

## DEVELOPMENT MANAGEMENT COMMITTEE

*At a meeting of the Development Management Committee on Monday, 2 September 2024 at the Civic Suite, Town Hall, Runcorn*

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

Apologies for Absence: Councillor Bevan

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, A. Evans, A. Strickland, I. Dignall, L. Crampton and C. Sturdy

Also in attendance: Councillors Ryan, Teeling and P. Lloyd Jones, one member of the press and 8 members of the public

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

	<i>Action</i>
DEV60 MINUTES	
The Minutes of the meeting held on 5 August 2024, having been circulated, were taken as read and signed as a correct record.	
DEV61 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.	
DEV62 24/00007/FUL - PROPOSED RESIDENTIAL DEVELOPMENT WITH ASSOCIATED OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE WITH NEW ACCESSES ON LAND OF SOUTH LANE, WIDNES, WA8 3UB	
The consultation procedure undertaken was outlined in the report together with background information in respect of the site.	

The Case Officer advised that since the publication of the report, the LLFA (Lead Local Flood Authority) Engineer had responded to the consultation exercise to confirm a position of no objection, subject to the use of the following conditions:

- Conformity with flood risk assessment submitted with the application;
- Planning drainage levels;
- Detailed drainage plans;
- Hydraulic modelling study;
- Surface water drainage calculations;
- Provision of as built drainage plans;
- Drainage system, validation report;
- UU adoption details;
- Flood conveyance rate; and
- Watercourse diversion consent details.

Further to the publication of the AB Update List, it was noted that the Council's Ecology Advisor recommended that a landscape and ecological management plan be attached to the planning permission, which the applicant has agreed to. Also, several points of clarification were made to the published report – as listed in the AB Update List.

The Committee was addressed by Mr Tiwana, a representative of the Applicant. He commented *inter alia* that:

- The site was a strategic housing location and would comprise high quality starter homes, 20% of which are affordable;
- The site would provide housing choices for local people;
- A cycle path and walking routes would be included as well as natural features such as trees and grassed areas;
- Boundary treatments are in place;
- An area of offsite open space was included in the proposal; and
- No objections had been raised from statutory consultees.

Members were referred to the plans showing the open space and it was noted that the area of open space provided on site was deficient, but the Applicant has agreed to an offsite contribution to mitigate this shortfall. This would be secured by way of a S106 agreement. The Applicant has also agreed to fund mitigation regarding off site recreational

pressure on ecological sensitive sites.

Members raised concerns on the demand of local services such as schools and GP's due to the development – page 26 of the report outlined the impacts on these. In response to queries on active travel corridors, it was reported that two cycle paths and one footpath were included in the plans. Officers also explained the alternative approach being taken to the open space referred to above and how this made effective and efficient use of S106 contributions.

The Committee voted to approve the application, subject to the conditions listed below, and the additional ones recommended by the LLFA and the Ecology Advisor.

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

- a) Section 106 Agreement that secures the terms set out in the Legal Agreement section of this report;
- b) Schedule of conditions set out below, with any additional conditions recommended through the resolution of the Habitats Regulations Assessment (HRA) compliance issue to be added to this list; and
- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Director – Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee to refuse the application.

### **Conditions**

1. Time limit;
2. Approved plans;
3. Submission of existing and proposed site levels (GR1);
4. Existing tree protection measures (HE5);
5. Submission of bird box scheme (CS(R)20 and HE1);
6. Bat box scheme (CS(R)20 and HE1);
7. Protection of mammals during construction (CS(R)20 and HE1);
8. Common amphibian avoidance strategy (CS(R)20 and HE1);
9. Reasonable avoidance measures strategy or priority species (CS(R)20 and HE1);
10. Biodiversity enhancement scheme (CS(R)20 and

- HE1);
11. Soft tree felling strategy (CS(R)20 and HE1);
  12. Ground contamination (CS23 and HE8);
  13. Waste management plan (WM8);
  14. Construction management plan (C1);
  15. Limited construction hours (GR2);
  16. Detail hard standing agreed (C2 and HE9);
  17. Access constructed prior to occupation (C1);
  18. Landscaping (GR1, GR3 and HE5);
  19. Hedgerows retained or mitigation (CS(R)20 and HE1);
  20. Acoustic mitigation (GR2);
  21. Contaminated land in accordance with approved scheme (HE7):
  22. Contaminated land validation report (HE7);
  23. Acoustic measure to be implemented in accordance with approved details (HE7 and GR2).
  24. Dust mitigation measures to be implemented in accordance with approved details (HE7);
  25. Off site highway improvements (C1);
  26. Estate traffic calming details (C1); and
  27. Energy statement compliance (CS19).

DEV63 24/00097/FUL - ERECTION OF TWO DRIVE THROUGH UNITS WITH 'DRIVE-THRU' FACILITIES TOGETHER WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPED AREAS AT GREEN OAKS CENTRE, GREEN OAKS WAY, WIDNES

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

The planning application was previously considered at the August 2024 Development Management Committee meeting. A decision on the proposal was deferred following a motion approved by Members that sought to undertake a site visit, to understand the scheme's potential impacts upon the existing town centre parking provision at the application site. The site visit had been completed.

Members noted the technical note that was submitted by the Applicant and published with the AB Update List. Further, an update on the number of car parking spaces that would be available after the development of the site was presented.

The Committee was addressed by local Ward Councillor Teeling, who objected to the proposals and presented the following arguments, *inter alia*:

- There were mistakes made during the consultation period as local businesses and members of the public were not informed; they first heard about the development in the local newspaper;
- Due to the above it was too late for people to submit their objections:
- There was no need for food outlets of this nature in the area;
- If these businesses failed in the future the buildings would be a blight on the area;
- The increased volume of traffic and highway safety would be an issue;
- There would be an increase in traffic at the small roundabout near Tesco and the retail park that was already congested;
- There were 4 schools and one nursery in close proximity to the site;
- There will be a loss of parking spaces;
- There will be an increase in delivery vehicles;
- There would be no benefit to the economy – the operators paid minimum wage and would not offer apprenticeships, for example;
- Weight should be given to the viability of the Town Centre – footfall may reduce there;
- Would the operators comply with environmental policies to prevent air pollution from extra cars and smells from the outlets – this area was already a hot spot for air pollution;
- Littering would be a problem;
- The proposals would be detrimental to the health of children and there was already a Public Health obesity crisis amongst school children; and
- The Council's priority on Climate Change was referred to.

The Committee was then addressed by Mr Wiseman, a representative of the Applicant. He stated:

- The site already had outline planning permission for one drive through;
- Clarity on highways and parking matters – there would be a net loss of 124 spaces, with 690 spaces remaining on the car park;
- A detailed assessment of ANPR information was undertaken which showed that there would still be significant capacity in the car park and this would remain post development;
- A transport assessment was also undertaken where it was found that there would be no impact on the

- highway network as a result of the development;
- The outlets would be serviced as the existing ones were and there were no incidents reported; and
- There were no objections from the statutory consultees.

Members raised concerns on the following:

- Highway congestion at certain times and access to the site – the fact that there was one way in and out of the site and the addition of two more would only add to the traffic volume, which raised highway safety concerns;
- The loss of car parking spaces;
- The alleged lack of consultation with local businesses in the area;
- The initial objections to the proposals from the Highways Department;
- The effect the development would have on existing businesses in the area;
- Obesity and public health concerns amongst the population; and
- There was confusion over the free parking area and the chargeable area as there was no barrier or signage on the plan.

In response, Officers advised that the Highways Department has now removed its objections and was satisfied following receipt of further ANPR assessments referred to above regarding car parking capacity, and the addition of a condition restricting the size of the delivery vehicles. Officers advised that the Council has discharged its statutory requirements on public consultation – 211 letters were sent out and site notices were displayed in the market. Regarding Public Health concerns, page 60 of the report described the outcome of the consultation in detail. Also, it was confirmed that parking charges were not a material consideration in determining the application.

One Member moved a refusal of the application due to highway safety and site access concerns; this was seconded. The Committee voted on the motion and a refusal was agreed by majority.

**RESOLVED:** That the application be refused as the proposed access arrangements for the site would cause an unacceptable impact on highway safety, particularly in regard to the additional traffic stacking back up onto the adopted highway. In addition to this, the tracking details provided fail to demonstrate safe and unhindered movement

of large vehicles increasing potential for conflict between pedestrians and vehicles in this location to the detriment of highway and pedestrian safety.

Such conflict is considered to result in an unacceptable and severe impact on highway safety. The proposal is therefore considered contrary to Policy C1 of the Halton Allocations and Delivery Local Plan and the provisions of the National Planning Policy Framework (NPPF) in this regard.

DEV64 24/00147/FULEIA - PROPOSED ERECTION OF AN ELECTRICITY SUBSTATION WITH ASSOCIATED PLANT, ALONG WITH ACCESS, LANDSCAPING, MEANS OF ENCLOSURE, BOUNDARY TREATMENTS AND ASSOCIATED ANCILLARY INFRASTRUCTURE AND WORKS ON LAND OFF WINDMILL HILL AVENUE, RUNCORN

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

Members noted the information from the AB Update List relating to comments made by the Open Spaces and Highways Departments, as well as the recommendation for an additional condition restricting the height of any future external transformer or other plant and machinery to 4.2m.

The Committee was addressed by local Ward Councillor Peter Lloyd Jones, who spoke objecting to the proposal on behalf of the residents of Farnley Close. He argued *inter alia*:

- That the residents of Farnley Close were advised when they bought their properties that the area behind their houses was protected from development;
- The original location for a substation was on Sandymoor to service the new housing developments, however it was found that a second one would be needed;
- Due to cabling issues associated with two substations, it was decided by SPEN to move to a new location on Windmill Hill Avenue and build a larger capacity substation; and
- The outlook for the residents of Farnley Close will be greatly affected by the development of this substation.

The Committee was then addressed by local Ward

Councillor Ryan, who also spoke against the proposal. He stated that he did not object to the substation itself, just its location. He cited the following *inter alia*:

- It was understood that the Grid in the area needed reinforcing to accommodate new developments and for the future;
- This proposal imposed issues for the existing residents of Farnley Close who have, in some cases, lived there for 30 years. The view from their properties would be detrimental and affect the value of their homes;
- The substation being proposed was huge – 30m x 24.5m x 24.5m and was only 2 metres from the site boundary;
- The site is outside the Sandymoor South boundary;
- This was a departure from the DALP and the site is allocated Greenbelt land;
- There was a query relating to the ownership of the land; and
- It was hard to believe that this was the only available site for a substation.

Councillor Ryan requested that the Committee refuse the application and that the Applicant looks for a site located in Sandymoor.

Mr Cove, a representative of the Applicant, then addressed the Committee. In response to the query regarding the ownership of the land, he confirmed that SPEN had owned it since 2001. He made the following comments *inter alia*:

- Homes England was a public body that funded new and affordable housing in England;
- The proposal was for a substation which was a critical piece of infrastructure needed for the supply of power to new homes and existing homes in Windmill Hill, Sandymoor and Murdishaw;
- The smallest footprint possible was used;
- Biodiversity and planting strategies would be included;
- Trees measuring 4.5 metres would be planted along the boundary line immediately after the development was complete;
- Sound levels from the substation would be kept to minimum; and
- There were no objections received from any of the statutory consultees.



In summary he added that this was an essential piece of infrastructure required for future development and urged the Committee to support the recommendation.

Members discussed the following:

- The original site and the subsequent relocation of the substation to Windmill Hill Avenue;
- The ownership of the land;
- Material considerations in respect to requesting the substation be relocated to Sandymoor;
- Sympathy was felt for the residents of Farnley Close in relation to proximity of the substation, its size and the potential for devaluing of house prices;
- Open space calculations and loss of greenspace;
- The cabling of the substation; and
- Public consultations carried out.

One Member moved a refusal, based on the location being unsuitable, this was seconded.

In response to the Committee's debate, Officers clarified that requesting the Applicant to move to another location was not a material consideration, as the application before the Committee must be determined as it is, in line with planning policies. It was also confirmed that property values and land ownership were not material considerations and that a valid reason for refusal had not been given.

The Legal Advisor concurred with this, adding that if Members were minded to refuse, then a valid, defensible reason must be presented before a vote can be taken by the Committee.

After hearing the Planning Officer's and Legal Officer's advice, the motion to refuse was withdrawn by the seconder.

It was commented that the proposal was not just for Sandymoor housing developments but was also required to ensure resilience of the Grid in the area for the future.

The Officer's recommendations were moved and seconded and the Committee voted to approve the application by a majority, subject to the conditions listed below.

**RESOLVED:** That authority be delegated to the Director – Planning and Transportation, in consultation with the Chair or Vice Chair, to approve the application subject to

satisfactory resolution of the outstanding highway and drainage matters and 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 submission and agreement of details;
4. Implementation of a scheme of bat and bird boxes and brash piles in accordance with details to be submitted and approved;
5. Submission and agreement of tree protection plan and arboricultural method statement;
6. Requiring all fencing and switch rooms doors to be colour coated dark green;
7. Restricting hours of construction;
8. Submission and agreement of a construction environmental plan including RAMs for terrestrial mammals;
9. RAMs for amphibian species;
10. Protecting nesting birds;
11. Securing implementation of landscaping as agreed;
12. Submission and agreement of a Landscape Environmental Management Plan;
13. Controlling external lighting;
14. Drainage conditions;
15. Requiring noise levels from fixed plant and equipment on site, measures at the perimeter of the site not exceed 27dB(A);
16. Completion validation testing with respect to noise; and
17. Requiring levels to be carried out as approved.

*Meeting ended at 9.00 p.m.*