DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 16 January 2017 at Select Security Stadium, Widnes

Present: Councillors Nolan (Chair), Morley (Vice-Chair), J. Bradshaw, Cole, Gilligan, R. Hignett, C. Plumpton Walsh, June Roberts, Woolfall and Zygadllo

Apologies for Absence: Councillor Thompson

Absence declared on Council business: None

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

Also in attendance: Councillor A. MacManus and approximately 101 members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV31 MINUTES

The Minutes of the meeting held on 6 December 2016, having been circulated, were taken as read and signed as a correct record.

DEV32 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 DEV36 refers), therefore, pursuant to Section 100 B(4) and 100 E and to avoid any unnecessary delay by waiting for the next Committee meeting in February, the Chair ruled that the item be considered as a matter of urgency.

DEV33 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.

DEV34 - 16/00333/COU - PROPOSED CHANGE OF USE FROM CARE HOME (USE CLASS C2) TO ASYLUM SEEKER HOSTEL (SUI GENERIS) TO ACCOMMODATE A MAXIMUM OF 120 PERSONS AT LILYCROSS CARE CENTRE, WILMERE LANE, WIDNES

At the opening of the meeting the Chair addressed the public and explained the procedures that would apply to all matters before the Committee with particular reference to this item. The Chair requested the public to observe and respect these procedures, so that the business of the Committee could be conducted in an orderly manner.

The Planning Officer then introduced the item.

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

The Committee was reminded of the representations made in advance of the meeting, which were all included in the report. Since the publication of the agenda it was reported that further objections had been received by email, reiterating the concerns previously raised by residents, many emphasising the need for care beds and the retention of the use of the building as a care home and the health and safety issues. The Officers confirmed that the Local Planning Authority (LPA) had no information regarding a possible reopening of the site. The current owner of Lilycross had confirmed that he did not know that anyone was interested in the purchase of Lilycross to use the building as a care home.

The Officers referred the Committee to the published supplementary information update list which provided information in relation to objections received regarding the existing use of the site. Two further representations had been received in support of the application; and the typographical error in Condition 2 on page 51 was noted. The additional information in the supplementary information update list regarding retention of use was amplified.

The Committee was addressed by Mr Mike Carr, who spoke against the application on behalf of the objectors. He argued:

- That the sewerage requirements would be double that of the care home as per the Environment Agency's comments;
- There was a fear of crime amongst local residents despite there being no Police evidence of this at

comparable sites;

- That the site was in a Green Belt location and would result in increased traffic and movement of people and intensification of use; and
- That the development cannot be sustainable economically, socially or environmentally.

Mr Simon Dorset, a representative from SERCO on behalf of the applicant, then addressed the Committee. He began by introducing COMPASS (Commercial and Operating Managers Procuring Asylum support) contracts with the Home Office, of which SERCO was awarded the North West area. He discussed the suitability of the site for the purpose being requested and understood that residents had questions and fears in relation to this, which were answered in detail in the report. He explained how the asylum seekers would be managed once they were placed in the initial accommodation and the duty of care placed upon SERCO until they were dispersed to other accommodation. He stated that the impact of the site on the local community would be small and healthcare would be provided under the contract with the exception of emergency care. Therefore there would be little or no impact on the local healthcare services. In response to claims regarding fear of crime, he advised that there was no evidence of crime being committed at other sites across the country.

Councillor MacManus then addressed the Committee and spoke on behalf of local residents. He raised points relating to:

- How responses from statutory consultees had been set out in the report;
- Drainage issues;
- The lack of sprinkler and alarm systems;
- Whether the development would be sustainable;
- Whether policy GE4 was applied;
- Doubts over economic growth claims and how businesses would benefit from asylum seekers;
- Fear of crime;
- Whether it was possible to impose a condition to restrict the use of the site to families only;
- Doubts that facilities in the Centre would meet standards in relation to sewerage and HMO's (Homes of Multiple Occupation);
- Unsuitability of the site for such a use; and
- Human rights and proportionality.

The Legal Officer answered the question raised by Councillor MacManus regarding a condition restricting the

use of the hostel to families only and confirmed that this was not possible.

Some Members of the Committee stated that despite the publicity surrounding this application, it must be determined according to its merits and compliance with planning policy just like any other application would be.

A question was raised of the adequacy of the drainage on the site. The Council's Highways Engineer gave a detailed reply. He referred to the paper which had been tabled before the start of the meeting for the information of the Committee by a member of the public opposing the application; this was titled '*Sewage Treatment Plant – Manufacturers (Klargester) recommendation by Mr Chris Pike, Product Manager commercial Treatment Plants',* which questioned the current system.

Before the conclusion of the detailed reply there was a general disturbance by members of the public. A large number of people left the room making loud comments. After further interruptions and further people exiting the room the Council's Highways Engineer concluded his comments. In his opinion the drainage provision would be adequate.

The debate continued. In response to discussions regarding the retention of use as a care home versus the use as an asylum hostel, the Council's Legal Adviser re-stated the rules that applied.

Some Members of the Committee commented that Lilycross had never been owned by the Council and any alternative proposals on its future, such as the ones being suggested in emails to the Committee, should be put directly to the owner.

After hearing the representations made by the speakers and taking the report and updates into consideration, the Committee determined that the application for change of use be approved.

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

1. The development hereby permitted shall be begun before the expiration of three years form the date of permission.

   Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings received on 10 August 2016:-

   1:1250 Site Plan

   Reason:- To ensure that the work is carried out in accordance with the approved plans and within the parameters of the grant of planning permission, and to comply with Policies BE1 and BE2 of the Halton Unitary Development Plan, the Core Strategy and the National Planning Policy Framework.

3. The use hereby approved shall be limited to a hostel for initial Accommodation of Asylum Seekers and for no other use.

   In this Condition 'Initial Accommodation' means accommodation provided under Section 98 of the Immigration and Asylum Act 1999 for Asylum Seekers, for initial assessment prior to provision/placement in dispersed accommodation.

   Reason:- The proposed use restriction to 'Initial Accommodation for Asylum Seekers' complies with NPPF and Sections 70 and 72 of the 1990 Act. Issues relating to anything other than initial accommodation have not been analysed. Any change of use outside of the meaning of (the sui generis use of) Initial Accommodation must be the subject of a formal application for planning permission.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the 2015 Order") (or any order revoking and re-enacting that Order with or without modification), no development within classes A, B, C, D and F of Schedule 2, Part 2 (Minor Operations) of the 2015 Order shall be permitted.

   Reason:- To preserve the openness of the Green Belt and to comply with NPPF.

DEV35 - 16/00272/FUL - FULL APPLICATION FOR CONVERSION OF EXISTING BARN BUILDINGS FROM OFFICERS TO 5 NO. DWELLINGS AND GARAGES, DEMOLITION OF EXISTING INDUSTRIAL SHEDS AND REDEVELOPMENT TO PROVIDE 14 NO. NEW COTTAGES AND GARAGES WITH ASSOCIATED EXTERNAL WORKS AND

LANDSCAPING AT RAMSBROOK FARM, RAMSBROOK LANE, HALE

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

The Committee was addressed by Mr Chris Forbes, a neighbouring local resident. He wished to object to the application citing: that to the south of the site was a sewerage cake plant, which when moved caused a stench in the area and affected his property; and Green Belt issues.

Mr Keith Summers, a representative of the applicant, then addressed the Committee explaining the proposals. He further stated that all planning policies had been addressed by the applicant.

In response to Mr Forbes' comments regarding smells from the nearby sewerage plant, which was also questioned by one Member, it was confirmed that the Council's Environmental Health Officer (EHO) had received no complaints in relation to this. The EHO had stated that the development would not be unduly affected by the plant.

After taking all matters into consideration the Committee agreed to approve the application.

RESOLVED: That the application be approved subject to the following conditions and Section 106 for provision of off-site public open space.

1. Time limit;
2. Drawing numbers (BE1, BE2 and GE1);
3. Site levels (BE1);
4. Surface water regulation system (PR16 and CS23);
5. Requirement for outfall to be agreed with United Utilities (PR16 and CS23);
6. Phase 2 ground contamination report required (PR14 and CS23);
7. Visibility splay retention (TP17);
8. Facing materials to be agreed (BE1 and BE2);
9. Breeding birds protection (GE21);
10. Tree protection (BE1);
11. Hours of construction (BE1);
12. Construction Management Plan (Highways) (BE1);
13. CEMP inclusive of details of ecological mitigation (GE21);
14. Landscape scheme and implementation (BE1 and GE21);

15. Swift boxes (GE21);
16. Reasonable avoidance measures – bats (GE21);
17. Japanese knotweed method statement (GE21);
18. Japanese knotweed validation report (GE21);
19. Site Waste Management Plan (WM8);
20. Bat friendly lighting scheme (GE21);
21. Ground contamination (Phase 2 site investigation, remediation strategy, validation report) (PR14);
22. Bin storage details (BE2);
23. Electric vehicle charging points (CS19);
24. Removal of Class A and E permitted development (GE1);
25. Any new or extended hardstanding (flags, clock paving, tarmac, concrete) within the property boundary shall be constructed in such a way as to prevent surface water runoff from the hardstanding onto the highway (TP17);
26. Definitive drawing of residential curtilage (GE1);
27. Retention of rear boundary hedging throughout the lifetime of the development (GE1 and NPPF);
28. No access created from rear of properties onto surrounding Green Belt land throughout lifetime of the development (GE1 and NPPF); and
29. Provision of pedestrian link including offsite highway works (BE1).

DEV36 - APPEAL AGAINST NON DETERMINATION OF PLANNING APPLICATION REF: 15/00266/OUTEIA - APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH ALL MATTERS OTHER THAN ACCESS RESERVED) FOR MIXED USE DEVELOPMENT COMPRISING: UP TO 550 RESIDENTIAL DWELLINGS; UP TO 15,000 SQM OF EMPLOYMENT FLOORSPACE (USE CLASS B1); NEW LOCAL CENTRE OF UP TO 3,000 SQM (USE CLASSES A1 - A5 AND D1 - DUAL USE); PROVISION OF INFRASTRUCTURE INCLUDING A NEW JUNCTION ON TO A558 DARESBURY EXPRESSWAY AND DETAILS OF ACCESS AT LAND ADJACENT TO DELPH LANE, DARESBURY, CHESHIRE

The Committee was advised that an appeal had been lodged in respect of planning application 15/00266/OUTEIA, received on 4 November 2016.

Officers provided detailed background information in relation to the appeal and advised Members of the actions to be taken. It was concluded that the Council must defend the appeal at this stage due to the lack of information on key matters that go to the heart of the proposal's determination. This was endorsed by the Committee, who authorised the

Operational Director – Policy, Planning and Transportation, to take any actions necessary in respect of the appeal.

RESOLVED: That the Committee:

1. endorses the points made in the report; and

2. authorises the Operational Director – Policy, Planning and Transportation, to take any actions which he considers appropriate with respect to the appeal.

Meeting ended at 8.00 p.m.