

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 5 August 2019 at Boardroom - Municipal Building, Widnes*

Present: Councillors Nolan (Chair), Morley (Vice-Chair), Carlin, R. Hignett, V. Hill, J. Lowe, June Roberts, Thompson and Woolfall

Apologies for Absence: Councillors C. Plumpton Walsh and Zygadllo

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant, J. Eaton, G. Henry, L. Wilson-Lagan and P. Peak

Also in attendance: One member of the press

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

		<i>Action</i>
DEV1	MINUTES  The Minutes of the meeting held on 13 May 2019, having been circulated, were taken as read and signed as a correct record.	
DEV2	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.	
DEV3	- 19/00240/FUL - PROPOSED DEVELOPMENT OF INDUSTRIAL UNIT WITH USE CLASSES B1, B2 AND B8 WITH ASSOCIATED EXTERNAL LIGHTING, ELECTRICITY SUBSTATION, SERVICE YARD AND CAR PARKING AT UNIT 1, LAND OFF GORSEY LANE, WIDNES  The consultation procedure undertaken was outlined in the report together with background information in respect of the site.  Officers advised that since the publication of the agenda several updates were available and referred	

Members to the published AB Update List where these were explained in detail. Matters still unresolved were outlined and it was noted that further clarification was required on a number of technical details. Officers requested therefore that to avoid any unnecessary delay that authority be delegated to the Operational Director, in consultation with the Chair or Vice Chair, to determine the application subject to the usual checks, to allow those details to be resolved and allow any additional conditions to be attached as required.

After considering the application and updates before them and to avoid any delays in determination, the Committee agreed to the Officer's request and delegated powers were given to the Operational Director, as discussed above.

RESOLVED: That

- a) delegated authority be given to the Operational Director – Policy, Planning and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Development Control Committee, once all outstanding issues have been resolved; and
- b) that any planning permission be subject to conditions relating to the following and any additional conditions as required:
  - 1. Standard 3 year timescale for commencement of development;
  - 2. Specifying approved and amended plans;
  - 3. Materials condition(s) requiring external finishing materials be carried out as approved (BE2);
  - 4. Landscaping condition, requiring both hard and soft landscaping be carried out in accordance with details submitted/as approved (BE12);
  - 5. Boundary treatment condition(s) requiring fencing etc be carried out in accordance with details submitted/ as approved (BE2);
  - 6. Vehicle access, parking, servicing etc, to be constructed prior to occupation / commencement of use (BE1);
  - 7. Requiring submission and agreement of cycle parking details (TP6);
  - 8. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF);
  - 9. Conditions relating to/requiring submission and

- agreement of detailed drainage scheme including attenuation and detailed balancing pond details including planting/biodiversity creation (BE1/PR5);
10. Requiring site and finished floor levels to be carried out as approved (BE1);
  11. Submission and agreement of Site Waste Management Plan (WM8);
  12. Submission and agreement of an Operational Waste Management Plan (WM9);
  13. Requiring implementation of the measures recommended within the BREEAM pre-assessment report (CS19);
  14. Requiring submission and agreement of operational plant including noise assessment (PR2);
  15. Grampian style condition requiring off-site pedestrian/cycle crossing improvements;
  16. Condition(s) protecting trees to be retained (BE1);
  17. Submission and agreement of Travel Plan (TP16);
  18. Requiring implementation of cycle/pedestrian links (TP6); and
  19. Requiring external lighting be carried out as approved (PR4/GE21).

DEV4 - 19/00261/FUL - PROPOSED ERECTION OF 10 NO LIGHT INDUSTRIAL WORK UNITS AND ASSOCIATED ACCESS, EXTERNAL WORKS AND FENCING ON LAND TO THE NORTH WEST OF FOUNDRY HOUSE, WATERSIDE LANE, WIDNES, WA8 8UD

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

Officers advised that since the publication of the agenda several updates were available and referred Members to the published AB Update List where these were explained in detail. Since the publication of this Members were advised that comments had now been received from Natural England confirming that additional information was required with regards to potential impacts on European protected sites and the need to carry out an assessment under the Habitats Regulations.

In light of the above requirements, Officers requested that delegated authority be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair, to make the decision once the Habitats Regulation Assessment had been completed by MEAS and any potential effects appropriately mitigated;

subject to the normal tests being carried out; and to add any conditions required as a result of the above mentioned assessment.

Members queried the potential uses for the units; it was confirmed that they would fall into the B1, B2 and B8 classes which would be consistent with other units in the area. With regards to queries regarding the land being contaminated, Officers confirmed that a phase one site investigation had been carried out and further survey work would be undertaken to inform any remediation and validation as required by condition listed within the recommendation.

After consideration of the information before them the Committee agreed that delegated authority be granted to the Operational Director to determine the application as discussed above and that it be subject to the conditions below and any additional conditions required following receipt of the Habitats Regulation Assessment.

RESOLVED: That

- a) delegated authority be given to the Operational Director – Policy, Planning and Transportation, to determine the application, in consultation with the Chair or Vice Chair of the Development Control Committee, once all outstanding issues have been resolved; and
- b) that any planning permission be subject to conditions relating to the following and any additional conditions as required:
  1. Standard 3 year timescale for commencement of development (BE1);
  2. Specifying approved/amended plans (BE1);
  3. Materials condition, requiring external finishing materials be carried out as approved (BE2);
  4. Implementation of proposed site and finished floor levels (BE1);
  5. Landscaping condition requiring implementation of landscaping scheme (BE1);
  6. Boundary treatment condition(s) requiring fencing etc be carried out as approved (BE22);
  7. Pre-commencement survey for invasive plant species;
  8. Drainage details/strategy to be implemented (UU surface water condition) (PR16);
  9. Foul water drained on separate system (PR16);

10. Conditions relating to further detailed site investigation; risk assessment; remediation strategy/verification (PR14/15);
11. Piling using penetrative methods shall not be carried out other than with written consent (EA applied);
12. No drainage for the infiltration of surface water to the ground (EA applied);
13. In accordance with Arb Method Statement (BE1);
14. In accordance with ecological appraisal (GE18);
15. Cycle storage details and implementation (TP6);
16. Bin screen details (BE1);
17. Vehicle access, parking, servicing etc. to be constructed prior to occupation/commencement of use (BE1);
18. Submission and agreement of Site Waste Management Plan (WM8);
19. Pollution control plan;
20. Hours of operation (BE1); and
21. No outdoor storage (E5).

DEV5 - 19/00285/FUL – PROPOSED EXTERNAL ALTERATIONS TO INSERT NEW WINDOWS AND DOORS. FLAT ROOFED EXTENSION TO REAR COURTYARD ELEVATION TO FACILITATE THE CREATION OF 2 NO DWELLING UNITS. CONVERSION OF BASEMENT TO 3 NO DWELLING UNITS AND BIN/CYCLE STORAGE FOR THE BUILDING (PLANNING APPLICATION);

19/00306/P3MPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR FROM FORMER BANK (USE CLASS A2) TO 2 NO INDEPENDENT ONE BED APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**);

19/00307/P3JPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF FIRST AND SECOND FLOOR FROM OFFICES (USE CLASS B1) TO FORM 10 NO INDEPENDENT ONE BEDROOM APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**); AND

19/00309/P3JPA – PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF GROUND FLOOR FROM OFFICES (USE CLASS B1) TO FORM 2 NO INDEPENDENT ONE BEDROOM APARTMENTS (USE CLASS C3) (**PRIOR APPROVAL APPLICATION**).

*Due to the interrelated nature of the applications they were presented as one report. Three of the four applications were prior approval applications made under Schedule 2,*

*Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended). The fourth application was a full planning application for the external changes required to facilitate the changes of use proposed.*

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

### **CONSIDERATION OF APPLICATIONS 19/00307/P3JPA AND 19/00309/P3JPA**

Members were advised that both applications proposed a change of use from Class B1(a) offices to Class C3 (dwellinghouses) which was permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

It was agreed that none of the instances where development was not permitted by Class O – (a) to (g) set out in the report – applied to these proposals, so they were therefore permitted by Class O, subject to the condition that before beginning the development, the developer shall apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA would be required as to:

- a) transport and highways impacts of the development;
- b) contamination risks on the site;
- c) flooding risks on the site; and
- d) impacts of noise from commercial premises on the intended occupiers of the development (and the provisions of paragraph W shall apply in relation to any such application).

The report provided commentary on the four considerations listed above and based on these, the Committee agreed with the Officer's recommendation that the proposals were acceptable and prior approval was not required for either application.

**RESOLVED:** That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) was not required and development under Class O is permitted, subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

## **CONSIDERATION OF APPLICATION 19/00306/P3MPA**

Members were advised that this application proposed a change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouses) which was permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

It was agreed that none of the instances where development was not permitted by Class M – (a) to (g) set out in the report – applied to this proposal, so it was therefore permitted by Class M, subject to the condition that before beginning the development, the developer shall apply to the LPA for a determination as to whether the prior approval of the LPA would be required as to:

- a) transport and highways impacts of the development;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building; and
- d) whether it was undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use:-
  - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there was a reasonable prospect of the building being used to provide such services, or
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area;
- e) the design or external appearance of the building (and the provisions of paragraph W (prior approval) of this part apply in relation to that application).

The report provided commentary on the considerations listed above and based on these, the Committee agreed with the Officer's recommendation that the proposals were acceptable and prior approval was not required for the application.

**RESOLVED:** That prior approval for the change of use from Class A2 (financial and professional services), to Class C3 (dwellinghouses) was not required subject to the following conditions:

1. Development under Class M(b) must be completed within a period of 3 years starting with the prior approval date; and
2. A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

### **CONSIDERATION OF APPLICATION 19/00285/FUL**

It was reported that this application proposed external alterations to insert new windows and doors, flat roofed extension to the rear courtyard elevation to facilitate the creation of 2 no. dwelling units and the conversion of the basement to 3 no. dwelling units and bin/cycle storage for the building.

The error at the top of page 40 of the agenda as described in the AB update list was noted by Members. Since the publication of the agenda it was highlighted that the roller shutter doors to the entrance of the cycle and bin storage had been replaced with personnel doors, which matched the other entrance points to the building resulting in the enhancement of the High Street elevation. One representation had been received that raised concerns over the fact that the basement properties did not have any windows; it was reported however that two of the properties would be served by light wells and the third one did have windows.

Members queried the bin storage enhancement which was explained and were assured that debris currently being left on Council land next to the site would be removed. After consideration of the application the Committee agreed that it be approved, subject to the conditions listed below.

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

1. Time limit;
2. Approved plans;
3. External facing materials; and
4. Implementation of bin and cycle storage.

#### DEV6 MISCELLANEOUS ITEMS

The following applications had been withdrawn:



**18/00596/COND**

Application to discharge Condition No(s) 3 (Sightlines) and 12 (Mitigation Plan for Birds/Wildlife) of Planning Permission 18/00099/FUL at land Adjacent to the Old Post Office, Chester Road, Daresbury, Warrington, Cheshire.

**18/00608/FUL**

Proposed addition of 3 no. classrooms with ancillary facilities and extended glazed canopy at Daresbury Primary School, Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

**19/00159/S73**

Application under section 73 of the Town and Country planning act to vary condition 2 of permission 11/00007/FUL to substitute new plan drawing DRG no. 2 for previously approved plans to amend elevations and layout and to remove condition 12 restricting the use of the barn to agriculture for livestock barn and associated interpretation centre at Water Garden, Harefield Cottage, Warrington Road, Rainhill, St Helens, L35 6PG.

**18/00513/FUL**

Proposed development of Solar Photovoltaic Array including boundary treatment, control buildings and internal access track on Land Bounded by Dungeon Lane, Hale Road and Baileys Lane to the East of Liverpool John Lennon Airport.

**19/00239/FUL**

Proposed conversion of loft to habitable accommodation including the installation of front and rear facing dormer windows at 4 Lodge Lane, Runcorn, Cheshire, WA7 2AS.

**19/00281/PDE**

Proposed single storey rear extension projecting from the rear wall by 5.962 metres the extension has a maximum height of 3.698 metres and an eaves height of 2.550 metres at 84 Farnworth Street, Widnes, Cheshire, WA8 9LW.

**19/00271/PDE**

Proposed single storey rear extension projecting from the rear wall by 4.05 metres the extension has a maximum height of 3.672 metres and an eaves height of 2.686 metres at 73 Radnor Drive, Widnes, Cheshire, WA8 7PH.

**19/00310/P3PPA**

Prior notification for proposed change of use of basement from storage or distribution (use class B8) to form 3 no. independent one bed apartments at Victoria Buildings, High Street, Runcorn, Cheshire, WA7 1QS.

**19/00293/PDE**

Proposed single storey rear extension projecting from the rear wall by 4.04 metres the extension has a maximum height of 3.50 metres and an eaves height of 2.45 metres at 3 Littlestone Close, Widnes, Cheshire, WA8 9YU.

The following Appeals had been received / were in progress:

**Enforcement Notice**

Without planning permission, the change of use of an incidental residential annex to 256 Birchfield Road, Widnes, to a separate dwelling.

**18/00218/FUL**

Proposed erection of 1 no. dwelling attached to the side of the existing property at 20 Maple Avenue, Runcorn, WA7 5LB.

**18/00117/FUL**

Proposed removal of the existing equine and WC building and erection of 1 no. residential static park home at 'Ponderosa' land to the South West of junction between Newton Lane and Chester Road, Daresbury.

The following appeals had been determined:

**18/00363/OUT**

Application for outline planning permission with appearance, landscaping and scale reserved for single two storey dwelling in side garden area at 3 Nickleford Hall Drive, Widnes.

Appeal Dismissed.

**18/00526/COU**

Proposed change of use from Pharmacy to Hot Food Takeway at Croft Pharmacy, 4 Danescroft, Widnes.

Appeal Dismissed.

**19/00010/COU**

Proposed change of use from former Sandwich Shop to Hot Food Takeaway (use class A5) at 39 Beechers, Widnes, WA8 4TE.

*Meeting ended at 6.53 p.m.*