

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 1 August 2016 in The Board Room - Municipal Building, Widnes*

Present: Councillors Nolan (Chair), Morley (Vice-Chair), J. Bradshaw, Cole, Gilligan, R. Hignett, June Roberts, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillor C. Plumpton Walsh

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, A. Plant, A. Brennan, I. Dignall and J. Eaton

Also in attendance: 15 Members of the public

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### DEV11 MINUTES

The Minutes of the meeting held on 4 July 2016, having been circulated, were taken as read and signed as a correct record.

#### DEV12 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.

#### DEV13 - 05/00057/OUTEIA - OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 624 RESIDENTIAL UNITS, UP TO 1275 SQM OF USE CLASSES A1 (SHOPS) AND A2 (FINANCIAL AND PROFESSIONAL SERVICES) UP TO 500 SQM OF USE CLASSES A3 (FOOD AND DRINK) AND A4 (DRINKING ESTABLISHMENT), UP TO 2400 SQM OF USE CLASS B1 (BUSINESS) AND UP TO 300 SQM OF USE CLASS D1 (NON RESIDENTIAL INSTITUTIONS) WITH ASSOCIATED ROADS, INFRASTRUCTURE AND LANDSCAPING ON LAND TO NORTH OF RAILWAY AND WEST OF TANHOUSE LANE, WIDNES

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

Officers advised the Committee that this application had been approved previously but was never taken forward. In order to encourage a start on site it was considered appropriate to request that the standard periods for submission of reserved matters and implementation be reduced.

The Committee agreed to these proposals and the application was approved.

RESOLVED: That the application be approved subject to:

- a) The applicant entering into a Legal Agreement in relation to the payment of a commuted sum for the Earle Road / Gyrotory improvements and a contribution in lieu of any shortfall of onsite open space provision.
- b) Conditions relating to the following:
  1. Standard outline condition(s) for the submission of reserved matters applications, with reduction in periods for submission of reserved matters and implementation (BE1);
  2. Plans condition listing relevant drawings i.e. site location / red edge (BE1 and TP17);
  3. Conditions for the submission of contaminated land report, remediation strategy and validation;
  4. Conditions for the submission of full foul and surface water drainage details of the site (BE1);
  5. Prior to commencement, submission of levels (BE1);
  6. Prior to commencement, submission of materials (BE1 and CS11);
  7. Condition(s) for submission of hard and soft landscaping (BE1);
  8. Prior to commencement, submission of a construction / traffic management plan which will include wheel cleansing details, and timetable setting out timescales and phasing of the development (TP17);
  9. Avoidance of actively nesting birds (BE1);
  10. Prior to commencement, details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (bird, bat and invertebrate boxes) (GE21);
  11. Prior to commencement, details of a landscape

- proposal and an associated management plan to be submitted and approved (BE1, GE21);
12. Prior to commencement, details of boundary treatment (BE22);
  13. Provision of a Site Waste Management Plan (WM8);
  14. Provision of bins (WM19);
  15. A1, A2 and A4 opening hours restricted to 0700 to 2330 hours;
  16. No deliveries to A1, A2 and A4 uses between 1900 and 0700 hours;
  17. Submission of a travel plan;
  18. Noises mitigation scheme to be submitted with reserved matters;
  19. Construction hours for work audible at the site boundary; and
  20. Details of the proposed public transport provision and road connections.
- c) That if the Legal Agreement was not executed within a reasonable period of time, authority is delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of this Committee to refuse the application on the grounds that it failed to comply with Policy CS7 of the Halton Core Strategy Local Plan.

*In order to avoid any allegation of bias, Councillor Morley did not take part in the debate or vote on the following item as he was a Board Member of Manchester Port Health Authority and was a Member of the Runcorn Locks Restoration Society.*

DEV14 - 16/00131/OUT - OUTLINE APPLICATION, WITH ALL MATTERS RESERVED, FOR DEVELOPMENT OF UP TO 120 DWELLINGS, OPEN SPACE, INFRASTRUCTURE AND ASSOCIATED WORKS AT FORMER RIVERSIDE COLLEGE, PERCIVAL LANE, RUNCORN

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

Members were referred to the update list which advised of an additional response received from the Port Health Authority (a letter which was attached to the update list) and an additional objection regarding the lack of information provided outlining the reason for demolishing the building and suggesting that the site be used as a marina instead. It was also confirmed that the Local Lead Flood Authority had confirmed no objections subject to detailed drainage design secured by condition. Natural England was

now satisfied that there would be no likely effect on protected species following the Council's advice but this would be subject to the recommended conditions listed.

It was also reported that two further emails had been received, one to the Local Planning Authority and one to the Chair and Vice Chair of the Committee, details of which were provided by Officers.

Further objections had been received from Manchester Ship Canal Company (part of the Peel Ports Group), Manchester Port Health Authority, Peel Land and Property and Bridgewater Canal Company. Members were advised of the principle concerns of these bodies which included proposed expansion of trade and associated investment; noise pollution from the docks and dust pollution from cargo. It was noted that the Council's Environmental Health Officer had accepted the findings of the noise assessment, as discussed in the Officer's report, and raised no objections.

Officers also advised the Committee of a further recommended condition to be added, specifically relating to the interim landscaping and maintenance of the retained canal corridor.

The Committee was addressed by Mr Marshall from the Manchester Ship Canal Company, who objected to the proposal on their behalf. He stated that Port Runcorn was a successful Port for the Company that operated 24 hours 7 days a week and employed 40 staff. He raised concerns relating to the future occupiers of the properties and the potential for complaints relating to noise and dust pollution from the Port and cargo. He argued that the noise impact survey already carried out was not robust enough and that there would be an impact on the environment. He quoted Policy number PR7 from the Council's Unitary Development Plan (UDP) and advised of the objections made by the Manchester Port Health Authority. He requested that further investigations be made into the potential for noise and dust pollution.

Ms Holly Bryant, a representative from Halton College, then addressed the Committee. She spoke in support of the application and began by providing Members with the history of the viability of the College Campus. She stated that all planning requirements with regards to the site had been met and that a Legal Agreement would secure land in relation to the Bridgewater Canal restoration. She disputed that there would be noise pollution from the Port

and advised that the development would provide quality housing with sound proofing.

Officers clarified Policy PR7 in relation to the risk of pollution and referred Members to page 43 of the report where this was discussed. It was noted that there was no evidence of noise and dust pollution provided by complainants of surrounding residential areas in the past.

Following debate on the potential for noise and dust pollution, one Member wished to move an amendment to the recommendation and proposed a deferral, so that time could be given to the objectors to provide evidence of pollution that had occurred in the past. This was not supported by the Committee. The original recommendation to approve was then moved and seconded, and the Committee voted to approve the application.

**RESOLVED:** That authority is delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to conclude negotiations in respect of the Legal Agreement; and that the application is approved subject to:

- a) The entering into of a Legal Agreement or other agreement for the maintenance of specified land in accordance with the landscaping requirements of the Permission and the transfer of that land to the Council upon written notice for the purpose associated with the reinstatement of the former Bridgwater Canal and subject to negotiations over viability for affordable housing and open space.
- b) Conditions relating to the following:
  1. Standard outline planning permission conditions relating to submission of reserved matters and timescales;
  2. Specifying approved plans (BE1);
  3. Requiring submission and agreement of a detailed Construction Environmental Management Plan including wheel cleansing facilities, construction vehicle access routes, construction parking and management plan, noise and dust minimisation measures (BE1 and GE21);
  4. Materials condition, requiring the submission and approval of the materials to be used (BE2);
  5. Landscaping condition, requiring submission and approval 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, servicing etc to be constructed prior to occupation of properties / commencement of use (BE1);
  9. Condition relating to further detailed site investigation / mitigation/ verification (PR14);
  10. Condition relating to unidentified contamination (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/bat boxes (GE21);
  12. Conditions relating to tree protection during construction (BE1);
  13. Submission and agreement of detailed surface water / highway drainage scheme (BE1/PR5);
  14. Requiring submission and agreement of site and finished floor levels (BE1);
  15. Submission and agreement of scheme of protective fencing to watercourses to secure a minimum 5m buffer zone (GE21);
  16. Submission and agreement of site Waste Management Plan (WM8);
  17. Submission and agreement of a sustainable Waste Management Plan (WM9); and
  18. Submission and agreement of detailed lighting scheme including measures to minimise light spill onto surrounding habitats and sky glow (PR4/GE21).
- c) That if the Section 106 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.

*In order to avoid any allegation of bias Councillor Cole did not take part in the debate or vote on the following item as he was a Board Member of Halton Housing Trust.*

DEV15 - 16/00225/OUT - PROPOSED HYBRID APPLICATION SEEKING FULL PERMISSION FOR DEVELOPMENT COMPRISING TWO STOREY OFFICE BUILDING (USE CLASS B1), ASSOCIATED DEPOT BUILDING (USE CLASS B8) AND RELATED CAR PARKING, ACCESS AND SERVICES WITH LANDSCAPE AND BOUNDARY TREATMENTS TOGETHER WITH AN OUTLINE

APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 10 NO DWELLINGS WITH ALL MATTERS OTHER THAN ACCESS RESERVED FOR FUTURE CONSIDERATION ON LAND BOUNDED BY WARRINGTON ROAD AND WATKINSON WAY, WIDNES, CHESHIRE

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

Following the Officers presentation of the proposal, the Committee agreed that the application be approved.

RESOLVED: That the application is approved subject to the conditions suggested which are linked to the Parameter Plan 02 – Use (Drawing Number 05507 B3\_00\_0101 Rev A).

Conditions applicable to all parts of the proposal

1. Drainage strategy (PR16);
2. Implementation of access road from Warrington Road and adjacent residential development (BE1);
3. Construction Management Plan (BE1);
4. Off-site highway works (BE1); and
5. Highway to be made good following connection works (BE1).

Conditions – Office and Depot – Full Permission

1. Time limit – full permission;
2. Approved plans;
3. Site levels (BE1);
4. Facing material (BE1);
5. Hard landscaping and boundary treatments (BE1);
6. Soft landscaping (BE1);
7. Implementation of parking and servicing (BE1);
8. Implementation of cycle parking (BE1);
9. Remediation strategy and completion report (PR14);
10. Noise mitigation measures (PR8);
11. Electric vehicle charging points (CS19);
12. Travel plan (TP16); and
13. Drainage strategy (PR16)

Conditions – Residential Development of up to 10 dwellings – outline permission

1. Time limit – outline permission;
2. Submission of reserved matters;

3. Ground contamination (PR14);
4. Site levels (BE1);
5. Noise mitigation measures (PR8);
6. Electric vehicle charging points (CS19); and
7. Drainage strategy (PR16).

*Meeting ended at 7.05 p.m.*