

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 1 July 2013 at Civic Suite, Town Hall, Runcorn*

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

Apologies for Absence: Councillors A. McInerney, T. McInerney, C. Plumpton Walsh and Rowe

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, R. Cooper, G. Henry, A. Evans and J. Farmer

Also in attendance: Councillors Wright, Edge, Philbin, Jones, M Bradshaw, J Bradshaw, and 68 Members of the public.

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

		<i>Action</i>
DEV9	MINUTES	
	<p>The Minutes of the meeting held on 10 June 2013, having been printed and circulated, were taken as read and signed as a correct record.</p>	
DEV10	PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
	<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV11	- 12/00370/COU - PROPOSED CHANGE OF USE FROM OFFICES (B1) TO CHEMIST/PHARMACY AND NEW SHOP, INCLUDING STEPPED AND RAMPED ACCESSES, SHOP FRONT AND CAR PARKING AT WHITFIELD & BROWN, APPLETON VILLAGE, WIDNES	
	<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	
	<p>Members were reminded that this application was presented at the February Committee meeting at which it</p>	

was approved subject to conditions and a Section 106 Agreement volunteered by the applicant to restrict the site being used for the purposes of a needle exchange. It was reported that since that time the applicant has had further consultations with the NHS which had culminated in a request for the proposal to be approved without the Section 106. This was due to the NHS requirement for pharmacies to provide a full range of dispensing operations.

Since the publication of the agenda an additional petition of 206 signatures had been received objecting to a chemist which would be used for methadone dispensation and a needle exchange on the grounds that: it was too close to a school, nursery and park; it could cause anti-social behaviour and traffic problems in the area; and questioned the need for such long opening hours in a residential area.

The Committee was addressed by Ann Marie Sheridan, a local resident who opposed the application. She informed the Committee that a further petition had been submitted containing 586 signatures objecting to the application on the following grounds: its proximity to a school, nursery and church; additional traffic; parking issues at peak times; hours of opening too long; and that the methadone dispensation and needle exchange operation was unacceptable to residents. She requested that strict conditions be placed upon this and that the opening hours be reduced.

Mr Jon Moorehouse, a representative of the applicant then addressed the Committee. He stated that since the application had been approved the NHS had requested that they operate as a pharmacy dispensing prescription drugs and were therefore requested by them not to enter into the Section 106 Agreement. He requested therefore that they be allowed to operate the pharmacy as other pharmacies are permitted to do.

Councillor Philbin addressed the Committee and raised his concerns on behalf of local residents that the removal of the Section 106 Agreement would leave provision for methadone dispensation and a needle exchange operation in the future. With this in mind he requested the Committee to review the opening hours and keep them in line with the proposed surgery hours.

In response to the representations made, Officers reminded Members that the application before the Committee was not the provision of a methadone and needle exchange operation at the pharmacy, for reasons

explained in the report and at the meeting. Since issues relating to parking, hours of use, Town Centre Policies and sustainability were already considered and previously approved when the original application was considered, it was not appropriate to consider them again in the absence of any evidence.

Following Members' debate, a motion was made to approve the application subject to imposing restricted hours of opening due to the removal of the Section 106 Agreement. This however was not supported and a vote was made to approve the application.

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

1. Amended plans (BE1);
2. Statutory three year period for implementation (BE1);
3. Materials (BE2);
4. Hours of opening (BE1);
5. Amended plans to show provision of access and car parking and defined gross retail area (BE1, TP6, TC6 and CS5);
6. Provision of plans showing a lighting scheme (BE1);
7. Lighting details shall be installed to comply with the recommendations of the Institute of Lighting Engineers (BE1);
8. Details of emergency access onto alleyway to ensure it does not open outwards (BE1);
9. Details of improvements to vehicle access to be approved (BE1);
10. Restriction of retail area to 110 square metres with a gross area no greater than 190 square metres (BE1, H8, TC6 and CS5);
11. Boundary treatment details to include colour coating (BE22);
12. Installation of boundary to rear of the site within an agreed timescale (BE1);
13. Details of provision of cycle parking (TP7)
14. Details of refuse storage (BE1);
15. Details of security shutters to be approved (BE2);
16. No deliveries to the site shall take place outside the permitted opening hours of 0700 to 2300 Monday to Friday; 0800 to 2200 Saturday; 1000 to 1600 Sunday (BE1);
17. Details of alarm and CCTV system to be submitted (BE1 and BE2); and
18. All external lighting shall be compliant with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light (BE1 and PR4).

*Councillor Osborne declared a Disclosable Other Interest in the following item as he was employed by the Co-operative, a business within the vicinity of the proposed application site. He did not vote on the item.*

DEV12 - 12/00517/FUL - PROPOSED DEVELOPMENT OF TWO RETAIL UNITS, A 375 M2 UNIT FOR A1 USE CLASS AND A 93 M2 UNIT FOR A1, A2 OR A3, USE CLASS, TOGETHER WITH ASSOCIATED PARKING, SERVICING AND SITE ACCESS AT ETERNIT UK, EVIRITE WORKS, DERBY 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 Mrs Gaur, a local resident who opposed the application. She argued that there were already shops existing in Farnworth village so there was no need for any more. Also, the development would impact on the quality of life for local residents as there would be an increase in traffic, noise and anti-social behaviour. Adding to this would be the long hours of trading and the selling of alcohol.

Mr Reay, the Applicant, then addressed the Committee. He advised that the site would house two retail units none of which would be a take away. He said that the development would complement Farnworth village and serve all existing residents and future residents, as there was further house building planned. He said it was good use of a brownfield site and would provide employment opportunities.

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

1. Statutory 3 Year period for implementation (BE1);
2. Material details / samples (BE2);
3. External lighting details (PR4);
4. Levels existing / proposed (BE1);
5. Finished floor levels (BE1);
6. Hard and soft landscaping (BE1);
7. Ground investigation and implementation of measures required in risk identification (PR14);
8. External servicing details (BE1);
9. Waste details – including provision of waste bins prior to occupation – commercial and customers bins (BE1);
10. Boundary Treatment (BE22);

11. Drainage (BE1);
12. Surface water drainage and discharge (BE1);
13. Parking layout prior to occupation (BE1);
14. Construction management plan including the commissioning of an as built survey to be submitted on completion of development (BE1);
15. Noise emanating from shop limit (PR2);
16. Shop opening times (PR2);
17. Roller shutter details (BE1); and
18. Restriction on use of the units A1, A2, A3 (BE1).

DEV13 - 12/00542/FUL - PROPOSED DEMOLITION OF EXISTING STEEL FRAMED, BLOCK WALLED, ASBESTOS ROOFED BUILDINGS AND REPLACEMENT WITH ONE DETACHED AND 4 SEMI DETACHED HOUSES AT CRANSHAW HALL FARM, CRANSHAW LANE, WIDNES

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 planning policies of the Council and approved the application as recommended in the report.

RESOLVED: That the application be approved subject to referral to and the application not being called in by the Secretary of State:

- a) the applicant entering into a legal or other appropriate agreement relating to the phasing and completion of the previously approved remediation and barn conversion works.
- b) that if the S106 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 Chairman or Vice Chairman of the Committee to refuse the application.
- c) and subject to the following planning Conditions:
  1. Standard condition specifying commencement within 3 year timescale;
  2. Condition specifying amended plans (BE1);
  3. Submission and agreement of a phasing plan for development (GE1);
  4. Submission and agreement of a construction and

- environmental management plan (BE1);
5. Materials condition, requiring development be carried out in accordance with the approved details (BE2);
  6. Landscaping condition, requiring the submission of hard and soft landscaping (BE2);
  7. Boundary treatments requiring development be carried out in accordance with the approved details (BE2);
  8. Wheel cleansing facilities to be submitted and approved in writing (BE1);
  9. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
  10. Vehicle access, parking and servicing to be constructed prior to occupation of properties/commencement of use (BE1);
  11. Finished floor and site levels, requiring development be carried out in accordance with the approved details (BE1);
  12. Conditions relating to restriction of permitted development rights relating to extensions, dormers, outbuildings and to boundary fences (BE1);
  13. Site investigation, including mitigation to be submitted and approved in writing (PR14);
  14. Conditions relating to hedgerow protection during construction (BE1);
  15. Submission and agreement of biodiversity plan including native planting and bird nesting boxes (BE1 and GE21);
  16. Submission and agreement of biodiversity plan including native planting and bird nesting boxes (BE1 and GE21);
  17. Grampian condition relating to off-site works to Bridleway including passing places, speed restriction and visibility splays footway to frontages to Barrows Green Lane and speed reduction measures (TP7, TP9 and TP15);
  18. Conditions relating to submission and agreement of schemes of surface water management, to dispose of foul drainage and to treat and remove suspended solids from surface water run-off during construction (PR16); and
  19. Condition relating to archaeological watching brief (BE6).

DEV14 - 13/00174/FUL - PROPOSED 39 NO SELF CONTAINED APARTMENTS PROVIDING SHORT TERM ACCOMMODATION WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT 88A - 92 ALBERT ROAD, WIDNES

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

Officers' reported that since the publication of the report five objections had been received from local residents raising concerns relating to: loss of property values; potential for anti-social behaviour and crime increases; impact on emergency services resources; proximity to facilities within the town centre such as pubs; loss of residential amenity; the adverse effect on character of existing established neighbourhood; mis-representations made within the application and concerns over the future of the site if the development goes ahead.

In response it was noted that the local Police Liaison Officer had raised no objections but recommended that a 'standard of security' be added to the Conditions. Further, it was commented that this type of housing accommodation was needed in the Borough and this particular site was a character building which would improve the street scene of Albert Road and regenerate a vacant town centre site. Furthermore, it complied with the relevant Halton Core Strategy Local Plan Policies and UDP Policies.

The Committee received Mr Sheeran, a local resident who opposed the application. He raised concerns over how the property would be staffed and managed and whether or not the occupants would be required to sign agreements whilst using the premises. He also feared an increase in crime and the loss of property values in the area.

Mr Nick Kollakis, the applicant, then addressed the Committee and advised that not one of the objectors had attended consultation meetings to voice their concerns. He provided information regarding homelessness and the importance of providing support to vulnerable homeless people. He further stated that there was a need to increase the supply of housing of this type and urged the Committee to approve the application.

Councillor Jones then addressed the Committee stating that although people understood the need for this type of housing, the residents still had concerns over: their

property values; potential for an increase in anti-social behaviour; drain on local resources and amenities; the misrepresentation of the application which provided an unrealistic view to residents; how the building would be managed; and how would drugs and alcohol consumption be monitored. He requested that they be provided with some reassurance and that local Councillors be involved.

The application was moved and seconded and Members agreed to approve subject to the addition to the Section 106 Agreement and Conditions.

RESOLVED: That the application be approved subject to:

a) the entering into of a legal agreement or other agreement for the provision of:

1. a financial contribution towards town centre retail frontage improvements. This was agreed on the basis the previously approved schemes had an active ground floor retail frontage; and
2. the provision of a liaison group and an open day, so that Ward Councillors could be involved.

b) and subject to 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. Wheel wash condition required for construction phase (BE1);
6. 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 and E5);
7. Boundary treatment condition is required to ensure details are provided prior to the commencement of development (BE2);
8. Construction hours to be adhered to throughout the course of the development (BE1);
9. Condition requiring the submission of any external flues (BE2);
10. Condition requiring the submission of any external



- air condition or heat exchanger units (BE2);
11. Condition requiring the submission and approval of shutters and shutters should not have projecting boxes and shall be perforated (BE2);
  12. Condition requiring a travel plan prior to occupation (TP16);
  13. Condition requiring approval of details of secure cycle storage (TP6);
  14. Condition requiring a scheme of security measures to be approved in writing (BE1);
  15. Condition requiring a construction traffic management plan prior to commencement (BE1);
  16. Condition specifying use restriction (BE1);
  17. Condition requiring details of existing and proposed finished site levels and finished floor levels (BE1).

- 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 – Policy, Planning and Transportation 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).

DEV15 - 13/00190/FUL - PROPOSED 900 PLACE SECONDARY SCHOOL WITH SPORTS AND ARTS/MEDIA CENTRE, ALSO FOR COMMUNITY USE, ALONG WITH MEANS OF ACCESS, CAR AND COACH PARKING, COACH LAY-BY, EXTERNAL SPORTS AND PLAY AREAS AND ASSOCIATED LANDSCAPING AND BOUNDARY TREATMENT ON LAND TO THE SOUTH OF WHARFORD LANE AND TO THE EAST OF OTTERBURN STREET

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

It was reported that there had been 4 objections and 6 representations in support of the application, not 2 and 4 as stated on the report front sheet. It was also reported that since the report was written, a further 9 letters of support had been received. Sandymoor Parish Council had submitted representations in the form of comments and observations which referred mainly to the potential for flooding of the site; traffic around Newmoore Lane and Wharford Lane and the possible provision of a haul road to alleviate this; and the use of Section 106 monies.

It was noted that the reference to Moore Parish Council's concerns on the scheme in the report were an error and Moore Parish Council did not make any comments on this application. Further, the following was noted:

- A crime impact statement had been produced as advised by Cheshire Police, which did not raise any significant planning issues;
- That landscaping details had been amended and ecology features had been incorporated into the scheme;
- The applicant had confirmed that they would use screwed piles which would substantially reduce noise and vibration from piling activities; this would be covered by an additional condition;
- It had been agreed by the Applicant and the Council's Highways Engineers' that a traffic table would be provided at the junction of Newmoore Lane and Wharford Lane; this traffic calming measure would be secured by a Grampian style condition; and
- Amended plans for the car park and layby had been supplied and it was agreed that drop off and collection of children would be managed by the school in accordance with the management plan, yet to be agreed by the Council. This would be covered by a condition.

Mr John Dempsey, a resident of Newmoore Lane, addressed the Committee opposing the scheme. He commented that the provision of a secondary school was not part of the Council's plans, although a primary school was. He referred to the site as contentious as it was a flood plain and commented that there were better sites on Sandymoor for a secondary school. He stated that the new junction would double the volume of traffic and the use of a traffic table would be ineffective.

Mr Andrew Green Howard, the Headteacher of Sandymoor School, then addressed the Committee. He provided information to Members on how the school was started and the aspirations of the residents of Sandymoor and surrounding areas with regards to providing education for their children locally, so they did not have to leave the area or travel out of the Borough. He said that taking into consideration the future plans for Sandymoor's development (an additional 2500 homes), the School would be a welcome additional provision in the area.

Ms Freeman, the Agent for the Applicant, then addressed the Committee in support of the Application. She

stated that they were aware of the concerns of local people with regards to the flood risk; however this had been fully assessed and addressed. She commented that the school would be an asset for the local community and for Halton. Further, that it was of a high design standard and would be run to a high standard and provide employment opportunities.

Reverend Canon David Felix addressed Members advising that the Parish Council had discussed the application at a recent meeting and had made observations relating to three main aspects: the deviation from the original application in that there were 30 less houses; the potential for flooding of the site; and the junction/traffic problems. He advised that the Parish Council were not involved with the applicant or application process in any way.

The Chairman tabled a letter from the Department for Education, which was a response to a request for information under the Freedom of Information Act (FOI) 2000, relating to an impact assessment on Sandymoor Free School. Following debate it was commented that the letter was not clear as to whether it referred to a 'needs' assessment or a 'sustainability' assessment. Members agreed that this information would be helpful in determining the application and therefore moved that the application be deferred until such time as the Department for Education could confirm the nature of the assessment referred to in the letter. The Committee was advised that if it was a needs assessment it would not be relevant to the committee, but if it was a sustainability assessment, it was capable of being relevant.

RESOLVED: That the application be deferred pending further information from the Department of Education on the nature of the impact assessment.

*Councillor Cole declared a Disclosable Other Interest in the following item as he was a Board Member of Halton Housing Trust. He did not take part in any debate or vote on the item. Councillor Morley declared a Disclosable Other Interest in the following item as he has been involved with the application as Ward Councillor for Broadheath. He did not take part in any debate or vote on the application.*

DEV16 - 12/00513/OUT - OUTLINE APPLICATION FOR 36 DWELLINGS COMPRISING 20 X 2 BED HOUSES AND 16 X 1 BED APARTMENTS ON SITE OF FORMER ST MARIES ARLFC, BRENTFIELD, WIDNES

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

It was reported that since the publication of the agenda a letter had been received from Derek Twigg MP asking that the objections of a resident were considered, these were dealt with in the report. He also wished to note his personal objection to the application.

Sports England had confirmed that they would withdraw their objection subject to a condition relating to the upgrade and maintenance of the Prescott Road pitches and the signing of a memorandum of understanding to cover the various land arrangements and pitch upgrades. The terms of the legal agreement referred to in the recommendation of the report also needed to be extended to include financial payment to the Council to cover the cost of the playing field restoration and on-going maintenance.

It was noted that a further planning condition was recommended requiring details of reserved matters for plots 25-36 to provide for side and front aspect windows only to maintain the privacy of adjoining existing residents.

The Committee was addressed by Mr David Griffiths, a local resident who objected to the application. He stated that the scheme would have an adverse effect on the neighbourhood with the loss of privacy and increase in noise. He also stated that the loss of the Club would be detrimental to the community and that this multi sports facility should be kept for use by them. He also raised concerns regarding the increase in traffic and therefore road safety, the 40 foot reduction of greenspace and the relocation of a fence.

Members raised queries relating to the Sports for England playing fields strategy which were clarified by Officers. Members moved to approve the application which was agreed.

**RESOLVED:** That the application be approved subject to:

- a) the applicant entering into a Section 106 Agreement or other agreement for the provision of a financial contribution for compensation for loss of and towards off-site open space, to secure a minimum of 25% of total residential units for affordable housing provision and land transfer of retained playing pitches to

Widnes RUFC; and

b) conditions relating to the following:

1. Standard conditions relating to Outline Planning Permission (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 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. Vehicle access, parking and servicing to be constructed prior to occupation of properties / commencement of use (BE1);
10. Submission and agreement of finished floor and site levels (BE1);
11. Site investigation including mitigation to be submitted and approved in writing (PR14);
12. Submission and agreement of cycle parking (TP6);
13. Conditions relating to tree protection during construction (BE1);
14. Submission and agreement of street lighting details; and
15. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird nest boxes and insect house (BE1 and GE21).

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 – Planning, Policy and Transportation, in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

*Meeting ended at 8.48 p.m.*