

## DEVELOPMENT CONTROL COMMITTEE

*At a special meeting of the Development Control Committee on Tuesday, 30 August 2011 at Civic Suite, Town Hall, Runcorn*

Present: Councillors Nolan (Chairman), Thompson (Vice-Chairman), Balmer, J. Bradshaw, A.Cole, Gilligan, Hignett, Hodgkinson, Leadbetter and McInerney

Apologies for Absence: Councillor Osborne

Absence declared on Council business: None

Officers present: A. Jones, J. Tully, M. Noone, S. McDonald, G. Henry, A. Plant and J. Farmer

Also in attendance: Two members of the Public

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

#### DEV19 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

*Action*

The Committee considered the following application for planning permission and, in accordance with its powers and duties, made the decisions described below.

*To avoid any allegation of bias, Councillor Tom McInerney took no part in the discussion and did not vote on this item, as he presently held the position of Chair of the 3MG Sub Committee.*

#### DEV20 - 11/000269/FULEIA - PROPOSED CONSTRUCTION OF A SINGLE RAIL-SERVED BUILDING FOR STORAGE AND DISTRIBUTION PURPOSES (TOTAL GROSS INTERNAL AREA 109,660 SQM / USE CLASS B8) TOGETHER WITH ASSOCIATED INFRASTRUCTURE, PARKING, OPEN SPACE, LANDSCAPING AND ANCILLARY DEVELOPMENT ON HBC FIELDS, HALEBANK ROAD, WIDNES

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

Officers advised the Committee that a letter had been submitted from Hale Bank Parish Council at 4 pm the day of the meeting requesting a deferral of the application as they had not had an opportunity to consider the application themselves due to the August recess and therefore, had not been able to forward the views of the Parish Council to the Committee.

It was reported that since the report was published a petition of 546 signatories to a standard letter had been received in total, opposing the application. The letter raised objections based on the following:

- It was considered that the Policy context as a whole needed reviewing in terms of the aims and principles of the Policy;
- The lack of access via rail to the 3MG park;
- The impact on surrounding areas in relation to construction and operational phases; and
- A lack of commitment to build the principle road access prior to commencement (A562).

A further two letters of objection had been received citing noise, visual impact, air pollution and ecological impacts as reasons for objection. Further issues were also raised relating to security risks to surrounding properties, confusing photomontages, use of the emergency access route, the inclusion of a hazardous goods zone and the positioning of the rail line inside the building.

In response it was commented that the site would have 24 hour security, the photomontages were only for illustrative purposes and that a Landscape and Visual Assessment had been produced in accordance with national guidelines and had been agreed by the Council's Landscape Architects. It was noted that the scheme did not include proposals for hazardous storage or proposals to serve the building internally by rail.

It was further reported that English Heritage had confirmed that they had no comments to make; Knowsley Council had confirmed they had no objections subject to conditions restricting the use of the emergency access to prevent through traffic, and the Highways Agency had confirmed that they had no objection to the scheme.

As a matter of clarity, it was stated that the Council as landowner, could not enter into a legal agreement by means of S106. It was noted that these same conditions would apply to any other landowner or developer and would

therefore, be covered by a development agreement. The terms of the agreement would include requirements to construct the principle access road and rail connectivity to the site, costs for off site highway works including cycle and pedestrian linkage, off site landscaping and habitat creation and management for ground nesting birds.

It was commented that the applicant had provided clarification to issues raised by Natural England and the Council's advisor on environmental matters. Additional planning conditions were requested in relation to the protection of water quality and the Council's obligations under the Habitats Regulations with regards to the Mersey Estuary SPA were noted.

The following additional conditions were suggested in light of the above:

- Conditions relating to retention and protection of existing trees and hedgerows and replacement hedgerow planting;
- Protection of ground nesting birds;
- A Grampian style condition requiring implementation of the principle access road prior to commencement of use; and
- Provision of rail sidings within the application site in accordance with the approved plan prior to commencement of use.

It was also requested that the recommendation be amended to allow delegation to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair, to approve the application subject to the conditions listed and reported above, subject to the awaited confirmation from MEAS regarding the obligations of the Habitat Regulations.

The Committee was then addressed by Mr Holmes who spoke on behalf of the applicant.

He stated that the proposal was in accordance with the established, adopted policy of the Council; that it fitted in with Government emphasis on economic growth and job creation; it respected the Green Belt boundary and tied in with the existing planning permissions for road and rail connections; it responded to a desire to screen and filter views into the site by retaining and reinforcing the existing landscaped bunds.

Further, he commented that the scheme promoted a

high quality architectural solution which also delivered a very energy efficient, sustainable building which minimized environmental impact through a careful site layout and landscape design. The application would also promote the use of public transport, walking, cycling and car sharing.

Finally he commented that the scheme would bring significant capital and annual investment to Halton and create more than 1000 new jobs, injecting a projected £50m annually into the local economy. He also announced that local training and recruitment would be prioritised in order to create the best prospects for local people to secure the new jobs.

Following Members debate, it was noted that Condition number 21, regarding the emergency access route, would be amended.

**RESOLVED:** That the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair, be given delegated authority to approve the application, subject to the awaited confirmation from MEAS regarding the obligations of the Habitat Regulations, and subject to conditions relating to the following:

1. Specifying approved plans (BE1);
2. Specifying approved use (E7);
3. Requiring that external building materials be carried out in accordance with approved details unless otherwise agreed (BE2);
4. Requiring submission and agreement of boundary treatments including security controlled access (BE22);
5. Requiring submission and agreement of agreement of ancillary features including sprinkler tanks, pump houses, bus stops, security barriers etc (BE2);
6. Requiring implementation of detailed landscape works (BE2);
7. Requiring maintenance of implemented landscape works in accordance with agreed landscape maintenance and management plan (BE2);
8. Restricting working and external storage (E5);
9. Submission and agreement of installation/maintenance of external lighting including cowls (PR4/GE21);
10. Submission and agreement of detailed waste and recycling storage (BE1);
11. Submission and agreement of waste management strategies (BE1);
12. Submission and agreement of remediation verification

- plan (PR14);
13. Requiring submission, agreement and implementation of an archaeological watching brief (BE6);
  14. Specifying minimum finished floor levels and requiring development be carried out in accordance with the approved site and finished floor levels unless otherwise agreed (PR16/BE1);
  15. Laying out of access/parking and servicing (BE1);
  16. Submission, agreement of secure cycle parking (TP6);
  17. Requiring wheel cleansing facilities throughout construction phase (BE1);
  18. Condition relating to phased implementation of dock doors and level access doors (BE1/2);
  19. Restricting construction and delivery hours (BE1);
  20. Submission and agreement of a Construction Environmental Management Plan, Dust Mitigation Scheme and plan for control of routing and management of traffic and parking, including off site signage during construction phase (BE1/PR1);
  21. Restricting use of emergency access route to emergency access and bus traffic only (BE1/E7);
  22. Agreement and implementation of travel plan (TP16);
  23. Submission and agreement of acoustic barriers (PR2);
  24. Restricting external plant/plant extracting to air (PR2);
  25. Requiring that the development be designed and implemented in full accordance with the submitted/approved details including mitigation measures unless otherwise agreed (BE1);
  26. Requiring submission and agreement of management plan for offsite grassland habitat (GE21);
  27. Requiring Development be carried out in accordance with the approved FRA and mitigation measures (PR16);
  28. Submission and agreement of details relating to retaining walls and structures (BE1);
  29. Requiring submission, agreement and implementation of surface water regulation system to be installed (PR16);
  30. Submission and agreement of ecology/habitat enhancement features including bird/bat boxes (GE21);
  31. Requiring implementation of dedicated rail connection and siding in accordance with agreed timetable (E7);
  32. Conditions relating to retention and protection of existing trees and hedgerows and replacement hedgerow planting;
  33. Protection of ground nesting birds;

34. A Grampian style condition requiring implementation of the principle access road prior to commencement of use; and
35. Provision of rail sidings within the application site in accordance with the approved plan prior to commencement of use.

*Meeting ended at 7.05 p.m.*