

Public Document Pack



Development Control Committee

Monday, 2 December 2019 6.30 p.m.
Boardroom - Municipal Building, Widnes



Chief Executive

COMMITTEE MEMBERSHIP

| |
|--------------------------------------|
| Councillor Paul Nolan (Chair) |
| Councillor Keith Morley (Vice-Chair) |
| Councillor Chris Carlin |
| Councillor Ron Hignett |
| Councillor Valerie Hill |
| Councillor Joan Lowe |
| Councillor Carol Plumpton Walsh |
| Councillor June Roberts |
| Councillor Dave Thompson |
| Councillor Bill Woolfall |
| Councillor Geoff Zygodllo |

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 6 January 2020*

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

Part I

| Item No. | Page No. |
|---|-----------------|
| 1. MINUTES | 1 - 5 |
| 2. DECLARATIONS OF INTEREST | |
| Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item. | |
| 3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE | 6 - 18 |
| 4. MISCELLANEOUS ITEMS | 19 - 22 |

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, 4 November 2019 at Civic Suite - Town Hall, Runcorn

Present: Councillors Nolan (Chair), Carlin, R. Hignett, V. Hill, J. Lowe, C. Plumpton Walsh, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley and June Roberts

Absence declared on Council business: None

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

Also in attendance: 18 members of the public and one member of the press.

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

| | <i>Action</i> |
|---|---------------|
| DEV11 MINUTES | |
| <p>The Minutes of the meeting held on 7 October 2019, having been circulated, were taken as read and signed as a correct record.</p> | |
| DEV12 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE | |
| <p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p> | |
| DEV13 - 19/00235/FUL - PROPOSED DEVELOPMENT OF 243 DWELLING HOUSES, INCLUDING ACCESS, OPEN SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND NORTH OF RAILWAY AND WEST OF TANHOUSE LANE, WIDNES | |
| <p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p> | |
| <p>Officers advised the Committee that a letter of objection relating to noise had been received today which required investigation by the Environmental Health</p> | |

Department at the Council, so the application could not be determined today. It was agreed that the application be deferred to a future meeting of the Committee.

RESOLVED: That the application be deferred to allow consultation with the Environmental Health Department, following receipt of an objection.

DEV14 - 19/00325/FUL PROPOSED ERECTION OF 236 DWELLINGS AND 100 EXTRA CARE APARTMENTS, TOGETHER WITH CAR PARKING, LANDSCAPING, ROADS, BRIDGES, FOOTWAYS, DRAINAGE INFRASTRUCTURE AND ASSOCIATED WORKS ON OPEN LAND TO NORTH EAST OF VILLAGE STREET, TO THE EAST AND WEST OF THE WEST COAST RAIL LINE, SANDYMOOR

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

Since the publication of the Committee agenda, Officers advised that a further 24 letters of objection had been received plus a further 10 letters from an individual objector. It was noted that many of these sought to raise the same issues already raised in the report or just to reaffirm them. A number of further issues had been raised and these were outlined in the Officer's update together with 11 main issues which were outlined together with a summary response to each. Details of one letter of support were also summarised.

Members were advised that Councillor John Bradshaw, Ward Councillor for Daresbury, had contacted Officers via email, as he was unable to attend today, with his concerns regarding the proposal. These included traffic generation and routing, and the size, location and look of the sheltered housing block. Officers also provided updates with regards to the queries made by the Council's Open Spaces Officer on page 51 of the report.

The Committee was addressed by Nick Fillingham on behalf of the applicant. He commented that (*inter alia*):

- the objections made had been noted, however the scheme for extra care homes was much needed in Halton and was on the Government's agenda;
- the homes would be situated so that they were part of the community with a bistro that would be open to the public;

- following an amended plan, there was now a generous separation distance from the site to neighbouring houses of 55 metres;
- the houses on the development would all have off road parking and the extra care homes would have visitor parking as well as their own parking; and
- so far engagement had been positive with all parties.

Mr Mackintosh, a resident of Sandymoor for 26 years, then addressed the Committee objecting to the 100 extra care homes scheme. He stated (*inter alia*) that these were not part of the masterplan and that due to the height and scale of them they were inappropriate and out of character for the area. He stated that Homes England had assured that any further house building would mirror existing houses on Sandymoor. Further, he questioned the need for this type of housing; the lack of affordable housing on Sandymoor; the impact on wildlife; noise disturbance; increased traffic and road safety.

The Committee was then addressed by Bernadette Tarry, Clerk to Sandymoor Parish Council, who raised her objections to the scheme on behalf of local residents. Following a meeting held with residents, she outlined three main areas of concern discussed by them:

- the 100 bed extra care housing block; they claimed that the housing block was so large it would dominate the area and was out of character with the surrounding properties:
- the lack of bungalows in the area; and
- the entry and exit routes for construction traffic; she suggested an alternative route was used for construction traffic.

In response to a comment made by a speaker regarding the 'extra care' housing block being 50% taller than the School, Officers referred Members to the comparison massing drawing and provided the heights of each building, which showed that the sheltered housing block was approximately 2 metres higher than the school when comparing the principle flat roof elements of each scheme. Officers acknowledged that central pitched roof features did add to the overall height but reaffirmed their position outlined in the report.

Following Members' queries, the following was clarified/noted:

- Merseyside Environmental Advisory Service (MEAS) was the Council's retained advisor for environmental matters;
- That the potential status of Bog Wood as an area of 'ancient woodland' was outlined in the report;
- Affordable housing provision did not form part of the policy for house building on Sandymoor;
- The consultations and missed properties referred to on page 39 – some properties had been missed initially, however this was resolved and a further process of re-consultation had been undertaken and that Officers' were satisfied that all relevant properties had been consulted on the proposal;
- The need for housing for the over 55's welcomed as Halton had an aging population which was increasing year on year as per the Core Strategy Policy; and
- The applicant had submitted a revised application to take account of the unduly close proximity of elements of the development to Bog Wood. In so doing the revised development proposal adversely affected a single mature oak tree outside of Bog Wood. This was not acceptable and further discussions with the applicant would be required to secure relatively minor amendments to resolve this issue.

After consideration of the application and hearing the speakers' comments and officers' responses and updates to the proposal, the Committee agreed that determination of the application be delegated to the Operational Director, as recommended in the Officer's report.

RESOLVED: That authority is delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee, to determine the application and if the determination was to approve the application, that it be subject to appropriate conditions and modification to the existing legal obligation.

DEV15 - 19/00382/FUL - PROPOSED EXTENSION TO LIGHT INDUSTRIAL UNIT TOGETHER WITH ANCILLARY WORKS AT VENTRCROFT LTD, FARADY ROAD, RUNCORN, WA7 1PE

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

After consideration of the application the Committee

agreed that the application be approved, subject to the conditions listed below.

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

1. Standard 3 year timescale for commencement of development;
2. Specifying approved and amended plans;
3. Matching materials conditions(s) (BE2);
4. Condition requiring submission of a method statement for the control of Japanese Knotweed (GE21);
5. Condition requiring submission of a verification report on completion of treatment of Japanese Knotweed (GE21);
6. Condition requiring submission and agreement of cycle parking details (TP6);
7. Condition restricting surface water run-off onto the adopted highway (TP17);
8. Condition requiring submission; agreement; implementation; of a sustainable drainage scheme (BE1 and PR5);
9. Submission and agreement of Site Waste Management Plan (WM8);
10. Submission and agreement of a lighting scheme (BE1);
11. Submission and agreement of site and finished floor levels (BE1); and
12. There shall be no external storage (BE1).

Meeting ended at 7.10 p.m.

REPORT TO: Development Control Committee

DATE: 2 December 2019

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

| Application No | Proposal | Location |
|-----------------------|--|--|
| 19/00575/P3JPA | Proposed change of use from office building (B1) to 170 no. residential flats (use class C3) | Halton 5 (Grosvenor House) Northway, Runcorn, Cheshire |

| | |
|---------------------------------|---|
| APPLICATION NO: | 19/00575/P3JPA |
| LOCATION: | Halton 5, (Grosvenor House), Northway, Runcorn, Cheshire |
| PROPOSAL: | Proposed change of use from office building (B1) to 170 no. residential flats (use class C3). |
| WARD: | Halton Lea |
| PARISH: | None |
| AGENT(S) / APPLICANT(S): | Empire Property Concepts Ltd |

SITE MAP

Members will recall that the Committee has considered a similar prior approval applications for the site at Castle View, Ref:- 17/00375/P3JPA and East Lane House, Ref:- 15/00034/P3JPA for a change of use of offices to residential under the terms of planning permitted development.

The planning history for this current site is a mix of permissions for telecommunications equipment and small permissions in association with the office use of Grosvenor House. The most recent and relevant history is that of;- 15/00154/FUL – permission for external alterations, landscaping, car parking and a ramp; 15/00155/P3JPA and associated application 15/00154/FUL – permitted development for 63 units and 41 car parking spaces (for the northern and central arms of the building); 15/00470/FUL – permission for part of the 3rd floor for a change of use to non-residential education facility.

This application proposes the conversion of Grosvenor House, Northway, Shopping City and seeks to convert it into 170 No. of residential units. The development comprises of a mix of 128 1-bedroom units and 42 2-bedroom units.

This application is **NOT** a full planning application. A change of use from Class B1(a) offices to Class C3 (dwellinghouses) is permitted development under Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

There are a number of instances set out below where this change of use is not permitted development.

Development is not permitted by Class O where—

- the building is on article 2(5) land; THIS IS LAND WHICH IS EXCLUDED FROM PERMITTED DEVELOPMENT RIGHTS ALLOWING CHANGE OF USE OF A PROPERTY FROM CLASS B1(A) OFFICE USE TO CLASS C3 RESIDENTIAL. **DOES NOT APPLY**
- the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use; **DOES NOT APPLY**
- the site is or forms part of a safety hazard area; THIS LAND IS NOT WITHIN THE CONSULTATION ZONE OF A MAJOR HAZARD SITE OR PIPELINE. **DOES NOT APPLY**
- the site is or forms part of a military explosives storage area; **DOES NOT APPLY**
- the building is a listed building or a scheduled monument. **DOES NOT APPLY**

None of the above instances apply to this proposal.

This proposal is therefore permitted by Class O subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to —

- a) **transport and highways impacts of the development;**
- b) **contamination risks on the site;**
- c) **flooding risks on the site;**
- 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.

Members will be aware that such applications for prior approval are subject to a strict timescale of 56 days and that there is no scope to extend that timescale.

As the proposal is permitted development, the principle of development is accepted and the only considerations relevant to the determination of this prior approval application are the **four considerations** set out above.

Transport and highway impacts of the development

It is acknowledged that the proposed residential use would result in a material change in the character of traffic and pedestrian movements in the vicinity of the site compared to that of its office use. This application is not accompanied by a Transport Statement.

The Local Highway Authority is reviewing the proposal and their comments will be reported verbally to the Development Management Committee and further advice provided as to the acceptability of the proposal.

Contamination risks on the site

Whilst the proposed residential end-use would be of some sensitivity to land contamination, it is relatively low due to the development comprising flats within an existing structure with minimal alterations to the outside space (no private gardens). Furthermore the site history does not identify any previous land uses that are likely to have given rise to potentially significant land contamination (the site was open fields prior to the construction of the former office block and the wider Halton Lea development). There are no grounds to suspect that the site could be considered Contaminated Land under Part 2A of the Environmental Protection Act 1990

Therefore, an assessment of land contamination implications is not necessary and there are no objections to the proposed scheme on these grounds.

Flooding risks on the site

The site is shown to lie in Fluvial Flood Zone 1 and has a very low surface water flood risk. The site lies within a Critical Drainage Area. No Flood Risk Assessment has been submitted with the application.

The Lead Local Flood Authority is reviewing the proposal and their comments will be reported verbally to the Development Management Committee and further advice provided as to the acceptability of the proposal.

Impacts of noise from commercial premises on the intended occupiers of the development

The site is located in the Shopping City area of Runcorn. The surrounding land uses are mixed in nature and comprise of residential, retail, office, day nursery and parkland. The proposed residential use is considered to be compatible with the adjacent land uses and it is not considered that the impacts of noise from commercial premises in the locality would have a significantly detrimental impact on residential amenity.

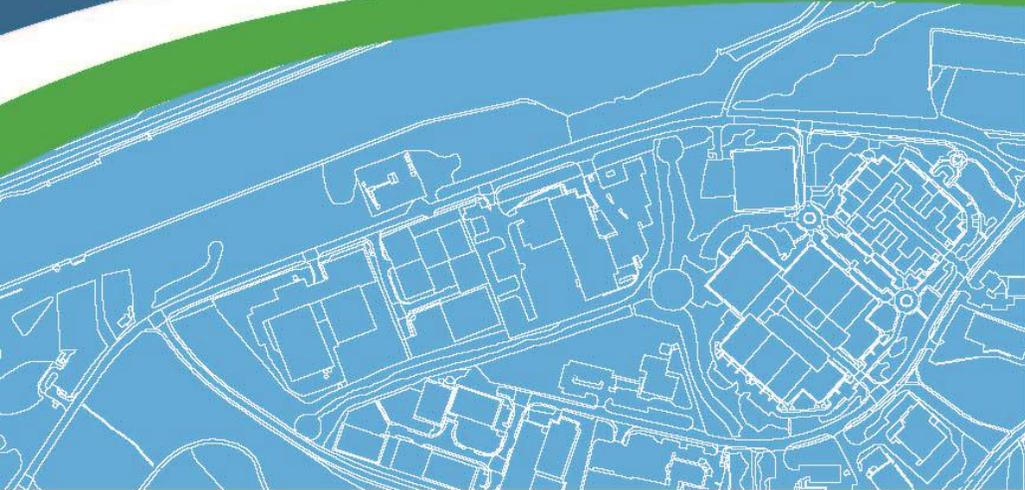
Conclusion

Of the four considerations with this prior approval application, the proposal is currently deemed *acceptable* and prior approval is not required, only in relation to noise impact and contamination. Detailed consideration is ongoing with respect to the acceptability of the proposals with respect to flood risk and transport/ highway impacts. Consideration is also ongoing with respect to the implications of the previous planning permission for change of use of part of the building to a non-residential education facility, whether that was implemented and whether this affects the applicability of the prior approval process in this case. Members will be updated orally.

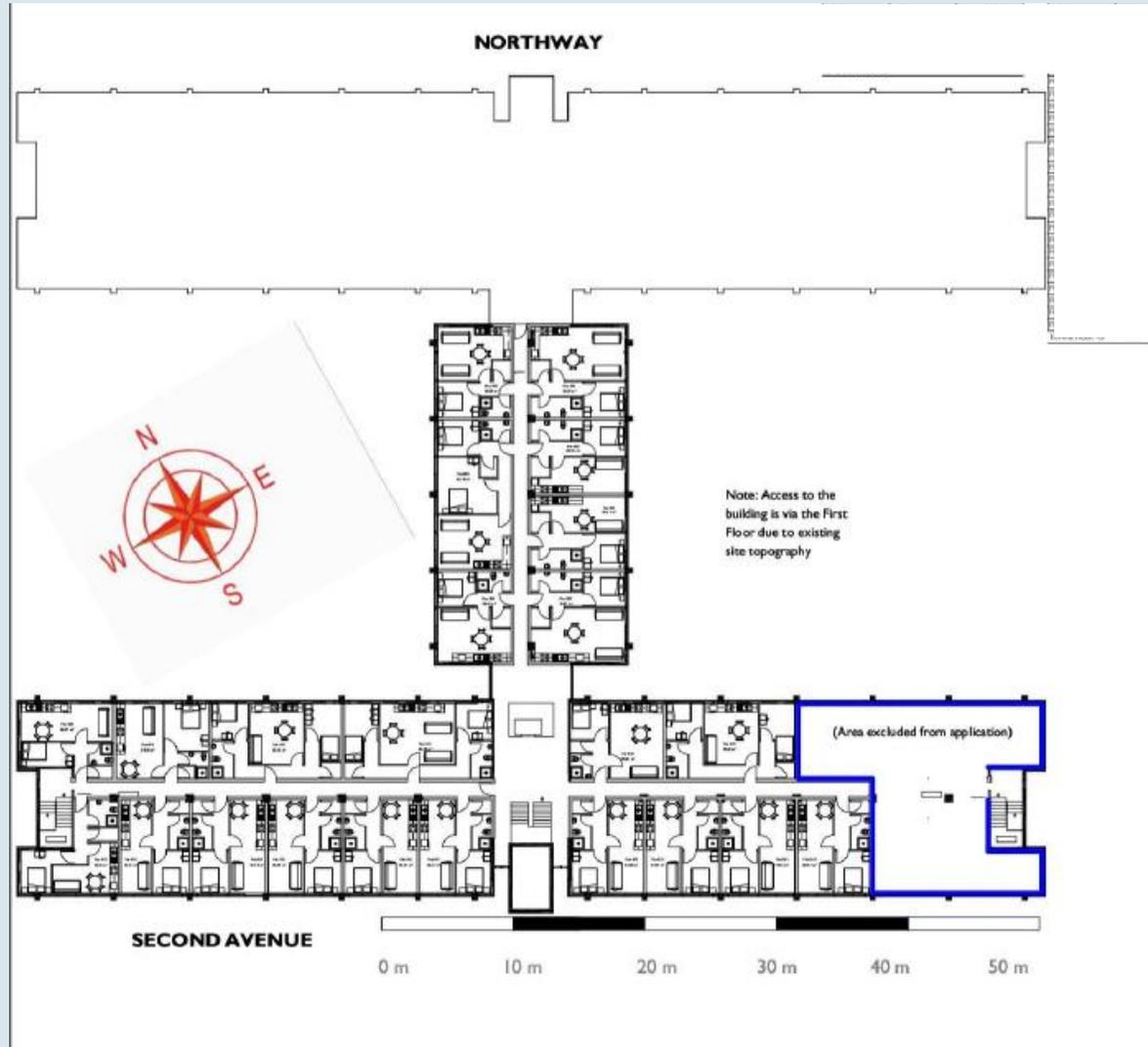
Recommendation

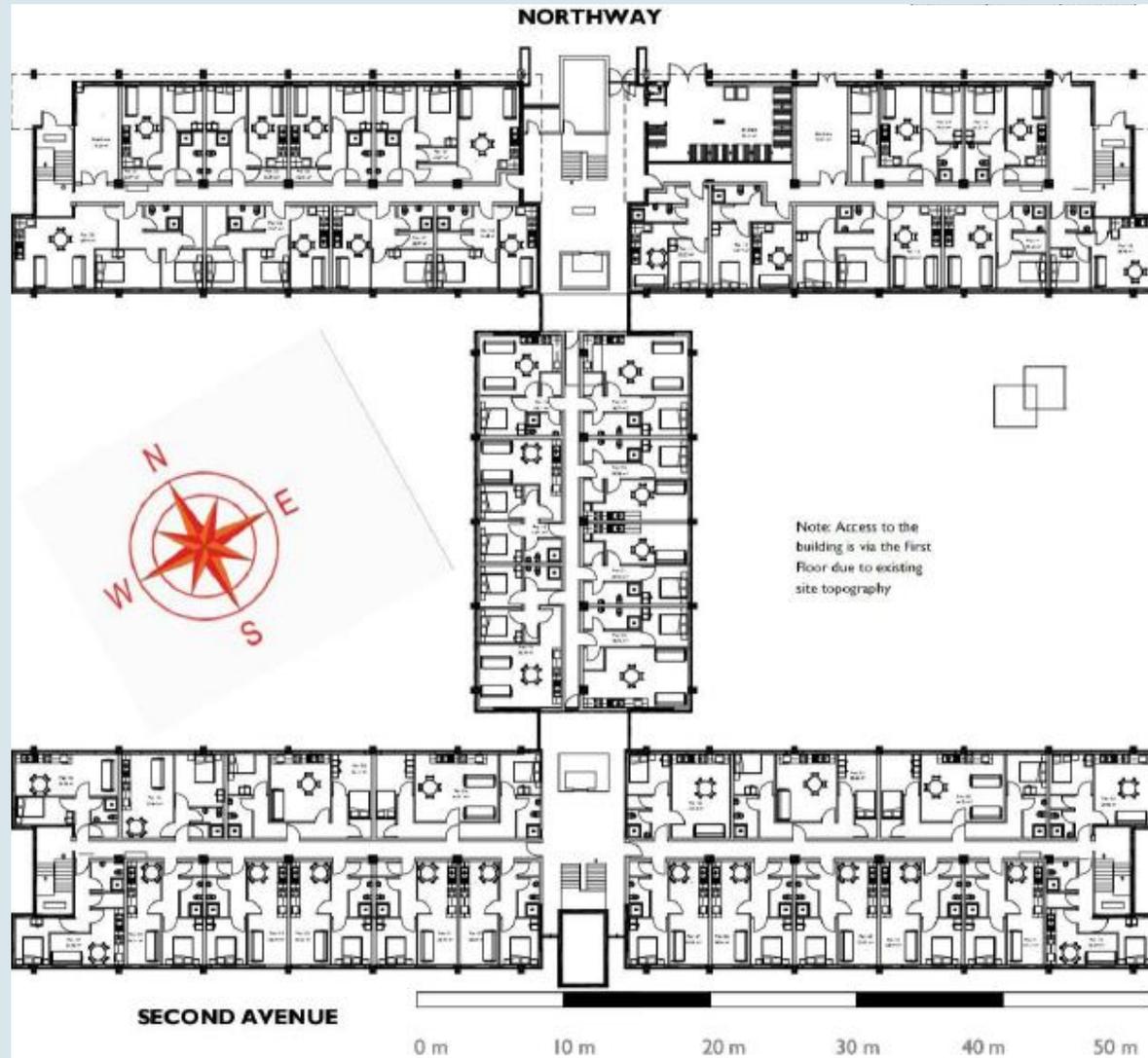
Given that consultations are not yet concluded and the outstanding issues under consideration, Officers are unable to provide a recommendation at this stage and to do so could leave the Council open to criticism of pre-determination. Given the restrictions imposed by the 56 day prior approval process it is not possible to defer this application to a future Committee to allow full and proper resolution. Members will be updated verbally of the responses from the Local Highway Authority and Lead Local Flood Authority in relation to flood risk and highway safety and will be advised as to the acceptability of the proposal in relation to these issues.

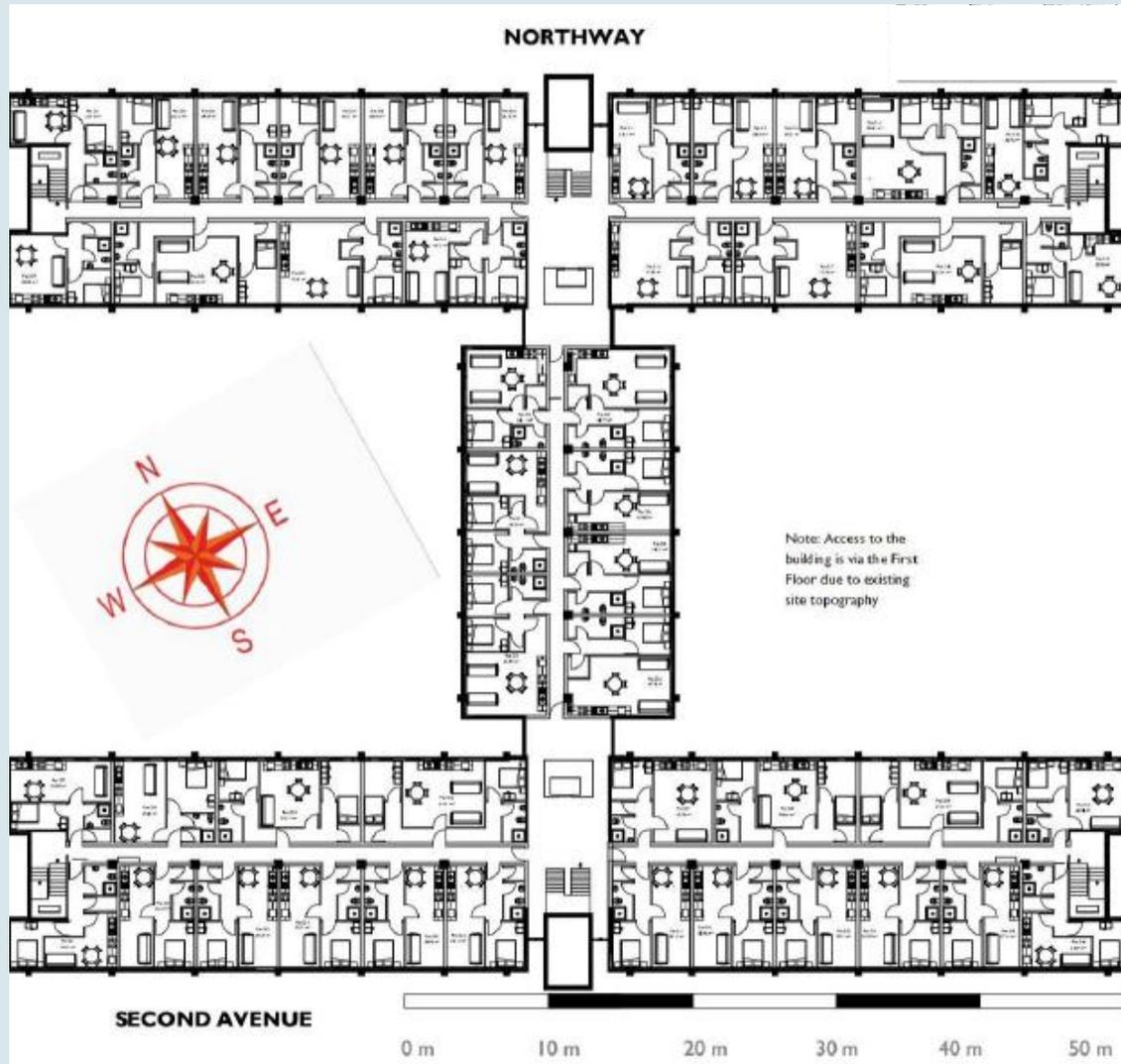
DUE TO NEED TO ISSUE A DECISION WITHIN A 56 DAY PERIOD, DELEGATED AUTHORITY FOR THE OPERATIONAL DIRECTOR – PLANNING, POLICY AND TRANSPORTATION TO DETERMINE THIS PRIOR APPROVAL APPLICATION FOLLOWING THE EXPIRY OF THE PUBLICITY AND THE CONSIDERATION OF ANY REPRESENTATIONS RECEIVED WHICH ARE RELEVANT TO THE CONSIDERATIONS OF THIS APPLICATION AS SET OUT IN THE REPORT IS SOUGHT.



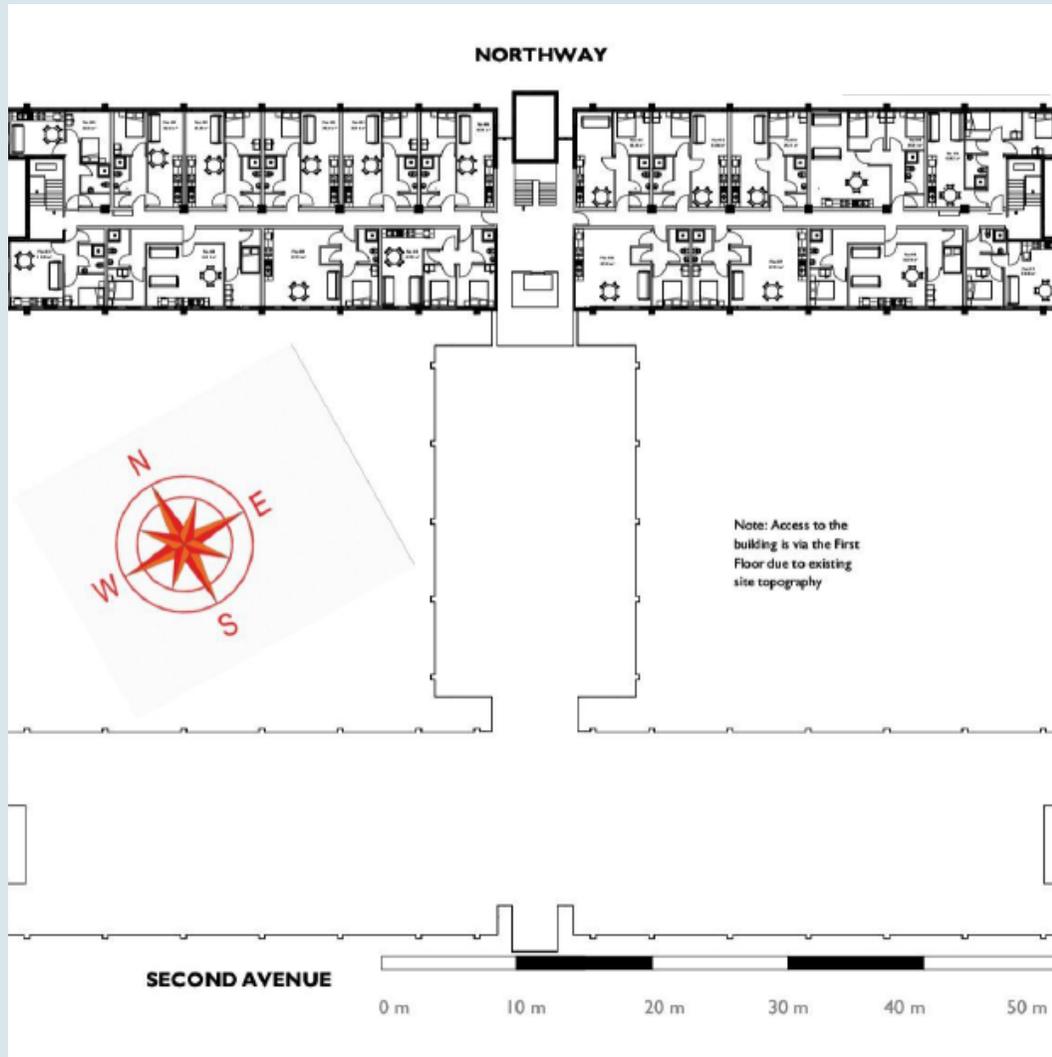


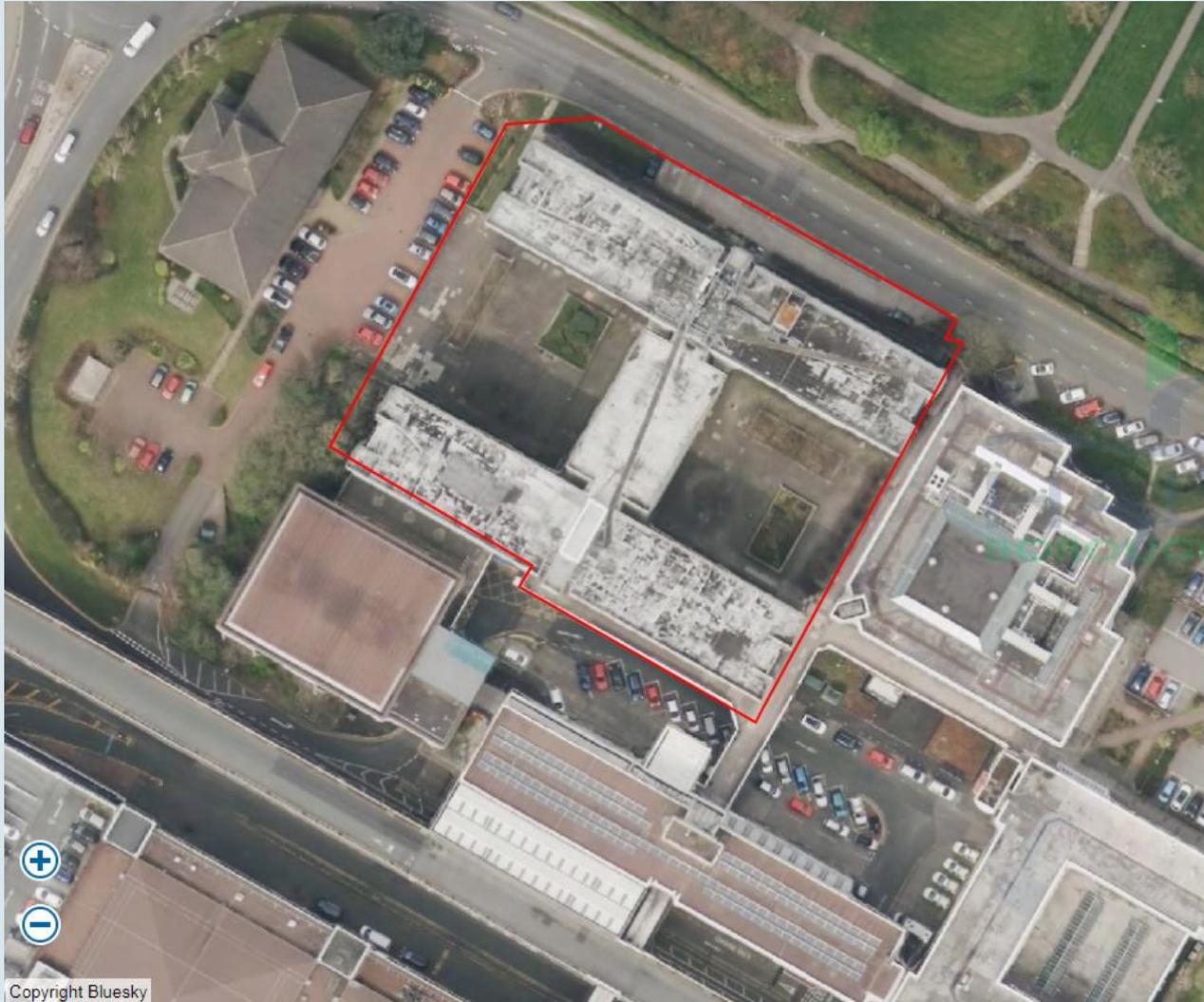












REPORT TO: Development Control Committee

DATE: 4 December 2019

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Miscellaneous Information

WARD(S): Boroughwide

The following applications have been withdrawn:

19/00351/PDE

Proposed single storey rear extension projecting from the rear wall by 4.050 metres the extension has a maximum height of 3.638 metres and an eaves height of 2.951 metres at 7 Marsden Court, Widnes, Cheshire, WA8 9PG.

19/00299/ADJ

Adjoining authority consultation by Liverpool CC for installation of ground mounted solar photovoltaic pv array including boundary treatment, control buildings and internal access track at land bounded by Dungeon Lane, Hale Road and Baileys Lane to the East of Liverpool John Lennon Airport, Hale Road, Liverpool, L24 1UU.

19/00284/FUL

Proposed siting of 2 no. shipping containers at the rear of the car park for storage and to act as a plant room for the swimming pool at Beechwood Community Centre CIC Beechwood Avenue, Runcorn, Cheshire, WA7 3HB.

19/00071/PDE

Proposed single storey rear extension projecting from the rear wall by 8 metres the extension has a maximum height of 4 metres and an eaves height of 2.9 metres at Lenox Farm, Ramsbrook Lane, Hale, Liverpool, L24 5RP.

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.

15/00213/COU

Proposed temporary change of use from land used as part of Thermos site to fabrication yard and compound for the rebar which is to be used for the construction of the Mersey Gateway Bridge and the approaches at Former Thermphos Site, Earle Road, Widnes, Cheshire.

19/00345/COU

Proposed change of use from use class B8 (storage and distribution) to use class D2 (assembly and leisure) at Unit 1 Kingfisher Business Park, Brown Street, Widnes, Cheshire, WA8 0RE.

19/00336/PLD

Application for a certificate of proposed lawful development for use of the property as a home for the care of up to 3 children between the age of 8 to 17 years with the provision of 24 hour care by not more than 2 day time and 2 night time carers at 4 Bamford Close, Runcorn, Cheshire, WA7 5NT.

19/00355/FUL

Proposed part single, part double storey side/rear extension and creation of 4 no. parking spaces together with Change of Use from dwelling house (Use Class C3) to a Sui Generis mixed use comprising dwelling house and consulting/treatment rooms at 101 Birchfield Road, Widnes, Cheshire, WA8 7TG.

19/00437PLD

Application for a certificate of proposed lawful development for single storey rear extension and garage conversion at 4 Portside, Runcorn, Cheshire, WA7 3LE.

18/00331/FUL

Proposed erection of new vehicular access to Windmill Lane at Ryecroft, Windmill Lane, Preston Brook, Cheshire, WA4 4AZ.

19/00442/COU

Proposed change of use to ground floor restaurant with separate first floor residential accommodation at 82 Pit Lane, Widnes, Cheshire, WA8 9HW.

19/00339/FUL

Proposed first floor rear extension at 41 Gregson Road, Widnes, Cheshire. WA8 0BX.

19/00443/COU

Proposed temporary change of use for two years from domestic dwelling (use class C3) to Sui Generis mixed use of office and storage to ground floor and garage, with the first floor to remain residential at 2 Elworth Avenue, Widnes, Cheshire, WA8 9JW.

16/00176/FUL

Proposed erection of factory / production building together with associated infrastructure at former Cameron House, 351 Hale Road, Widnes, Cheshire, WA8 8TS.

The following appeals have been received / are in progress:

17/00497/FUL

Proposed erection of two storey block containing 4 no. one bedroom apartments at Rear Garden of 67 Main Street Runcorn Cheshire WA7 2AT.

19/00252/OUT

Outline application (with appearance, landscaping, layout and scale reserved) for demolition of one dwelling (32 Ash Lane) to create access and development comprising 4 dwellings at land to the rear of 26-38 32 Ash Lane Widnes Cheshire WA8 8JQ.

The following appeals have been allowed:

NONE

The following appeals have been dismissed:

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 South West of Junction between Newton Lane and Chester Road, Daresbury, Cheshire.

18/00218/FUL

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

The following appeals have been withdrawn:

NONE

High Court Judgement

A challenge was made to the High Court of Justice to the decision of Halton Borough Council to grant planning permission for the proposed change of use to waste transfer and treatment facility with ancillary development, at the former J Bryan Victoria Ltd. site, Pickering's Road, Widnes by Hale Bank Parish Council on the following three grounds:

- a. Breach of s.38(6) Town and Country Planning Act 1990 by failing to properly apply WM1 of the Joint Waste Management Development Plan (JWDP) or a failure to give adequate reasons in respect of the same matter;
- b. Failure to provide the required mandatory information in accordance with policy WM12 of the JWDP;
- c. Failure to provide the relevant background papers as required by s.100D of the Local Government Act 1972.

The judgement dated 14 October 2019 was that Grounds One and Three is made out but that Ground Two is not made out. The planning permission has been quashed and the application falls back to the Council to be determined.