

DEVELOPMENT CONTROL COMMITTEE

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

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

Apologies for Absence: Councillors Morley and C. Plumpton Walsh

Absence declared on Council business: None

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

Also in attendance: Councillors Philbin, Gerrard and J Bradshaw and 45 Members of the Public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV68 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute Dev 77 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.

DEV69 MINUTES

The Minutes of the meeting held on 11 February 2013, having been printed and circulated, were taken as read and signed as a correct record.

DEV70 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.

DEV71 - 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

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

This item was deferred from the January Committee for further assessment of noise and light disturbance; for explanation of relevant retail policies and assessment of car parking provision for retail space applied for.

It was noted that the further updates and assessments relating to the above were provided in *italics* in the report. These included the revised schedule regarding lighting; the alteration of the kerb at the entrance to the site; and the S106 Agreement being entered into in relation to the prevention of the pharmacy being used as a needle exchange.

Mr Jon Moorehouse, the agent for the applicant addressed the Committee in support of the amended application.

Mrs Patel then addressed the Committee opposing the application on behalf of neighbouring businesses and residents.

Councillor Philbin (Ward Councillor) then addressed the Committee stating that he welcomed the changes being made in relation to the repositioning of the buildings. Due to the concerns of local residents, he objected to the proposed opening hours of the pharmacy.

The case officer clarified the amount of gross retail floor space being applied for as 172.395 square metres and that an amended plan showing this had been issued and consulted upon, and that the amount would be controlled by condition.

Members debated the viability of the business; the opening hours; proximity of the public house and the potential for anti-social behaviour. They also took the amendments into consideration. The majority were satisfied after officers' responses and a motion was made to approve the application, subject to the entering into of a Section 106 Agreement as mentioned below. This was supported and the application was approved.

RESOLVED: That the application be approved

subject to:

- a) the applicant entering into a Section 106 Agreement to agree to: restricted use of the site to prevent its use as a needle exchange; and a timetable for securing the buildings on the site and fencing off the remainder of the site in the applicant's ownership.
- b) and 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 on to alleyway to ensure it does not open outwards (BE1);
 9. Details if 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 (BE212);
 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 (BE22);
 16. No deliveries to the site shall take place outside the permitted opening hours of 0700 to 2300 hours Mon to Fri; 0800 to 2200 hours Sat; 1000 to 1600 hours Sun (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).

DEV72 - 12/00458/FULEIA - PROPOSED DEVELOPMENT AND ERECTION OF A WOOD FUELLED BIOMASS COMBINED HEAT AND POWER PLANT AND ANCILLARY

INFRASTRUCTURE DEVELOPMENT

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

It was reported that the Environmental Health officers raised no objection to the application having considered the submitted air quality assessments and expected emissions contributions. The applicant had agreed to the provision of a financial contribution towards air quality monitoring by way of unilateral undertaking so recommendations (a) and (b) described in the report would not be required. Additional conditions relating to boundary treatments, hard and soft landscaping, sheeting of HGV's and the use of sealed containers for the transportation of biomass fuel and waste ashes, as required when transported to or from the site, would be added.

The Committee was addressed by Mr Albrow who represented the applicant. He stated that the plant would create a total of 90 jobs which would be filled by local residents. He reassured the Committee that only waste and virgin wood would be used in the biomass process which would be checked and tested prior to processing to ensure there was no unacceptable contamination and emissions met levels set by the Environment Agency permit.

Following Members' comments it was noted that a grid connection would be required to link the plant to the National Grid, most likely via the cable network to the sub-station on Desoto Road. This would be implemented by the relevant electricity company.

Members moved to approve the scheme which was supported. Councillor C Loftus voted against the resolution to approve the application and asked that his vote be recorded in the minutes.

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

1. Standard time limit condition requiring that the permission be implemented within 3 years;
2. Specifying amended plans;
3. Materials condition, requiring the submission and approval of the materials to be used (BE2);
4. Construction Environmental Management Plan including wheel cleansing facilities to be submitted and approved in writing (BE1);

5. Submission and agreement of foundation/ piling design and risk assessment (GE18);
6. Construction and delivery hours to be adhered to throughout the course of the development. (BE1);
7. Vehicle access, parking and servicing to be constructed prior to commencement of use (BE1);
8. Requiring finished floor and site levels be carried out as approved (BE1);
9. Site investigation, including mitigation to be submitted and approved in writing (PR14);
10. Restriction of external lighting (PR4);
11. Submission and agreement of a programme of archaeological work (BE6);
12. Securing maintenance of site entrance sight lines (BE1);
13. Securing cycle parking in accordance with a scheme submitted to and agreed in writing (TP6);
14. Submission and agreement of scheme to manage surface water run-off (PR5/16);
15. Submission and agreement of scheme to risk of flooding from overland flow (PR16);
16. Submission and agreement of remediation verification report (PR14);
17. Submission and agreement of scheme to remove suspended solids from surface water run-off (PR5);
18. Submission and agreement of scheme of groundwater monitoring (PR15);
19. Submission and agreement of ground gas risk assessment ((PR14); and
20. Restricting external storage (E5).

DEV73 - 12/00478/ELD - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR USE OF THE APPLICATION SITE FOR THE PROVISION OF EDUCATION TO VULNERABLE PEOPLE BELOW THE AGE OF 20 YEARS WHO SUFFER FROM AUTISM, ASPERGERS SYNDROME, OR OTHER MENTAL OR PHYSICAL IMPAIRMENT LIABLE TO CAUSE THEM TO BE EXCLUDED FROM NORMAL EDUCATION AT HOPE COMMUNITY CHURCH, CLIFTON ROAD, RUNCORN

This application had been appealed; therefore the Committee was not in a position to determine the application.

DEV74 - 12/00479/S73 - APPLICATION UNDER S73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR THE USE OF THE SITE AS A COMMUNITY CENTRE AND CHURCH WITHOUT COMPLYING WITH CONDITION (12) SUBJECT TO WHICH PLANNING PERMISSION REF.

09/00492/FUL WAS GRANTED, TO ENABLE THE CONTINUED USE OF THE SITE FOR THE PROVISION OF EDUCATION TO VULNERABLE PEOPLE BELOW THE AGE OF 20 YEARS WHO SUFFER FROM AUTISM, ASPERGERS SYNDROME OR OTHER MENTAL OR PHYSICAL IMPAIRMENT LIABLE TO CAUSE THEM TO BE EXCLUDED FROM NORMAL EDUCATION, AT HOPE COMMUNITY CHURCH, 70 CLIFTON ROAD, RUNCORN

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

It was reported that since the agenda was published the applicant's agent had sent in a letter dated 4 March 2013 stating that Hope Corner Community Church would not object to the rewording of the proposed condition 12 as mentioned on the agenda. The letter stated that the reason for the amended condition should be to comply with National Planning Policy and the Department of Communities and Local Government statement on planning for schools development.

The revised condition as proposed would still retain some control over the further expansion of the educational use by limiting the provision of up to 20 learners per day of the specified categories.

It was noted that one further representation had been received objecting to the application, on the same grounds already summarised in the report. The status of the school was confirmed by the Department of Education as an independent school responsible for its own funding. Members were reminded that the National Planning Policy Framework was not biased towards any particular type of funded school, so its source of funding was irrelevant to the application.

It was noted that the applicant's agent had incorrectly commented on the use of 'breach of condition enforcement notices' on page 77 of the committee report. He had stated that there was no right to appeal against this type of notice, which was wrong. A 'breach of condition enforcement notice' could be appealed against. He had confused this type of notice with a 'breach of conditions notice' which you cannot appeal against.

RESOLVED: That the amendment of Condition 12 be approved as follows:

The premises shall be used for the purposes of a community centre and a church and for no other purpose (including any other purpose in Class D1 of Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification EXCEPT THAT, this Condition shall not apply to the provision of education (limited to 20 learners per day) for vulnerable people below the age of 20 years who suffered from autism, Asperger's syndrome, or other mental or physical impairment liable to cause them to be excluded from normal education).

A further condition was required for the submission of a new travel plan that included parking management details.

DEV75 - 12/00511/FUL - PROPOSED DEVELOPMENT OF A CLASS A1 NEIGHBOURHOOD FOODSTORE (1556 GIA) WITH 74 ASSOCIATED CAR PARKING SPACES (AMENDMENT TO PROPOSAL PERMITTED UNDER APPLICATION REF: 11/00240/FUL AT SITE OF FORMER VESTRIC HOUSE

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

Mr Chris Hawley from Lidl UK addressed the Committee supporting the application, stating that they would be ready to start onsite in 4-6 weeks' time if planning permission was granted. He added that jobs would be created onsite and offsite following the completion of the scheme.

It was reported that the scheme had been slightly amended since the originally approved scheme and alterations had been made to its size, car parking and elevation treatments. It was noted, following Members' queries, that the landowners Opus were actively looking at options for the public house site.

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

1. Statutory 3 year period for implementation (BE1);
2. Amended plans (BE1 + BE2);
3. Materials submission prior to development beginning (BE2);
4. Boundary treatment details submission prior to development beginning (BE22);

5. Details of a surface water drainage scheme, based on sustainable drainage principles to be submitted and agreed prior to development beginning (BE1);
6. Site levels submitted prior to development beginning (BE1);
7. Details of the position of gulleys between the car park and West Lane prior to development beginning (BE1);
8. Details of lighting to be submitted prior to development beginning (BE1) and BE2);
9. Entering into the Council's proposed parking partnership group prior to the first occupation of the any of the premises (T12);
10. Submission of details of cycle parking prior to development beginning (TP6);
11. Submission of details of disabled access to the south of the site prior to development beginning (TP12);
12. Submission of structural calculations to prove the capability of the retaining wall on West Lane prior to development beginning (BE1);
13. Submission of a Travel Plan prior to development beginning (TP16);
14. Submission of a Construction Management Plan, including a phasing strategy, prior to development beginning (BE1);
15. Submission of details of wheel cleansing facilities, including a method statement and site plan identify the facility location, prior to development beginning (BE1);
16. Hours of construction (BE1); and
17. Submission of details of on-site parking for during construction, prior to development beginning (BE1).

DEV76 - 12/00516/FUL - PROPOSED ERECTION OF PORTAL FRAMED BUILDING FOR USE AS RAW MATERIALS RECEPTION ALONG WITH NEW TALLOW FARM TO REPLACE EXISTING TALLOW FARM AND NEW VEHICLE WASH FACILITY TO REPLACE EXISTING VEHICLE WASH FACILITY AT PDM GRANOX, DESOTO ROAD, WIDNES

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

Committee Members were provided with two pictures of the proposed raw materials reception building in the update list. It was agreed that this together with the new tallow farm and a new raw material reception building, would improve the health and safety aspects associated with raw material delivery and reception as well as significantly

improving the odour release issues associated with the current process. Members were advised that the plans formed part of the overall site development plan which aimed to update the existing processes, improve the general aesthetics of the site and would reduce the environmental impact of its operations.

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

1. Specifying amended plans;
2. Materials condition, requiring the submission and approval of the materials to be used (BE2);
3. Construction Management Plan including 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. Vehicle access, parking and servicing to be constructed prior to commencement of use (BE1);
6. Requiring finished floor and site levels be carried out as approved. (BE1);
7. Site investigation, including mitigation to be submitted and approved in writing (PR14);
8. Restriction of external lighting (PR4);
9. Securing provision of high speed access doors and interlocked raw materials hopper lids (PR3); and
10. Requiring submission and agreement of noise mitigation during construction/ demolition activities (GE18).

DEV77 - TPO 118 - CONFIRMATION OF TREE PRESERVATION ORDER, VICARAGE GARDEN, PIT LANE, WIDNES

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

The Committee was advised that one objection had been received from the neighbouring resident adjacent to the boundary. Planning Officers had spoken to the objector advising her that she would be able to cut back and maintain the trees that encroached on her property despite the Tree Preservation Order.

RESOLVED: that the Tree Preservation Order be approved and confirmed.

Meeting ended at 8.35 p.m.