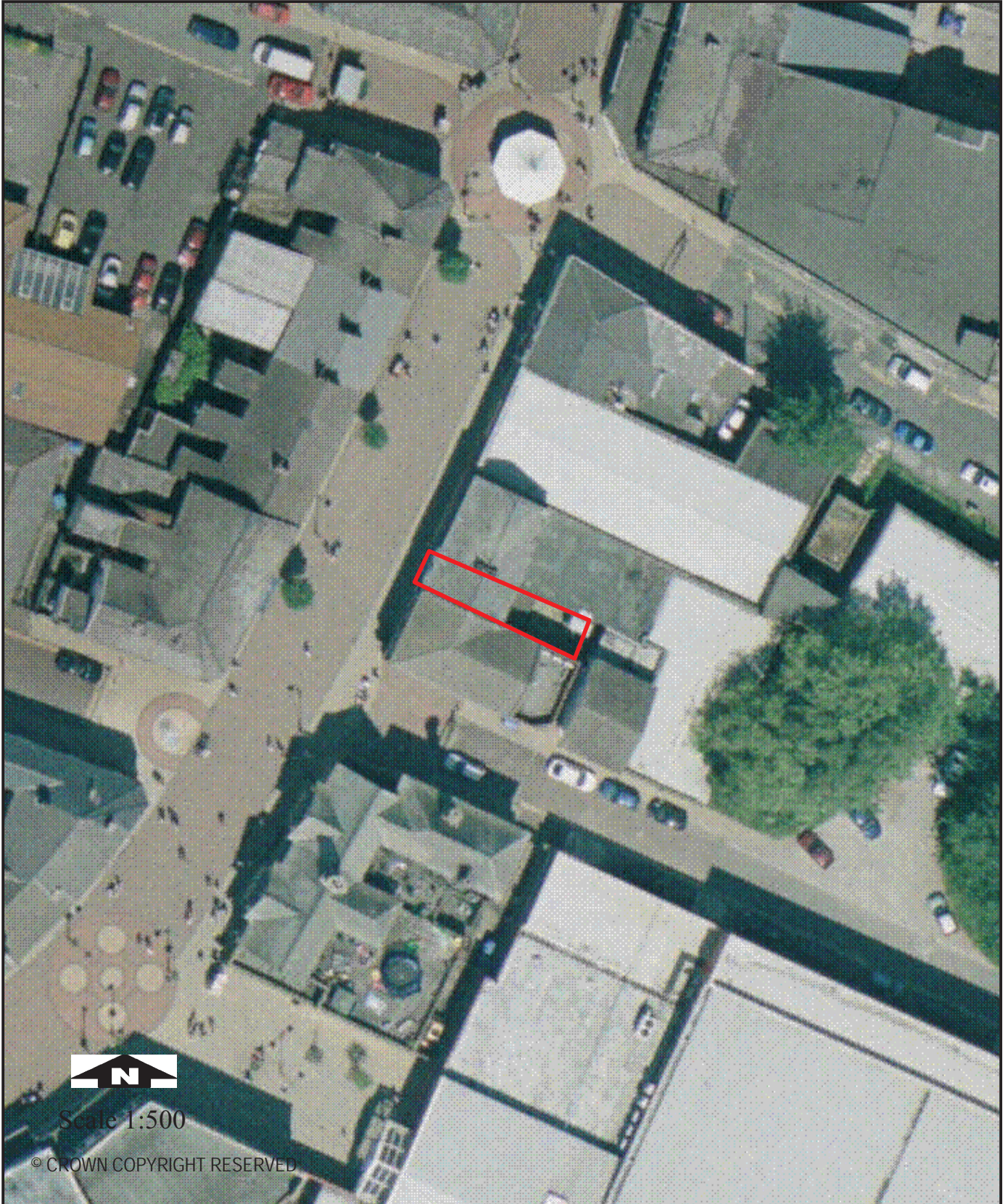


# **PLAN 3d**

## **PLAN NUMBER 10/00302/COU**

DEVELOPMENT CONTROL COMMITTEE

13th September 2010



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**DEVELOPMENT CONTROL COMMITTEE  
AMENDMENTS / REVISION LIST**

**13<sup>th</sup> September 2010**

<b>PAGE NO.</b>	<b>LIST A</b>	<b>LIST B</b>	<b>AMENDMENTS</b>
12		10/00214/FUL & 10/00215/S73	
18		10/00279/FUL	
22		10/00302/COU	



**REPORT TO:** Development Control Committee

**DATE:** 13 September 2010

**REPORTING OFFICER:** Strategic Director – Environment & Economy

**SUBJECT:** Miscellaneous Items

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

- 09/00501/FULTEL Proposed installation of a radio base station consisting of a 17.5m Jupiter 811E column, 1 No. Cannon Type G cabinet, 1 No. Vodafone RBS 3107 cabinet and associated ancillary equipment on Verge Adjacent To Busway To North Of Halton Haven Barnfield Avenue Runcorn
- 09/00541/TEL Prior notification of telecommunications development for siting of a 12.5m high column incorporating internal antennae for O2 UK and Vodafone together with two associated equipment cabinets on Footpath To South West Of YMCA Halton Lodge Avenue Runcorn

**2)** An appeal was lodged following the Council's refusal of the following application:-

A decision has been received as follows :-

- 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

**This appeal was allowed**

The Inspector stated that "whilst I sympathise with the concerns and fears raised by a significant number of local residents, I conclude that the proposal would not have an unacceptable impact on the occupiers of nearby dwellings by way of general noise and disturbance or the fear of crime and anti social behaviour. I am also satisfied that it would not cause undue highway safety issues and the proposed flue would be visually acceptable, whilst the risk of some customers dropping littering is not a reasonable reason for withholding planning permission."