

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Tuesday, 8 December 2015 at The Board Room - Municipal Building, Widnes*

Present: Councillors Nolan (Chairman), Morley (Vice-Chairman), J. Bradshaw, S. Hill, C. Plumpton Walsh, June Roberts, J. Stockton, Thompson, Wainwright, Woolfall and Zygadlo

Apologies for Absence: Councillors Cole and R. Hignett

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, A. Plant, R. Cooper, J. Eaton, G. Henry and R. Wakefield

Also in attendance: 12 Members of the public

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

#### DEV16 MINUTES

The Minutes of the meeting held on 5 October 2015, having been circulated, were taken as read and signed as a correct record.

#### DEV17 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.

#### DEV18 - 13/00379/OUT - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT OF UP TO 131 DWELLINGS ON LAND EAST OF DANS ROAD AND NORTH AND WEST OF BENNETTS LANE, GORSEY LANE, WIDNES, CHESHIRE

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

*Action*

Members received the updates to the Committee report as presented in the update list on pages 2, 3 and 4 relating to: Policy clarification; the impact on the future business growth of the neighbouring site Emerald Kalama Chemicals Limited; and planning for risk and COMAH. Further they received the case officer's oral update which included information relating to two further representations the Council had received. One from the objector's Property Consultants and one from their Legal Advisors, in the form of letters, dated 4 December and 7 December respectively.

The Committee was addressed by David Nicolls, the Site Director at Emerald Kalama, who objected to the proposal. He stated that the neighbouring site to the proposal had been acquired by them in July this year for the purpose of expanding the business with a distribution warehouse. He said they hoped to double the tonnage of finished product in the coming years and were therefore committed to the growth of the business on the Widnes site. He argued that this residential proposal would constrain the future development of their site. He stated that the land was intended for employment use and Emerald Kalama would be using the land for this purpose only.

The agent, Caroline Chave, then addressed the Committee. She advised them that they had submitted an application 14 months ago which was held back due to objections from Innospec, as it was known then. Since then the applicant had worked extremely hard with planning officers before bringing the application back. She commented that during this 14 month period, Emerald Kalama had not made any contact with them regarding any proposals and that their objection today was a last minute reaction in an attempt to have her proposal refused. She also added that the proposal would go towards the housing need in Halton.

Further to Members' debate, they noted that a road safety condition was not included. In response, Officers advised that a condition relating to speed reduction measures would be added. After considering the updates, written representations and speakers representations, the Committee voted and agreed to approve the proposal.

**RESOLVED:** That the application be delegated to the Operational Director, in consultation with the Chairman or Vice Chairman, subject to referral to the Health and Safety Executive and if not called in be approved subject to the following conditions:

a) The applicant entering into a Legal Agreement in relation to the payment of a commuted sum for offsite open space and affordable housing;

b) Conditions relating to the following:

1. Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1);
2. Plans condition listing relevant drawings ie, site location / red edge (BE1 and TP17);
3. Prior to commencement the submission of a reserved matters proposal which incorporates a full proposal for drainage of the site (BE1);
4. Prior to commencement submission of levels (BE1);
5. Prior to commencement submission of materials (BE1 and CS11);
6. Prior to commencement submission of hard and soft landscaping (BE1);
7. Prior to commencement submission of a construction / traffic management plan which would include wheel cleansing details (TP17);
8. Avoidance of actively nesting birds (BE1);
9. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (GE21);
10. Prior to commencement details of a landscape proposal and associated management plan to be submitted and approved (BE1, GE21);
11. Prior to commencement details of boundary treatment (BE22);
12. No development shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:
  - Detail extent and type of new planting (NB planting to be of native species);
  - Details of the on-site play space;
  - Details of maintenance regimes;
  - Details of any new habitat created on site;
  - Details of treatment of site boundaries; and
  - Details of management responsibilities.The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority (BE1, PR16, CS2, CS19 and CS23).

13. The future reserved matters proposal shall

- incorporate a provision for on-site play space (BE1);
14. The details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the submitted drawing;
  15. Details of off-site highway works to be submitted for approval, including speed reduction measures (BE1); and
- 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 Chairman or Vice Chairman, to refuse the application on the grounds that it failed to comply with UDP Policy S25 Planning Obligations.

DEV19 - 15/00325/FUL - PROPOSED DEVELOPMENT OF 95 NO. DWELLINGS WITH ASSOCIATED ACCESS ROADS AND LANDSCAPING ON SITE OF FORMER GRANGE NURSERY, INFANT AND JUNIOR SCHOOL, LATHAM AVENUE, RUNCORN, CHESHIRE

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

Since the publication of the agenda some clarification on a number of points raised by the Lead Local Flood Authority had been provided by the applicant and had been reviewed. The responses received were considered to be satisfactory and the suggested condition number 20 remained appropriate.

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

1. Time limit – full permission;
2. Approved plans;
3. Implementation in accordance with proposed site levels (BE1);
4. Facing materials to be agreed (BE1 and BE2);
5. Submission of detailed soft landscaping scheme, implementation and subsequent maintenance (BE1);
6. Implementation of submitted hard landscape and boundaries layout and subsequent maintenance (BE1);
7. Protection of trees – construction phase (GE27);
8. Breeding birds protection (GE21);

9. Implementation of open space and subsequent maintenance (H3);
10. Hours of construction (BE1);
11. Removal of permitted development – all dwellings (BE1);
12. Implementation of construction management plan and site management plan (BE1);
13. Implementation of remediation method statement and submission of a completion report (PR14);
14. Provision and retention of parking for residential development (curtilage) (BE1);
15. Provision and retention of parking for residential development (not in curtilage) (BE1);
16. Implementation of cycle parking for apartments (BE1);
17. Reconstruction of highway at site access point (BE1);
18. Precise details of retaining walls to be submitted, subsequent implementation and maintenance thereafter (BE1);
19. Precise details of sustainable link to Stonehills Lane to be submitted, subsequent implementation and maintenance thereafter (BE1);
20. Submission of drainage strategy for approval and subsequent implementation (PR16); and
21. Implementation of bat mitigation measures as detailed in bat survey (GE21).

DEV20 - 15/00392/FUL - PROPOSED DEVELOPMENT COMPRISING 92 NO. ONE AND TWO BEDROOM APARTMENTS FOR THE OVER 55'S SPREAD OVER 2 NO. 6 STOREY BLOCKS AT TERRACE ROAD, WIDNES

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

Members were advised of a typographical error on page 50 of the Committee agenda where it referred to 'three individual blocks'. The scheme was in fact for 'two' individual blocks.

**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 improvements to the church and public realm in the adjacent conservation area, and for the provision of the footpath/cycleway to link up the Trans-Pennine Trail;

b) Conditions relating to the following:

1. Standard condition relating to timescale and duration of the permission;
2. Submission of materials (BE2);
3. Provision of recycling separation inside each apartment (BE1);
4. Access and parking/layout, cycle parking provision (BE1);
5. Trans-Pennine rail /Cycle Way provision (Tp12);
6. Site investigations and remediation required (PR14);
7. Environment Agency conditions (BE1);
8. Details of drainage (BE1);
9. Details of landscaping scheme (BE1);
10. Conditions specifying construction hours and hours of deliveries for building materials (BE1);
11. Construction traffic management plan and wheel wash facilities (BE1);
12. Requirement for an archaeological investigation (BE1);
13. Grampian off site highways condition (BE1);
14. Details of site levels (BE1);
15. Provision of bin storage and bin provision, bin store doors not to open onto footway (BE1);
16. Condition relating to final details of any work to the River Bank;
17. Condition relating to amended plans (BE1 and BE2);
18. Condition in relation to boundary treatment and pedestrian visibility (BE1 and BE2);
19. Condition relating to details of external lighting (PR4);
20. Condition for obscured glazing on the Terrace Road elevations;
21. Condition restricting the use specifically for the over 55's; and

- c) That if the Legal Agreement is not executed within a reasonable period of time authority is delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice Chairman to refuse the application on the grounds that it failed to comply with UDP Policy S25 Planning Obligations.

DEV21 - 15/00423/FUL - PROPOSED ERECTION OF 2 NO. DETACHED DWELLINGS ON LAND TO NORTH WEST OF THE JUNCTION OF CORONERS LANE, PIT LANE, WIDNES

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

The Committee received revised drawings via the update list which showed:

- a) that proposed house number one was a sufficient distance from the existing dwelling to the rear, which satisfied the Council's interface guidance. Officers advised therefore that refusal condition number 3 on the report was no longer applicable and could be removed; and
- b) that access revisions had been made to both properties, it was considered unlikely that conditions would be needed that could be detrimental to highway safety. Officers advised that refusal condition number 4 on the report was no longer applicable and could be removed.

The Committee was addressed by Mr McDonnell, a local resident who spoke in support of the application. He lived in the next street and attended the public consultation event at the *Ring of Bells* Public House. He wished to record his support for the proposal.

Mr Michael Young then addressed the Committee, who was the agent of the applicant. He stated that the site had existing planning permission for two dwellings and he had been approached by the owner to design them. He advised Members that careful consideration had been given to the natural habitat of the area and the materials used. He commented that the designs were a modern interpretation of properties of the 1930's era. He commented that the public consultation event showed that 70% of residents agreed that the proposal would have a positive impact on the area.

Members debated the proposal taking the representations made into consideration and agreed a motion to approve the application subject to conditions.

**RESOLVED:** The determination of the application be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chairman or Vice-Chairman, with a view to granting the application subject to such conditions that may be considered necessary.

DEV22 - 15/00428/OUT - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR A B2/B8 DEVELOPMENT COMPRISING A MAXIMUM FLOORSPACE OF 43,321 SQM, INCLUDING ANCILLARY OFFICE SPACE/STALL FACILITIES WITH ASSOCIATED LOADING BAYS, HGV/CAR PARKING, LANDSCAPING, PEDESTRIAN/CYCLE CONNECTIONS AND ASSOCIATED INFRASTRUCTURE ON LAND AT EAST END OF NEWSTEAD ROAD BOUNDED TO THE NORTH BY DITTON BROOK AND TO THE SOUTH BY THE WEST COAST MAINLINE

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

The Committee was advised that the outstanding issues identified in the report were confirmed as follows:

- Drainage and flooding – the Environment Agency had confirmed that they raised no objection subject to additional conditions;
- The potential loss of a tree – the applicant had now agreed that this would either be retained or replaced through suitable replanting or compensation. It was considered that this could be secured by an additional condition;
- Knowsley Borough Council had now confirmed that they raised no objection in principle subject to a suitable Travel Plan condition; and
- Access to Hale Road/Ditton Bridge – an additional condition was advised to restrict access to pedestrian and cycle access only.

Officers advised that a phasing plan had now been provided by the applicant to allow the discharge of conditions and construction of the proposed development on a phased basis. Delegated authority was requested to allow officers to approve the application subject to appropriately worded conditions.

Members requested advice from the Council's archaeology advisor in relation to whether it was necessary to attach a condition for an archaeological watching brief. Officers advised this would be done and a condition would be attached if considered necessary.

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



1. Standard conditions relating to Outline Planning Permission (BE1);
2. Condition specifying plans/amended plans (BE1);
3. Requiring submission and agreement of reptile and bat activity surveys and compliance with reasonable avoidance/mitigation measures contained therein (GE21);
4. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking (BE1);
5. Materials condition, requiring the submission and approval of the materials to be used (BE2);
6. Landscaping condition, requiring the submission of both hard and soft landscaping (BE2);
7. Boundary treatments including retaining walls to be submitted and approved in writing (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. Submission and agreement of finished floor and site levels (BE1);
12. Site investigation, including mitigation to be submitted and approved in writing (PR14);
13. Submission and agreement of remediation verification report prior to occupation (PR14);
14. Condition relating to identification of contamination previously not identified (PR14);
15. Condition restricting piling or other penetrative foundation design (PR15);
16. Submission and agreement of cycle parking (TP6);
17. Submission and agreement of detailed Travel Plan (TP16);
18. Conditions relating to tree protection during construction (BE1);
19. Submission and agreement of detailed lighting design (PR4);
20. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird nest boxes and insect house (BE1 and GE21);
21. Condition requiring installation of green walls to provide habitat for invertebrate species and planting scheme of native species of shrub, and grassland and wildflower mixes on the grassed areas, native shrub and grassland species (GE21);
22. Submission and agreement of treatment/removal of

- Japanese Knotweed and validation report;
23. Restricting external storage (E5);
  24. Requiring implementation of a scheme of pedestrian/cycle linkages through the site to Hale Road (TP6/7);
  25. Submission and agreement of a scheme to dispose of foul and surface water (PR15); and
  26. Access to Hale Road/Ditton Bridge – to restrict access to pedestrian and cycle access only.

DEV23 - 15/00520/P3JPA - PROPOSED CHANGE OF USE FROM OFFICE BUILDING (USE CLASS B1) TO 188 NO. APARTMENTS COMPRISING 77 NO. STUDIO APARTMENTS, 7 NO. ONE BED APARTMENTS AND 24 NO. TWO BED APARTMENTS AT CASTLE VIEW HOUSE, EAST LANE, RUNCORN, CHESHIRE

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

Members noted that as the proposal was permitted development, the principle of development was accepted and the only considerations relevant to the determination of this prior approval application were the considerations set out in the report on page 78.

It was reported that one additional representation had been received as summarised in the update list. In response to this it was noted that the first two issues were outside the considerations of this application but in terms of the highway impact, the Highway Officer had concluded that the impact of the proposed development would not be severe.

RESOLVED: That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) is not required.

*Meeting ended at 7.20 p.m.*