

## DEVELOPMENT CONTROL COMMITTEE

*At a meeting of the Development Control Committee on Monday, 5 October 2020 via remote access*

Present: Councillors Nolan (Chair), Carlin, V. Hill, J. Lowe, C. Plumpton Walsh, June Roberts, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley, R. Hignett and Thompson

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry, P. Peak, M. Webster and K. Thompson

Also in attendance: Councillors Ratcliffe and Whitley and 26 Members of the public and one member of the press

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

		<i>Action</i>
DEV4	MINUTES	
	<p>The Minutes of the meeting held on 27 July 2020, having been circulated, were taken as read and signed as a correct record.</p>	
DEV5	URGENT DECISIONS	
	<p>The Committee was presented with the urgent decisions taken by the Chief Executive in respect of the Development Control Committee, due to the Covid-19 Pandemic and subsequent suspension of meetings.</p> <p>These were provided at appendix 1 and noted by Members.</p> <p>RESOLVED: That the report and urgent decisions made be noted.</p>	
DEV6	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>	

DEV7 - 17/00468/FUL - PROPOSED DEMOLITION OF PAVILLIONS CLUBHOUSE FOLLOWED BY DEVELOPMENT COMPRISING 139 DWELLINGS WITH ASSOCIATED ANCILLARY DEVELOPMENT AT THE PAVILLIONS, SANDY LANE, RUNCORN , WA7 4EX

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

The Committee was advised that since the publication of the agenda four representations had been received from Elected Members of the Heath and Mersey Wards, these were circulated to Members today via email. Further representations had been received. One from a member of the public raising issues with regard to access. One from the supporters of Runcorn Town Football Club, in support of the application as they were now aware that the football club were going to enter into a binding agreement for lease subject to planning. One from a member of the public stating that safety issues with the Energy from Waste facility should prevent the proposed development from being granted. The representation alleged that the boiler panels were made of substandard material which are a risk to people in the area. One from Viridor who operate the Energy from Waste facility who reiterated the content of Paragraph 8 of the National Planning Policy for Waste and whilst disappointed by the recommendation, they requested that sufficient mitigation measures are secured by condition.

Also, further observations had now been received from the Council's Ecological Adviser in relation to the Habitats Regulations Assessment and also bats and breeding birds. Officers advised that the adoption of the Assessment following consultation with Natural England and the resolution of issues relating to bats and breeding birds would ensure the proposal was acceptable from an ecology perspective.

The Committee was addressed by Mr Matt Smith, from Gleeson Homes. He stated that they provided entry level housing aimed at first time buyers, thus providing customers at the beginning / lower end of the housing ladder a chance to own their own homes. He announced that the starting price of a new two bedroom family house would be approximately £115,000 and explained how this would be affordable through the new *Help to Buy Scheme* and Gleeson's newly introduced *Key Worker Priority Programme*. He also confirmed that Gleeson did not sell to landlords or sub-letters, ensuring that the homes would go to

people who actually needed them. He ended by commenting that this £11.8m investment would go some way to contributing to the local economy and was a predominantly first time buyer led low cost home ownership scheme and hoped it would be supported by the Committee.

In response to Members queries it was noted that the scheme would consist of freehold sales only. In response to concerns regarding access to the development being via one road, Members were advised that as the access road met the requirements as per the relevant design standard and it was considered to be acceptable, there were no objections from the Highways Officer to the access strategy. With regards to queries regarding car ownership, Members were advised that the *trip generation methodology* was used to establish the number of vehicle movements in the peak hours associated with the development and therefore impact on the Highway network. Car parking spaces were assessed in line with relevant policy and all dwellings benefit from 200% parking provision (two spaces per dwelling).

Members were reminded to give significant weight to the advice of the HSE and their public safety concerns, giving it the most careful consideration. HSE considered its role to be discharged when it is satisfied that the Local Planning Authority had given its advice the most careful consideration and it is acting in full understanding of that advice and the consequences that could follow.

After considering the application, hearing representations made by speakers and updates from Officers, the Committee agreed that the application be delegated for approval as stated below subject to a satisfactory outcome from a), b), c) and d) and then subject to the following conditions:

RESOLVED: That delegated powers be given to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Development Control Committee, to make the decision once the following have occurred:

- a) a Habitats Regulations Assessment has been adopted by the Council as the competent authority to show how the Council had engaged with the requirements of the Habitats Directive and the attachment of any additional conditions necessary;
- b) the satisfactory resolution of issues relating to bats and breeding birds and the attachment of any

additional conditions necessary;

- c) the satisfactory completion of a Section 106 Agreement to secure the following and also to remove the Sport England holding objection:
- £525,330 payment to mitigate for the loss of playing fields;
  - £45,151.86 payment in lieu of on-site open space provision; and
  - £3,000 payment to fund local future road safety or traffic management schemes; and
- d) the application not being called in by the Secretary of State following referral to the Health and Safety Executive.

And then subject to the following conditions:

1. Time limit – full permission;
2. Approved plans;
3. Construction Phase Management Plan (phasing of overall development) (BE1);
4. Proposed site levels (BE1);
5. External facing materials (BE1 and BE2);
6. Landscaping and boundary treatment scheme – residential development (BE1 and BE22);
7. Landscaping and boundary treatments scheme – Runcorn Town FC (BE1 and BE22);
8. Landscaping and boundary treatments scheme – Bowling Club (BE1 and BE22);
9. Tree protection measures (GE27);
10. Breeding birds protection (GE21 and CS20);
11. Bird nesting boxes scheme (no demolition of Pavilions building until scheme is implemented) (GE21 and CS20);
12. Bat mitigation measures (GE21 and CS20);
13. Ecological supervision of the felling of T95 (GE21 and CS20);
14. Public open space implementation and management plan (H3);
15. Hours of construction (BE1);
16. Electric vehicle charging point scheme – residential development (CS19);
17. Electric vehicle charging point scheme – Runcorn Town FC (CS19);
18. Electric vehicle charging point scheme – Bowling Club (CS19);
19. Off-site highway works (BE1, TP6, TP7, TP12, TP15 and TP17);
20. Access road from Picow Farm Road serving

- Runcorn Town FC and the emergency link to the residential development (BE1);
21. Parking and servicing provision – residential development (BE1, TP6, TP7, TP12, TP15 and TP17);
  22. Parking and servicing provision – Runcorn Town FC (BE1, TP6, TP7, TP12, TP15 and TP17);
  23. Parking and servicing provision – Bowling Club (BE1, TP6, TP7, TP12, TP15 and TP17);
  24. Implementation of noise mitigation measures (PR2);
  25. Ground contamination (PR14 and Policy CS23);
  26. Drainage strategy (PR16 and CS23);
  27. Foul and surface water on a separate system (PR16 and CS23);
  28. Building recording and analysis for the Pavilions Building (BE5); and
  29. Waste audit (WM8).

DEV8 - 18/00516/OUT - APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH LANDSCAPING RESERVED) FOR PROPOSED DEVELOPMENT OF 27 NO. APARTMENTS (CONSISTING OF 19 NO. 2 BED AND 8 NO. ONE BED) AND 31 ASSOCIATED CARE PARKING SPACES AT FORMER HALLWOOD RAVEN PUB AT EAGLES WAY, HALTON LEA, RUNCORN

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 conditions and entering into legal agreements listed below.

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

- a) a legal or other appropriate agreement relating to securing financial contributions to Open Space;
- b) conditions relating to the following:
  1. Time limit;
  2. Approved plans;
  3. External facing materials (BE1 and BE2);
  4. Soft landscaping scheme (BE1);
  5. Boundary treatments scheme (BE1);
  6. Electric vehicle charging points scheme (CS19);
  7. Provision and retention of parking (BE1);

8. Provision and retention of cycle parking;
  9. Requirement for acoustic report and implementation of noise mitigation measures (PR2);
  10. Affordable housing scheme (CS13);
  11. Ground contamination (PR14);
  12. Drainage strategy/scheme (PR16);
  13. Waste audit (WM8);
  14. Submission and agreement of site and finished floor levels;
  15. Surface water drainage strategy; and
  16. Conditions relating to tree protection through the course of the development; and
- c) that if the Section 106 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 Chair or Vice Chair of the Development Control Committee to refuse the application.

DEV9 - 20/00053/REM - APPLICATION FOR APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) OF OUTLINE PERMISSION 17/00602/OUT ON LAND TO THE EAST OF 137 RUNCORN ROAD, MOORE, CHESHIRE, WA4 6UQ

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

The Case Officer advised the Committee of an error in the report pack, top of page 90, which refers to a lounge window on the side elevation – this should refer to side facing windows within a conservatory to the rear.

It was noted that the receipt of amended plans had addressed officer concerns relating to the scale and appearance of the proposed dwelling within the street scene. Further, the objections received by two neighbouring properties and Moore Parish Council and comments made by Ward Councillor John Bradshaw had been addressed in the report.

Officers advised the Committee that since the preparation of the report issues had arisen regarding the impact that the excavation for the house might have on surrounding trees and potential compliance with conditions attached to the original outline planning permission, which

required further investigation by officers. It was suggested that the recommendation be amended to delegated powers being given to the Operational Director to determine, once the issue had been resolved.

The Committee was addressed by Miss Harris-Grave who lived in the neighbouring property of the site and made the following objections in relation to the plans. Incidentally, she stated that reference to a conservatory window (correction above) was incorrect. She advised Members that when they purchased the property in 2018 they were aware of the outline planning permission of the neighbouring land as it formed part of the sales particulars. However, she stated that this proposal did not comply with the Local Planning Authority (LPA) policies. Additionally there was a huge tree that was not identified on the plans and to excavate around it would make it unstable; she said this was brought to the attention of the LPA but it was dismissed. She stated that although they were not opposed to the construction of a dwelling on the site, they requested reassurance that all outline conditions and planning policies be adhered to and monitored throughout construction. She added that this had not been the case so far.

Mr Craig Foster, a Moore Parish Councillor, then addressed Members arguing that the issues around the neighbour's windows and other issues raised by the neighbour had not been addressed. He stated that the proposed development would be in breach of the neighbour's 'right to light' and the Council's adopted SPD. He requested that a better design solution be found.

The Committee then heard Mr Keith Summers, the agent representing the applicants. He stated that the principle of the dwelling had already been established in the outline planning approval which also included its access from Runcorn Road. He confirmed that no objections had been received from the statutory consultees, other than the Parish Council; and no objections had been received from the trees officers or highways officers. He added that the proposal met the LPA's policy requirements and those of the National Planning and Policy Framework (NPPF).

Members were reminded that the application was for reserved matters as the outline planning permission acts as the permission for the development which was granted previously. The Officer advised that the impact of the window on the neighbouring property was a consideration of amenity for the purposes of planning and its right to light came under separate legislation and explained this.

Officers reverted to the last minute issues that had arisen regarding the trees on the site and advised the Committee that this should be investigated further. In light of this an amendment to the recommendation was moved – that once the matters relating to the trees had been resolved satisfactorily, that the determination of the application be delegated to the Operational Director in consultation with the Chair or Vice Chair of the Committee. The amendment to the recommendation was seconded.

After hearing the officers and speakers presentations and representations and taking into consideration the last minute information regarding the trees on site, the Committee voted to agree that the application be delegated to the Operational Director, as stated above.

RESOLVED: That the Operational Director – Policy, Planning and Transportation, be given delegated powers to determine the application, in consultation with the Chair and Vice Chair of the Committee, once the outstanding issues around the trees have been resolved.

DEV10 - 20/000241/FUL - PROPOSED CONSTRUCTION OF 15 NO. 1 BED APARTMENTS FOR ASSISTED LIVING (USE CLASS 2) WITH ASSOCIATED COMMUNAL AMENITY SPACE, CAR/CYCLE PARKING, REFUSE STORAGE AND ANCILLARY WORKS AT THE CROFT, HALTON LODGE AVENUE, RUNCORN, WA7 5YQ,

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 conditions relating to the following:

1. Time;
2. Approved plans;
3. Confirming permitted use class;
4. Site levels;
5. Material details;
6. Landscaping details;
7. Boundary treatments;
8. CEMP;
9. Vehicle access, parking, servicing etc. constructed prior to occupation / use;
10. Cycle parking details;



11. Surface water;
12. Drainage scheme;
13. Contaminated land;
14. Tree protection;
15. No tree felling; and
16. Provision of bird nesting boxes and bat boxes.

DEV11 - 20/000329/P3JPA - PRIOR NOTIFICATION FOR PROPOSED CHANGE OF USE OF OFFICES (USE CLASS B1) TO 108 NO. RESIDENTIAL APARTMENTS (USE CLASS 3) (PRIOR APPROVAL APPLICATION)

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

*It was noted that this application and the next application related to the same building complex so due to the interrelated nature they were presented as one report and were considered by the Committee under one report.*

The Committee was presented with a proposed change of use from Class B1(a) offices to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

Members were advised of a number of instances where this change of use was not permitted development by Class O, as listed from (b) to (g) in the report. It was noted that none of these instances applied to these proposals so they were therefore permitted by Class O, subject to the condition that before beginning the development the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority would be required as to the following:

- a) Transport and highways impact of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) Impacts of noise from commercial premises on the intended occupiers of the development; and
- e) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

It was noted that the provisions of paragraph W (prior approval) of this Part applied in relation to this application also.

The Committee was addressed by Lydia Sadler, who represented the Planning Consultants for the applicant. She introduced the applicant and stated that they had worked closely with the Local Planning Authority (LPA) to address concerns relating to parking and access to the site, as required under the prior approval application. These concerns had now been satisfied through the provision of an on-site car park and a pedestrian link to the Town Park to the North.

The Committee considered the representations made from Mike Amesbury MP, Cheshire Fire and Rescue Service and the results of the investigations made in relation to the above prior approval matters as described in the report. They agreed with the Officer's conclusion that the proposals were acceptable and prior approval was required for the change of use.

RESOLVED: That prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) was required and that the application be approved subject to the following conditions:

1. Time limit;
2. Approved plans;
3. Parking and servicing;
4. Cycle parking
5. Electric vehicle charging scheme;
6. Residential travel plan; and
7. Highway improvement works.

DEV12 - 20/000354/COU - PROPOSED CHANGE OF USE OF PART OF THE GROUND FLOOR AND THIRD FLOOR FROM OFFICES INTO 5 RESIDENTIAL APARTMENTS, RESIDENTS GYM AND EXTERNAL ALTERATION (PLANNING APPLICATION)

*It was noted that this application and the previous application related to the same building complex so due to the interrelated nature they were presented as one report and were considered by the Committee under one report.*

The Committee was presented with an application proposing a change of use of part of the ground floor and third floor from offices into 5 residential apartments, resident's gym and external alteration.

The Committee was addressed by Lydia Sadler, who represented the Planning Consultants for the applicant. She advised that the applicant had worked closely with the LPA

and consultees throughout the process to arrive at a scheme which matched the aspirations of the applicant and the Council. She further added that this development would provide regeneration of this key Town Centre site through the provision of a high quality development leading to wider and long term community benefits. The proposal included significant enhancements to the external appearance of the building and would increase activity to this area of the Town Centre once future residents had moved in thus contributing to the existing retail and service provision.

In response to Members queries over the sizes of apartments, it was confirmed that these were much larger than plans submitted previously by the same applicant. In relation to parking concerns, with the provision of 70 parking spaces and easy access in and out of the site, the Highways Officer raised no objections. Also, the site was adjacent to the Town Centre and would benefit from improved pedestrian links and would be close to public transport links, so was considered to be a sustainable location.

Members considered the representations made by Mike Amesbury MP and the Officer's responses to this, and after considering the information and investigations relating to the application, they agreed that this be approved, subject to the conditions listed in the report and summarised below.

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

1. Time limit;
2. Approved plans;
3. External facing materials (BE1, BE2 and CS18);
4. Implementation of bin and cycle storage (TP6 and WM9);
5. Provision of parking and servicing (BE1, TP12 and TP17);
6. Pedestrian link to the north (TP7 and TP17);
7. Electric vehicle charging points (CS19);
8. Travel plan (TP6, TP7, TP16 and TP17);
9. Soft landscaping (BE1);
10. Hard landscaping and boundary treatments (BE1 and BE22);
11. Tree protection (BE1 and GE27);
12. Breeding birds protection (GE21); and
13. Drainage scheme (PR16 and CS23).

*Meeting ended at 7.45 p.m.*