

**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.