

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 14 September 2009 in the Civic Suite, Town Hall, Runcorn.

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), P. Blackmore, Hodgkinson, Leadbetter, Morley, Osborne and Polhill

Apologies for Absence: Councillors S. Blackmore and J. Bradshaw

Absence declared on Council business: Councillor Ron Hignett

Officers present: P. Watts, L. Capper, R. Cooper, A. Pannell, A. Plant, M. Simpson, R. Wakefield and Winstanley

Also in attendance: Ward Councillor Philbin and 8 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

	<i>Action</i>
DEV31 MINUTES	
The Minutes of the meeting held on 10 August 2009, having been printed and circulated, were taken as read and signed as a correct record.	
DEV32 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.	
DEV33 - 09/00224/COU - PROPOSED CHANGE OF USE FROM EXISTING GROUND FLOOR OFFICE TO 3 RESIDENTIAL CARE BEDSITS AT 1 PEEL HOUSE LANE, WIDNES	
The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	
It was noted that this application was deferred from the last meeting of the Development Control Committee held on 10 August 2009, as it was resolved that more information	

was required from the Police and Community Safety Team in terms of issues around anti-social behaviour and disruption to the local community.

The Committee was advised that further comments had been received from the local Police Inspector who commented on an existing establishment within the vicinity of the site. The Police Inspector advised the establishment provided homes for children from disadvantaged backgrounds, broken homes and some suffered from behavioural problems which lead to the committing of crimes from theft to anti-social behaviour that had a large impact on police resources.

The Neighbourhood Policing Team fully acknowledged the requirement to house and support these children and develop the social skills in order to help them back into the community, there had to be a limitation on the amount of children taken into one particular area. The Neighbourhood Policing Team were of the view that if this Application was agreed it would increase demand from the police to deal with issues relating to these young persons from an increase in crime and anti-social behaviour.

The Committee was further advised that if the application was approved then the Widnes Neighbourhood Policing Team would deal with the issues that arose from the tenants and whilst the Inspector did not oppose the application the above information should be taken into consideration.

Members were informed of correspondence from the Director of Health and Communities which stated they had grave reservations regarding the proximity of the proposed care home to the older peoples home which was located across the road.

In relation to the lack of provision of private amenity space it was reported that the site was located within a town centre location, such areas were characterised by high density properties with little or no private amenity space. Furthermore it was noted that there was no specific policy or standards for the provision of private amenity space for such establishments (C2 use). The Committee was informed that taking into consideration this lack of private amenity space could not be upheld as a reason for refusal.

Ms Tierney from Contium Care and Education Group addressed the Committee and spoke in favour of the application and raised points such as the safeguarding of

the children, the benefit and support offered to the young people and the alternative option of young people taking accommodation with private landlords and the negative effect this would have on children not receiving the benefit of care and support offered to them through living in a care home.

Ward Councillor Philbin addressed the Committee and spoke against the application raising concerns regarding the location of the care home in relation to its proximity to the older people's home and other similar units within 200mtrs of the proposed site.

The Committee held a wide ranging discussion and felt that whilst there was a need for this type of centre however not in the proposed location and agreed to refuse the application with authority being delegated to the Operational Director Environmental and Regulatory Services in conjunction with Legal Services to construct the refusal notice.

RESOLVED: That the application be refused due to the proposed use being inappropriate for the area because it would:

- Create an environment in which anti-social behaviour would result;
- Create an environment where there is a genuine perception of fear and concern because of the likelihood of increased crime and disorder;

The proposal is therefore contrary to policy BE1 of the Halton Unitary Development Plan and the Council has paid particular consideration to the requirements of Section 17 of the Crime and Disorder Act.

DEV34 - 09/00245/OUT - OUTLINE APPLICATION (WITH LANDSCAPING, APPEARANCE AND SCALE MATTERS RESERVED) FOR PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 19 NO. DWELLINGS) AT THE FORMER OUR LADY OF PERPETUAL SUCCOUR R.C. INFANT SCHOOL, AVONDALE DRIVE, WIDNES

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. It was noted that at the time of writing the report nine representations had been received from local residents, details of which were outlined in the report for information.

It was reported that one further representation had

been received from the resident of 57 Avondale Drive relating to the proposed landscaping to the rear of their property. Issues raised were children climbing trees and leaves falling into their property. The Committee was advised of a condition that had been recommended for the approval of full details of landscaping which would include planting details to ensure appropriate planting.

It was reported that the principle of the development was considered to be acceptable as the site had been left for many years and was no longer in educational use and did not provided recreation for local residents. The proposed layout demonstrated that 19 dwellings could be accommodated providing adequate garden spaces and parking and would meet interface distances with existing properties.

Mrs Gallagher addressed the Committee and in principle supported the application but expressed concerns that the loss of a footpath would lead to a more torturous route to local shops, bus routes and the train station. The Committee felt that a footpath would benefit the development and agreed to liaise with the developer regarding provision of a footpath.

RESOLVED: That

- a) the views of the Committee regarding provision of a footpath be forwarded to the developer and;
- b) the application be approved subject to the following conditions
 - 1. Standard time limits condition (BE1, BE2)
 - 2. Amended plans condition
 - 3. Standard reserved matter condition(s) for landscaping, appearance and scale (BE1, BE2, H2).
 - 4. Condition relating to the section 106 agreement for open space provision/ improvement ,prior to the commencement of development (S25)
 - 5. Details of boundary fencing/treatment to be submitted for approval before commencement. (BE22)
 - 6. Condition relating to the approval of wheels wash facility details prior to commencement (BE1, BE2).
 - 7. Details of construction materials prior to the commencement of development (BE2)
 - 8. Condition(s) for details of hard and soft landscaping prior to the commencement of development (BE1, BE2)
 - 9. Condition relating to further investigation and mitigations of ground conditions prior to

- commencement (PR14)
10. Condition for final site levels and floor levels prior to commencement
 11. Condition(s) relating to full details and implementation of bin provision prior to commencement
 12. Conditions relating to renewable, low carbon, decentralised energy prior to commencement
 13. Condition(s) removing permitted development rights A, B and E (BE1, BE2, H2)
 14. Condition(s) relation to access and highways being constructed to highways authority standards
 15. Conditions relating to hours of construction and delivery (BE1, BE2)
 16. The provision of bins for each residential unit prior to occupation. (Policy BE1)

An additional conditions was reported as follows

17. Approval of full landscaping details including planting details to ensure appropriate planting.

DEV35 - 09/00269/FUL - PROPOSED TWO STOREY SIDE EXTENSION AND SINGLE STOREY EXTENSION TO FRONT / REAR AT 33 HALE GATE ROAD, WIDNES.

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

It was reported that one objection had been received from the adjoining neighbour on the grounds that the proposed extension would cause loss of light to their property. As the rooms of the objector's house were not habitable rooms the proposed extension would have minimal impact on the amenity. The Committee was advised that the proposed extension was similar to others along the road and would remain subordinate to the original dwelling.

The applicant Mr Dewsnap addressed the Committee and spoke in favour of the application.

Members were informed that this application was brought to Committee as the local Ward Councillor was asked to bring it on behalf of the objector from the adjoining property.

Ward Councillor Osborne withdrew from the Committee during consideration of this item to speak on behalf of his constituents from the adjoining property,

relaying their concerns to the Committee in relation to loss of light, over development of land and the terraced appearance of the property.

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

1. Standard condition relating to timescale and duration of the permission.
2. Materials to be used shall match those in the existing building.

DEV36 - 09/00270/FUL - PROPOSED CONSTRUCTION OF A TWO STOREY BLOCK OF 12 NO. NEW BUILD FLATS WITH 3 COMMUNAL ENTRANCES, 6 NO. NEW BUILD BUNGALOWS IN TWO TERRACES (INCLUDING 1 NO. DISABLED BUNGALOW), ASSOCIATED GROUNDWORKS, PARKING AND STOPPING UP OF A PUBLIC FOOTPATH AT CLARKE GARDENS WIDNES.

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

It was reported that amended plans had been received showing ground and first floor gable and windows for each end of the apartment block. The Committee was advised that these plans were originally omitted from the elevations, but had always been shown on the proposed layout plan. It was noted that, as such no neighbour re-consultation was felt to be necessary and no significant overlooking issues were present.

The Committee was advised that comments had been received from Environmental Health with regard to ground conditions. A condition had been requested that no part of the development should commence until a remediation plan, including suitable monitoring and verification methodologies, should also be agreed in writing with the Planning Authority. A completion statement would be issued upon completion of the remediation programme. (Policy PR14).

RESOLVED: That the application be approved with the following conditions:

1. Standard condition timescales for development

- commencement.
2. Prior to commencement approval of materials (Policy BE2).
 3. Prior to commencement of development, a scheme for the provision and implementation of a surface water regulation system to be submitted for approval. (Policy PR16)
 4. Details relating to off-site highway works involving dropped crossings and tactile paving to be submitted and approved. (Policy TP7)
 5. Before site works commence protective fencing to be erected to protect trees to be retained. (Policy BE1)
 6. Prior to commencement an arboricultural method statement to be submitted and approved. (Policy BE1)
 7. Prior to commencement wheel washing details to be submitted and approved. (Policy BE1)
 8. Submission and agreement of finished floor and site levels prior to commencement (Policy BE1).
 9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties / commencement of use (Policy BE1).
 10. Development should be carried out in accordance with the approved Flood Risk Assessment and identified mitigation measures. (Policy PR16)
 11. There shall be no ground disturbance close to the trees to be retained. (Policy BE1)
 12. Planting plan shall be implemented as soon as practical after completion of the development. (Policy BE1)
 13. Restricted hours of construction (Policy BE1)
 14. Restricted hours of delivery (Policy BE1)
 15. The provision of bins and management of collections for each residential unit prior to occupation. (Policy BE1)
 16. Withdrawal of Permitted Development Rights for extensions and fences.
 17. No trees shown to be retained shall be damaged in any way as a result of the development (Policy BE1)

An additional condition was noted as follows:

18. A completion statement shall be issued upon completion of the remediation programme. (Policy PR14).

CENTRE, REAR EXTENSION WITH GLAZED LINK CONNECTION, ASSOCIATED COURTYARD, BALL COURT, DEMOLITION AND REBUILDING OF PART OF BOUNDARY WALL/RAILINGS, PARTIAL DEMOLITION OF SOUTH BOUNDARY WALL AND REPLACEMENT WITH RAILINGS AND ANCILLARY WORKS.

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

It was reported that the building was built in 1939 and the design was in the Modern style and incorporated well preserved Art Deco elements both externally and internally.

RESOLVED: That the applications listed below be approved subject to the following conditions:

09/00340/HBCCOU

1. Specifying amended plans (BE1)
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Requiring that the scheme be implemented in full accordance with the approved plans/ details unless otherwise agreed. (BE1)
4. Specifying the use as a Youth Centre within use class D2 (BE1).
5. Boundary treatments to be submitted and approved in writing. (BE2)
6. Wheel cleansing facilities to be submitted to and approved in writing and used during construction. (BE1)
7. Submission and agreement of landscaping details including replacement tree planting (BE1)
8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Restriction of opening hours (BE1)
10. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use. (BE1)
11. Agreement and implementation of cycle parking provision (TP6)
12. Restricting external lighting (BE1)
13. Site investigation, including mitigation to be submitted and approved in writing. (PR14)
14. Requiring additional details relating to associated plant/ noise attenuation (PR2)
15. Requiring submission and agreement of additional details relating to brise soleil, glazed roof, pergola, bin

stores etc. (BE2)

09/00341/HBCLBC – RESOLVED: That;

Authority is delegated to the Operational Director – Environmental and Regulatory Services to approve the application subject to the Secretary of State not calling the application in and to conditions relating to the following:

1. Specifying amended plans (BE9)
2. Materials condition, requiring the submission and approval of the materials to be used (BE9)
3. Requiring that the scheme be implemented in full accordance with the approved plans/ details unless otherwise agreed. (BE9)
4. Requiring submission and agreement of additional details relating to detailed features including door architraves, hand rail, glazed roof, brise soleil, pergola etc (BE9)

09/00342/HBCCAC

1. Requiring submission and agreement of method statement for demolition, rebuilding and refurbishment (BE8)
2. Requiring that the demolition, rebuilding, refurbishment be implemented in full accordance with the approved plans/ details unless otherwise agreed. (BE8)
3. Materials condition, requiring the submission and approval of the materials to be used (BE8)

DEV38 ADJOINING AUTHORITY CONSULTATION

The Committee considered a report for an adjoining authority consultation by Cheshire West and Cheshire regarding an application for removal of condition No. 1 of planning permission 07-0320-COU (our ref [07/00123/ADJ]).

It was reported that the application was to vary a condition of a previous planning permission to extend the temporary trial period of one year for the development by one further year.

The Committee was advised that the proposal was a significant distance from the Borough boundary and, whilst no control could be achieved over flight patterns, the

proposals were not considered to have significant adverse effects on the Borough or its residents in land use terms.

RESOLVED: That Cheshire West and Cheshire be informed that Halton Borough Council raises no objections.

Meeting ended at 7.16 p.m.