

## DEVELOPMENT MANAGEMENT COMMITTEE

*At a meeting of the Development Management Committee on Monday, 20 May 2024 at Civic Suite, Town Hall, Runcorn*

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Carlin, C. Loftus, Philbin, Polhill, Thompson and Woolfall

Apologies for Absence: Councillors Bevan, Davidson and C. Plumpton Walsh

Absence declared on Council business: None

Officers present: T. Gibbs, A. Plant, A. Evans, G. Henry and L. Crampton, J. Farmer, A. Blackburn, A. Strickland, G. Ferguson and K. Butler

Also in attendance: Councillors Ratcliffe, N. Plumpton-Walsh, T. McInerney and Lowe, 50 members of the public and 1 member of the press.

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

	<i>Action</i>
DEV50 MINUTES	
The Minutes of the meeting held on 8 April 2024, having been circulated, were taken as read and signed as a correct record.	
DEV51 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>Councillors Carlin and Rowe had both previously submitted their objections and therefore did not take part in any debate or vote on the on the following item.</i>	
DEV52 22/00569/OUT OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION) FOR: I. UP TO 545 RESIDENTIAL UNITS INCLUDING DWELLINGHOUSES (USE CLASS C3) AND SENIOR LIVING AND EXTRA CARE (USE CLASS C2) WITH ANCILLARY CAR AND CYCLE PARKING; II.	

ANCILLARY FLOORSPACE FOR FLEXIBLE E USE CLASSES (INCLUDING OFFICE, CONFERENCE CENTRE, RETAIL, LEISURE [INCLUDING FOOD AND BEVERAGE]), F2 USE CLASSES (INCLUDING MEETING PLACES FOR THE LOCAL COMMUNITY), AND A HOTEL (USE CLASS C1); III. SUI GENERIS USE CLASSES INCLUDING STEAM SPACES, A DRINKING ESTABLISHMENT AND A VERTICAL FARM; IV. PRINCIPLE OF HIGHWAYS ACCESS AND SERVICING ARRANGEMENTS; AND INFRASTRUCTURE PROVISION, INCLUSIVE OF A NEW LIVING MACHINE (EMERGING WASTEWATER TREATMENT TECHNOLOGY), AND ALL OTHER ASSOCIATED WORKS INCLUDING RE-CONFIGURATION OF EXISTING BUILDING ON SITE, LANDSCAPING, PUBLIC REALM, AND BIODIVERSITY IMPROVEMENTS AT HEATH BUSINESS AND TEC, AT HEATH BUSINESS AND TECHNICAL PARK AND LAND NORTH OF HEATH ROAD SOUTH

The consultation procedure undertaken was outlined in the report together with background information in respect of the site. Members were updated on the latest correspondence from the Health & Safety Executive (HSE) and Inovyn.

The Committee was addressed by Mr Morris, who opposed the application. He argued the following, *inter alia*:

- Suggested that the application was inconsistent, confusing, non-compliant to several Council policies and bias towards the applicant;
- Suggested that public concerns had been ignored;
- The proposals were removed from the Local Plan by the Planning Inspectorate as they stated there was significant risk to human life; and
- Urged the Committee to reject the application.

The Committee was addressed by Councillor Ratcliffe, Ward Councillor for Beechwood and Heath who spoke on behalf of residents. She stated the following *inter alia*:

- Residents found out about the proposals in October 2021 but there was no formal public consultation and many communications to SOG Ltd have not been responded to;
- In December 2021, trees were cut down by SOG Ltd and in October 2022, they cut down protected trees without permission. Hedges were also cut down during nesting season;

- In November 2022, Ward Councillors were invited to meet with SOG Ltd, however, they did not provide any documentation prior to the meeting;
- If the application was approved, the plans would change the area forever and not for the good;
- The proposal is to build 545 properties in an area half the size of Beechwood;
- There is no mention of how new residents of the area would be supported by schools, doctors etc.;
- Article 8 and the First Protocol of the European Convention of Human Rights states that people should be able to enjoy peaceful enjoyment of their property;
- The HSE raised concerns over proximity of a COMAH site;
- SDP planning is inconsistent with planning policy;
- Requested the Committee to reject the application on a point of law;
- Urged the Committee to request a re-submission of definite plans, not one that could be changed once approved; and
- Acknowledged that a call-in could be made within 21 days.

The Committee was also addressed by Councillor N. Plumpton-Walsh , Ward Councillor for Mersey and Weston, who spoke on behalf of residents. He stated the following *inter alia*:

- He requested a meeting with SOG Ltd on two occasions and was refused both times;
- Referred to concerns regarding the COMAH site and referenced the Planning Inspectorate report from 2022;
- Expressed concerns regarding the sewage plant and road infrastructure; and
- Urged the Committee to reject the application.

On behalf of the applicant, Councillor T. McInerney read out a letter of support from Professor Rachel Cooper, Lancaster University, in support of the application.

Also on behalf of the applicant, Mr. Teague read out a statement in support of the application.

Committee Members acknowledged the concerns of the residents that it was an emotive application. Members were disappointed that the HSE had continued to express concerns late in the process rather than providing all of the

information upfront as per the planning process. The Chair of the Committee had arranged a site visit for Committee Members which they stated was useful. Councillor Thompson stated the two main issues were loss of green space and the approach of the HSE. It was implied that the HSE model was 30 years old and out of date compared to the COMAH site. Councillor Thompson also mentioned that the sustainability of the site depended on this development.

Officers advised the Committee to weigh the elements of non-compliance with the Development Plan against the benefits of the proposals of the scheme. Members gave significant weight to the advice of the HSE and their public safety concerns and gave it the most careful consideration.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to approve the application. It was noted that the Committee requested that any future submissions in relation to reserved matters be brought before the Committee.

**RESOLVED:** That the application be approved, subject to referral to the Health and Safety Executive, and subject to the following:

a) Section 106 Agreement as set out below:

1. Highway phasing plan;
2. Cycle route improvements;
3. Crossing improvements;
4. Bus infrastructure improvements;
5. Enhanced bus service provision;
6. Moughland Lane / Heath Road South / Clifton Road signalised junction improvements;
7. Recreational pressure mitigation for Runcorn Hill;
8. Affordable housing provision;
9. Social value strategy for the training and recruitment of local people.

b) Schedule of conditions set out below:

1. Time limit – outline permission;
2. Submission of reserved matters;
3. Development parameters;
4. Submission and implementation of a phasing plan;
5. Submission and implementation of a greenspace management plan;
6. Submission of a biodiversity net gain assessment

- (including updated metric);
7. Submission and implementation of full travel plans;
  8. Submission of a further traffic assessment at the reserved matters stage, should different transport scenarios from those assessed (commercial traffic entering the Heath Business and Technical Park site from the south and residential traffic from the north and no through route) be used along with supporting mitigations options offered where necessary;
  9. Submission and implementation of an air quality mitigation measures Scheme;
  10. Submission and implementation of a noise mitigation measures scheme;
  11. Submission of ground contamination – site investigation and remediation strategy and subsequent implementation and validation;
  12. Submission of strategy should unsuspected contamination be found;
  13. No infiltration of surface water to the ground without the demonstration of its suitability through an assessment;
  14. No piling unless it is demonstrated that there would be no unacceptable risk to groundwater;
  15. Implementation of breeding birds protection;
  16. Submission and implementation of an arboricultural method statement;
  17. Submission and implementation of a tree protection plan;
  18. Submission and implementation of a sustainable urban drainage scheme;
  19. Submission and implementation of a verification report for sustainable urban drainage scheme;
  20. Submission and implementation of wetland infiltration system management scheme;
  21. Submission and implementation of a construction environmental management plan;
  22. Restriction of hours of construction;
  23. Submission and implementation of reasonable avoidance measures – reptiles;
  24. Submission and implementation of reasonable avoidance measures – badger and hedgehog
  25. Submission and implementation of a lighting scheme to protect ecology;
  26. Submission and implementation of a landscape and ecological / habitat management plan;
  27. Submission and implementation of a bat mitigation and compensation scheme;
  28. Submission of a copy of a licence / registration

- issued by Natural England in respect of bats;
29. Submission of a copy of the district level licence issued by Natural England, in respect of Great Crested Newts;
  30. Submission and implementation of a site waste management plan;
  31. Submission and implementation of a waste storage and collection plan;
  32. Submission and implementation of a local carbon development scheme;
  33. Submission of a building record to Level 2 as set out in Historic England Guidance – Understanding Historic Buildings; and
  34. Submission and implementation of a health management plan.

- c) That, if the S106 Agreement is not signed within a reasonable period of time, authority be given to the Operational Director – Policy, Planning and Transportation, to refuse this planning application.

DEV53 23/00187/WST PROPOSED ERECTION OF A BUILDING FOR ANCILLARY STORAGE (PARTIALLY RETROSPECTIVE) VEOLIA ES UK LTD (FORMER J BRYAN (VICTORIA) LTD), PICKERINGS ROAD, WIDNES

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

The application sought permission to erect a building for ancillary storage (partially retrospective) as the steel frame of the building was erected following the grant permission 18/00285/WST. However, the planning permission was subsequently overturned and dismissed at a planning appeal, construction works ceased and the building frame remained in situ. The land and buildings remain within the extant use and the applicant proposed completion of the building to allow its use for storage of materials and equipment in connection with the occupier's operations.

There would be no intention for the building to be used for the storage or processing of any 'waste' materials and the applicant stated that they would be comfortable with the imposition of a planning condition preventing the use of the building for the processing or transfer of waste. Furthermore, the applicant stated their intention to surrender the Environmental Permit for the site, but that would remain outside the control of the planning system.

The Committee considered the above and voted to approve the application.

RESOLVED: That the application is approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development;
2. Specifying approved and amended plans;
3. Materials condition(s) requiring building external finishing materials to be carried out as approved by 19/00094/COND;
4. Condition relating to contamination/unexpected contamination;
5. Implementation of a scheme of bat and bird boxes in accordance with details to be submitted and approved;
6. Restricting use of the building to storage of plant and machinery and at no time to be used for the deposit, handling or sorting of waste; and
7. Restricting hours of construction.

DEV54 23/00272/FUL ERECTION OF A 5,615 SQM (60,439 SQ FT) GEA [5,550 SQM (59,739 SQFT) GIA] CLASS B8 UNIT WITH ANCILLARY OFFICES AND ASSOCIATED PARKING, SERVICING SPACE AND HARD AND SOFT LANDSCAPING (INCLUDING MEANS OF ENCLOSURE AND SECURITY LIGHTING) ON LAND TO THE WEST OF SHELL GREEN, WIDNES, WA8 0GW

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

Members were advised to disregard paragraph 6.1.1 and the typing error in section 7 which read "residential", should have read "employment". It was confirmed that the Clear Drainage Strategy had been identified and the only outstanding consultation was from MEAS. The Bat and Birds Survey would be available in the next 4 weeks.

The Committee was addressed by Mr. Gee who spoke on behalf of the applicant in favour of the application.

Members of the Committee sought some reassurance about traffic movement. Officers confirmed that the use class would be sufficient and parameters had been set in the application. There would be no impediment to the highway/entry access off Bennetts Lane.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to delegate authority to the Local Planning Authority.

RESOLVED: That the application be determined by the Local Planning Authority subject to:

- a) authority being delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to MEAS;
- b) recommended conditions as follows, with any additional conditions recommended through the resolution of the MEAS comments to be added to the list below:

Conditions

1. Time Limit;
2. Plans;
3. Materials to be implemented as detailed on submission (Policy RD3 and GR1);
4. Submission of Existing and Proposed Site Levels (Policy GR1);
5. Tree Protection Measures – (Policy HE5);
6. No tree works between April and June (Policies CS(R)20 and HE1);
7. RAMS for reptiles and hedgehog (Policies CS(R)20 and HE1);
8. Full method statement for the removal of invasive species – Giant Hogweed;
9. Validation report confirming remediation treatment carried out in relation to invasive species – Giant Hogweed;
10. Submission of a Sustainable Urban Drainage Scheme – (Policies CS23 and HE9);
11. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9);
12. Sewage disposal (Policy HE9);
13. Energy efficiency (Policy CS(R)19);
14. BNG Metric 3.1 scheme, timetable and maintenance;
15. Waste Management Plan (WM8); and
16. MEAS – Potential conditions - lighting scheme, bird/bat boxes.



*Councillors Loftus and Thompson did not take part in any debate or vote on the following item as they had previously attended meetings with residents.*

DEV55 23/00368/FUL PROPOSED DEMOLITION OF SOME OF THE EXISTING BUILDINGS (INCLUDING 317 EXISTING DWELLINGS AND THE PALACE FIELDS COMMUNITY CENTRE), THE CLOSURE OF TWO EXISTING SUBWAYS, AND THE ERECTION OF 257 REPLACEMENT DWELLINGS, TOGETHER WITH ASSOCIATED NEW ROADS, FOOTWAYS AND CYCLEWAYS, NEW AND IMPROVED OPEN SPACE INCLUDING A NEW LINEAR PARK, HARD AND SOFT LANDSCAPING WORKS, AND OTHER ASSOCIATED INFRASTRUCTURE AND WORKS, AT LAND WITHIN, ADJACENT TO AND SURROUNDING THE UPLANDS AND PALACEFIELDS, RUNCORN

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

It was noted that there was a correction to the report on page 158 of the printed agenda at the second paragraph stated Policy CS(R)13 requires affordable housing to be delivered with a tenure split of 76% social rent and 24% intermediary. This should read, Policy CS(R)13 requires affordable housing to be delivered with a tenure split of 74% affordable or social rent and 26% intermediary.

Members were referred to the AB list which outlined clarifications and corrections that applied to the published report.

Two further matters were also reported:

- 1) MP Mike Amesbury had emailed the Council to set out concerns over the development and copies of the email were provided to Members of the Committee;
- 2) Two further objections had been received that set out the following additional points of note in addition to those submitted:
  - Impact on wildlife;
  - Loss of trees; and
  - Loss of privacy

The Committee was addressed by Mr. Davidson, who spoke on behalf of residents who opposed the application. He stated the following, *inter alia*:

- The properties on the estate were a mix of owned and rented, some of which had been adapted to suit the needs of those living in them;
- Demolition of the houses would cause dust, hazardous to residents;
- Wildlife would be affected;
- The proposals was impacting on the mental health of residents;
- The Community Centre was the heart of the community; and
- The loss of the green space would mean the nearest park would be 1.1 miles away – a 23 minute walk.

The Committee was addressed by Councillor A. Lowe who read out a statement on behalf of MP Mike Amesbury and this outlined his concerns of the application.

The Committee was addressed by Miss. Long, who read out a statement on behalf of the applicant in support of the application.

Committee Members acknowledged the concerns of residents with regards to any proposed Compulsory Purchase Order (CPO), however this was not a valid reason in planning terms to refuse the application that was under consideration by the Committee. Members also referred to the proposals set out by Riverside to help residents and the investment that would benefit the area economically.

It was noted that if the planning application was granted, any CPO process would be an entirely separate procedure, which would require a compelling case in the public interest to be made out before any CPO was confirmed by the Secretary of State, and the process would allow for relevant objections to be made. The process was outlined by the Legal Adviser.

After consideration of the application, updates and comments made by the speakers, the proposal was moved and seconded and the Committee voted to approve the application.

**RESOLVED:** That the application be approved subject to the schedule of conditions set out in the Officer report and update list.

*Meeting ended at 8.50 p.m.*