

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Tuesday, 12 April 2016 at The Board Room - Municipal Building, Widnes

Present: Councillors Morley (Vice-Chair, in the Chair), J. Bradshaw, R. Hignett, S. Hill, C. Plumpton Walsh, J. Stockton, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors Nolan, Cole, June Roberts and Wainwright

Absence declared on Council business: None

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

Also in attendance: Sandymoor Parish Councillor David Felix and two members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV44 MINUTES

Officers reported that there was one Condition omitted from Minute number DEV 38 as follows:

'A risk assessment that demonstrates that risks from contamination to Bowers Brook were minimised and including any necessary mitigation measures'

The Minutes would be amended and presented for agreement at the next meeting of the Committee.

RESOLVED: That

- 1) the minutes from the meeting held on 7 March 2016 be amended to include the additional condition above; and
- 2) the revised minutes be agreed at the May Committee meeting.

DEV45 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.

DEV46 - 15/00453/FUL - PROPOSED DEVELOPMENT OF 205 DWELLING HOUSES TOGETHER WITH ASSOCIATED INFRASTRUCTURE ON LAND TO THE REAR OF SANDYMOOR FREE SCHOOL, WHARFORD LANE, SANDYMOOR

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

Since the report was published Officers advised the Committee that an additional letter had been received raising similar issues already discussed in the report relating to increased traffic and highway safety. It was noted that the amended noise report with updated mitigation measures had been received and the Environment Agency had confirmed that they raised no objections based on the updated Flood Risk Assessment subject to condition. With regards to the highways, surface water drainage and land contamination queries; these were still to be resolved. Members were advised that the applicant intended to programme the bridge and access works during school holidays; hence the early reporting of the application to Committee with a request for delegated authority to minimise delay that could be apportioned to the planning system.

One correction to the report was made; the final paragraph on page 16 point a) of the recommendation to be deleted and replaced with '*the entering into a legal or other agreement for the provision of a financial contribution per dwelling*', similar to the existing overarching Sandymoor Legal Agreement and towards *inter alia* highway improvements.

The Committee was addressed by Sandymoor Parish Councillor David Felix, who spoke regarding the requirement for an easement of drainage agreement which would need to be entered into between Sandymoor Parish Council (SPC) the owners of the land, and the developer, and that currently this had not been finalised. Reverend Felix produced a draft plan of the area detailing the drainage requirements. He further stated that the public open space areas were not finalised and that SPC needed more information regarding the financial contributions towards this. Parish Councillor Felix also raised concerns over the volumes of traffic in the area, in particular the junction at Wharford Lane and Pitts Heath Lane, and Newmore Lane junction. He also raised concerns of the access to Sandymoor itself in the event of a road accident, as had recently happened. He requested the Committee to note

that the easement agreement had not yet been reached when making their decision on the application.

In response to the Speaker the Committee was advised that the outstanding drain easement agreement was a private land matter and therefore not a material consideration. Drainage considerations would normally be dealt with by conditions; similarly third party payment for maintenance of the public open spaces was not a material consideration whereas a maintenance schedule could be covered by a landscaping condition. With regards to concerns over the traffic and junctions, this was a material condition and the Highways Officer responded. It was reported that some allowance in the overall masterplan had been made for transport growth in Sandymoor up to 2018. He stated that the performance of the junctions and chicane at Newmore Lane and Wharford Lane would be monitored over the next two years; but there were no alterations proposed as a result of the current proposals or in the immediate future. It was noted however that within the terms of the recommendation this included scope to use Section 106 monies for adaptations if deemed necessary in the future.

With regards to the drainage and land ownership issues, Officers advised that these would be resolved during the course of the determination and prior to any planning permission being issued under delegated powers.

Councillor Bradshaw raised concerns over the problems that already existed on Newmore Lane and Wharford Lane junctions and commented that this would worsen well before 2018 due to the increase in the volume of traffic expected. He suggested plans be put in place to cope with the increase in traffic in these areas in the near future.

After taking the Officer's report and updates and the Speaker's representation into consideration, the Committee agreed to approve the application, subject to the required test outcomes upon expiration of the consultation period; the resolution of the outstanding issues mentioned above; and the conditions listed in the report.

RESOLVED: That the application be delegated, on expiration of all relevant consultation periods, to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control committee subject to:

- a) The entering into of a Legal Agreement or other agreement for the provision of a financial contribution analogous to the existing overarching Sandymoor Legal Agreement, with added provision to include use of such financial contribution for alterations to Pitts Heath Lane / Wharford Lane junction, should the junction become overcapacity with the proposed development (plus committed development) in place.
- b) Conditions relating to the following:
- 1) Standard 3 year permission (BE1);
 - 2) Specifying approved and amended plans (BE1);
 - 3) Requiring submission and agreement of a detailed Construction Environmental Management Plan, including wheel cleansing facilities and construction vehicles access routes, construction parking and management plans and timing and management of deliveries to avoid peak school drop off / pick up times, to be submitted and approved in writing (B1);
 - 4) Materials condition, requiring the submission and approval of the materials to be used (BE2);
 - 5) Landscaping condition, requiring submission and approval of both hard and soft landscaping, including replacement tree planting (BE2);
 - 6) Submission and agreement of boundary treatment, including retaining walls (BE2);
 - 7) Construction and delivery hours to be adhered to throughout the course of the development (BE1);
 - 8) Vehicle access, parking and servicing to be constructed prior to occupation of properties / commencement of use (BE1);
 - 9) Condition restricting permitted development rights relating to frontage boundary fences etc (BE1);
 - 10) Requiring submission and agreement of a scheme of confirmatory soil testing strategy / remediation strategy and verification report upon completion of the remedial works as required (PR14);
 - 11) Submission and agreement of details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife including dwellings to be fitted with bird boxes (GE21);
 - 12) Conditions relating to tree protection during construction (BE1);
 - 13) Submission and agreement of detailed surface water / highway drainage (BE1/PR5);
 - 14) Requiring submission and agreement of site and finished floor levels (BE1);

- 15) Submission and agreement of Himalayan Balsam method statement (PR14);
- 16) Securing Water Vole displacement in accordance with the relevant Class Licence and best proactive protocol (GE21);
- 17) Submission and agreement of a detailed habitat management plan (GE21);
- 18) Submission and agreement of detailed bankside habitat mitigation scheme (GE21);
- 19) Submission and agreement of scheme of protective fencing to Keckwick Brook to secure 10m buffer zone (GE21);
- 20) Conditions securing compliance with Ecological Assessment / addendum recommendations / mitigation measures (GE21);
- 21) Conditions requested by the Environment Agency relating to the revised Flood Risk Assessment and mitigation measures (PR16);
- 22) Submission and agreement of updated noise mitigation measures to be implemented (PR2);
and
- 23) Requiring submission and agreement of bridge parapet / materials details (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 – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application.

DEV47 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

15/00592/FUL

Proposed two storey side extension at Jamar, Halton Station Road, Runcorn, Cheshire, WA7 3EL.

13/00379/OUT

Outline application (with all matters reserved) for residential development of up to 131 dwellings on Land East of Dans Road and North and West of Bennetts Lane, Gorsey Lane, Widnes, Cheshire.

The following Appeals had been received / were in progress:

15/00108/S73

Proposed removal of condition number one 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 and the variation of condition 5 to allow the stationing of 12 caravans at any time (of which no more than one shall be static caravan or mobile home) at land to the South West of Junction between Newton Lane and Chester Road, Daresbury, Cheshire.

Appeal to be heard at a Public Inquiry for four days commencing on 4 October 2016 at Runcorn Town Hall.

15/00005/REFUSE – 15/00115/COU

Proposed change of use to residential caravan site for up to 8 caravans including the laying of hardstanding and erection of three amenity blocks at former Ivy House, Marsh Lane off Brindley Road, Runcorn, Cheshire, WA7 1NS.

To be dealt with by way of a Public Inquiry (date to be confirmed).

15/00006/REFUSE – 14/00656/FUL

Proposed construction of single storey convenience store with associated car parking, landscaping and ATM machine at Wellington Hotel Car Park 23, Town Lane, Hale, Liverpool L24 4AG.

The Appeal was dismissed.

Mr Plant advised Members of the appeal decision regarding the application at the Wellington Hotel and the issues involved.

Meeting ended at 7.00 p.m.