

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 11 January 2010 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), P. Blackmore, J. Bradshaw, Hignett, Hodgkinson, Leadbetter, Morley, Osborne and Polhill

Apologies for Absence: Councillors None

Absence declared on Council business: None

Officers present: P. Watts, G. Cook, R. Cooper, G. Henry, A. Pannell, A. Plant, J. Tully, R. Wakefield, W. Watson and M. Simpson

Also in attendance: Cllr Jones, Philbin, Murray, Balmer, 1 Member of press and 52 Members of public.

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

	<i>Action</i>
DEV54 MINUTES	
The Minutes of the meeting held on 7 December 2009, having been printed and circulated, were taken as read and signed as a correct record.	
DEV55 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.	
DEV56 - 09/00358/EIA PROPOSED DEVELOPMENT AND OPERATION OF WASTE RESOURCE PARK TO ENABLE THE RECYCLING AND SORTING OF WASTE MATERIALS, THE PRODUCTION OF COMPOST AND THE PRODUCTION OF REFUSE DERIVED FUEL AT WIDNES WATERFRONT, SOUTH OF MOSS BANK ROAD, WIDNES	
The Committee was advised that this item had been	

deferred at the request of the applicant.

DEV57 - 09/00406/OUT PROPOSED CONSTRUCTION OF INDUSTRIAL UNITS (USE CLASS B1 AND B2) AND HOTEL (USE CLASS C1) UP TO 9350 SQ M. WITH ASSOCIATED ROADS PARKING AND SERVICE AREAS AND LANDSCAPING, 09/00407/FUL - PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 116 NO. RESIDENTIAL DWELLINGS, ROADS OPEN SPACE AND ALL ASSOCIATED WORKS, AND 09/00493/FUL PROPOSED REMEDIATION OF LAND BY DEMOLITION OF EXISTING BUILDINGS AND OTHER STRUCTURES AND INFILLING WITH INERT AND NON-INERT WASTE MATERIAL, TOGETHER WITH THE FORMA

The Committee was advised that on page 21 of the agenda, in the third paragraph there was reference to Cllr Polhill requesting residents concerns were considered. However it should have read that Cllr Parker requested concerns of residents be considered.

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

It was reported that 27 representations had been formally registered against the applications for residential and commercial development, and 21 representations had been acknowledged regarding the enabling works.

Since publication of the report it was reported that a petition of 105 signatures had also been received from the Derby Road Residents Association relating to issues detailed in the report. The Committee was advised that the additional objections did not raise issues that hadn't previously been outlined in the report.

It was further reported that United Utilities had confirmed that they raised no objection in relation to application 09/009493/FUL

The Committee was advised that the applications were supported by a traffic impact assessment and amended plans had been received. On that basis the Council's Highways department had confirmed that they raised no objections. The landowner had agreed to enter into a legal agreement to cover the costs of the highway works required to mitigate problems at the Derby Road / Farnworth Street junction.

Members were informed of the detailed assessment that had taken place by Council Officers and third party specialist consultants regarding detailed site investigation, materials management and methods for the safe remediation of the site with particular regards to asbestos containing material. It was suggested that Officers were now satisfied that the development could be carried out without undue risk to workers, adjoining residents and the environment although an ongoing process of further investigation, agreement of methodologies and monitoring and review would be undertaken throughout the course of the development. It was considered that this could now be secured through appropriate conditions and that other legislative controls through the Environment Agency and Health and Safety Executive would further act to ensure that the process was undertaken without undue risk.

Members were also informed that a wide and ongoing process of public consultation had been undertaken with a relatively wide number of residents and that all information associated with the applications had been placed at Council Offices in Widnes for public inspection.

It was suggested to Members that additional conditions be included to allow for agreement of details for the routing of HGVs and plant entering and leaving the site and containment of waste within HGVs.

It was also requested that authority be delegated to the Operational Director, Environmental and Regulatory Services and the Chair and Vice Chair of the Committee, to allow appropriate conditions to be attached in relation to the detailed ground investigation and remediation, materials management and monitoring review.

Mr Addy addressed the Committee on behalf of the Residents Association and spoke against the application raising concerns such as the significant amount of harm that has been caused to people working on the site in the past, the extent of the dust fall out up until the 1960's and the standard of the testing that would be carried out to identify the dangerous substances. Mr Addy also raised concerns about the potential harm to local residents and the environment, the lack of environmental assessment and the availability and accessibility of information to the public. He therefore requested that the Committee defer the application in order to ensure more detailed assessment and testing methods be more robust.

Mr Matthews addressed the Committee on behalf of

the applicants and spoke in favour of the application identifying the team of experienced and qualified experts that were working with the developer, including third party consultants to look specifically at issues around asbestos and the control measures. Mr Matthews also identified a wide range of other legislative controls which would be in place to fibres as only white asbestos was at a shallow depth. He explained that whilst there would be an ongoing process of testing, it was only envisaged that white asbestos would be encountered during works as records indicated that blue and brown asbestos was buried at such depth that it would not be uncovered.

Ward Councillor Balmer addressed the Committee and raised concerns in relation to the removal of potentially hazardous materials and traffic problems at Derby Road / Farnworth Street junction. He suggested however that, providing the development could be carried out safely as advised by specialists, that the proposals would be of significant benefit to the area and that to leave the site derelict would potentially cause greater problems in the future and housing was the best option for it.

Cllr Balmer suggested 6 additional conditions and circulated a paper copy of them to the Committee which suggested a panel including residents representatives which should be formed to meet weekly throughout the removal phase to be updated and discuss any problems. Cllr Balmer also felt the proposals for a hotel should be removed and replaced with an office development and other measures relating to safety aspects.

The Operational Director Environment and Regulatory Service responded to inform Members that in planning terms accepting the proposed additional conditions put forward could be considered illegal, however he suggested that officers could work with the developer in attempt to secure assurances in these regards.

Members held a wide ranging discussion and raised concerns regarding the potential for production of asbestos dust particularly relating to the crushing of material, the risk to workers and surrounding residents. Questions were also raised in relation to the site levels and method of foundations, provision for underground services and the well on site, to ensure that these could be accommodated by the current proposals without further potential of release of asbestos and impact on the environment and human health.

The Contaminated Land Officer responded by giving

an overview of the information and assessment that had been carried out to date and the wider controls available to the Council and other organisations. It was suggested that the residential site would be completely cleared of asbestos and any other contamination remediated accordingly. The commercial site would be levelled to create a development platform and a capping membrane and layer put down. It was also explained that piling methods did exist which would not result in new arisings, that the services would sit in clean trenches and that these could be controlled through conditions. The new well would be drilled in line with Environmental Agency guidelines.

The Committee agreed that although a panel of residents could not be established by way of condition, Members would encourage and support the introduction of a local forum.

RESOLVED: That

**09/00406/OUT –**

The application be approved subject to the following:

- a) the site owner/ applicant entering into a legal or other appropriate agreement relating to financial contributions towards off site highway improvements, requirement for demolish of redundant buildings on the site as agreed, requiring that the reclamation of both the residential land and commercial land are carried out in accordance with an agreed timescale, re-painting and/ or re-cladding of poor areas of cladding of the main manufacturing building in accordance with an agreed scheme and timetable, to market the commercial land in accordance with an agreed strategy and timescale and to relocate and encase the Redler extraction plant in accordance with the agreed noise assessment.
- b) Conditions relating to the following:
  1. Conditions on the time limits for submission of reserved matters
  2. Conditions relating to ground investigation and mitigation (PR14)
  3. Conditions requiring that the development, including ground works, site preparation and remediation be carried out in strict accordance with an agreed remediation strategy and materials management plan (PR14)

4. Conditions relating to site traffic management including routeing for HGV and Plant and containment of waste being moved by HGV on and off site.
5. Requiring agreement of piling design (PR14)
6. Restricting scale and floorspace of development in accordance with approved details (BE1)
7. Materials condition, requiring the submission and approval of the materials to be used (BE2)
8. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree planting. (BE2)
9. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
10. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
11. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
12. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
13. Conditions relating to the agreement and implementation of bin stores cycle parking provision (TP6)
14. Submission and agreement of finished floor and site levels. (BE1)
15. Conditions relating to tree protection (on adjoining land) during construction (BE1)
16. Requiring Development be carried out in accordance with the approved FRA and mitigation measures (PR16)
17. Requiring submission, and agreement of a surface water regulation system to be installed (PR16)
18. Conditions to ensure protection of underlying culverted watercourse (PR15)
19. Conditions requiring submission and agreement of details relating to treatment of surface water run-off during construction, disposal of foul and surface water and oil, petrol interceptors or trapped gullies (PR5)
20. Controlling external lighting (PR4)
21. Restricting the approved uses to B1, B2 and C1 (hotel)
22. Restricting the area forward of the front elevation of the adjoining Eternit production building toward Derby Road to use classes B1 and or C1 (hotel) unless otherwise agreed (E5 and PR2)
23. Restricting external working and storage (E5)
24. Grampian conditions relating to off-site works to footway to frontages to Derby Road (TP9)

- 25. Condition relating to ground nesting birds (GE21)
  - 26. Submission and agreement of ecology/ habitat enhancement features including bird/ bat boxes (GE21)
  - 27. Submission and agreement of an Energy Strategy to secure energy requirements from decentralised, renewable and low carbon sources and/ or reduce carbon footprint (EM18)
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

**09/00407/FUL**

The application be approved subject to the following:

- d) a legal or other appropriate agreement relating to financial contributions towards off site highway improvements, requirement for demolish of redundant buildings on the site as agreed, requiring that the reclamation of both the residential land and commercial land are carried out in accordance with an agreed timescale, re-painting and/ or re-cladding of poor areas of cladding of the main manufacturing building in accordance with an agreed scheme and timetable, to market the commercial land in accordance with an agreed strategy and timescale and to relocate and encase the Redler extraction plant in accordance with the agreed noise assessment.
- e) Conditions relating to the following:
  - 1. Specifying amended plan.
  - 2. Conditions relating to ground investigation and mitigation (PR14)
  - 3. Conditions requiring that the development, including ground works, site preparation and remediation be carried out in strict accordance with an agreed remediation strategy and materials management plan (PR14)
  - 4. Conditions relating to site traffic management including routeing for HGV and Plant and containment of waste being moved by HGV on

- and off site.
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 to include replacement tree planting. (BE2)
  7. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
  8. Requiring detail relating to sound attenuation fencing to boundary with Eternit works including landscaping, pump station, new footpath/ cycleway and LAP and timetable for implementation (BE1, H3, TP9 and PR2)
  9. Requiring submission and agreement of improved specification glazing/ acoustic ventilation in accordance with the submitted noise report.
  10. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
  11. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
  12. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
  13. Submission and agreement of finished floor and site levels. (BE1)
  14. Conditions relating to tree protection during construction (BE1)
  15. Requiring Development be carried out in accordance with the approved FRA and mitigation measures (PR16)
  16. Requiring submission, and agreement of a surface water regulation system to be installed (PR16)
  17. Conditions to ensure protection of underlying culverted watercourse (PR15)
  18. Conditions requiring submission and agreement of details relating to treatment of surface water run-off during construction, disposal of foul and surface water and oil, petrol interceptors or trapped gullies (PR5)
  19. Grampian conditions relating to off-site works to footway to frontages to Derby Road (TP9)
  20. Requiring that the development be carried out in strict accordance with all approved documents and associated supporting information submitted in support of the application unless otherwise agreed (BE1).
  21. Condition relating to ground nesting birds



- (GE21)
22. Requiring agreement of a developer funded watching brief (BE6)
  23. Submission and agreement of ecology/ habitat enhancement features including bird/ bat boxes (GE21)
  24. Requiring properties be supplied with appropriate bins and recycling bins prior to occupation (BE1)
  25. Submission and agreement of an Energy Strategy to secure energy requirements from decentralised, renewable and low carbon sources and/ or reduce carbon footprint (EM18)
- f) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Environmental and Regulatory Services in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

#### **09/00493/FUL**

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

1. Conditions relating to ground investigation and mitigation (PR14)
2. Conditions requiring that the development, including ground works, site preparation and remediation be carried out in strict accordance with the an agreed remediation strategy and materials management plan (PR14)
3. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
4. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
5. That finished site levels be in accordance with the approved drawings unless otherwise approved. (BE1)
6. Conditions relating to tree protection (on adjoining land) during construction (BE1)
7. Requiring Development be carried out in accordance with the approved FRA and mitigation measures (PR16)
8. Conditions requiring submission and agreement of details relating to treatment of surface water run-off during construction, (PR5)

9. Condition relating to ground nesting birds (GE21)

DEV58 - 09/00404/OUT - OUTLINE APPLICATION (WITH APPEARANCE, LANDSCAPING LAYOUT AND SCALE MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT UP TO 5 NO. DWELLINGS ON THE LAND TO THE REAR OF NO. 8 MOUGHLAND LANE, RUNCORN.

The Committee was advised of an error on the report regarding the plan no should have read 09/00404/OUT rather than 09/00414/OUT.

It was reported that the item was deferred for a site visit, Members visited the site on 15 December and further amendments were discussed with the applicant including:

- Reducing the number of units;
- Moving the access north;
- Traffic calming;
- Improving visibility on Moughland Lane by removing a tree.

It was noted that the applicant had considered the requested amendments and felt that the number of dwellings and density were in keeping with the area, therefore had not reduced the numbers.

The applicant would be happy to move the access north but felt that this would still result in a ransom strip so had not amended the access. It was noted that the applicant was satisfied that if the Highways Department requested traffic calming then that could be conditioned. It was further noted that the applicant did not feel that it was necessary to remove the tree on the corner of Tree Bank, as other alterations were agreed with the Highways Department to improve visibility. Therefore Members were advised that no amendments had been made.

The Committee was advised that at 5.00pm that evening a report had been submitted from the Operational Director Highways and Transportation which required further analysis and a more detailed appraisal of the situation therefore it was recommended that this item be deferred.

**RESOLVED:** That the application be deferred in order to analyse and carry out a more detailed appraisal in light of the new report received at late notice.

DEV59 - 09/00430/FUL PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 18 NO. (2, 3 AND 4 BEDROOM) HOUSES AND 8 NO. (2 BEDROOM) APARTMENTS WITH PRIVATE AREAS OF HARDSTANDING FOR ACCESS, PARKING AND SERVICING, SECURED PRIVATE GARDENS AND LANDSCAPED AREAS TO THE LAND OFF BRACKENDALE, HALTON BROOK, RUNCORN

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

The Committee was advised that United Utilities and Council's Highways Engineers had confirmed that they raised no objections in principle.

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

1. Condition specifying amended plans (BE1)
2. Materials condition, requiring the submission and approval of the materials to be used (BE2)
3. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
4. Submission and agreement of landscaping (BE2)
5. Conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences etc. (BE1)
6. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
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. Agreement and implementation of stores/ cycle parking provision (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. Requiring provision of bin and recycling facilities prior to occupation. (BE1)

DEV60 - 09/00511/COU - PROPOSED CHANGE OF USE OF GROUND FLOOR OFFICE TO 3 NO. RESIDENTIAL CARE

BEDSITS AT NUMBER 1 PEEL HOUSE LANE, WIDNES  
WA8 6TN

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

It was reported that one representation had been received from the residents of 3 Greenway Road in relation to the works already being carried out and as such should not be approved. Reference was also made to the potential for the introduction of more anti-social behaviour noise and disruption.

It was further noted that the Community Safety Team had been consulted on the previous application and made comments, which were detailed in the report for information.

Mrs Tierney addressed the Committee on behalf of the applicants and spoke in favour of the application. Reference was made to the services to be provided by the company. It was reported that the client group would consist of young people from the looked after area and had proven competent in a number of key areas.

It was further noted that the young people had to complete a formal contract as to what was expected from the service and any breach of that contract would result in a formal warning, then to eviction. Members were informed that the service provided an opportunity to develop and lead an independent life and would be monitored and guided by skilled workers having a positive impact on young people.

Arising from the discussion Members felt that the concerns around anti-social behaviour outweighed the benefit provided to the young people and recommended that the application be refused.

RESOLVED: That the application be refused due to the reasons previously expressed as follows:- due to the proposed use being inappropriate for the area because it would:

- Create an environment in which anti-social behaviour would result;
- Create an environment where there is a genuine perception of fear and concern because of the likelihood of increased crime and disorder;

The proposal is therefore contrary to policy BE1 of

the Halton Unitary Development Plan and the Council has paid particular consideration to the requirements of Section 17 of the Crime and Disorder Act.

#### DEV61 MISCELLANEOUS ITEMS

It was reported that appeals had been received following the Council's refusal of the following applications:-

The Committee was advised that decisions had been received as follows :-

09/00123/FUL Proposed rear conservatory at 288 Liverpool Road Widnes

It was reported that this appeal had been allowed.

09/00295/FUL Proposed two storey side extension at 9 Hambleton Close Widnes

It was noted that this appeal was dismissed.

The Committee was further advised that the following applications had been withdrawn: -

09/00429/FUL Proposed single storey rear extension at 20 Poolside Road Runcorn

09/00455/OUT Outline application (with appearance, landscaping, layout and scale matters reserved) for 32 dwellings at Cock & Trumpet Public House Halebank Road Widnes

09/00465/COU Proposed change of use from Use Class B1 (offices) to Use Class A1 at 4 Taylors Row Runcorn

09/00471/HBCFUL Proposed erection of 2m high vehicular access gate and fencing at Alley to side/rear of 1-9 Ball Pathway and to

rear of 174-185 Liverpool Road Widnes

*Meeting ended at 7.30 p.m.*