

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 6 December 2010 at Civic Suite, Town Hall, Runcorn

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

Apologies for Absence: Councillors Hodgkinson and Osborne

Absence declared on Council business: None

Officers present: P. Watts, J. Tully, A. Plant, J. Farmer, P. Shearer, R. Cooper and A. Jones

Also in attendance: Councillors Loftus, A Lowe & Parker and 27 Members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV33 MINUTES

The Minutes of the meeting held on 8 November 2010, having been printed and circulated, were taken as read and signed as a correct record.

DEV34 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.

DEV35 - 10/00254/FUL - REDEVELOPMENT OF SITE FOR THE ERECTION OF AN A1 FOOD STORE (1710 SQM GEA), 2 NO. A1 NON FOOD RETAIL UNITS (1784 SQM GEA) AND AN A4 FAMILY PUB/RESTAURANT (697 SQM GEA), WITH ASSOCIATED PARKING, RECONFIGURED VEHICULAR SITE AND PEDESTRIAN ACCESS AND LANDSCAPING AT VESTRIC HOUSE, WEST LANE, HALTON LEA, RUNCORN, WA7 2PE

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

The Committee was addressed by Mr Justin Paul who spoke in support of the application on behalf of Opus Land. He stated that they were keen to invest in Halton and after consulting 300 residents within the immediate area, had received 296 responses that were all in support of the development. He went on to state that benefits would include job opportunities, a total investment of £5 million, the regeneration of the area, and new uses for the site which would include a family pub and bulky goods warehouses. He further stated that the company had provided evidence as to why the Halton Lea and Trident Park sites were not suitable for the development.

The Committee was also addressed by Councillor Loftus who spoke in support of the application on behalf of the residents. She commented that this quality development would be beneficial to the local people from a jobs perspective and that a family pub would be a welcome facility for the area.

It was reported that since the publication of the application, the Council had received an objection from the representative of Fordgate, the owners of Trident Park and Halton Lea Management, on the basis of the following:-

- a) There was no quantitative or qualitative need for additional convenience floor space on this edge of the Centre site and as such it fails to meet the test of Policy TC1 of the UDP;
- b) The applicant had not taken into account the existing vacant units within the shopping centre in undertaking a sequential assessment;
- c) The applicant had failed to take into account the extant permission on East Lane;
- d) Proposal was a stand alone development, physically separated from Halton Lea and would not facilitate any pedestrian linked trips to Halton Lea;
- e) The provision of floorspace outside the Centre would further threaten its vitality and viability and divert trade and associated footfall;
- f) It would have a significant adverse impact upon in-centre trade and turnover due to the extent of diversion from the Centre;
- g) Potential impact on Fordgate's planned private investment in the Centre;
- h) Insufficient evidence to show compliance with the sequential approach;
- i) There was sufficient evidence to refuse the application; and
- j) It was contrary to the policies contained in PPS4.

It was also reported that the Council had received an anonymous letter of objection from the 'parents and partners' of Lidl workers referring to the poor reputation of the Company in the area of employee law and staff relations.

The Committee were not convinced that the applicant had failed the sequential test required by PPS4 nor that there would be a significant adverse impact on the Halton Lea Centre if the development was approved.

Following debate, Members commented that although the recommendation was to refuse the application, there was a strong argument for the benefits that such a development would bring to the Borough. Members considered the application, further comments made and amendments to the application and agreed that it would be in the interests of both local residents and Halton if this development was approved.

RESOLVED: That

- 1) The application be approved due to there being significant benefits from the proposal which outweighed policy objections;
- 2) Delegated Authority be given to the Operational Director, Environment and Regulatory Services, in consultation with the Chair or Vice Chair, to take into consideration additional information and/or amendments to the scheme and to approve subject to conditions and any planning obligation which may be deemed to be required or appropriate; and
- 3) If the S106 Agreement or alternative arrangement is not excluded within a reasonable period of time, authority be delegated to the Operational Director – Environment and 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).

DEV36 - 10/00366/COU - PROPOSED CONVERSION AND ALTERATIONS TO FORM 6 NO. ONE AND TWO BEDROOM APARTMENTS AT THE TUNNEL TOP PUBLIC HOUSE, NORTHWICH ROAD, RUNCORN, WA7 6PE

The consultation procedure undertaken was outlined

in the report together with background information in respect of the site.

It was reported that since the report the Council had received an objection from Cheshire West and Chester Council as follows: -

- a) The proposal, with appropriate landscaping to the car parking area, would not result in any harm to the openness of the Green Belt. PPS4 stated that 'local planning authorities should take into account the importance of the shop, leisure facility or service to the local community to the economic base of the area, if the proposal would result in its loss or change of use, and refuse planning applications which failed to protect existing facilities which provided for peoples' day to day needs';
- b) Whilst not an essential community facility, the public house was currently operating and is therefore a valuable social asset and its loss should be resisted;
- c) There were no other public houses within easy walking distance of Dutton; and
- d) Although the applicant stated the business was operating at a loss, the application does not detail what measures, if any, the applicant had introduced to increase local support.

It was also noted that a further four objections had been received from Runcorn residents commenting on the loss of the public house.

Mr Lynas addressed the Committee and spoke against the application reiterating points mentioned above, adding that the property was purchased as a public house without the option to change its use and requested the Committee to reject due to it being contrary to PPS4 and PPS7.

Mr Say, the applicant addressed the Committee in support of his application. He commented that he had owned the pub for the past 12 years and it had seen twelve previous owners to him, who had all experienced the same problems he was experiencing presently. He further stated that there were not enough people in the surrounding areas to support the viability of the pub and feared for the future of it, even with the efforts of the new tenants.

Councillor Roy Peters addressed the Committee on behalf of Preston Brook Parish Council objecting to the proposal, citing that it was contrary to PPS4, in particular

policies EC6.2, EC7.1 and EC13.

Because the proposal would have led to the loss of a leisure facility, the Committee took into account the importance of the leisure facility to the local community. The Committee concluded that the existing use constituted an important leisure facility to the local community and that the proposal failed to protect an existing facility which provided for people's day to day needs.

Following Members debate and consideration of the further comments made and amendments to the application, the Committee voted by a show of hands and it was noted that 6 members voted against the application and 2 voted for the application, therefore the application was refused.

RESOLVED: That the application be refused due to it being contrary to the advice within PPS4, Policy EC13.1 (b).

DEV37 - 10/00369/FUL - PROPOSED DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 12 NO. DETACHED DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AT 177-181 HEATH ROAD, RUNCORN

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

It was commented that since the publication of the report three further objections had been received from neighbours in relation to the loss of existing houses and the destructive nature of the proposal. These objections included further comments received from the owner of number 175 following amendments to the scheme, regarding the design and appearance of plot 1 and the potential impact on the boundary and drainage, matters which had already been addressed in the report.

The Committee was addressed by Mrs Davis, who spoke on behalf of Lisa Richards (owner of house number 175) who was unable to attend. She reiterated the comments above and stated the Mrs Richards had requested a further amendment.

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

- 1) The applicant entering into a legal agreement in relation to the payment of a commuted sum for the

provision and improvement of off-site open space, replacement tree planting.

2) Conditions relating to the following:

- 1) Standard commencement condition;
- 2) Condition listing approved plans and amended plans;
- 3) Prior to commencement details of materials to be submitted for approval (BE2);
- 4) Condition restricting hours of construction and deliveries (BE1);
- 5) Prior to commencement details of wheel cleansing facilities to be submitted and approved in writing. (BE1);
- 6) Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use (BE1);
- 7) Appropriate visibility splays to be retained (BE1);
- 8) No conversion of garages (TP12);
- 9) Prior to commencement details of boundary treatments to be submitted and approved in writing. (BE2);
- 10) Prior to commencement detailed site investigation, including mitigation to be submitted and approved in writing. (PR14);
- 11) Condition(s) for landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2);
- 12) Conditions relating to tree protection during construction and lifetime of development (BE1);
- 13) Condition replacement tree planting of any of those shown to be retained if lost during construction;
- 14) Prior to commencement a method statement shall be submitted for working methods around those trees to be retained at the access on Heath Road (BE1);
- 15) Condition replacement planting if lost within first five years (BE1);
- 16) Drainage condition, requiring the submission and approval of drainage (BE1);
- 17) Submission and agreement of finished floor and site levels (BE1);
- 18) Condition removing permitted development rights for classes A, B and E (BE1 and BE2); and

19) Condition preventing fences and walls being erected between the dwellings and the new highway (BE1).

- 3) That if the legal agreement is not executed within a reasonable period of time authority is delegated to the Operational Director- Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman to refuse the application on the grounds that it fails to comply with UDP Policy S25 Planning Obligations.

DEV38 - 10/00400/FUL - PROPOSED TWO STOREY COMMUNITY CENTRE AND CENTRE FOR EXCELLENCE FOR AUTISM, ASSOCIATED ACCESS AND CAR PARKING ON LAND AT HALLWOOD PARK AVENUE, RUNCORN

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

The Committee was addressed by Councillor Alan Lowe, who spoke in support of the application. He stated that it was a well thought out project that would serve the community and had the full support of the nearby residents who had all been consulted.

RESOLVED: That Delegated Authority be given to the Operational Director Environment and Regulatory Services, in consultation with the Chair or Vice Chair, to take into consideration additional information and/or amendments to the scheme and to approve subject to conditions (including the need to add conditions as required) relating to the following:

1. Amended plans condition (BE1);
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Landscaping conditions, requiring the submission of both hard and soft landscaping and replacement tree planting. (BE2);
4. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2);
5. Wheel cleansing facilities to be submitted and approved in writing. (BE1);
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1);
7. Vehicle access, parking, servicing etc to be

- constructed prior to occupation of properties/
commencement of use. (BE1);
- 8. Agreement and implementation of cycle parking, bin
store details (TP6);
- 9. Submission and agreement of site and finished floor
levels (BE1);
- 10. Requiring submission and agreement of Travel Plan
(TP16);
- 11. Restricting external lighting (PR4); and
- 12. Conditions relating to protection of trees and
woodland management (BE1).

**DEV39 - 10/00407/FUL - DEMOLITION OF EXISTING BUNGALOW
AND THE CONSTRUCTION OF 1 NO. REPLACEMENT
DWELLING AT 14 BEAUFORT CLOSE, RUNCORN**

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 conditions:

- 1. Time limit for permission (BE1);
- 2. Amended plans (BE2);
- 3. Materials submission (BE2);
- 4. Ground Investigation (PR12);
- 5. Velux windows (RW1 - 8) to be fixed closed (BE1);
- 6. A minimum of 2 off street car parking spaces to be
provided throughout lifetime (BE1);
- 7. Restricted hours of construction and deliveries (BE1);
and
- 8. Wheelwash (BE1)

**DEV40 - 10/00419/OUT - OUTLINE APPLICATION FOR A
PROPOSED CLASS A1 FOODSTORE, PETROL FILLING
STATION AND ASSOCIATED PARKING AND SERVICING
FACILITIES AT ASHLEY RETAIL PARK, LUGSDALE
ROAD, WIDNES**

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

RESOLVED: That

- 1) Delegated Authority is given to the Operational
Director Environment and Regulatory Services, in

consultation with the Chair or Vice Chair, to approve subject to conditions and legal agreement and the application not being called in by the Secretary Of State.

- 2) Should the application be approved the approval shall include conditions relating to the following:
 1. Outline time limits;
 2. Submission of reserved matters;
 3. Wheel cleansing facilities to be submitted and approved in writing and used during construction;
 4. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use;
 5. Requiring implementation of Travel Plan;
 6. External lighting;
 7. Conditions relating to drainage details including oil interceptor;
 8. Submission and implementation of landscaping details;
 9. Details of carbon reduction measures for the store and delivery vehicles;
 10. Modifications to the Lugsdale Road / Greenoaks Way roundabout;
 11. Cycle, motorcycle, disabled parking and taxi rank provision;
 12. Travel Plan;
 13. Parking management plan including commitment to Parking Partnership;
 14. Monitoring and alteration to service access if appropriate;
 15. Induction loops to signal approach outside of highway boundary;
 16. Retaining walls;
 17. Submission of a construction management plan;
 18. Construction and delivery traffic to access routes to be agreed;
 19. Details of materials;
 20. Amended plans condition;
 21. Boundary treatment details to be submitted;
 22. Highway works and parking area to be provided prior to opening of the store;
 23. Condition the net sales area;
 24. Opening hours and hours of delivery;
 25. Noise conditions;
 26. Submission of piling works;
 27. Site investigation and remediation plan; and
 28. Flood risk assessment.

DEV41 - 10/00446/EIA & 10/00305/FUL - PROPOSED DEVELOPMENT AND OPERATION OF WASTE RESOURCE PARK TO ENABLE THE RECYCLING AND SORTING OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTE MATERIALS (MAXIMUM THROUGHPUT OF 200,000 TONNES PER ANNUM), INCLUDING THE PRODUCTION OF COMPOST AND THE PRODUCTION OF REFUSE DERIVED FUEL; AND PROPOSED USE OF PRIVATE ROAD AND CONSTRUCTION OF NEW ROAD TO PROVIDE ACCESS TO LAND AT THE FORMER ICI PILKINGTON WORKS SITE AT WIDNES WATERFRONT, SOUTH OF MOSS BANK ROAD, WIDNES

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

It was reported that this application was a re-submission as it had been presented previously to the Committee in June 2010. It had now been amended reducing the throughput from 400,000 tpa to 200,000 tpa and access to the site had also been relocated 90m north, up Tan House Lane.

Mr Ted Besinski addressed the Committee and spoke in support of the application. He referred to the amendments mentioned above, and the access road alterations, which were referred to in the report under a separate application 10/00305/FUL, which was being considered with this report. He further stated that there had been a positive response from a public consultation of 3000 residents.

Councillor Parker then addressed the Committee and spoke against the application. He cited that there would be an increase in traffic which would come through the Town Centre itself, the waste material would produce acid water into the River Mersey and that Halton View residents had not been included in the consultation procedure.

The following additional comments had also been received since the report was published:-

Environment Agency – stated that this would be acceptable provided conditions are attached in relation to the following: being implemented in accordance with the flood risk assessment; surface water regulation; further details on contamination and remediation strategy;

verification report on remediation; long term monitoring; maintenance and contingency for remediation; scheme to treat and remove solids from surface water run-off during construction work; scheme for foul and surface water drainage including oil and petrol interceptors; trapped gullies and roof drainage sealed at ground level.

Further advice was provided as an informative to the applicant in relation to water abstraction licenses and Environmental Permits, and the requirement for site waste management plans.

It was noted that further comments had been provided in relation to lighting and soft boundary screening treatment along the St Helens Canal, and that landscaping schemes would include native planting.

Natural England – had noted that the site is close to the Mersey Estuary Ramsar, Special Protection Area, and site of special scientific interest. It was their opinion that the proposal would not significantly affect this.

They noted that the proposal included remediation of the site that would significantly improve quality of the shallow ground waters, removing direct discharges to controlled waters, and were pleased that this work was being carried out in consultation with the Council's Contaminated Land Officer and the Environment Agency. It was noted that they had asked that a relevant condition be attached to control this.

They had further commented that the air quality impact on the River Mersey SPA had not been assessed, but taking into account the type of the development and the assessment/surveys carried out as part planning application, they do not consider the proposal would have a significant impact on the river Mersey designated site relating to air quality.

It was noted that the ecological surveys concluded that no protected species would be affected. However in the event that any were found, they would stop until further surveys were carried out until suitable mitigation measures were put in place.

Northwest Regional Development Agency (NWDA) – The proposal fell outside the scope that the NWDA would statutorily be consulted upon. They had noted that the site was within the Widnes Waterfront EDZ and that the number of jobs that would be generated was generally low compared

to the size of the development. It was noted that they wished to be assured that the proposal would not impact on the future development potential of the wider EDZ area. They had looked to the Council to assess the impact of the proposal including the traffic movements. If the proposal was approved, they commented that it should be satisfactorily landscaped and operated in accordance with current best practice.

British Waterways – The proposal did not lie within the consultation zone of any waterway, reservoir, canal, feeder, channel, water course, let off or culvert owned or managed by British Waterways, therefore they had no comment.

United Utilities – Had no objection provided the site was drained on a separate system with foul drainage only connected to the foul sewer. They noted that the overall regeneration of the Widnes Regeneration Area required a significant amount of water and the existing network would not support the total demand. Work was currently underway to provide a new connection of the large diameter main. Further information would be required from the developer before they knew if the local mains could support this. The development could only be supplied once reinforcement had been installed.

Knowsley Council – Had no objection subject to Halton being satisfied that the proposal met its own policy requirements and noted the comments of MEAS in that the application was the same as the previous in that it sought permission for a Mechanical Biological Treatment (MBT) and a Vessel Composting (IVC) facility. The difference being that the throughput was now reduced to 200,000 tpa and the access had been amended.

It was also reported that since the report was published three further representations had been received from local residents and businesses concerning the following:

- The traffic would have a detrimental impact on the Town causing congestion which would impact on the operation of existing businesses;
- Concerns raised that perception of the waste resources park would have an impact on investment. Companies, including Forward Partnership had invested in developing new office units which were vacant; the new proposal would further prevent

business wanting to move into the units; and

- The proposal was contrary to the commitments of the Widnes Waterfront Masterplan which seeded high quality mixed uses, including offices business parks and residential leisure and retail;

Finally, it was reported that additional conditions were required in relation to:-

- a) Contamination and remediation strategy;
- b) Submission of a verification report on remediation;
- c) Submission of a long term monitoring, maintenance and contingency plan for the remediation;
- d) Submission of a scheme to treat and remove solids from surface water run-off during construction work;
- e) Submission of a scheme for foul and surface water drainage including oil and petrol interceptors, trapped gullies and roof drainage sealed at ground level;
- f) Details of permanent wheel cleaning facilities at the site for during operation; and
- g) Condition specifying and restricting the types of waste to be processed at the site.

RESOLVED: That application **10/00446/EIA** be approved subject to:-

- 1) The entering into a Legal Agreement for the provision of a financial contribution towards Environmental Matters, and the provision of a bus service to the site for employees.
- 2) The following conditions:
 - 1 Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990);
 - 2 List of approved plans and documents (BE1, BE2);
 - 3 Prior to the commencement of development submission and approval of materials (BE2) ;
 - 4 Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved; (BE1);
 - 5 Conditions for prior to commencement approval of detailed landscaping scheme including hard and soft landscaping and planting and cultivation (BE1 and GE27);
 - 6 Condition that any planting lost within the first five years following completion be replaces;

- 7 Prior to commencement approval of fencing and boundary treatment details (BE22);
- 8 Condition(s) in relation to the submission of a ground investigations and remediation strategy to be submitted to and approved by contaminated land and environment agency. This shall include the monitoring maintenance and any contingency final report demonstrating that all long-term site remediation criteria;
- 9 No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels; (BE1);
- 10 Prior to the commencement final construction details of the access road and the point of access onto Tan House Lane to be submitted for approval (BE1);
- 11 Prior to occupation of the buildings laying out of approved vehicle access, service and parking areas and to be retained as such (BE1);
- 12 Condition limiting the throughput of material to 200,000 tpa;
- 13 Prior to commencement condition relating to the disposal of foul and surface water (PR5);
- 14 Condition relating to installation of oil and petrol separators (PR5);
- 15 Condition relating to the installation of trapped gullies (PR5);
- 16 Condition relating to the installation of roof drainage-sealed at ground level;
- 17 The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed within; (BE1 and PR16);
- 18 Prior to commencement provision of a surface water regulation scheme to be submitted and approved; (BE1);
- 19 Prior to the commencement of development details of secure cycle parking (TP16);
- 20 Prior to the occupation of the buildings a framework travel plan shall be submitted for approval;
- 21 Condition restricting no external storage of materials (BE1 and RG3);
- 22 Condition preventing the unloading, loading or handling of waste associated with the facility shall take place outside the building (BE1, PR1 and PR3);

- 23 Condition ensuring the doors to the facility building shall be kept closed at all times except for essential access and egress to and from the building (PR1 and PR3);
 - 24 The waste reception hall, processing and composting buildings shall be held under negative pressure during operating hours (PR1 and PR3);
 - 25 Prior to commencement a scheme of noise attenuation is provided to demonstrate that noise levels from the proposed development can achieve 10dB(A) below background at the 'Routledge' site (PR2 and PR28);
 - 26 Prior to the commencement of development details of lighting shall be submitted to and approved in writing. This should include details Lux levels and light spill diagrams (BE1 and PR4);
 - 27 Prior to the commencement of development, details shall be provided to demonstrate how at least 10% of the proportion of the developments energy requirements can be secured through the provision of renewable, decentralised or low carbon sources. For implementation prior to occupation and operation of the development lifetime (RSS – EM18);
 - 28 Use restriction that the building shall only be used for B2 'General Industrial (BE1 and RG3); and
 - 29 Traffic Management Plan.
- 3) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environment & 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).

RESOLVED: That application **10/00305/FUL** be approved subject to the following condition(s):

1. Time limit for the commencement of development; (in accordance with the Town & Country Planning Act 1990).

DEV42 MISCELLANEOUS ITEMS

The following applications had been withdrawn :-

10/00298/FULTEL	Proposed replacement of existing flood lighting column with a 17.5m high telecommunications pole with attached floodlight, 3 No. antennas and equipment cabinets at ground level at Widnes Rugby Union Club, Heath Road, Widnes, Cheshire
10/00280/FUL	Proposed two storey office block and car park extension at Rushserve Ltd Waterloo Road, Widnes, Cheshire, WA8 0QR
10/00405/FUL	Proposed two storey rear and side extensions and single storey side extension at 18 Coronation Road, Higher Runcorn, Cheshire, WA7 5QD
10/00294/FUL	Proposed construction of detached two storey, two bedroom dwelling house at 8 Chapel Lane, Widnes, Cheshire, WA8 4NX

The following appeal had been withdrawn:-

10/00013/FUL

10/00012/REFUSE

APPEAL NUMBER

Proposed residential development comprising 18 No. courtyard houses, detached garages, private access road and private open space at Former Dawsons Dance Centre, Lunts Heath Road Widnes, Cheshire, WA8 5BG

Meeting ended at 8.17 p.m.