

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 11 February 2013 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Baker, R. Hignett, S. Hill, C. Loftus, A. McInerney, C. Plumpton Walsh and Rowe

Apologies for Absence: Councillors Morley and Osborne

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, T. Gibbs, M. Noone, A. Plant, J. Farmer, G. Henry, I. Mason and P. Shearer

Also in attendance: 56 Members of the Public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

| | <i>Action</i> |
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| DEV53 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS | |
| <p>The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute Dev 67 refers). Therefore, pursuant to Section 100 B(4) and 100 E of the 1972 Act, the Chairman ruled that the item be considered as a matter of urgency.</p> | |
| DEV54 MINUTES | |
| <p>The Minutes of the meeting held on 7 January 2013, having been printed and circulated, were taken as read and signed as a correct record.</p> | |
| DEV55 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> | |

DEV56 - 12/00282/FUL - EXTENSION OF RUNWAY END SAFETY AREA INCLUDING THE STOPPING UP OF DUNGEON LANE, DIVERSION OF ASHTONS LANE AND ERECTION OF NEW BOUNDARY TREATMENT ON LAND TO NORTH OF BAILEYS LANE, HALE

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 report an additional petition 'Keep Baileys Lane Closed Campaign' was submitted and signed by 436 signatories. An additional 10 objection letters were received and included the following objections:

- Removal of barrier would cause an increase in fly tipping;
- Criminal activity;
- Speeding;
- Traffic noise;
- Parking restrictions for residents;
- Bridleway would create access to rear of Baileys Lane for criminals and rubbish tipping;
- The 2m high wire fence was inappropriate;
- Property would be devalued;
- Airport uses cheapest approach to work;
- No alternatives considered by Airport;
- Increase in volume and size of vehicles;
- Weight restrictions needed;
- Airport shows no concern for environment or residents;
- Control barrier should stay;
- Increase in agricultural traffic;
- Vehicles on Baileys Lane would interfere with landing aircraft;
- Concerns of narrowness of Baileys Lane and no pavement;
- CAA were not insisting upon this proposed arrangement; upgrade to instrument landing system was commercially driven;
- No economic benefits to local area;
- Highway safety; and
- Increased noise and emissions.

Officers reported that the applicant was in the process of drafting the S106 Agreement on the basis of:

- a) Traffic Regulation Orders;

- b) Scheme for parking restrictions;
- c) Removal of existing barrier on Baileys Lane;
- d) Signage and traffic management;
- e) Vegetation clearance;
- f) Carriageway repairs identified as a result of vegetation clearance; and
- g) Provision of passing places

The Committee was addressed by Christine Coleman, a local resident who objected to the scheme. She reminded the Committee that Baileys Lane had been closed by the Council some 4 years ago for health and safety reasons and was now recommending a reversal of this decision to accommodate the applicant. She argued that there would be an increase in the volume of traffic and noise and that there would be an impact on residents, visitors and the community as a whole. She also objected to the fencing as stated above and argued that Liverpool John Lennon Airport (LJLA) had not explored the alternatives and that to implement the proposed scheme would lower the appeal of the area and compromise the safety of residents.

Mr Shepherd, on behalf of the applicant, then addressed the Committee. He stated that the application was required in order to comply with current safety standards, as recommended by the Civil Aviation Authority (CAA), and not to increase the capacity of the airport. He stated that the scheme would have a minimum impact on people living nearby and that LJLA were aware of the concerns of residents having completed a consultation exercise. He further stated that the increase in traffic would not be significant and the volume was light presently and that the potential for anti-social behaviour (ASB) was unfounded as the land around the airport would be fenced off.

Councillor Wharton (Ward Councillor) addressed the Committee. He opposed the closure of Dungeon Lane and rerouting of Baileys' Lane. He referred to the letters of objection received and the signing of a petition of 400 plus signatories. He suggested that the application had been made to pave the way for a planned 340m extension to the runway by 2015. Councillor Wharton read out a letter received by the Department of Transport (DoT) in April 2012 which discussed the boundary. He also stated the following:

- The current 3ft fence was in poor condition and not maintained and therefore not compliant with CAA Regulations;
- The exploration of other options was needed;

- The closure of Dungeon Lane would increase the volume of traffic on Baileys' Lane and size of vehicles;
- The area was already affected by noise and traffic; this would increase;
- The area had been systematically blighted by LJLA in the past whereby demolitions had been left in terrible condition (he passed 4 photos around for Members to see);
- Baileys' Lane was presently quiet but this application would mean it would be returned to its previous state, encouraging fly tipping; and
- The feelings of the residents were unanimous; this project would affect their safety, wellbeing and quality of life.

Members were reminded that a decision was not needed on the closure of Dungeon Lane; they were being asked to approve the additional safety zone and fencing. Members debated the merits of the application.

It was further noted following Members queries, that the Police were not a statutory consultee and plane spotting was not encouraged by LJLA. Members' attention was drawn to the part of the report relating to the *Runway End Safety Area* (RESA) on page 10 and recommendations made by the CAA in relation to this.

A motion to refuse the application was made but was not supported. Following this a motion to approve the application was made and supported by the majority of the committee.

RESOLVED: That

- a) the application be approved subject to a S106 Agreement; and
- b) the following conditions:
 1. Standard 3 year permission (BE1);
 2. Condition specifying amended plants (BE1);
 3. No development shall take place until the relevant part of Dungeon Lane has been stopped up (BE1);
 4. No development shall take place until Ashton's Lane has been stopped up (BE1);
 5. No development shall take place until the new highway at the corner of Dungeon Lane and Bailys Lane has been laid out to an adoptable

- standard and dedicated as highway (BE1);
6. No development shall take place until the existing Traffic Regulation Order affecting Baileys Lane) providing for the existing barrier) has been revoked, subject to any recommendations by the Inspector dealing with the stopping up of Dungeon Lane (BE1);
 7. No development shall take place until a detailed landscaping proposal, including protective measures for trees to be retained and proposed tree replacement scheme and in compliance with the requirements of paragraph 3, table 6, of the submitted Ecological Appraisal has been submitted to and approved in writing, such details to be implemented in a timescale agreed with the Council (BE1);
 8. No development shall take place until details of all boundary treatments, incorporating paladin mesh fencing colour coated green fencing, have been approved in writing, such details to be implemented during the course of development (BE22);
 9. No development shall take place until the submission and agreement of biodiversity and habitat details as required by Table 6 of the submitted Ecological Appraisal, such details to be implemented to a timescale approved by the Council (BE1);
 10. No development shall take place until details of a construction Management Plan including wheel cleansing facilities to be submitted and approved in writing, such details to be carried out during the development (BE1);
 11. No development shall take place until full details of the restoration for area identified for removal of the existing mounded area have been approved by the Council (BE1); and
 12. Construction and delivery hours to be adhered to throughout the course of the development (BE1).

DEV57 - 12/00356/FUL - PROPOSED RESIDENTIAL DEVELOPMENT CONSISTING OF 112 NO. DWELLINGS AS AMENDMENT TO PART OF PREVIOUS PLANNING PERMISSION 10/00355/FUL (INCREASING TOTAL NUMBER OF DWELLINGS FROM 126 TO 148) ON LAND TO NORTH EAST OF RAIL LINE, BARROWS GREEN LANE, WIDNES

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

of the site.

Officers reported that two further letters of objection had been received.

The Committee was addressed by Mr Norman Spencer, a local resident, who advised that his property would be bordered by a footpath which would increase the risk of anti-social behaviour close to his property. He requested continuous security fencing be erected around the footpath and suggested that this be landscaped by hedging.

In response officers stated that a footpath was provided for in the previous permission and that alterations were to be made to include a substation. The applicant had agreed to erect a fence and install mesh fencing around the substation. Conditions were listed which apply to this.

RESOLVED: That the application be approved subject to:

- a) the entering into a Legal Agreement including provision of a financial contribution towards off-site public open space, public transport and Greenway improvement as required.
- 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 on the grounds that it failed to comply with Policy.
- c) and the following conditions:
 1. Condition specifying amended plans (BE1);
 2. No development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (BE1);
 3. Materials condition, requiring development be carried out in accordance with the approved details (BE22);
 4. Landscaping condition, requiring the submission of both hard and soft landscaping to include replacement tree and hedgerow planting (BE2);
 5. Boundary treatments requiring development be carried out in accordance with the approved

- details (BE2);
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. Finished floor and site levels, requiring development be carried out in accordance with the approved details (BE1);
 10. Conditions relating to restriction of permitted development rights relating to boundary fences and conversion of garages etc. (BE1);
 11. Requiring implementation of scheme of landscaping buffer zone proposals in accordance with submitted scheme (BE1);
 12. Site investigation, including mitigation to be submitted and approved in writing (PR14);
 13. Conditions relating to tree and hedgerow protection during construction (BE1);
 14. Conditions relating to schemes of surface water management and to manage risk of flooding from overland flow (PR16);
 15. Submission and agreement of detailed boundary treatments including colour coated weld mesh fencing to substation and gas governor and railing/fencing to surface water attenuation ponds (BE1);
 16. Submission and agreement of scheme for protection, planting and management of buffer zone to brook (BE1);
 17. Submission and agreement of a scheme of Noise Mitigation (PR2);
 18. Submission and agreement of biodiversity plan including native planting and wildlife refuge features and bird boxes (BE1 and GE21); and
 19. Grampian conditions relating to off-site works to footway to frontages to Barrows Green Lane and speed reduction measures (TP9, TP6 and TP15).

Councillor A McInerney declared a Disclosable Other Interest in the following item as she was a family friend of Mr Argent, the owner of Widnes Timber.

DEV58 - 12/00364/COU - PROPOSED CHANGE OF USE FROM TIMBER SUPPLY CENTRE TO TANKER HAULAGE YARD INCLUDING THE DEMOLITION OF PART OF THE EXISTING LEAN TO BUILDING AT WIDNES TIMBER CENTRE

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

Mr Clark addressed the Committee speaking on behalf of residents of Wellingford Avenue. He urged the Committee to reject the application and argued the following: loss of amenity to residential areas; noise from lorries starting up; smell of diesel; residents would be unable to use their gardens due to noise and planning policies not being adhered to.

Mr Argent, the landowner, addressed the Committee and informed them that permission to develop the site for residential use was passed in November 2011. He advised them that he had attempted to develop the site, however, had been unable to obtain finance for residential development and had looked for an alternative use for the site. Mr Richardson, the applicant, was the only person to come forward with a proposal for development.

Mr Richardson then addressed the Committee and advised them that they had met with residents and a meeting was held with Halebank Parish Council where the concerns of the residents were answered. He confirmed that 13 employees would work on site and it was hoped that this would increase in the future.

Councillor Roberts (Ward Councillor) addressed the Committee objecting to the application on behalf of the residents. He reminded Members that the surrounding houses were built in 2007/8 and commented that these homes would be seriously impacted by the development of this scheme, particularly numbers 18 to 28 Wellington Avenue. He argued that the lorries would be noisy and the matter of fuel storage had not been addressed in the report. He urged the Committee to vote against the application.

It was confirmed that the applicant had agreed to operate the yard between the hours of 6am and 7pm and that during this time the vehicles would be off site most of the time. Environmental Health Officers confirmed that if they received complaints from residents then these would be investigated. It was noted that the application was a departure.

Members considered the information before them and the issues raised by the speakers and agreed that the application should be refused.

RESOLVED: That the application be refused. The Committee considered that the fundamental points at issue were: (1) the policy harm to Action Area Policy RG5 of the UDP; (2) the impact of the proposal on the amenity of neighbouring residents; (3) the impact on neighbouring residents should the existing use (or a use within the same use class) be resumed; (4) the negative effects of leaving the site in its present condition (especially taking into account the failure to obtain funding for housing or other 'good neighbour' development; (5) the positive impact of redevelopment of the site in terms of employment generation. The officer recommendation was perfectly valid in terms of employment generation (item 5 above) but the Committee were not convinced that the negative impact of the proposed development in terms of items (1) and (2) above would be as limited as the officers' report suggested.

DEV59 - 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 WHITEFIELD & BROWN, APPLETON VILLAGE, WIDNES

This item was removed from the Agenda prior to the meeting because the applicant had submitted a late amendment which required further consultation.

DEV60 - 12/0377/COU - PROPOSED CHANGE OF USE FROM OFFICE TO 12 NO. ONE BEDROOM APARTMENTS INCLUDING CHANGE OF USE OF ADJOINING LAND TO CREATE ASSOCIATED CAR PARKING AND BIN STORAGE PLUS ERECTION OF BOUNDARY WALL AND RAILINGS AT 5 WIDNES ROAD, WIDNES

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

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

1. Specifying 3 year permission;
2. Condition specifying amended plans (BE1);
3. Materials condition, requiring submission and agreement of external materials (BE2/BE12);
4. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/commencement of use (BE1);
5. Boundary treatments requiring development be carried out in accordance with the approved details

- (BE2);
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. Requiring relocation of bus shelter prior to commencement of use or in accordance with timetable by the Local Planning Authority (BE1); and
 9. Requiring implementation of bin storage in accordance with approved plans prior to commencement of use (BE2).

DEV61 - 12/00387/FUL - PROPOSED CONSTRUCTION OF A NEW WASTE TRANSFER STATION AND MATERIALS RECOVERY FACILITY. RE-CLADDING OF EXISTING MATERIAL RECOVERY FACILITY AND TRANSFER BUILDING. USE OF AREA TO SOUTH WEST OF SITE FOR THE STORAGE OF WASTE IN OPEN BAYS. ASSOCIATED PLANT AND INFRASTRUCTURE INCLUDING TWO NEW WEIGHBRIDGES AND RE-ALIGNMENT OF EXISTING INTERNAL ROADS. ANNUAL THROUGHPUT OF 200,000 TONNES AT WSR RECYCLING LTD, DITTON ROAD, WIDNES, WA8 0PA

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

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

1. Time limit for the commencement of development; (in accordance with the Town and Country Planning Act 1990);
2. Shall be carried out in accordance with application forms, supporting information and list of approved plans and documents (BE1, BE2);
3. The proposed development shall be carried out in accordance with the submitted working statement (BE1 and MW3);
4. Prior to the commencement of development submission and approval of materials (BE2);
5. Prior to commencement provision and use of wheel cleansing facilities during course of construction to be submitted and approved (BE1);
6. Condition(s) in relation to the submission of a ground investigations and remediation strategy. This shall include the monitoring maintenance and any contingency final report demonstrating that all long term site remediation criteria;

7. No development shall begin until the provision of predevelopment site levels and proposed finished floor levels and adjacent land levels (BE1);
8. Prior to occupation of the buildings laying out of approved vehicle access, service and parking areas to be retained as such (BE1);
9. The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures as detailed in the FRA (BE1 and PR16);
10. Prior to the commencement of development details of lighting shall be submitted to and approved in writing;
11. Condition(s) restricting the locations, heights and types material to be stored externally (BE1, E3 and MW7);
12. No materials or substances shall be burnt at the site (BE1 and PR1); and
13. No external storage or composing of putrescible materials/waste (BE1 and PR3).

DEV62 - 12/00433/FUL - PROPOSED DEMOLITION OF THE VACANT PRINCE OF WALES PUBLIC HOUSE TO BUILD A SINGLE NEW RETAIL UNIT (CLASS A1) AS AN EXTENSION TO THE ABLERT SQUARE SHOPPING CENTRE, THE RELOCATION OF THE TAXI RANK IN THE SOUTHERN ALBERT SQUARE CAR PARK.

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

Officers reported that two conditions would be amended, one relating to the taxi rank and the other to the junction improvements at Frederick Street to be agreed within a scheme that should include timescales for carrying out the works. This scheme to be submitted prior to commencement.

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

1. Standard 3 year permission (BE1);
2. Condition specifying amended plans (BE1);
3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
4. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);
5. Construction and delivery hours to be adhered to throughout the course of the development (BE1);

6. Requiring provision of bin and recycling facilities prior to occupation (BE1);
7. Air Quality mitigation during construction;
8. Construction and demolition management plan should be agreed prior to commencement (BE1);
9. The taxi rank shall be marked out to commencement of the new unit;
10. Servicing vehicle management plan to be agreed with delivery times and control of exit barrier onto South Street prior to occupation;
11. Improvements to corner of Kent Street and Frederick Street prior to construction; and
12. Prior to occupation of the unit remarking of all spaces in the car parks shall be carried out in accordance with approved plans.

DEV63 - 12/00444/FUL - PROPOSED PART DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE OF SITE TO METAL RECYCLING FACILITY, INCLUDING CONSTRUCTION OF TWO STOREY OFFICE BUILDING, SITING OF WEIGH BRIDGE AND ASSOCIATED CABIN, ERECTION OF VARIOUS TIMBER AND STEEL 6M, 7M AND 8M HIGH BOUNDARY TREATMENTS, SITING OF ETERNAL PLANT AND MACHINERY AND ASSOCIATED WORKS ON LAND AT EVERITE ROAD, WIDNES, CHESHIRE WA8 8PT

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

Members were advised that this application was a resubmission of a previous application.

This application sought the change of use of the land to a scrap metal storage and processing facility and operational development, as listed in the report. The application was recommended for refusal as the proposal would not provide sufficient enough screening to mitigate the obtrusiveness and visual intrusion to residents' outlook, this combined with the perception of the use was considered to be detrimental to the local residential area and amenity of local residents. The proposal was therefore considered to be contrary to Policy MW1, MW7 (b) and (d) of the Halton Unitary Development Plan.

Objections had been received during a consultation period and a letter from EMR (the applicant) had addressed additional issues regarding the boundary and proposed a screening barrier to block out the view of the scrap and to

limit the height of the scrap.

Mr Hughes addressed the Committee as a local resident objecting to the scheme. He argued that this would have a direct impact on the community due to the amount of large vehicles on the road parking; noise levels; dust and smells; proposed fence would be an eyesore; crane would be visible; contamination and vibrations into homes. He stated that the company had no regard for residents as they had not consulted with them and had no intention of hearing the views of the community. The site was surrounded on three sides with residential properties and would have a detrimental effect on the health and wellbeing of residents in the area.

Mr Sandwith then addressed the Committee on behalf of the applicant. He stated that there had been consultation with residents since the first application had been withdrawn and that he was disappointed with the Officers' recommendation to refuse. He argued that the location of the site was the preferred location stated by Halton for a metal recycling facility. He confirmed that the grabber would not be visible to residents as the screening to the site could be raised. Mr Sandwith tabled some photographs for Members which were circulated.

Councillor Roberts (Ward Councillor) then addressed Members in support of residents of the Wincroft Road area. He had met with the applicant and their public relations consultants during the consultation period. He stated that the residents in the area objected to the scheme due to: noise from the cutting of metal; increased traffic; Wincroft Road to narrow to accommodate the traffic; the grabber arm would be visible to residents. He agreed with Officers' with regards to the recommendation and urged the Committee to do the same.

Members agreed with the Officer's recommendation as stated in the report and voted to refuse the application.

RESOLVED: That the application be refused due to being contrary to Policy MW1, MW7 (b) and (d) of the Halton Unitary Development Plan.

DEV64 - 12/00445/FUL - PROPOSED RE-PLAN OF PLOTS 14-48 (PHASE 2) OF THE PREVIOUSLY APPROVED SCHEME 09/00512/FUL, REDUCING THE TOTAL NUMBER OF UNITS ON THE DEVELOPMENT BY ONE, TO 73, ON LAND TO THE NORTHERN EXTENT OF ST AIDEN'S DRIVE, WIDNES

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

Mr O'Donnell, a neighbouring resident, addressed the Committee objecting to the scheme. He argued that the distances on the proposed plans for the kitchens were not compliant. The distances between his property and the proposed properties were too close and SPD had not been adhered to. He urged the Committee to protect the ambience and outlook of the existing properties and value of the properties, and expressed that this proposed development had caused a great deal of anguish and pain to those already living in the existing neighbouring housing.

Ms Jane Aspinall, Head of Planning for the applicant, then addressed the Committee. She stated that they were aware of Mr O'Donnell's concerns and had worked with Officers to amend the scheme, which presently gave a distance of 22.9m between the properties. Additionally there would be boundary fencing and landscaping situated between the properties.

Officers informed the Committee that the original planning permission did not comply with the Council's Policies on minimum distances and that permissions could still be implemented.

Members were informed the proposal achieved a greater separation distance at first floor compared to the previous scheme. It was stated that the ground floor kitchen/diner habitable room window to first floor interface distances were less than the previous application, but that the orientation of the property, plus the angle between the windows of the properties was unlikely to significantly affect the amenity of neighbours.

In relation to the ground floor interface the proposed rear extension, not yet developed at number 6, would be situated within this interface. If measured to the nearest habitable ground floor window this would reduce the interface distance to a distance of approximately 18m; it was noted that there was however an intervening fence and trees along the boundary mitigating any impact.

After debating the issues before them, one Member moved to refuse but this was not supported. A motion was made to approve which was supported by the majority, so the application was granted approval.

RESOLVED: That the application be approved subject to:

- a) the entering into of a Legal Agreement for the provision of a financial contribution towards off-site public open space and improvements to the local highway network;
- 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 on the grounds that it failed to comply with Policy.
- c) and the following Conditions:
 1. Standard one year permission (BE1);
 2. Condition specifying the approved plans/drawings and amended plans (BE1);
 3. No development shall begin until written details and agreement of construction vehicle access routes and construction car parking and management plan (BE1);
 4. No development shall begin until the provision of pre-development site levels and proposed finished floor levels and adjacent land levels (BE1);
 5. No development shall begin until the Council inspects the site marking, to establish the individual building locations for plots 15-24 and plots 68-74, the development will be constructed in accordance with these locations as approved on site (BE1);
 6. No development shall begin until such time as a surface water regulation scheme has been submitted and approved in writing; the approved scheme to be implemented within an agreed timing/phasing arrangement (BE1);
 7. The development is to be carried out in accordance with approved Flood Risk Assessment and the mitigation measures as detailed within (BE1);
 8. Existing tree survey and recommendations and measures for protection during construction (BE1);
 9. Prevention of any tree felling without consent (BE1);
 10. Implementation of a detailed landscaping scheme

- (BE1);
11. Replacement of any damaged or dying trees within 3 years of completion (BE1);
 12. Replacement tree planting protected for 5 years following planting to be replaced with agreed species (BE1);
 13. Prior to commencement terrestrial habitats survey and necessary mitigation measures are to be provided (BE1);
 14. Prior to commencement a scheme of protective measures for wildlife in accordance with the ecological survey to be submitted, approved and implemented (BE1);
 15. Prior to commencement a survey for ground nesting birds to be submitted and approved (BE1);
 16. Prior to commencement submission of a biodiversity action design plan to show how features within the house design will encourage wildlife to the scheme (BE1);
 17. Prior to commencement ground investigations for potential pollutants and remediation scheme where necessary (BE1);
 18. Prior to commencement full details of boundary treatment to be provided (BE1);
 19. Prior to commencement provision of a surface water drainage scheme to be submitted and approved (BE1);
 20. Prior to commencement provision and use of wheel cleansing facilities, during the construction period to be submitted and approved (BE1);
 21. No development shall begin until a construction management plan is submitted and approved. Such a plan, as approved, shall be adhered to throughout the construction period to the satisfaction of the LPA (BE1);
 22. The development shall be completed in accordance with the approved materials, to the satisfaction of the LPA (BE2);
 23. Prior to occupation the approved vehicle servicing and parking areas shall be provided and retained as such to the satisfaction of the LPA (BE1);
 24. Prior to the occupation the building are to be inspected by a SAP assessor for compliance with the Target Emissions Rate (EM18-Regional Spatial Strategy);
 25. Restriction on hours for development and deliveries related to development during the construction period (BE1);
 26. Provision of required refuse and recycling storage facilities for all individual dwellings at developer's

- expense (BE1);
27. Remove permitted development rights for hard surfacing the front (BE1);
 28. Restriction on the conversion of garages (BE1);
 29. Remove permitted development rights for Class A and E (extensions and outbuildings) for specific plots 14-24 (inclusive), 32, 35, 36, 38, 39, 40, 48 and 49 (BE1);
 30. Remove permitted development for fences/walls front of the building line (BE1); and
 31. Provision of service connections as part of the site infrastructure.

DEV65 - 12/00524/OUT - OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED) FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND THE ERECTION OF A TWO THOUSAND SQUARE METRE, THREE STOREY NURSING HOME AT HALLWOOD RAVEN, EAGLES WAY, RUNCORN, WA7 2FN

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 was recommended for refusal as there were currently 823 residential/nursing beds in the Borough of which 13% were vacant. To add to the number of beds would result in an oversupply which was contrary to Policy CS12. It was also contrary to Policies BE1, TP12, TP14 and PR14 of the Halton Unitary Development Plan for the reasons stated in the report.

Mr Fallon, the owner of the site, addressed the Committee advising Members that the site had become derelict and vandalised since the demise of the public house. He also advised that he had not received any objections to the scheme from neighbours. He stated that this proposal would include ensuite facilities for residents which was not offered in other care homes in the Borough. He requested the Committee to approve the scheme.

Members sympathised with Mr Fallon on the demise of the pub but agreed with Officers that this was not a suitable application for this site and the application was contrary to planning policies as mentioned above. The Committee directed Officers to give assistance to the applicant to find a suitable solution for the site in future.

RESOLVED: That the application be refused as it

was contrary to Policies CS12, BE1, TP12, TP14 and PR14 of the Halton Unitary Development Plan, for reasons described in paragraph 9.0 of the report.

DEV66 - 12/00528/S73 - APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT FOR THE VARIATION OF CONDITION NUMBER 9 OF PLANNING PERMISSION 02/00630/FUL TO ALLOW THE STORE TO BE OPEN FOR TRADING BETWEEN THE HOURS OF 0700 AND 2300 HOURS MONDAY TO SATURDAY AND 1100 TO 1700 HOURS ON SUNDAYS AT ASDA, WIDNES 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 Patel who opposed the application. She urged the Council to protect the Town Centre and that Asda was too close to it to allow any extension of hours. Also, she stated that there would be an increase in vehicles, pedestrians and light pollution. Further, she stated that there had been no traffic survey carried out to monitor vehicle movement and that the junctions around Asda and Tesco were already busy.

Susanne Corrin addressed the Committee on behalf of the applicant. She informed them that Asda had previously applied for 24 hour trading which was refused and since then they had consulted with residents regarding this new application. Simms Cross Residents Association had also been consulted and raised no concerns to the extension of hours.

Councillor Philbin then addressed the Committee. He stated that there were a number of objections that he had wished to put before the Committee. However, undertakings given by the applicant immediately prior to the meeting had enabled him to withdraw the objections he would have otherwise put forward.

Members agreed that the extension of hours of one hour either side of those existing would have a minimal impact on the nearest residents and moved to approve the application which was agreed.

RESOLVED: That the application for the variation of Condition number 9 of planning permission 02/00630/FUL be approved.

DEV67 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

- 12/00484/FUL** Proposed single storey side extension and internal alterations at 120 Main Street, Runcorn, Cheshire, WA7 2PW.
- 12/00485/LBC** Proposed single storey side extension and internal alterations at 120 Main Street, Runcorn, Cheshire, WA7 2PW.
- 12/00288/TPO** Proposed works to trim branches of sycamore trees at 4 Hamlin Close, Runcorn, Cheshire, WA7 4RF.
- 12/00466/TPO** Proposed 50% reduction/pollarding and general maintenance to two poplar trees at 7 Granary Mill, Preston on the Hill, Warrington, Cheshire.
- 12/00467/TPO** Proposed 50% reduction/pollarding and general maintenance to two poplar trees at 8 Granary Mill, Preston on the Hill, Warrington, Cheshire.
- 12/00468/TPO** Proposed 50% reduction/pollarding and general maintenance to six poplar trees at 5 Granary Mill, Preston on the Hill, Warrington, Cheshire.

The following Appeal Decisions had been made:

- 11/00423/COU**
APP/00650/A/12/2182367
Allowed Proposed conversion of vacant shop and accommodation into two self-contained flats at 2 Windermere Street, Widnes, Cheshire, WA8 9LL
- 11/00433/OUT**
APP/D0650/A/12/2178227
Dismissed Outline application (with all matters reserved) for the construction of 1 no single storey swelling at Tunnel

Top Cottage, Northwich
Road, Dutton, Warrington,
Cheshire, WA4 4JY

The following item is the urgent business matter referred to at DEV 53 above and was reported for information and was noted by the Committee.

**Update on position relating to Application
12/00343/COND (Min DEV47 – 7 January 2013 refers)**

At its last meeting the Committee resolved to defer consideration of the application to discharge Conditions 29 and 62 for the reasons set out in the minute. On 18 January 2013 the Council received notice that the applicant had referred the matter to the Secretary of State by way of appeal against non-determination. As previously advised, this meant that the application was taken out of the hands of the Council and would be determined by the Secretary of State following a public inquiry.

At this stage there were no details available as to the timetable to be adopted by the Secretary of State. However, the Council would shortly have to complete an appeal questionnaire which would include questions relating to the position to be taken by the Council in respect of the appeal.

Additionally, the Committee must be advised as to the logistics of holding the appeal and being represented at the appeal.

The position to be taken by the Council in respect of the appeal

In accordance with the Committee's position to date, the Council's logical position is to advise the Inspector it takes no view on the application. The Council would therefore not be in a position to contest the case put by the applicant.

As previously advised, the Council was at risk of costs being awarded against it and the risk and level of such costs would depend on the Inspector's assessment of the response of the Committee in respect of the appeal.

The logistics of holding the appeal and being represented at the appeal

The Council would be responsible for the arrangements for holding the appeal and the costs flowing from hiring the

venue etc. In terms of representation of the Council's position at the appeal, no further evidence would be presented by or on behalf of the Council other than the Officers' reports and minutes of the Committee.

Meeting ended at 9.12 p.m.