

REPORT TO: Development Control Committee

DATE: 17 May 2010

REPORTING OFFICER: Strategic Director, Environment & Economy

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

The following applications for planning permission are submitted to the Committee for consideration with a recommendation in each case. Those applications marked * are considered to have significant employment implications.

An Amendments List, containing the categorisation of planning applications, additional information and amendments to recommendations, will be circulated to Committee Members before the meeting together with plans showing the location of each application site. Those applications now before the Committee, where the planning issues are considered clear by the Chairman, will be included in List A. Unless a Member considers that additional information is required on a particular application in List A it is **RECOMMENDED** that each of the applications be determined (whether for approval or for refusal) in accordance with the conditions or the reasons printed in the Agenda and in the Amendments List previously circulated.

The remaining applications are included in List B. Together with those applications about which Members require further information, List B applications will be considered following determination of applications remaining in List A.

PLAN NUMBER: 10/00078/OUT

APPLICANT: Dreaming Spires Ltd

PROPOSAL: Outline application (with landscape matters reserved) for proposed erection of four storey development consisting of 24 No. apartments and ground floor retail space at

ADDRESS OF SITE: 88A – 92 Albert Road, Widnes.

WARD: Appleton

SUMMARY RECOMMENDATION:

Approve subject to conditions

CONSULTATION AND REPRESENTATION:

Adjacent properties have been notified and the application advertised by means of site and press notices.

The Council's Highways, Environmental Health Officers, Health and Safety Executive and United Utilities have been consulted.

HSE do not advise against the proposal. The Council's Environmental Health Officer has advised that the Phase 1 report, which deals with ground conditions is acceptable but that a Phase II report along remediation measures is required. This will be the subject of a condition of any permission given.

United Utilities have to-date made no comment. Members will be updated of any response on the amendments list or at orally at the meeting.

SITE/LOCATION:

Former petrol station on land between Albert Road and Cross Street.

RELEVANT HISTORY:

Various applications since 1979 relating to fencing, signage, use of premises for storage and workshop, use of site for hand car wash and valeting, 5 No. Class A1 retail units, proposed change of use to cyber café and use of site as A3 fast food drive thru restaurant (01/00660/OUT). The latter application was eventually refused permission on grounds of insufficient information to enable the proper assessment of the impact. 04/00468/OUT and 05/00290/REM – Similar application to the proposed development for a 4 storey development comprising up to 3 No. Class A1, A2 and A3 units at ground floor plus 5 No. C3 units at first, second and third floor levels (i.e. 15 apartments) plus associated car parking and servicing.

The most recent planning permission was granted 07/00716/FUL in December 2010, for a similar development for 24 apartments and 4 retail units.

UNITARY DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as the Widnes Secondary Shopping Area in the Halton Unitary Development Plan (UDP) and the key policies, which relate to the development, are:-

BE1 General Requirements for Development, BE2 Quality of Design, TC5 Design of Retail Development, TC8 Non- Retail Uses Within Primary and Secondary Shopping Areas, H2 Design and Density of New Residential. Supplementary Planning Documents: New Residential Development Guidance, Shop Fronts, Signage & Advertising.

OBSERVATIONS AND ISSUES:

The application seeks permission for the erection of a four-storey mixed use development comprising 24 No. two bed apartments and 2 No. retail units.

The building is approximately 33m wide and 14.6m high. These proportions of the building are slightly smaller than those previously approved. The proposed retail floor space is approximately 175sq.m (split into two units of 129sq.m and 49sq.m). The development has servicing to the rear, including 25 parking spaces accessed from Cross Street.

The scheme as currently proposed raises a number of key issues, which may be summarised as follows:

Planning Policy

The ground floor element of the proposal is consistent with secondary town centre planning policies. There are, therefore, no policy objections to the range of uses requested (Class A1, A2 and A3) sought in the application.

Amenity

Given the location of the site, there are no significant residential amenity objections to the range of ground floor uses and it is considered any residual issues relating to control of fumes and odour, noise, hours of use and ground investigations can be adequately dealt with by way of appropriately worded conditions.

Design and appearance

Regarding the residential element, it is considered that this is consistent with the current trend towards town centre living. The proposal provides one parking space per apartment on the site. Balconies have been provided to the rear of the building allowing these apartments to have some private outdoor space. The absence of amenity space is not considered to be a sustainable reason for refusal as few developments in similar locations include such provision. The developer has agreed to enter in a legal agreement in relation to a contribution towards off site open space.

The surrounding area has been subject to considerable change with the JJB development to the rear and a new car park directly alongside the site. In this context a stand alone building of up to four-storeys in height would not look out of place and would also screen the 11m high JJB building to the rear.

Highways

The proposal includes servicing and one parking space per apartment to the rear. The development also provides internal cycle and bin storage. The proposal also includes highway improvement to the front of the scheme in accordance with works already undertaken by the Council. The Councils Highways Engineer has confirmed that they raise no objections subject to conditions.

Summary and Conclusions

The proposed uses are considered to be in accordance with UDP Policy. The proposed building is character and quality considered to be of a high quality that would improve the street scene of Albert Road and regenerate a vacant town centre site.

It is considered that outstanding matters can be adequately controlled by condition. On that basis, the application is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a legal agreement, relating to the following:

1. The following conditions:-

1. Standard Condition relating to timescale and duration of the permission;
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Submission, agreement and implementation of scheme for drainage (BE1)
4. Landscaping condition, requiring the submission of both hard and soft landscaping. (BE2)
5. Site Investigation, including mitigation to be submitted to and approved in writing. (PR14)
6. Vehicle access, parking, servicing etc to be constructed prior to occupation/ commencement of use. (BE1)
7. Wheel wash condition required for construction phase (BE1).
8. Parking conditions to ensure parking and servicing areas is provided and maintained at all times. The use of the premises shall not commence until the vehicle access and parking has been laid out (TP12 & E5).
9. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2).
10. Construction hours to be adhered to throughout the course of the development. (BE1)

11. Opening hours to be adhered to throughout the life of the permission. (BE1)
12. Condition requiring the submission of any external flues on any units. (BE2)
13. Condition requiring the submission of any external air conditioning or heat exchanger units. (BE2)
14. Condition requiring the submission and approval of shutters, shutters should not have projecting boxes and shall be perforated (BE2)
15. Details of equipment to control the emissions of fumes shall be submitted and agreed in writing. (BE1 & PR3)
16. Condition restricting the uses of the ground floor units (BE1)
17. Noise levels in residential to comply with BS8233. (PR2)
18. A scheme of sound installation to be submitted and agreed in writing (PR2)
19. Provision of bin storage and bin provision (BE1).
20. Obscured windows on the north east side elevation of the building.

and 2.

The applicant entering a legal agreement requiring a contribution to be made towards off-site

Open space.

PLAN NUMBER: 10/00129/S73

APPLICANT: Halton Development Partnership

PROPOSAL: Proposed district centre, consisting of 1No. single storey convenience store, 5 No. two storey retail units, 1No. two storey public house and 1 No. three storey apartment block (comprising 12 No. two bed and 6 No. 1 bed)

ADDRESS OF SITE: Land opposite Motherwell Close, Lanark Gardens, Widnes

WARD: Birchfield

SUMMARY RECOMMENDATION:

Approve with Conditions

CONSULTATION AND REPRESENTATION:

The application has been advertised by means of a site and press notice and the neighbouring properties have been consulted by letter.

United Utilities, the Environment Agency and the Council's Environmental Health and Highways officers have been consulted.

United Utilities have no objection.

The Environment Agency have sent an initial response stating that they would object unless a flood risk assessment is carried out in accordance with PPS25. The applicant is in correspondence with The Environment Agency. Members will be updated through the amendments list or orally at the meeting.

Three letters of objection have been received on the following grounds:

- Anti-social behaviour that would be caused by proposal.
- Public safety
- Noise impacts that would be caused by proposed uses.
- Increased traffic from proposal & Highway safety need to consider traffic calming and diversion routes.
- Impacts on property values.

SITE/LOCATION:

Vacant land with Lanark Gardens to the north, vacant land to the east, local park to the south.

RELEVANT HISTORY:

An outline application (ref:04/01078/OUT) for 15 no. residential units was withdrawn. An application (ref:04/01085/FUL) for a district centre development, including a public house, nursery, two retail units and 2 no. class A3 hot food units was approved in March 2005. This permission superseded application 04/00002/FUL which was for a district centre proposal 4 no. retail units, nursery, public house and a health centre. A further application (05/00473/FUL) was received for a proposed health centre (ground floor) with residential accommodation above (comprising 12 No. units in two bedroom apartments on the first and second floors) but was subsequently withdrawn. The last application 06/00540/OUT

The most recent scheme in application 06/00502/FUL was granted permission in September 2006 for district centre, consisting of 1 No. single storey convenience store, 5 No. two storey retail units, 1 No. two storey public house and 1 No. three storey apartment block.

DEVELOPMENT PLAN DESIGNATION, KEY POLICIES AND SUSTAINABILITY OBJECTIVES:

The site is allocated as a Proposed Local Centre where policy TC1 Retail and Leisure Allocations in the Halton Unitary Development Plan (UDP) is of relevance.

The other key policies of relevance are BE1 General Requirements for Development, BE2 Quality of Design, TP12 Car Parking, PR16 Development and Flood Risk.

The Upton Rocks Local Centre Planning Brief and the Council's New Residential Guidance Note is also of relevance.

OBSERVATIONS AND ISSUES:

This application seeks to extend the time limits on the permission for a further 5 years for planning permission 04/01085/FUL for a proposed local centre incorporating a public house (two-storey), nursery, 2 No. retail units and 2 No. Class A3 hot food units (1-2 storey). Therefore the purpose of this application is not to fully re-consider the merits of the proposal, but to consider any material change since the previous permission and to consider whether it is suitable to extend the time limits.

Outline of the development

The development proposed relates to the use of an allocated site of 2.3 hectares of land as a local centre. This involves the creation of approximately 1840 sq metres of floor space, of which approximately 693 sq metres will provide for 4 shops – a general store, 2 hot food shops and one other retail unit – a 436 sq metre nursery and 711 sq metre public house. The units are all one and two -storey in height and are to be constructed in predominately red brickwork and have a concrete tiled roof. As can be seen from the plan in the 'book of plans', the units are to form an irregular 'L' shape and be sited parallel to the southern and eastern boundaries of the site. A service access road from Queensbury Way will run to the rear of the building blocks. The main public access into the site will be from the northern site boundary (Lanark Gardens). Car parking provision for 90 spaces, including 11 disabled spaces is intended to the front of the units. The layout also incorporates substantial landscaping and boundary treatment as well a re-cycling point. The range of uses generally corresponds with those sought through the planning brief.

Policy

The original application was submitted prior to the adoption of the existing Unitary Development Plan which was adopted in April 2005. The various uses expected to be found in the proposed district centre are set out in Policy TC1 Retail and Leisure Allocations and in the Local Centre Planning Brief. TC1 allocates the site for local shops and community facilities. The Local Centre Planning Brief identifies the site for a convenience store, retail, pub/restaurant. The proposed uses are, therefore, acceptable in principle.

Highway Matters and accessibility

The Highway authority were consulted on the original application (04/01085/FUL and did not consider that it will have an adverse effect on the local highway network and that the total separation of service and customer traffic within the site means there will be no safety issues or conflict between servicing and customer vehicles or pedestrians.

Flood Risk

The Environment Agency have sent an initial response stating that they would object to the extension of time on the application unless a flood risk assessment is carried out in accordance with PPS25. The reason for this is that the original permission was granted prior to the adoption of National Planning Policy Statement 25 'Development and Flood Risk'. They consider this necessary to determine whether the time extension should be granted. The applicant is in correspondence with the Environment Agency to resolve this matter.

Conclusion

It can be seen from the above planning history and policy section of this report, that the local centre is allocated in the adopted Halton Unitary Development Plan and indeed the Council as landowner have been marketing the site for many years. Members will also be aware that the proposals have received an element of local opposition in the past.

The objections to this section 73 application to extend time limits have focussed on anti-social behaviour and public safety, noise from the uses and Increased traffic and highway safety issues. Opposition to previous applications has considered that the facility is neither needed nor in the correct location.

The site has been carefully selected because of its position on the Queensbury Way distributor road, there are good accessibility and transport links. It is central to the 'Upton Rocks' development area and is considered as an essential component to the sustainable development of this large housing area.

The design and detail of the scheme is of a high standard and will result in not only a development which will visually add to the quality of area, but also provide for a number of essential amenities for a sustainable community.

Subject to satisfying the requirements of the Environment Agency in relation to the flood risk matters, the time extension is considered to be acceptable.

RECOMMENDATION:

Approve subject to the following conditions listed below: -

1. Condition extending the time limits of commencement of permission 04/01085/FUL for further 5 years (BE1).

