

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 10 March 2014 at the Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Baker, Cole, R. Hignett, S. Hill, C. Loftus, A. McInerney, T. McInerney, Morley, Osborne, C. Plumpton Walsh and Rowe

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, A. Brennan, G. Henry and J. Farmer

Also in attendance: 27 Members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

DEV58 MINUTES

The Minutes of the meeting held on 10 February 2014 having been circulated, were taken as read and signed as a correct record.

DEV59 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.

DEV60 - 13/00479/S73 - APPLICATION UNDER S73 OF THE TOWN AND COUNTRY PLANNING ACT TO VARY CONDITIONS 6, 7, 23, 24, 28, 31, 32 AND 33 OF PLANNING PERMISSION 09/00129/OUT TO ALLOW USE OF WALSINGHAM DRIVE AS A CONSTRUCTION ACCESS AND RESIDENTIAL ACCESS ON LAND AT SANDYMOOR, RUNCORN

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

Action

Officers advised the Committee that they had received a petition of 421 signatures from residents in objection to the proposal (and the preceding application) which was accompanied by a lengthy covering letter raising issues already addressed in the officer's report and verbal update.

Objections had also been received from: Ward Councillor John Bradshaw (who was unable to attend the meeting so his letter was circulated to Members of the Committee prior to the meeting); Sandymoor Parish Council; local resident Lynn Plumbley; and Graham Evans MP, who raised concerns of inadequate public consultation and stating that Walsingham Drive was a residential area and that the road was unable to cope with construction traffic. In response the applicant had responded in a letter to Mr Evans stating that the Walsingham Drive proposal was envisaged to be a short term solution for construction traffic and that they were prepared to relax conditions to allow 132 houses to be constructed at the first phase. Members were advised that the current application and recommendation did not seek to control such useage.

With regards to the level of public consultation, it was reported that the Council had consulted much further than required by legislation, due to the likelihood of public interest. Members were also advised that the proposals were not considered contrary to any article laid down with respect to the human rights of surrounding residents.

Members were advised that since the report was published a further 21 letters of objection had been received, relating to matters addressed in the report.

Members were referred to page 35 of the agenda which presented a list of potential impact mitigation measures suggested by the applicant and which were expected to form the basis of a detailed Construction Environmental Management Plan for each phase of development which would be secured by a planning condition. Members were advised that a significant number of the suggested measures were not considered enforceable under planning legislation but demonstrated that reasonable consideration had been given to reducing construction impacts.

In summary officers advised the Committee that this application was to issue a new planning permission. All conditions of the earlier permission that were not subject to this application to vary would be carried across to the new

permission. It was noted that the legal or other appropriate agreement would clearly specify those roads to be covered by the agreement. Members were referred to the table of conditions and the minor variations from the report requested verbally and shown below in the recommendations.

The Committee was addressed by the Reverend Canon David Felix, Chairman of Sandymoor Parish Council, who spoke on behalf of the residents of Walsingham Drive. He commented that the residents of Sandymoor were aware of the Masterplan for Sandymoor and the likelihood that there will be more development of the land in future. They objected however to the use of Walsingham Drive for construction traffic when it was agreed in 2009 that the Windmill Hill access road would be used. He requested that the Parish Council be included in talks between the Council and the Developer regarding traffic management issues.

Local resident Lynn Plumbley addressed the Committee objecting to the use of Walsingham Drive for construction traffic and questioned the suitability of the road for this purpose, stating that the asphalt level was 25mm below the required level. She further questioned the transparency of the public consultation and referred to the 48 residences with access from Walsingham Drive whereas there were none on the Windmill Hill route. She requested that the original conditions relating to the use of Windmill Hill Avenue East remained.

Rhian Davitt, a representative of the applicant and land owner, then addressed the Committee. She advised that the Homes and Communities Agency (HCA) had been awarded a grant of £1.15m towards the infrastructure building works of the project and would use the funding for the construction of a section of highway for site access at Sandymoor South. She advised that Phase 1 of the development would see 130 houses built over 3 years, completing in spring 2018. She said that the applicant had listened to residents' concerns during the consultation period and would implement a Construction Management Plan for the site. She argued that Walsingham Drive was of the required standard needed for the traffic and commented that the HCA was keen to work with the Council and residents.

In response to a Members query regarding the possibility of the Parish Council being included in Council meetings with the developer, it was confirmed that this would only be in a consultancy capacity.

After hearing the speakers' representations and officer responses, the Committee debated the application before them. They moved to a vote on the application which was approved.

RESOLVED: That the application be approved subject to:

1. the applicant entering a legal or other appropriate agreement securing the condition survey, monitoring and repair / reinstatement of Walsingham Drive and routes to the Daresbury Expressway;
2. conditions being varied / added as follows:

Original condition wording	Recommended variation
<p>“(6) Prior to the commencement of development details shall be submitted showing works to bring the Windmill Hill Avenue East connection up to an adoptable standard, including bend realignment, new footway and cycleway connections”.</p>	<p>Prior to any connection to allow access or egress to/from the site and Windmill Hill Avenue East by motorised traffic serving the residential development hereby approved details shall be provided for a scheme of works to bring that connection up to an adoptable standard for its full length, including bend realignment, new footway and cycleway connections which shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include a timetable for implementation and shall be carried out as approved.</p>
<p>“(7) Prior to the commencement of development details shall be submitted showing off-site works to the existing highway to add/upgrade footways/footpaths as agreed with the Local Planning Authority linking Windmill Avenue East to the development sites, to be agreed in writing by the Local Planning Authority.”</p>	<p>Prior to any connection to allow access or egress to/from the site and Windmill Hill Avenue East by motorised traffic serving the residential development hereby approved, a scheme of works to that connection and including off site highway works to Windmill Hill Avenue East, to add/upgrade footways/footpaths to provide pedestrian and cycle links along its full length linking the site and connecting onto Windmill Hill Avenue East shall be submitted to and agreed in writing by the Local Planning</p>

	<p>Authority. Such details shall include a timetable for implementation and shall be carried out as approved.</p>
<p>“(23) Prior to the commencement of each phase of development, details shall be provided to demonstrate through submission of an Energy Strategy, how 10% of that phase of developments predicted energy requirements are to be met from the decentralised renewable or low carbon sources. The strategy shall be submitted for the approval of the Local Planning Authority and shall propose the use of on site generation unless it can be demonstrated that this is not feasible or viable. Work on that particular phase shall not commence until such time as the Local Planning Authority has given written confirmation that it is satisfied with the proposed strategy and once approved the requirements of the strategy shall be implemented prior to the first occupation of the buildings and maintained throughout the lifetime of that development.”</p>	<p>Delete Condition – The Condition was attached in response to policy contained within the Regional Spatial Strategy which has now been abolished. The reason for applying this Condition no longer applies.</p>
<p>“(24) no phase of development of each phase approved by this permission shall commence until the scheme for the management of overland flow from surcharging of the site’s surface water drainage systems for that phase has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved for each phase shall only be carried out in accordance with the</p>	<p>No phase of development shall commence until a scheme for the management of overland flow from surcharging of the site’s surface water drainage system for that phase has been submitted to and approved in writing by the Local Planning Authority. The development for each phase shall be carried out in accordance with those details as approved, the approved Sandymoor Detailed Flood Risk Assessment (FRA) (Jacobs 2012) and the Sandymoor Drainage Strategy</p>

<p>approved Flood Risk Assessment (FRA) from Jacobs Engineering re: B0342100 and the following mitigation measure detailed within the FRA.”</p>	<p>by AECOM (ref 60272103/3519/DSR001, November 2013).</p>
<p>“(28) All construction traffic and construction delivery traffic shall access the sites via Windmill Hill Avenue East and at no time via Walsingham Drive unless otherwise agreed in writing by the Local Planning Authority.”</p>	<p>Prior to the commencement of development on any phase of development hereby approved a detailed Construction Management Plan having regard to the proposed mitigation measures listed in the submitted transport assessment and including details for the routing and management of construction traffic and construction delivery traffic to demonstrate how potential highway safety and residential amenity impacts will be minimised shall be submitted to and agreed in writing by the Local Planning Authority. The development for each phase shall be carried out in accordance with the approved Construction Management Plan for that phase.</p>
<p>“(31) Prior to the occupation of the 149th dwelling or within 4 years after the commencement of development whichever is the sooner, the details as approved for works to bring the Windmill Hill Avenue East connection road up to an adoptable standard, including bend realignment, new footway and cycleway connections and assessment and any improvements necessary for the adoption of the canal bridge structure shall be implemented to the full satisfaction of the Local Planning Authority.”</p>	<p>Prior to the occupation of the 149th dwelling a detailed plan for emergency access to and from future development sites including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be carried out as approved.</p>
<p>“(32) Prior to the occupation of the 149th dwelling or within 4 years after the commencement of</p>	<p>Delete Condition – requirements superseded by Conditions 6 and 7 as mentioned.</p>

<p>development whichever is the sooner, the details as approved for off-site works to the existing highway to add/upgrade a footway/footpaths as agreed with the Local Planning Authority linking Windmill Hill Avenue East to the development sites shall be implemented to the full satisfaction of the Local Planning Authority.”</p>	
<p>“(33) Prior to the occupation of the 149th Dwelling constructed on the first phase of development, provision of an agreed traffic calming scheme shall be provided for use by residential traffic only, along Walsingham Drive to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.”</p>	<p>Prior to the occupation of the 149th dwelling a scheme of off-site highway works to provide speed reduction measures for motorised traffic along Walsingham Drive has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a detailed timetable for implementation and shall be carried out as approved.</p>

The following additional conditions were also to be included:

- Prior to the commencement of any phase of residential development hereby approved capacity assessments shall be submitted for any culvert to Sandymoor Brook within that phase shall be submitted to and agreed in writing to ensure that sufficient capacity exists within that culvert to improve flow and prevent flooding. Schemes for any necessary remedial works shall be submitted to and agreed in writing by the local planning authority and implemented as approved; and
- Prior to the commencement of the development hereby approved, details of wheel cleansing facilities for heavy commercial and site vehicles shall be submitted for the approval of the Local Planning Authority. Such details as were approved shall be implemented, maintained and used by all heavy commercial and site vehicles with an operating weight greater than 3 tonnes before leaving the site throughout the construction period of the development;

3. that if the S106 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 Chairman or Vice Chairman of the Committee, to refuse the application; and
4. that the Committee was satisfied that any future application for the removal of variation of Condition 30 (stating that “*within 18 months of the commencement of development details shall be submitted of any improvements necessary for the adoption of the Canal Bridge structure*”) of outline planning permission 09/00129/OUT was to be determined under delegated powers.

DEV61 - 13/00478/FUL - PROPOSED PHASED HIGHWAYS INFRASTRUCTURE WORK ON LAND OFF WALSINGHAM DRIVE, SANDYMOOR, RUNCORN

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

Members were advised that specified officer's updates provided in the previous determined application (13/00479/S73) related to this one as well, as did the speakers' representations. It was reported that further letters of objection had been received relating to this application only, bringing the total to 13.

It was reported that responses had now been received from Natural England regarding outstanding ecology issues. They had confirmed that they did not object to the proposed development subject to an additional condition relating to habitat management and a maintenance plan for Great Crested Newts.

As with the previous application, it was confirmed that the applicant would implement an agreed Construction Environmental Management Plan to minimise the impacts of the development on residents. Further the applicant would enter into a legal or other appropriate agreement securing the condition survey, monitoring and repair and/or reinstatement of Walsingham Drive and any identified routes leading to the Daresbury Expressway. An additional condition relating to wheel cleansing was also required, and the request to remove condition number 5 was noted.

Mr Newnes addressed the committee objecting to the application on the grounds that the boundary of Sandymoor South had changed and was not consistent. He stated that Graham Evans MP had written to the HCA requesting to know why they had changed the site from South to North. He also questioned the thickness of the asphalt on Walsingham Drive and other issues relating to construction traffic.

Following agreement with the additional conditions and removal of condition number 5, Members moved to a vote on the application which was approved.

RESOLVED: That the application be approved subject to:

- a) The applicant entering into a legal or other appropriate agreement securing the condition survey, monitoring and repair / reinstatement of Walsingham Drive and routes to the Daresbury Expressway; and
- b) Conditions as follows:
 1. Standard 3 year permission to commence development;
 2. Confirming the permission as a phased development and that prior to commencement of any phase all conditions relating to that phase must be discharged;
 3. Submission and agreement of a full and detailed Construction Management Plan and Construction Traffic Management Plan requiring development to be carried out in accordance with Construction Method Statement;
 4. Materials condition, requiring the development to be carried out as approved;
 5. Submission and agreement of landscaping details including aquatic planting to ponds and replacement tree planting and requiring the development to be carried out as approved;
 6. Conditions requiring that development be carried out in accordance with the approved FRA and the Sandymoor Drainage Strategy, requiring submission and agreement of a scheme for the regulation of surface water discharge, management of overland flow and drainage details;
 7. Construction and delivery hours to be adhered to throughout the course of the development;
 8. Submission and agreement of site and finished

- levels;
9. Condition relating to measures to be undertaken should unexpected contaminated material be uncovered;
 10. Conditions relating to tree protection during construction;
 11. Requiring submission and agreement of a scheme of deadwood mitigation;
 12. Requiring development be carried out in accordance with the submitted ecological constraints and its associated recommendations and mitigation strategies;
 13. Prior to the commencement of the development hereby approved, details of wheel cleansing facilities for heavy commercial and site vehicles shall be submitted for the approval of the Local Planning Authority. Such details as were approved shall be implemented, maintained and used by all heavy commercial and site vehicles with an operating weight greater than 3 tonnes before leaving the site throughout the construction period of the development; and
 14. Submission and agreement of a scheme of habitat management and maintenance for great crested newts be submitted to and agreed in writing by the local Planning Authority and implemented as approved; and
- 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 – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman of the Committee, to refuse the application.

DEV62 - 14/00013/FUL - CONSTRUCTION OF 17 NO 2 BED 4 PERSON HOUSES, 4 NO 1 BED 2 PERSON HOUSES AND 6 NO 1 BED 2 PERSON APARTMENTS AT SHEPHERDS ROW, CASTLEFIELDS, 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 the following Conditions:

1. Standard 3 year permission (BE1);
2. Condition specifying amended plans (BE1);

3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
4. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting (BE2);
5. Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
6. Wheel cleansing facilities to be submitted and approved in writing (BE1);
7. Requiring development be carried out in accordance with the submitted finished floor and site levels (BE1);
8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
9. Details of foul and surface water drainage details (BE1);
10. Vehicle access, parking, servicing to be constructed prior to occupation of properties/commencement of use (BE1);
11. Conditions relating to the agreement and implementation of bin and cycle parking provision (BE1/TP6);
12. Conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences (BE1);
13. Site investigation, including mitigation to be submitted and approved in writing (PR14); and
14. Conditions relating to tree protection during construction (BE1).

DEV63 - 14/00015/FUL - PROPOSED CONSTRUCTION OF A HIGHWAYS MAINTENANCE AND STORAGE DEPOT INCLUDING AN OFFICE, WELFARE BUILDING, SALT STORAGE, COVERED STORAGE, PARKING AND OTHER ANCILLARY OPERATIONS AT PLOT 'B' JOHNSONS LANE, WIDNES

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

Officers reported that since the publication of the agenda the applicant had relocated the soft barn due to the presence of United Utilities pipes beneath it? The updated plan was presented to the Committee showing the location of the soft barn on the opposite side of the site.

RESOLVED: That the application is approved subject to the following Conditions:

1. Standard condition relating to timescale and duration of the permission;
2. Development to be carried out in accordance with the submitted plans (BE1);
3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
4. Submission, agreement and implementation of drainage scheme for disposal of foul and surface waters (BE1, PR5); and
5. Submission and approval of details of external lighting (PR4).

Councillor Rowe declared a Disclosable Pecuniary Interest in the following item as he was the applicant. He left the room during consideration of the application.

DEV64 - 14/00054/NMA - INCREASE IN REAR WINDOW SIZE IN APPROVED TWO STOREY SIDE EXTENSION (13/00364/~FUL) AT 101 HEATH ROAD SOUTH

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

RESOLVED: That the application be approved as a non-material amendment.

DEV65 MISCELLANEOUS ITEMS

The following Appeals had been received / were in progress:

13/00011/S73

APP/D0650/A/13/2201280 - Proposed variation of condition 57 of BERR permission 01.08.10.04/8C (Halton Ref 07/00068/ELC) to vary (by increase) the maximum amount of Refuse Derived Fuel (RDF) which may be transported by road to the energy from waste facility (EfW) from 85,000 tonnes per annum up to 480,000 tonnes per annum at Ineos Chlor South Parade, Runcorn. And to place an obligation on the operator of the EfW facility to report annually to Halton Borough Council the actions taken to secure the delivery of RDF by rail and or water over the previous 12 month period together with recommendations for the year ahead at Runcorn Energy From Waste Facility, Barlow Way, Off Picow Farm Road, Runcorn, Cheshire, WA7 4HG.

Inquiry held in January, currently awaiting decision of the Secretary of State.

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry has been held, currently awaiting decision of the Secretary of State.

13/00022/GNWORK (APP/D0650/C/13/2207343) - Enforcement notice issued for the construction of the area of hard-standing on land at Sandy Lane, Preston Brook, Runcorn, Cheshire, WA7 3AW.

In progress being dealt with by written representations.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College

The Secretary Of State has called the application in for his consideration. This will now be heard by a public Inquiry later in the year.

Power 96 of the Council's Constitution

96. To exercise the Council's powers and Duties and to determine all matters having regard to approved Council policies, standards and guidance within the powers and duties of the Development Control Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than (in relation to an application) which:

- (a) is a notifiable application;
- (b) any Member requests (for planning purposes) in writing should be presented to the Committee;
- (c) is submitted by or on behalf of a Member;
- (d) is submitted by or on behalf of an employee of the Council who is directly involved in the planning process;

(e) involves more than 10 residential units; and
(f) involves non-residential development exceeding 1,000 square metres of building footprint.

NOTE: exceptions (a), (e) and (f) shall not apply in respect of an application to extend the life of a planning permission or to vary any condition attached to a planning permission.

Introduction

1. This item is seeking a temporary amendment to the Council scheme of delegation in relation to Non Material Amendments.
2. Section 96A was introduced in 2009 and allows a non-material amendment to be made to an existing planning permission via a simple application procedure with a quick decision time. There is no statutory definition of 'non-material', although it is usually an alteration that is usually considered very minor. This is because it is so dependent on the context of the overall scheme. What may be non-material in one context may be material in another. Consultation is left to the discretion of the Local Authority, and is often not expected. The time period of determination is 28 days.

The requested amendment

3. The regulations state that the notifications in relation to non – material amendment must be issued within 28 days of receipt.
4. Given the timescales involved in processing a request and that an alteration that is usually considered very minor. This is because it is so dependent on the context of the overall scheme.
5. On this basis officers are seeking that all Non material amendments including any of the categories listed within power 96 be delegated to the Operational Director – Policy, Planning and Transportation.

Ineos Public Inquiry

Officers advised the committee that the decision of the Secretary of State had been received and the appeal was upheld.

Meeting ended at 7.51 p.m.