

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Tuesday, 3 March 2020 at Civic Suite - Town Hall, Runcorn

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

Apologies for Absence: Councillors Carlin and C. Plumpton Walsh

Absence declared on Council business: None

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

Also in attendance: Nine members of the public, one member of the press and Councillors Dourley and Joe Roberts

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV22 MINUTES

The Minutes of the meeting held on 6 January 2020 were taken as read and signed as a correct record.

DEV23 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.

The Committee was advised that Cllr Morley was a trustee of the Mersey Gateway Environmental Trust, who were referred to as consultees in the Officer's report for the following item. However, it was clarified that the Trustees of the Mersey Gateway Environmental Trust had not been consulted regarding the Trust's objection relating to the application and as the Trust's objection had been withdrawn, Cllr Morley was permitted to take part in the consideration and voting of the application.

DEV24 - 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

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

Officers' advised the Committee that reports were originally prepared for the November and January Development Control Committee meetings in relation to this application, but this matter was not considered due to receipt of a late, detailed objection.

It was reported that a review of the proposal had been undertaken by the applicant in light of late objections received and officer advice. As a result, amendments had been made to the layout/apartment design to further mitigate the impact on future residents from noise and an updated noise assessment had now been provided. Amendments had also been made and clarification provided with respect to the proposed drainage proposals, so the report presented to the Committee today had been updated to reflect the current position.

The Committee was advised that a further representation had been received from *ICoNiChem* since these amendments had been made. The Council's Environmental Health Officer (EHO) then advised the Committee of the nature of the objection from *ICoNiChem*; that being the potential for them to become a statutory noise nuisance. However the EHO advised that they did not object to the proposal as they were satisfied that the applicant had complied with the initial issues raised, through the reconfiguration of the layout of the apartments as described in the report.

The Committee was addressed by Mr McGrath, who spoke on behalf of the applicant. He explained that the site already had outline planning permission for a residential development and they were proposing to build 214 properties with open spaces. He noted the noise objections made by *ICoNiChem*, but stated that they had redesigned the apartment layouts so that noise from their site would be minimised for residents. He argued that the site was heavily contaminated and derelict and the proposal was comprehensive and would add affordable homes in excess of the requirement. They would provide a mixture of provision for different types of residents, which would be of great social value. He urged the Committee to approve the application so work could commence as soon as possible.

Mr Croft, *ICoNiChem's* Operational Director, then addressed the Committee. He stated that this Company had

operated for the past 40 years on this site and employed 64 people. He argued that the close proximity of residential housing to them was a threat to the business as the Company operated 24 hours a day 7 days a week and noise was emitted continuously from the site. He also stated that the applicant had made no attempt to solve the issue as despite the reconfiguration of the rooms and better quality glazing, flaws still remained, such as the fact that the windows facing the site could not be opened and the glazing would not be effective enough to block out the noise. He advised that despite the mitigation measures put in place there was still a serious risk of noise nuisance for future residents which would result in complaints being made to *ICoNiChem*. He stated that *ICoNiChem* had submitted a total of 3 objections to the scheme and neighbouring business had also objected. He stated that businesses should be protected from residential complaints and not have restrictions placed upon them.

In response to the concerns over noise nuisance complaints, the Council's EHO stated that the main concern had been the potential for noise nuisance at night, when people were sleeping. However since the work done by the applicant to mitigate this, it was considered that an objection to the scheme could not be sustained by the EHO.

The Committee discussed at length the application after hearing the speakers and officers responses. The following additional information was noted:

- If the application was approved the applicant and objectors could be encouraged to continue dialogue for the benefit of both;
- In line with the NPPF, the mitigation taken by the applicant had been suitable for the site; and
- Although the site was presently isolated, the developer and Council had agreed to widen/build path and cycle ways, introduce new crossing points and crossing points to improve access to local facilities and bus routes.

The Committee moved to a vote and agreed to approve the application subject to the conditions listed below.

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

- a) a legal or other appropriate agreement relating to

securing open space contributions and contributions for bird hide provision and hedgerow improvement; and

b) conditions relating to the following:

1. Standard 3 year timescale for commencement of development;
2. Specifying approved and amended plans;
3. Grampian style condition relating to off-site highway works to appropriate access into and out of the site (TP17);
4. Condition requiring submission and agreement of a Construction Environmental Management Plan (BE1);
5. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2 and CS9);
6. Condition requiring submission and agreement of landscaping scheme (BE1, GE30 and CS9);
7. Condition requiring detailed treatment of the area to the north east boundary of the site adjacent to the Greenway (BE1, GE30 and CS9);
8. Condition requiring implementation of details for boundary treatments (BE22, GE30 and CS9);
9. Condition requiring vehicle access, parking and servicing for apartments to be constructed prior to occupation of properties / commencement of use (BE1 and CS9);
10. Conditions relating to surface water / highway drainage (BE1, PR5 and CS9);
11. Condition requiring enhanced glazing (PR2 and CS9);
12. Condition requiring submission and agreement of cycle parking details (TP6 and CS9);
13. Condition requiring submission and agreement of bin storage details for apartments (BE2 and CS9);
14. Condition requiring continuing remediation and verification plan on the basis of the submitted documentation (PR14 and CS9);
15. Submission and agreement of Site Waste Management Plan (WM8);
16. Submission and agreement of site and finished floor levels (BE1, BE2 and CS9);
17. Condition requiring the affordable housing provision as a minimum standard of 25% of development (50% social and affordable rent and 50% intermediate housing tenures) (CS13);
18. Submission and agreement of scheme of biodiversity features including bat and bird boxes;

19. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
20. Securing HIA mitigation measures (CS22);
21. Requiring submission and agreement of electric vehicle parking and charging points(s) details (NPPF); and
22. Conditions relating to / requiring submission and agreement – implementation of details foul surface water / highway drainage scheme including attenuation (BE1/PR5).

- c) That if the Section 106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application.

DEV25 - 19/00518/FUL - PROPOSED DEMOLITION OF EXISTING BUILDING AND REPLACEMENT BY 8 NO SELF-CONTAINED LIGHT INDUSTRIAL UNITS (USE CLASS B1C) INCLUDING NEW ACCESS AND ASSOCIATED CARE PARKING, HARDSTANDING AND LANDSCAPING ON FORMER WIDNES TIMBER CENTRE, LAND OFF FOUNDRY LANE, WIDNES, WA8 8TZ

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

The Committee was advised that since the publication of the agenda one further representation had been received in support of the application.

Members were referred to the definition of the proposed use as defined by the Use Classes Order given on page 70 of the report. That definition being one '*which could be carried out in any residential area without detriment to the amenity of that area*'. The site was designated within the current development plan as within Halebank Action Area and uses within Use Class B1 were specifically listed within the relevant policy as being acceptable. It was noted that the suggested additional condition stated in the published AB update list further restricted any future proposed change of use.

The Committee was addressed by Mr White who spoke on behalf of the applicant. He stated that although previous planning consents had been given for the site, none had materialised. He stated this was a change of use

to industrial, however the plans sat comfortably within the neighbouring residential areas and would benefit from new fencing and a buffer boundary, consisting of soft landscaping, which would also act as an acoustic buffer for traffic and HGV's.

Members were then addressed by Mr Clarke who objected to the scheme on behalf of local residents. He stated that the plans would have a detrimental effect on the area and greatly affect the quality of life of the surrounding residents. He provided details of an incident when the Fire and Rescue Service were unable to access a house that was on fire and neighbours had to provide access for them through their own homes; the residents were afraid of repeat incidents of this nature. He also stated that when they bought their houses, the Committee had told them that surrounding land would be residential.

On behalf of the Development Control Committee the Chair stated that this Committee had never made statements of this nature in relation to any area of potential development within the Borough.

Members were then addressed by Councillor Dourley, a Local Ward Councillor who spoke in objection of the application. He supported the comments made by Mr Clarke in relation to the information provided to existing residents regarding the plans for the site being only for residential development. He argued that access to the site was via one access road and was very difficult for emergency vehicles, as experienced by the Fire Brigade with a recent house fire call. He insisted that the site was identified as residential and to allow industrial development would be unfair to those residents already living there. He requested the Committee to reject the proposal.

Members considered the application and representations made by speakers. Clarity was provided around material and non-material considerations in relation to the application following comments made by Councillor Woolfall. It was also commented that the application must be determined in accordance with the existing development plan, not one that may be adopted in the future.

Having considered the report, speakers representations, officers responses and legal advice, the Committee approved the application by majority. Councillor Woolfall requested that his objection to the scheme and vote to refuse be recorded in the minutes.

RESOLVED: That the application be approved subject to the following conditions, which includes the additional condition mentioned above:

1. Time limit – full permission;
2. Approved plans;
3. Clarification on use;
4. Hours of operation (BE1);
5. Restriction on openable windows and ventilation equipment at the of units 2-7 (BE1 and PR2);
6. Existing and proposed site levels (BE1);
7. External facing materials (BE1 and BE2);
8. Boundary treatments scheme;
9. Soft landscaping scheme (BE1);
10. Breeding birds protection (GE21);
11. Hours of construction (BE1);
12. Cycle parking scheme (BE1 and TP6);
13. Electric vehicle charging point scheme (CS19);
14. Offsite highway improvements scheme (BE1);
15. Provision and retention of parking and servicing (BE1 and TP12);
16. Ground contamination (PR14 and CS23);
17. Drainage strategy (PR16 and CS23); and
18. Restriction on permitted development rights.

DEV26 - 19/00563/FUL - PROPOSED ERECTION OF STEEL PORTAL FRAME INDUSTRIAL BUILDING FOR STORAGE, PORTAL BUILDINGS TO PROVIDE ADDITIONAL STORAGE (50SQM), OFFICE ACCOMMODATION (45SQM), TOILETS (9SQM), CANTEEN (18SQM) AND DRYING ROOM (7.5SQM) AND ENCLOSURE OF SITE WITH 2.4 METRE GREEN STEEL WIRE FENCING AND GATES AT FORMER BRAKES CAR PARK, ASTON FIELDS ROAD, WHITEHOUSE INDUSTRIAL ESTATE, RUNCORN, CHESHIRE, WA7 3FZ

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

The Committee agreed that the application be approved.

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

1. Time limit – full permission;
2. Approved plans;
3. Existing and proposed site levels (BE1);
4. External facing materials (BE1 and BE2);

5. Removal of palisade fencing and installation of green paladin fencing (BE1);
6. Tree and hedgerow protection (BE1);
7. Breeding birds protection (GE21);
8. Cycle parking scheme (BE1 and TP6);
9. Electric vehicle charging point scheme (CS19);
10. Implementation of pedestrian link (BE1 and TP12);
11. Provision and retention of parking and servicing (BE1 and TP12);
12. Ground contamination (PR14 and CS23);
13. Drainage strategy (PR16 and CS23); and
14. Foul and surface water on a separate system (PR16 and CS23).

Meeting ended at 7.45 p.m.