

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 10 June 2013 at the Civic Suite, Town Hall, Runcorn

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

Apologies for Absence: Councillors A. McInerney and T. McInerney

Absence declared on Council business: None

Officers present: A. Jones, L. Davies, T. Gibbs, M. Noone, A. Plant, M. Reaney, R. Cooper, J. Farmer, I. Mason, R. Wakefield and G. Henry

Also in attendance: Councillors Gerrard and G Stockton and 43 Members of the Public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV1 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Board was advised that a matter had arisen which required immediate attention by the Board (Minute DEV 8 refers). Therefore, pursuant to Section 100 B (4) and 100 E, and due to the need to amend the Council's Constitution as soon as possible to reflect the change in Regulations, the Chairman ruled that the item be considered as a matter of urgency.

DEV2 MINUTES

The Minutes of the meeting held on 13 May 2013, having been printed and circulated, were taken as read and signed as a correct record.

DEV3 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.

DEV4 - 13/00011/S73 - 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 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

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

Since the publication of the agenda an update was presented by Officers which informed that 13 letters of support had been received from employees of *Viridor* supporting the application on the grounds that it would ensure the future viability and sustainability of *INEOS ChlorVinyls* and the EfW plant; supply a reliable source of energy; and secure jobs in the local area. One further objection had been received from a local resident on the grounds of traffic congestion.

It was reported that the application had received queries as to whether or not Halton Borough Council had the jurisdiction to determine this application, given that the original application was determined by the Secretary of State. In response it was confirmed that a letter from the Department of Energy and Climate Change to Ineos, dated 16 March 2010, confirmed that an application made to alter a condition could only be referred to the Secretary of State through the appeals process. This could only be done once the local authority had either determined the application or failed to do so within the required time scales.

Officers referred Members to Section 5 of the agenda report which summarised the assessments made in relation to air quality, transport, noise, ecology, climate change and socio economics. They then provided Members with conclusions to the above matters, stating that to approve the change in the Condition would allow for a sustainable choice in mode of transport of RDF, and would divert waste from landfill. The request to vary the level of fuel tonnage delivered by road could be seen as being supportive of the

national policy. The proposal was considered to comply with the National Planning Policy framework and the definition of Sustainable Development, as well as UDP policies PR1, PR2, TP13, TP14 and TP19 and Policies CS2 and CS19 of the Halton Core Strategy.

The update also included details of *Freight on Rail's* objection letter which was received in January. The issues raised had already been considered within the Committee report. They had however, re-sent the objection and asked that their objection letter be presented to Members on the update list. The list was provided to them in advance of the meeting and published on the Council website.

It was reported that Councillor John Bradshaw had submitted an objection to the application requesting that it be read out at the meeting and noted, as he was unable to attend.

The Committee was then addressed by Mr Jeff Meehan from HAGATI (Halton Action Group Against The Incinerator). He argued that sustainable RDF transport methods had not been considered by Ineos so 60% of the RDF would be transported by lorry. He stated that the efforts to reduce traffic were welcome however not relative to the issues relating to the number of lorries that would be used. He commented that Ineos was more concerned with increasing their profit margins than listening to the concerns of local people. He said that the application had not changed since 2008 and urged the Committee to refuse it. It was noted that HAGATI's full objection details were appended to the report at Appendix one.

Mr Grant Scott then addressed the Committee speaking on behalf of *Viridor Waste Management*, a partner company, in support of the application. He stated that rail and canal transportation would be used as much as possible and that road would be the most sustainable mode of transportation. He advised that the vehicles would be out of sight of residents and that they would move outside of peak travel times. He further stated that employment would be created to the benefit of the local economy and that Ineos have a 'Liaison Forum' providing residents an opportunity to air their concerns.

The Committee was then addressed by a representative for the applicant, Mr Julian Watts. He stated that the application before Members was supported by expert technical assessment to ensure that it addressed all of the issues thoroughly, including those raised by the

Committee when it last considered a proposal to vary Condition 57 and those raised by residents during pre-application consultation. He further stated that Ineos was proposing a legally binding routing agreement to give local residents' assurance that HGV's would follow an approved route. He stated that approving the application would allow for a sustainable choice in mode of transport and for the diversion of waste from landfill which was consistent with UK climate change policy.

Councillor Gareth Stockton then addressed the Committee as a Ward Councillor and local resident, objecting to the application. He stated that the increase from 85,000 tonnes to 480,000 tonnes was a huge difference and no risk analysis had been carried out by Ineos to determine the possible impact of this on the local area.

Councillor Gerrard then addressed the Committee objecting to the application and read out a statement which had been distributed to Members before the start of the meeting. He urged the Committee to refuse the application and retain the current Condition 57.

Members debated the application and issues raised taking into consideration the comments made by speakers and officers and the details provided in the report and update list.

A motion was made to refuse the application due to the volume of road traffic movements in the locality, this was seconded. Prior to a vote, clarity was requested over a referral to Secretary of State if this was to be made. The Committee did not pursue this. Members proceeded to vote for a refusal which was supported by eight members; therefore the motion to refuse the application was carried.

RESOLVED: That the application be refused to minimise road traffic movements in the locality.

Councillor Cole declared a Disclosable Other Interest in the following item as he is a Board Member of Halton Housing Trust. He did not take part in any debate and did not vote on the item.

DEV5 - 13/00071/FUL - PROPOSED CONSTRUCTION OF 17 NO. FLATS INCLUDING ASSOCIATED PARKING AND BIN STORAGE AT FORMER QUEENS HALL, VICTORIA ROAD, WIDNES

The consultation procedure undertaken was outlined

in the report together with background information in respect of the site.

The Committee was addressed by Jaki Florek, who represented the volunteer 'not for profit' Company 'LOOSE' who worked from the neighbouring 'Studio' building. They objected to the application on the grounds that the proposed residential use was not a suitable use for the site. She stated that this development would restrict the activities of The Studio with regards to noise limits as future residents would complain about noise levels being emitted. She informed the Committee that The Studio was occupied 7 days a week by a wide range of people playing live music and employed 6 people. She raised concerns about the future of The Studio, should such complaints be made. She referred to the National Planning and Policy Framework and requested that the space used as a greenspace instead, which was deficient in the area. It was noted that full objection details were appended to the report as Appendix one.

The Council's Environmental Officer had advised that no complaints had previously been made with regards to noise pollution from The Studio so therefore they raised no objection to the application. It was noted that the site itself was not designated as greenspace within the Halton Unitary Development Plan.

Members raised concerns over the issue of the potential for noise disturbance to a residential development and requested that a noise survey of The Studio be conducted by the Environmental Health Department. It was agreed that this could then be determined under delegated powers.

RESOLVED: That:

- a) authority be delegated to the Operational Director – Planning, Policy and Transportation in consultation with the Chair or Vice Chair of the Committee, to approve the application subject to the submission of a satisfactory Environment Health noise survey on The Studio building;
- b) And the following Conditions:
 1. Standard 3 year permission to commence development (BE1);
 2. Condition specifying amended land (BE1);
 3. Requiring submission and agreement of a

- Construction Management Plan including vehicle access routes and construction car parking (BE1);
4. Materials condition, requiring the submission and approval of the materials to be used (BE2);
 5. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting (BE22);
 6. Boundary treatments including retaining walls to be submitted and approved in writing (BE22);
 7. Wheel cleansing facilities to be submitted and approved in writing (BE);
 8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
 9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/commencement of use (BE1);
 10. Conditions relating to the agreement and implementation of bin store provision (BE1);
 11. Submission and agreement of finished floor and site levels (BE1);
 12. Site investigation, including mitigation to be submitted and approved in writing (PR14);
 13. Requiring submission, agreement and implementation of cycle parking (TP6);
 14. Submission and agreement of biodiversity enhancement features including wildlife friendly planting, insect and bird boxes (BE1 and GE21); and
 15. An additional condition for the submission of a satisfactory noise survey.

DEV6 - 13/00092/FUL - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 20 NO. CLASS C3 DWELLINGS (12 APARTMENTS, 8 TOWNHOUSES) AT THE OLD BRIDGEWATER CENTRE, CASTLEFIELDS AVENUE NORTH, CASTLEFIELDS, RUNCORN

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

It was reported that the reference to 'bungalows' at paragraph 6.2 in the report was an error and that the scheme proposed a mix of residential houses and apartments comparable with similar developments in earlier Castlefields schemes.

An update had been received with regards to the loss of a number of trees from the site. The application was supported by a detailed tree survey which stated that whilst

the trees were considered to have some amenity value, the Council's Open Spaces Officer had advised that the trees to be removed were not worthy of a Tree Preservation Order. It was noted that whilst the loss of trees was regrettable, it was not possible to retain the trees through the development and it was considered that the wider benefits of the scheme outweighed any harm resulting from the loss of them. It was considered that replacement planting in compliance with the adopted Castlefields Tree Strategy could be adequately secured by condition.

It was also reported that the scheme was considered deficient with regards to open space provision when measured against UDP Policy H3. Accordingly, it was noted that the Council's adopted 'Provision of Open Space SPD financial contributions for off-site provision' had been calculated and could be secured by legal agreement or other agreement. The Committee was advised however, that following consultation with the Council's regeneration and highway officers, it had been agreed that available financial contributions would be better spent helping to improve pedestrian links to existing bus stops adjoining the site rather than open space. It was requested therefore that part (a) of the recommendation be amended to reflect this.

The Committee was addressed by Angela Muggerridge, a local resident, who objected to the proposed scheme for the following reasons: loss of wildlife; noise disturbance from HGV's and machinery; parking issues; traffic issues; potential for vandalism and littering; insufficient parking provision and the spoiling of a local beauty spot. She urged the Committee to look at the plans again and consider alternatives.

Following Members queries, it was confirmed by Officers that once a development had started, planning conditions were enforced by a Planning Enforcement Officer and should there be a breach in planning conditions, these would be dealt with by him.

Members agreed that the scheme complied with Planning Policies and voted to approve the scheme.

RESOLVED: That the application be approved subject to:

- a) The entering into of a Legal Agreement or other agreement for the provision of a financial contribution towards the improvement of pedestrian links to existing bus stops and to secure a minimum of 25%

of total residential units for affordable housing provision.

b) Conditions relating to the following:

1. Standard 3 year permission to commence development (BE1);
2. Condition specifying amended plans (BE1);
3. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking (BE1);
4. Materials condition, requiring the submission and approval of the materials to be used (BE2);
5. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting (BE2);
6. Boundary treatments including retaining walls to be submitted and approved in writing (BE2);
7. Wheel cleansing facilities to be submitted and approved in writing (BE1);
8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
9. Vehicles access, parking, servicing etc to be constructed prior to occupation of properties / commencement of use (BE1);
10. Condition relating to the implementation of bin store provision (BE1);
11. Submission and agreement of finished floor and site levels (BE1);
12. Site investigation, including mitigation to be submitted and approved in writing (PR14);
13. Conditions relating to tree protection during construction (BE1); and
14. Requiring implementation of cycle parking (TP6).

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 – Environmental Health and Planning, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it failed to comply with Policy S25 (Planning Obligations).

Councillor Cole declared a Disclosable Other Interest in the following item as he is a Board Member of Halton Housing Trust. He did not take part in any debate and did not vote on the item.

DEV7 - 13/00112/FUL - PREDOMINANTLY AFFORDABLE HOUSING COMPRISING 50 EXTRA CARE APARTMENTS (32 SOCIAL RENT/18 MARKET) AND 11 BUNGALOWS (SOCIAL RENT). PROPOSED DEMOLITION OF EXISTING DAY CARE CENTRE. CREATION OF NEW VEHICULAR ACCESS AND ROAD FROM ASHLEY GREEN / DUNDALK ROAD TO SERVE PROPOSED DEVELOPMENT COMPRISING A NEW EXTRA CARE HOME WITH 50 TWO BED APARTMENTS AND COMMUNAL FACILITIES PLUS 6 NO. TWO BED GENERAL NEEDS BUNGALOWS, 4 NO. TWO BED SUPPORTED BUNGALOWS AND 1 NO. FOUR BED SUPPORTED BUNGALOW TOGETHER WITH PARKING, LANDSCAPED GARDENS, EXTERNAL WORKS AND BOUNDARY FENCING AT PINGOT CENTRE, DUNDALK ROAD, WIDNES, CHESHIRE WA8 8DF

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

Members agreed that the scheme complied with the adopted policies of the Council and approved the application.

RESOLVED: That the application be approved subject to:

- a) the entering into of a Section 106 or other appropriate agreement in relation to the provision of a financial contribution towards off-site public open space and compensatory payment for the loss of designated greenspace.
- b) and the following Conditions:
 1. Approved Plans (BE1);
 2. Materials (BE2);
 3. Drainage (BE1);
 4. Boundary Treatments (BE2);
 5. Vehicle access, parking and servicing to be constructed prior to occupation of properties / commencement of use (BE1);
 6. Submission and Agreement of finished floor and site levels – (BE1);
 7. Site investigation (PR14);
 8. Prior to commencement waste recycling details of recycling facilities shall be submitted and agreed (BE1);
 9. Provision of appropriate refuse collection bins for

use by the occupiers (BE1); and
10. An additional condition for the submission of a construction management plan.

DEV8 TEMPORARY AMENDMENT TO POWER 96 OF THE COUNCIL'S CONSTITUTION

A temporary amendment to the Council's scheme of delegation was sought in relation to the amendment to the permitted development order in relation to householders.

The Committee was advised that the notifications in relation to householder development must be issued within 42 days of receipt. If notification of a decision was not issued within 42 days, this would result in the developer automatically being able to carry out the extension. Given the timescales involved in processing a request and the timescales required to bring an application before the Committee, this would mean, that regardless of objections or the views of the Committee on an application, that a decision would be issued outside of the 42 day timescale.

On this basis, officers requested that 96 (b), (c) and (d) not apply to an application submitted under Class A1 (e) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Members agreed with the above request to the Council's scheme of delegation, in relation to the permitted development order in relation to householders.

RESOLVED: That

1. The Council amend the Constitution by adding the following wording after exception (f): "Provided that exceptions (b), (c) and (d) shall not apply to an application submitted under Class A1 (e) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended); and that had the above provisions applied that those applications shall be determined in consultation with the Chairman and Vice Chairman of the Committee; and
2. Pending the implementation of the above, exceptions (b), (c) and (d) to delegated power 96 be dis-applied shall in respect of any application submitted under Class A1 (e) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)

Order 1995 (as amended) and that had the above provisions applied that those applications shall be determined in consultation with the Chairman and Vice Chairman of the Committee.

Meeting ended at 8.45 p.m.