

DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 5 June 2023 at the Civic Suite, Town Hall, Runcorn

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Bevan, Carlin, Davidson, C. Loftus, Philbin, C. Plumpton Walsh, Polhill, Thompson and Woolfall

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, L. Wilson-Lagan and A. Blackburn

Also in attendance: Councillors M. Lloyd Jones and P. Lloyd Jones and 4 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

| | | <i>Action</i> |
|------|--|---------------|
| DEV1 | MINUTES The Minutes of the meeting held on 15 May 2023, having been circulated, were taken as read and signed as a correct record. | |
| DEV2 | 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. | |
| DEV3 | 22/00041/COU - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF FIELD TO DOG WALKING AND DAY CARE FACILITY AND ERECTION OF FIELD SHELTER AT WHITEHOUSE FARM, BARKERS HOLLOW ROAD, PRESTON BROOK, WA4 4LW The consultation procedure undertaken was outlined in the report together with background information in respect of the site. The Committee was informed that in order to address | |

concerns over access arrangements, the Applicant had made changes to the proposed site layout plan; these were outlined. The Applicant had also undertaken an independent stage one and two Road Safety Audit based on the amended scheme. The Highway's Officer now considered that the proposal was acceptable subject to the attachment of conditions securing the off-site highway improvements and a travel plan detailing drop off, pick up, parking and manoeuvring protocols and visibility splays.

It was noted the Environmental Health Officer raised no objection to the proposal as noise nuisance was not likely to cause a significant increase in ambient noise levels for either day or night time conditions.

Since the publication of the agenda, it was reported that a photograph showing 15 dogs on the site had been submitted to the Council by an interested party. Members were advised this number corresponded with the current restriction imposed by Environmental Health in the Applicant's licence, under the Animal Welfare Act 2006 for the boarding of dogs as set out in the report.

Mrs Reid, who owned and lived in the neighbouring property, addressed the Committee. She opposed the application stating that it hindered her peaceful enjoyment of her property, where she has lived for over 30 years. She stated that she was not aware of the publication of the agenda until last Friday. She argued the following, *inter alia*:

- There were 15 dogs not 10 as stated in the submission;
- Only one handler was in charge of 15 dogs;
- News reports indicated that there had been a 37% increase in dog attacks;
- There was noise disturbance from barking dogs in the field and music being played to calm them;
- Loss of privacy – dogs were constantly being walked and there is excrement left behind;
- The powerful floodlights on the site also lit her garden and cottage;
- A tree at Keepers Cottage was cut down without permission;
- She can no longer access her septic tank due to the erection of a new fence; and
- Paragraph 4.3 referred to – she was the complainant referred to but it was not just one complaint she had made.

She stated that she has endured this for the past two

years before the application was submitted to the Council. She urged the Committee to refuse the application.

Councillor Martha Lloyd Jones, Local Ward Councillor for Preston Brook, addressed the Committee objecting to the proposal, in support of Mrs Reid.

She reiterated Mrs Reid's objections; stating that she had lost the peaceful enjoyment of her property between the hours of 8am and 6pm due to the noise disturbance from barking dogs. She also commented:

- That for the Applicant to say she has a '*strict anti-bark policy*' was ludicrous – how do you stop dogs from barking;
- The lighting system on the site also lit up Mrs Reid's property, causing light disturbance;
- Mrs Reid was the only neighbouring property owner to the facility;
- The Applicants were allegedly planning to extend the business to include boarding kennels in the future;
- There should be a condition restricting the use beyond 6pm and the conditions should be monitored; and
- This was a retrospective application – the business had operated for two years without permission.

Councillor Lloyd Jones urged the Committee to reject the application on the basis of the total loss of enjoyment for Mrs Reid of her property during daytime hours.

Following a Member's query regarding consideration of Article 8 of the Human Rights Act, the Committee heard a quote from the Inspectorate regarding the '*Right to Privacy*' in its context with planning laws. It was confirmed that Article 8 was not sufficient grounds to warrant the refusal of the application.

Further to Members' questions, clarity on the requirement for evidence of noise nuisance was provided. The objector cited noise nuisance but there was no evidence to support this from the Environmental Health Officer, so an abatement Notice could not be served. Environmental Health concluded therefore, that an objection to the proposal on the grounds of noise disturbance could not be sustained, as outlined in the report.

After considering the application before them and comments provided by the speakers, the Committee agreed to approve the application by majority.

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

1. Soft landscaping scheme;
2. Implementation of offsite highway improvements;
3. Travel plan;
4. Visibility splays; and
5. Implementation of boundary treatments.

DEV4 MISCELLANEOUS ITEMS

It was noted that the following appeals had been received or were in progress:

22/00019/PLD

Application for a Lawful Development Certificate for a proposed use of development for the installation of a solar farm (ground mounted solar photovoltaic panels) at Liverpool John Lennon Airport, land bounded by Dungeon Lane, Hale Road and Baileys Lane to the East of Liverpool John Lennon Airport, Speke, Liverpool, L24 1YD.

22/00103/FUL

Proposed construction of front dormer and rear dormer to newly formed first floor at 265 Hale Road, Hale, Liverpool, L24 5RF.

22/00285/ADV & 22/00284/FUL

The retrospective application for planning consent for the installation of a car park management system on existing car park comprising 4 no. pole mounted automatic number plate recognition (ANPR) cameras and 6 no. park and display machines at Car Park at Green Oaks Shopping Centre, Widnes, WA8 6UA.

21/00016/OUT

Outline application, with all matters other than access reserved for the erection of two semi-detached dwellings and four detached dwellings on the existing Church field and the retention of the existing scout hut at Hough Green Scout and Guide Group Hall and Church Field Hall Avenue, Widnes.

It was noted that the following appeals had been determined as follows:

21/00629/COU

Proposed change of use from dwelling (Use Class C3) to dental practice (Use Class E (e)) with onsite parking provision for 8 vehicles at 34 Cronton Lane, Widnes, WA8

5AJ – Allowed.

22/00292/FUL

Proposed erection of a secure replacement 2.4m high brick perimeter wall to vehicle impound yard at DVLA Pound, Waterloo Road / Barn Street, Widnes, WA8 0QF – **Allowed.**

Meeting ended at 7.00 p.m.