

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 13 September 2010 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), E. Cargill, Hignett, Hodgkinson, Leadbetter, McInerney and Morley

Apologies for Absence: Councillors J. Bradshaw and Osborne

Absence declared on Council business: None

Officers present: P. Watts, A. Jones, R. Cooper, J. Farmer, Y. Sung and J. Tully

Also in attendance: Councillor Redhead & 5 Members of the Public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute 26 refers). A letter from Ineos was brought to the attention of the Committee at the request of the Chairman to enable a swift response to be provided to Ineos, so that their implementation of the scheme and future considerations were not unduly delayed. Therefore, pursuant to Section 100 B (4) and 100 E, the Chairman ruled that the item be considered as a matter of urgency.

DEV20 MINUTES

The Minutes of the meeting held on 9 August 2010, having been printed and circulated, were taken as read and signed as a correct record.

DEV21 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.

DEV22 - 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

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

Application 10/00214/FUL:

RESOLVED: That delegated authority was 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 and should the application be approved it was 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); and
 - 5 Condition for a scheme to improve pedestrian and cycle linkages through the site (BE1).
- c) That if the S106 Agreement or alternative arrangement was 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 application **10/00215/S73**:

RESOLVED: That condition no.4 of planning permission 02/00630/FUL be removed.

DEV23 - 10/00279/FUL - PROPOSED ERECTION OF 18 NO. COURTYARD HOUSES, DETACHED GARAGES, PRIVATE ACCESS ROAD AND PRIVATE OPEN SPACE AT DAWSONS DANCE CENTRE, LUNTS HEATH ROAD, WIDNES

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

RESOLVED: That the application be approved 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); and
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).

DEV24 - 10/00302/COU - PROPOSED CHANGE OF USE FROM CLASS A2 TO CLASS A5 HOT FOOD TAKEAWAY, NEW SHOP FRONT & EXTERNAL EXTRACTION SYSTEM AT 176 WIDNES ROAD, WIDNES

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

The applicant, Mr Gary Fredson addressed the Committee in support of his application stating that his outlet would offer a healthy eating option to the consumer using fresh local produce delivered daily. Furthermore, he would employ local tradesmen and companies for the fit out and employ people from the local community to work within the shop. He further stated that he was prepared to invest in a unit that had remained empty for the past 18 months so his occupancy would compliment the area.

In response it was noted that the fact that a unit had remained empty for a period of time was not a matter for consideration during the approval process. Also, that the application was for a 'hot food takeaway' outlet and as such there were no conditions relating to the type of hot food that could be served.

RESOLVED: That the application be refused for the following reasons:

- 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; and
- 2) The applicant had failed to provide adequate information to demonstrate that the premises could operate satisfactorily, as a hot food retail premises.

NOTE: To avoid any allegation of predetermination Cllr. E. Cargill did not vote on this matter.

DEV25 MISCELLANEOUS ITEMS

Appeals had 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

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

A decision had 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."

DEV26 URGENT ITEM

Details of a letter which had been received from INeos was shared with the Committee. The letter sought permission to vary Condition 57 of their permission to construct and operate a Combined Heat and Power Energy Generating Station, by increasing the permissible amount of imported fuel to be delivered by road.

RESOLVED: The Members considered the request and unanimously voted against agreeing to it.

Meeting ended at 7.03 p.m.