

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 4 February 2019 at Civic Suite - Town Hall, Runcorn*

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

Apologies for Absence: Councillor V. Hill

Absence declared on Council business: None

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

Also in attendance: 28 Members of the public, one member of the press and Councillors Rowe and G. Stockton

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

	<i>Action</i>
DEV26 MINUTES	
The Minutes of the meeting held on 7 January 2019 having been circulated, were taken as read and signed as a correct record.	
DEV27 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.	
<i>To avoid any allegations of bias, Councillors Woolfall and R. Hignett did not participate in any debate or vote on the following item as they are Members of the Environmental Fund Management Board.</i>	
DEV28 - 18/00417/S73 - APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO AMEND CONDITION 1 OF THE PLANNING INSPECTORATE DECISION DATED 5/3/14 (APP/D0650/A/13/220120) WHICH RESTRICTS THE	

AMOUNT OF FUEL DELIVERD BY ROAD TO 480,000 TONNES IN ANY 12 MONTH PERIOD TO READ AS FOLLOWS: THE TOTAL NUMBER OF HGV'S ASSOCIATED WITH THE OPERATION OF THE PERMITTED ENERGY RECOVERY FACILITY (WASTE IMPORTATION AND THE EXPORTATION OF INCINERATOR BOTTOM ASH AIR POLLUTION CONTROL RESIDUES) SHALL NOT EXCEED 1930 MOVEMENTS (965 IN AND 965 OUT) IN ANY CALENDAR WEEK AND SHALL NOT EXCEED A MAXIMUM OF 386 MOVEMENTS (193 IN AND 193 OUT) IN ANY SINGLE DAY - AT RUNCORN ENERGY FROM WASTE FACILITY, BARLOW WAY, OFF PICOW FARM ROAD, RUNCORN

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

As part of the Officer's presentation of the application Members were advised that following the publication of the agenda an additional twelve representations had been received. As set out in the published update list, a number of these related to the Development Control Committee speaking procedure, to which clarification was provided prior to the meeting. It was noted that details of all further representations received had been provided to Members via email together with the Officers' responses.

The Committee was addressed by Mr Butler, a local resident who objected to the application on behalf of himself and nearby residents. He questioned *inter alia* the validity of the transport assessment, the air quality monitor on Picow Farm Road being fit for purpose and whether the national Planning Policy Framework (NPPF) requirements had been met by the applicant. He also referred to persistent complaints being made from residents regarding the amount of odour and steam being emitted from the plant.

Mr Chris Herbert then addressed the Committee on behalf of the applicant. He explained *inter alia* that the application had been made to make more efficient use of the plant. He commented that the plant had capacity to increase its intake of refuse and therefore divert more waste from landfill and increase with a beneficial impact on carbon emissions. He stated that the number of vehicles would not be increased beyond the numbers previously assessed and stated that the number of vehicles could not be increased further without the permission of the Council.

Finally the Committee was addressed by Councillor

Chris Rowe, Ward Councillor for The Heath, who spoke on behalf of residents objecting to the application. He outlined to Members the many reasons for the objections to the application made by local residents and tabled several diaries kept by them with regards to the alleged nuisances experienced from the site over the years. Councillor Rowe made a wide ranging number of comments including *inter alia* the significant amount of capacity for Energy from Waste facilities already available and that Halton would become a dumping ground for the rest of the country; the type of fuel processed at the plant; and the removal of conditions put in place by the Secretary of State to protect residents. He argued that the application should be refused or at least deferred pending a decision from the Public Health Ombudsman on their current investigations.

Officers provided responses to clarify the points made by speakers in relation to the tonnage, traffic assessment, air quality and type of fuel and explained the implications of the application being made under Section 73 of the Town and Country Planning Act 1990.

Members then debated the application and considered a wide range of matters. They also took advice from the Council's Legal Advisor in respect of the potential outcome of an appeal, should the application be refused. It was noted that technically there were no grounds to turn the application down.

After consideration of the report, speakers' comments, updates and advice provided by Officers, the Committee agreed that the application be approved, subject to the conditions stated below.

RESOLVED: That the application be approved subject to the conditions set out below.

### **1. Condition Number 1 – Operational Noise**

The specific noise generated by the normal commercial operation of the development shall not exceed the levels provided in the table below, when measured in accordance with BS4142 (2014), as calculated at a height of 1.5 metres and at a distance of 1 metre from the façade of the residential premises below.

Time	LAeq,T(dB)
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<b>Period (T)</b>	Clarks Terrace	Sandy Lane (west of Picow Farm Road)  (and receptors to the South)	Sandy Lane (east of Picow Farm Road)  (and receptors to the South)	Russel Road  (and receptors to the east)
0700 to 2300 hours	55	54	65	67
2300 to 0700 hours	52	50	50	53

Reason – To ensure the proper control of noise during the operation of the development.

## **2. Condition Number 2 – Operational Noise**

Except in an emergency, the applicant shall give at least 2 working days written notice to the Council of any proposed operation of emergency pressure valves or similar equipment and steam purging.

Any such operation shall not take place on any Saturday, Sunday or Bank Holiday or any other day except between the following hours:

Monday to Friday – 0900 – 1700 hours.

Reason – To ensure the proper control of noise during the operation of the Development and to give advance warning of the timing of exceptionally noisy events.

## **3. Condition Number 3 – Storage**

No waste, fuel materials and / or containers stored, stacked externally on the site shall exceed a height of 10 metres.

Reason – To ensure environmental protection and safe working.

## **4. Condition Number 4 – Storage**

Waste or fuel materials brought to the site for use in the operations of the development shall be under cover at all times.

Reason – To ensure environmental protection and safe working.

## **5. Condition Number 5 – HGV Movements**

The total number of HGV's associated with the operation of the permitted energy recovery facility (waste importation and the exportation of incinerator bottom ash and air pollution control residues) shall not exceed 1930 movements (965 in and 965 out) in any calendar week and shall not exceed a maximum of 386 movements (193 in and 193 out) in any single day.

Reason – To minimise road traffic movements in the locality and ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel.

**6. Condition Number 6 – Delivery of Refuse Derived Fuel**

Where the transportation of refuse derived fuel to the site by rail occurs between 2300 and 0700 hours, noise levels shall not exceed the levels provided below, when measured in accordance with BS 7445 2003 at the boundary of the residential properties below.

Time Period (T)	LAeq,6h(dB)	
	Picow Farm Road	Percival Lane
2300 to 0700 hours	55.2	51.2

Reason – To ensure the proper control of noise for the delivery of refuse derived fuel by rail.

**7. Condition Number 7 – Materials, Waste and Residual Material following Incineration**

Materials, waste and residual material following incineration shall be handled under cover at all times.

Reason – To prevent the release of ash and other residual material to the environment.

**8. Condition Number 8 – Materials, Waste and Residual Material following Incineration**

Air Pollution Control Residue (APCr) shall be transported from the site in sealed vessels and bottom ash shall be transported from the site under cover.

Reason – To prevent the release of ash and other

residual material to the environment.

#### **9. Condition Number 9 – Cessation of works and restoration of the site**

Within 12 months of the site ceasing to be used for the purposes of electricity generation, the applicant shall submit a scheme for the demolition and removal of the development from the site to the Council as Local Planning Authority for approval.

The scheme shall include:

- Details of all structures and buildings which are to be demolished;
- Details of the means of removal of materials resulting from the demolition;
- The phasing of the demolition and removal;
- Details of the restoration works; and
- The phasing of the restoration works.

The demolition and removal of the development and subsequent restoration of the site shall thereafter be implemented in accordance with the approved scheme.

Reason – To ensure the site is not allowed to become derelict after the cessation of electricity generation.

#### **DEV29 MISCELLANEOUS ITEMS**

The following Appeals had been received / were in progress:

##### **Enforcement Notice**

Without planning permission, the change of use of an incidental residential annex to 256 Birchfield Road, Widnes, to a separate dwelling.

##### **18/00363/OUT**

Application for outline planning permission with appearance, landscaping and scale reserved for single two storey dwelling in side garden area a 3 Nickleford Hall Drive, Widnes.

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The following Appeals had been determined:

##### **18/00282/FUL**

Proposed new boundary wall to front and side at 112 Lunts Heath Road, Widnes, Cheshire, WA8 5BA.

Appeal dismissed.

**18/00001/FUL**

Proposed single storey rear extension with rear/side facing balcony at 6 Walsingham Drive, Runcorn.

Appeal dismissed.

**17/00548/FUL**

Proposed demolition of existing stables building and construction of 1 no single storey detached dwelling with access from Chester Road at land to the North of junction between Keckwick Lane and Chester Road, Daresbury, Cheshire.

Appeal allowed.

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Judicial review of the following decision had commenced:

**18/00289/FUL**

Proposed erection of dwelling with access from Moss Lane, within the rear garden of Ivy cottage, 106 Runcorn Road, Moore, Cheshire.

*Meeting ended at 7.38 p.m.*