

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 2 October 2017 at The Board Room - Municipal Building, Widnes*

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

Apologies for Absence: Councillor Cole

Absence declared on Council business: None

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

Also in attendance: Councillors J. and C. Gerrard; Councillor Rowe and 12 Members of the public

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

*Action*

#### DEV11 MINUTES

The Minutes of the meeting held on 7 August 2017, having been circulated, were taken as read and signed as a correct record.

#### DEV12 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.

#### DEV13 - 16/00320/OUT - OUTLINE APPLICATION (WITH ACCESS RESERVED FOR FUTURE CONSIDERATION) FOR A DEVELOPMENT COMPRISING 30 BED HOTEL WITH FUNCTION ROOM AND RESTAURANT ON LAND TO THE WEST OF HEATH ROAD SOUTH, NORTH OF HEATHSIDE NURSERY, RUNCORN, CHESHIRE

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

The case officer presented the item to Members highlighting the additional suggested condition regarding the submission of a scheme which reduced the air infiltration

rate to the building to ensure that the accidental risk level in relation to the proximity to the COMAH site was not considered to be significant.

The Committee was addressed by Mr Lomax, a local resident, who objected to the application. He advised Members that the Weston Quarry site was contaminated land that had been 'tipped on' as recently as 2001/2. Also he stated that the Health and Safety Executive (HSE) had recommended that the site be left alone. He spoke further on the history of the quarry and referred to a dip on the site where the ground was sinking and questioned therefore the suitability of the site for development. He stated that other residents were of the same opinion as him and although they did not have the capacity to prove it they knew that the land was contaminated.

Mr Rogan, a representative of the applicant, then addressed the Committee. He provided some background information to the application and advised that they had taken residents' concerns into consideration after which a more detailed scheme was submitted to Halton Council. In response to queries regarding the suitability of the site for a hotel he stated that a previously private piece of land would now become publicly accessible; it had views of the Estuary; and would improve the landscape of the area. Additionally, he argued that a hotel was needed for business users of the Heath Business Park; that it would help support the businesses on the Park; would provide employment in the local area; and could be used as a conference venue which the area had been without since the conversion of Lawson House.

Councillor Rowe, a Ward Councillor for the Heath, then addressed the Committee against the application. He referred to points made in the report that he considered to be misleading relating to:

- safety issues with speeding traffic especially where there was a curve in the road on Heath Road South;
- that the report seemed to skip over the issue of contamination of the land;
- The Environment Partnership (TEP) document and the inconsistencies around the issues discussed in the report;
- the reference of the greenspace value of the land in the Unitary Development Plan (UDP);
- that the character of the Village would be changed; and
- the statement made by the HSE in relation to granting

planning permission.

Councillor John Gerrard, a Ward Councillor for Mersey, then addressed the Committee opposing the application. He referred to the objections made by Mr Lomax, a local resident with 30 years plus experience working in the chemical industry, mostly notably with ICI, and tabled a written statement from him for Members to read. The statement included a list of waste items buried in the North Quarry and provided a detailed background of the history of waste and chemical disposals made on the site over the years. The statement also made reference to the Halton UDP policies relating to this application and discussed the proximity of the site to the COMAH site and the involvement of the HSE. Councillor Gerrard urged the Committee to refuse the application.

Further to Members' queries regarding the contents of the earth underneath the site and potential for contamination, Officers explained that for Condition number 12, a full site investigation and a remediation plan (if necessary) would be needed prior to any development taking place followed by a validation report demonstrating that the site had been fully remediated. Members were also provided with clarity over the meaning of 'access reserved' in relation to an outline application.

After hearing the representations made by the speakers and after considering the Officer's report, the Committee voted to approve the application. Councillor John Bradshaw wished to record his vote against the application.

**RESOLVED:** That the application be approved subject to it not being called in by the Secretary of State following referral to the Health and Safety Executive (HSE) and subject to the following conditions:

1. Time limit – outline permission;
2. Submission of reserved matters;
3. Development parameters;
4. Plans approved;
5. Site levels (BE1);
6. Facing materials to be agreed (BE1 and B2);
7. Breeding birds protection (GE21);
8. Reasonable avoidance measures – reptiles (GE21);
9. Landscaping scheme (BE1);
10. Tree protection (BE1);
11. Ground contamination (PR14);
12. Construction management plan (Highways) (BE1);

13. Electric vehicle charging points (CS19);
14. Site waste management plan (WM8);
15. Sustainable waste management design (WM9);
16. Surface water regulatory scheme (PR16); and
17. Air infiltration scheme (PR12).

DEV14 - 17/00304/FUL - PROPOSED DEVELOPMENT OF 45 NO. DWELLINGS TOGETHER WITH ASSOCIATED ACCESS, LANDSCAPING AND INFRASTRUCTURE ON LAND TO THE EAST OF CASTLEFIELDS AVENUE EAST, RUNCORN

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

The Committee was advised that two additional letters of representation had been received regarding trees being removed and the loss of greenspace and landscape and the impact on the area because of this. It was noted that the Council's Regeneration Officer and Natural England raised no objections to the proposal.

Further to the published update list the recommendation for an additional condition regarding the widening of the access road to include additional pedestrian and cyclist provision was noted; as were the amendments requested with regards to the submission and agreement of landscaping details.

Members were advised that there were outstanding matters relating to the ecology report being questioned by the Council's retained advisor. Officers requested that in order to avoid delay in determining the application, authority be delegated to the Strategic Director, in consultation with the Chair or Vice Chair to determine, dependent upon the resolution of the issues being raised, and to add or amend the recommendations as required.

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

- a) an acceptable resolution of the issues relating to the ecology report following determination by delegated authority as described above; and
- b) subject to the following conditions:
  1. Standard 3 year permission (BE1);
  2. Condition specifying approved/amended plans (BE1);

3. Requiring submission and agreement of a construction Management Plan (BE1);
4. Conditions requiring site and finished floor levels, external building materials, landscaping and boundary treatment to be carried out as approved (BE12);
5. Requiring development be carried out in accordance with advice and recommendations of the submitted ecology report (GE21);
6. Requiring development be carried out in accordance with the Aboricultural Impact Assessment and mitigation measures contained therein (BE1);
7. Wheel cleansing facilities to be submitted and approved in writing (BE1);
8. Construction and delivery hours to be adhered to throughout the course of the development (BE1);
9. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties / commencement of use (BE1);
10. Requiring submission and agreement of hard surfacing materials (BE1);
11. Requiring submission and agreement of lighting details including measure to minimise light spill and minimise impact on bats (GE21);
12. Conditions relating to contamination including relating to unidentified contamination, validation of imported material / topsoil and ground gas protection (PR14);
13. Conditions relating to tree protection during construction (BE1);
14. Restricting permitted development rights for fences, walls etc (BE1);
15. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird/bat boxes and insect house (BE1 and GE21); and
16. Requiring development be carried out in accordance with the submitted Flood Risk Assessment (FRA) (PR16).

DEV15 - 17/00353/FUL - PROPOSED ERECTION OF ONE INDUSTRIAL UNIT WITH USE CLASSES B1C, B2 AND B8 AT SHELL GREEN BENNETTS LANE, WIDNES

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

The Committee agreed that the application be approved subject to the conditions listed below.

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

1. Time limit;
2. Drawing number (BE1 and BE2);
3. Site levels to be implemented (BE1);
4. Any new or extended hardstanding (flags, block 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 (BE1 and TP17);
5. Details of sightlines to be provided (BE1 and TP17);
6. Tracking details for HGV's entering and exiting the site to be provided (TP17);
7. Details of boundary treatment (BE22 and TP17);
8. Surface water drainage details required (BE1 and PR16);
9. Phase 2 ground contamination report required (PR14 and CS23);
10. Facing materials to be implemented (BE1 and BE2);
11. Breeding birds protection (GE21);
12. No development shall begin until details of the soft landscape proposals, as recommended in the submitted Ecology Survey (Bea Landscape Design Ltd, Soft Landscape Proposals number 17-060-03, July 2017) has been submitted to and approved in writing – details to be implemented to an agreed timescale (GE21);
13. The mitigation measures as proposed in the Ecology Survey Report (Clarkson and Woods 5707, version 1, July 2017) and incorporated into the soft landscape proposals should be amended to show nesting box locations and implemented during the construction of the development (GE21);
14. The mitigation measures as proposed in the Ecology Survey Report (Clarkson and Woods 5707, version 1, July 2017) to include a wildflower meadow are to the northwestern corner of the site shall be implemented during the construction of the development or within and agreed timescale (GE21);
15. The lighting proposal as outlined in the Ecology Survey Report (Clarkson and Woods 5707, version 1 July 2017) shall be implemented during the construction of the development and retained throughout the lifetime of the development (GE21);
16. The wildlife management (including maintenance and watering) as outlined in the Ecology Survey Report (Clarkson and Woods 5707, version 1, July 2017) shall be incorporated within the submitted soft landscaping proposal, implemented to an agreed

timescale and retained throughout the lifetime of the development (GE21);

17. No development shall begin until details of a Waste Management Plan (incorporating a waste audit) has been submitted to and approved by the Local Planning Authority (LPA). Details to be implemented during the course of construction (WM8);
18. No development shall begin until details of a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing. Details to be implemented during the course of construction (WM8);
19. Hours of construction (BE1);
20. Construction management plan (Highways) (BE1); and
21. Electric vehicle charging points (CS19).

DEV16 - 17/00376/FULEIA - RETROSPECTIVE APPLICATION FOR REBUILDING OF FACILITY TO HOUSE A THIRD ALUMINA FIBRE PRODUCTION LINE WITH ASSOCIATED ELECTRICAL SWITCH ROOM AND PROCESS PLANT AT SAFFIL LTD, TANHOUSE LANE, WIDNES

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

The Committee agreed that the application be approved subject to the conditions listed below with the deletion of Condition 2 as the application is retrospective.

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

1. List of approved plans, amended plans and documents (BE1 and BE2); and
2. Submission of a lighting scheme.

DEV17 MISCELLANEOUS ITEMS

The following applications had been withdrawn:

**95/00657/FUL**

Proposed community social club with ancillary parking and servicing on land adjoining Palacefields Avenue, Runcorn, Cheshire.

**04/00029/FUL**

Proposed two storey side/rear extension and rear extension for swimming pool enclosure at 22 Hale Road, Hale,

Liverpool, L24 5RE.

**02/00562/FUL**

Proposed formation of new access onto A56 and construction of new private service road at Ivax Pharmaceuticals, Aston Lane North, Whitehouse Vale Development Park, Runcorn, Cheshire, WA7 3FA.

**02/00671/FUL**

Proposed erection of 25 no. two storey houses, including road, external works and associated car parking at former Ditton Primary School, Liverpool Road, Widnes, Cheshire, WA8 8HL.

**17/00177/PDE**

Proposed single storey rear extension projecting from the rear wall by 4 metres. The extension has a maximum height of 3.18 metres and an eaves height of 2.1 metres at 92 Simonside, Widnes, Cheshire, WA8 4YN.

**11/00013/S73**

Proposed variation of Condition 57 of BERR permission 01.08.10.04/8C (Halton Ref 07/00068/ELC) to allow for the increase in the maximum tonnage of fuel delivered to the energy from waste combined heat and power station by road from 85,000 tonnes to 480,000 tonnes per annum at Ineos Chlor, South Parade, Runcorn, Cheshire.

**17/00088/FUL**

Proposed removal of section of brick wall to rear and replacement with palisade fencing at Co-op Store, 7 Grangeway, Runcorn, Cheshire, WA7 5LY.

**02/00772/EIA**

Proposed construction of single storey cereclor packing building/warehouse and single storey office at Ineos Chlor Limited, Castner Kellner Site, Weston Point, Runcorn, Cheshire.

**97/00104/FUL**

Proposed single storey warehouse facility with associated two storey offices, external loading and lorry parking area and car park at Fair oak Lane, off Rivington Road, Whitehouse Industrial Estate, Runcorn, Cheshire, WA7 3DR.

**03/01089/REM**

Application for approval of reserved matters relating to development of part of site for B2 industrial development (6900 sqm approx) with ancillary offices, plant rooms



parking etc on land at Shell Green, Bennetts Lane, Widnes, Cheshire.

**98/00529/HSC**

Application for Hazardous Substance Consent for storage of ammonium nitrate based products at Finland no.2 Shed, Percival Lane, Runcorn Docks, Runcorn, Cheshire.

**99/00395/HBCWST**

Proposed household waste and recycling centre on land off Earle Road, Bowers Retail Park, Widnes, Cheshire.

**99/00394/HBCWST**

Proposed household waste and recycling centre on land to East of Earle Road, Bowers Retail Park, Widnes, Cheshire.

**17/00233/TPO**

Proposed work to trees covered by TPO 008 as follows (tree numbers relate to accompanying sketch plan) T1, poplar, fell T2-9 inclusive, comprising various trees within group A4 of the TPO, reduce by 50%, all at 106 Runcorn Road, Moore, Warrington, Cheshire, WA4 6UB.

**17/00256/PLD**

Application for a Certificate of Proposed Lawful Development for use of premises as a hot food takeaway (use Class A5) at 85-87 Victoria Road, Widnes, Cheshire, WA8 7RS.

**17/00235/FUL**

Proposed loft conversion incorporating escape windows to both side elevations at 15 Penrhyn Crescent, Runcorn, Cheshire, WA7 4XJ.

**17/00136/FUL**

Proposed erection of bungalow with access from Moss Lane within the rear garden area at Ivy Cottage, 106 Runcorn Road, Moore, Warrington, Cheshire, WA4 6UB.

**17/00321/PLD**

Application for a certificate of Proposed Lawful Development for single storey ground rear extension at 15 Heathfield Park, Widnes, Cheshire, WA8 9WY.

**14/00222/TPO**

Proposed works to trees T930 to T943 inclusive as detailed in the attached report and with the following provisos: T931 Fell; T932 Fell; T934 remove secondary stem and crown raise; T936, crown raise and remove scaffold branch; T938, crown raise and crown reduction; T940, fell; all at Church

End Amenity Woodland, Hale, Liverpool.

**17/00226/FUL**

Proposed 3 new dwellings at Builders Yard, Runcorn Road, Moore, Warrington, Cheshire.

The following applications had gone to appeal:

**17/00048/FUL**

Proposed erection of 1 no. detached house with associated landscaping and vehicular access from Chester Road on land adjacent to the Old Post Office, Chester Road, Daresbury, Cheshire.

*Meeting ended at 7.35 p.m.*