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DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Monday, 5 February 2024 at the Civic Suite, Town Hall, Runcorn

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

Apologies for Absence: Councillors Leck and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, A. Evans, J. Eaton, L. Wilson-Lagan, A. Blackburn, L. Crampton, C. Nixon and C. Sturdy

Also in attendance: Councillors Ratcliffe and Rowe, and 15 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV37 MINUTES

The Minutes of the meeting held on 15 January 2024, having been circulated, were taken as read and signed as a correct record.

DEV38 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.

DEV39 22/00638/FUL - PROPOSED DEVELOPMENT OF 13 DWELLINGS (USE CLASS C3) WITH ASSOCIATED LANDSCAPING, ACCESS/EGRESS, PARKING AND ASSOCIATED WORKS ON LAND BOUNDED BY CHURCH END AND TOWN LANE, HALE, L24 4AX

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

This application was reported to the Development Management Committee in December 2023. Just prior to the start of the meeting the Chair received an email from

Hale Parish Council objecting to the proposal and providing additional details to those already submitted. Due to timing of the email its content was not noted until after the Committee had resolved to approve the application. In view of the above the application has returned to the February Committee, so that consideration could be given to the objection and additional information provided. The full objection could be found on page 10 of the agenda.

Officers advised that the Council has since undertaken a comprehensive assessment of the points raised by the Parish Council, set out on pages 13-19 of the agenda report.

Since the publication of the agenda, further advice had been received from the Council's retained Advisor on heritage matters. It was commented that overall, it was considered that the application site had little to no impact on the current setting of the conservation area, due to its unkept nature and lack of public accessibility. The proposed scheme would create a more active site on this derelict plot, having a positive impact on the conservation area. The Heritage Advisor did not raise any objection to the proposal. The Advisor's detailed comments were available on the published AB update list.

Taking account of the above, the recommendation remained to approve the planning application subject to conditions and a legal agreement.

The application was moved and seconded and the Committee voted unanimously to approve the application.

RESOLVED: That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to HRA compliance. Upon satisfactory resolution, that the application be approved subject to the following:

- a) a Section 106 Agreement that secures the terms set out in the Legal Agreement section of this report;
- b) schedule of conditions set out below; and
- c) that if the S106 Agreement or alternative arrangement is 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.

Recommended conditions as follows, with any additional conditions recommended through the resolution of the HRA compliance issue to be added to the list below:

1. Time limit;
2. Plans;
3. Materials to be agreed (RD3 and GR1);
4. Submission of existing and proposed site levels (GR1);
5. Tree protection measures (HE5);
6. Submission of bird box scheme (CS(R)20 and HE1);
7. Protection of mammals during construction (CS(R)20 and HE1);
8. Electric vehicle charging points scheme (C2);
9. Ground contamination (CS23 and HE8);
10. Visibility splays (C1 and C2);
11. Submission of a cycle parking scheme (C2);
12. Verification of the sustainable Urban Drainage scheme (CS23 and HE9);
13. Waste Management Plan (WM8);
14. Sewage disposal (HE9);
15. Construction management plan (C1);
16. Limited construction hours (GR2);
17. Detail hard standing agreed (C2 and HE9);
18. Access constructed prior to occupation (C1);
19. Landscaping (GR1, GR3 and HE5); and
20. Acoustic mitigation (GR2).

DEV40 23/00018/FUL - PROPOSED FILLING STATION WITH ANCILLARY CONVENIENCE STORE (325 SQM GIA), FORECOURT WITH 4, TWO SIDED PUMP ISLANDS, CANOPY, ELECTRIC VEHICLE CHARGING POINTS AND ASSOCIATED CAR PARKING, A DRIVE THROUGH FAST FOOD RESTAURANT (349 SQM GIA) (USE CLASS E (B)/SUI GENERIS HOT FOOD TAKEAWAY USE) WITH ASSOCIATED CAR PARKING, NEW SITE ACCESS ROAD, NEW ELECTRICITY SUBSTATION, FIREWALL TO VALVE COMPOUND AND ASSOCIATED WORKS AT THE WOODYARD, WEAVER VIEW, CLIFTON, RUNCORN, WA7 4XU

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

Officers advised that there was a Major Hazard Pipeline (*the Trans Pennine Ethylene Pipeline*) running through the site and the pipeline operator SABIC, had objected to the application based on it being within the Health and Safety Executive's (HSE's) consultation zones for a Major Hazard Pipeline. HSE has also advised against the granting of planning permission on safety grounds. It was not considered that the safety advice of the HSE outweighed the proposal's policy compliance and the benefits that would result from the delivery of the development.

An update in respect of ground contamination was provided. The Contaminated Land Officer had since confirmed that they raised no objection to the proposals, subject to a condition being attached requiring the submission of a detailed scheme of ground gas protection measures, or a revised risk assessment, along with a verification plan and submission of the verification / installation report upon completion of the works.

In summary, the proposal was considered to accord with the DALP and would contribute to the achievement of sustainable development in Halton.

The Committee was addressed by Mr Nick O'Keefe, a local resident who objected to the proposal. He made the following comments, *inter alia*:

- Why did we need the development when there was a similar one further down the expressway;
- 4 Electric Vehicle charging points did not constitute a green development;
- The traffic on the junction was already congested and an increase in traffic would mean residents on Cholmondeley Road would be stuck;
- The junction was badly designed to begin with;
- Emergency response vehicles timescales would be affected by more traffic;
- There were no bus routes on Cholmondeley Road so staff working at the site will have to use their own cars which will take spaces designed for customers use;
- Weaver View flooded on a regular basis and covering the site with Asphalt will make it worse;
- There would be rubbish created from the fast food outlet and this would blow downhill polluting the River Weaver; and
- The proximity of an Ethylene pipeline was dangerous as it was under high pressure and highly explosive – release of this gas would be catastrophic.

Mr Williams, the Applicant, then addressed the Committee. He commented *inter alia*:

- That the proposal was reviewed by both Council Highway Officers and National Highways and no objection was raised. An independent highways consultant, taking into consideration the modelling of the existing roundabout, concluded that the proposal would only result in a 1.75% uplift in traffic volume;
- The proposal includes improved pedestrian and cycleway links on the development frontage;
- The site provides parking bays for 54 vehicles and 8 petrol refuelling bays. This would be in excess of the Council's parking standard and would ensure that parking and servicing would not be an issue;
- An independent road safety audit had been provided;
- The HSE had advised against the granting of planning permission and has an opportunity to request that the application be called in should they wish to do so;
- The Pipeline Manager has been working with him and pipeline safety had been assessed;
- Surrounding residents do not have sight of the filling station, which is obscured by greenery;
- The residents of Cholmondeley Road were 170m away from the station and there are fields and trees between them; and
- The site would create 145 jobs.

The Committee was then addressed by Councillor Ratcliffe, local Ward Councillor for Beechwood and Heath, who spoke in support of residents regarding their concerns. She made the following comments, *inter alia*:

- The HSE and SABIC's reasons for objecting to the proposal were founded as the Ethylene pipeline ran beneath the site and was a flammable, reactive and dangerous gas if released into the atmosphere, so was a significant risk to life;
- It was accepted that employment for the area would be positive;
- Councillor Ratcliffe had spoken to members of staff at the HSE and SABIC about the risks;
- The nearest bus stop was one mile away and it was a one bus per hour service, so staff at the site would most probably drive to work;
- It was already a busy roundabout leading to major roads like M56 and A557 and this would increase the volume of traffic – the Officers' advice was noted but

this did not suppress her concerns for residents.

Members discussed: the concerns relating to the pipeline and the objections raised from the HSE; the call-in procedure; the increase in the volume of traffic to an already congested area; COMAH sites in general; the egress and exit to the site; parking spaces on site being used by staff forcing customers to park on the road; the potential for queues at the drive through to overspill onto the road.

In response it was commented that the objection made by the HSE was a material planning consideration but the risks to public safety were of a level which was compliant with the Council's risk policy, as outlined on pages 87-88 of the report. It was explained that this site is allocated for development and that Government Inspectors did not recommend the removal of this allocation. Members were asked to give careful consideration to the HSE advice in making the decision. Officers explained the opportunity that the HSE has to consider requesting that the application be called in for determination by the Secretary of State.

From a highway's perspective, it was reported that there were now no objections from the National Highways and the Council's Highways Officers. In relation to parking provision, this was in excess of the required standards and the volume of traffic on the roundabout was predicted to increase by only 1.75%. It was noted that the installation of double yellow lines on the highway outside of the site would require Police support, but Section 278 offsite highway improvement works were included in the scheme, as described in Condition number 9 of the recommended conditions on page 90 of the report.

Taking into consideration the Officer's report and responses, and speakers' comments and concerns, the recommendation to approve was moved and seconded. The Committee voted by majority to agree the recommendation set out.

RESOLVED: That the application be approved subject to conditions listed below, should the proposal not be called in by the Secretary of State, following referral to the Health and Safety Executive:

1. Time limit;
2. Approved plans (GR1);
3. Submission of precise external facing materials (GR1);
4. Restriction on hours of construction (GR2);

5. Submission of an electric vehicle charging point scheme (C2);
6. Submission of a signage detail scheme (C1);
7. Implementation and maintenance of parking and servicing provision (C1 and C2);
8. Implementation and maintenance of cycle parking scheme (C2);
9. Submission of off-site highway improvements scheme (C1);
10. Submission of a sustainable development and climate change scheme (CS(R)19);
11. Submission of a sustainable urban drainage scheme, including future implementation, maintenance and management and verification reporting (CS23 and HE9);
12. implementation and maintenance of a landscaping scheme (HE5);
13. implementation and maintenance of a lighting scheme (HE1 and HE7);
14. implementation of tree works to British Standard (HE5);
15. Submission of a tree protection scheme (HE5);
16. Ensuring breeding bird protection (HE1);
17. Submission of a bird nesting boxes scheme (HE1);
18. Submission of a scheme demonstrating protection of Clough Lagoon LWS (HE1);
19. Submission of a waste audit (WM8); and
20. Submission of a remediation strategy and validation reporting (CS23 and HE8).

DEV41 MISCELLANEOUS ITEMS

The following Appeals had been received / were in progress:

23/00166/FUL

Proposed new dwelling on land adjacent to 19 Lilac Crescent, Runcorn.

The following Appeals had been determined:

22/000304/FUL

Proposed demolition of existing garage and erection of two storey side extension and single storey front and rear extensions at 9 Windermere Avenue, Widnes – Dismissed.

Meeting ended at 7.40 p.m.