

DEVELOPMENT CONTROL COMMITTEE

At a meeting of the Development Control Committee on Monday, 8 September 2014 at Civic Suite, Town Hall, Runcorn

Present: Councillors Nolan (Chairman), Cole, R. Hignett, C. Plumpton Walsh, June Roberts, J. Stockton, Thompson, Woolfall and Zygadlo

Apologies for Absence: Councillors S. Hill, Rowe and Wainwright

Absence declared on Council business: Councillor Morley

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

Also in attendance: 10 Members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

Action

DEV15 MINUTES

The Minutes of the meeting held on 7 July 2014, having been circulated, were taken as read and signed as a correct record.

DEV16 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.

DEV17 - 11/00269/FULEIA - PROPOSED CONSTRUCTION OF A SINGLE RAIL SERVED BUILDING FOR STORAGE AND DISTRIBUTION PURPOSED (TOTAL GROSS INTERNAL AREA 109,660 SQM/USE CLASS B8) TOGETHER WITH ASSOCIATED INFRASTRUCTURE, PARKING, OPEN SPACE, LANDSCAPING AND ANCILLARY DEVELOPMENT AT HBC FIELD, HALEBANK, WIDNES

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

The Committee was referred to the Update List and Table 1, which presented the latest representations from

Halebank Parish Council, who objected to the application. The issues raised by them and Officers' responses were noted by Members.

Officers then referred Members to Table 2 which contained General Updates and Conditions. Below is a list of corrections (first three points) and amendments that were advised:

- Para 1.4 – Delete last sentence and replace with '*the site is being marketed*'.
- Para 2.9 – Delete last sentence as planning permission ran with the land. It was inappropriate to link planning permission with such certification of an individual company.
- Para 2.10 – Delete the last sentence. This statement was vague and relied on potential off-site opportunities. A specific planning condition was recommended dealing with on-site waste management issues listed as condition 38 within the published agenda.
- Cheshire Wildlife Trust (CWT) had provided final comments on the submission as follows:
 1. Four wildlife ponds should be created in the 5ha compensatory area according to best practice guidance (refer to Freshwater Habitats Trust). CWT could provide advice on the best location for these ponds.

The request for the 4 ponds to be within the compensatory area would require off-site provision and conflict with other mitigation provision. This was not considered appropriate but the 4 ponds could be accommodated within the application site. This request therefore updated paragraph 6.71 of the report. This was therefore recommended to be covered by additional planning condition as follows:

No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 4 ponds within the site has been implemented in full and in accordance with a detailed scheme submitted to and agreed in writing by the Local Planning Authority. Such details as are submitted shall accord with the Appendix 6.5 of the submitted Ecological Assessment: Pond Design and Planting Specification and associated Figure 1, and shall include a detailed maintenance and management plan. The ponds shall be so managed

and maintained for the lifetime of the permission.

Reason:- In the interest of species and habitat creation/protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

2. A method statement should be submitted to Local Planning Authority (LPA) for approval in relation to the translocation of vegetation/aquatic fauna from ponds 5, 7 and 10 to the newly created ponds in the 5ha compensatory area. This may be submitted post determination.

This was recommended to be covered by additional planning condition as follows:

No development shall take place within the site until a detailed method statement had been submitted to and agreed in writing by the LPA for the translocation of vegetation/aquatic fauna from ponds 5, 7 and 10 (as defined by Figure 6.1 of the submitted Ecological Assessment: Phase 1 Habitat Management Plan) to the newly created replacement ponds required by condition 1 of this planning permission.

Reason:- In the interest of species and habitat creation/protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

3. A habitat management plan for the compensatory area (which included identification of resources required for implementation and monitoring) should be submitted for approval by the LPA. Implementation of the plan needed to be in place before work commenced to provide suitable habitat for ground nesting birds. Refer to guidance provided by CWT in 2013. This management plan may be submitted post determination.

This was considered to be adequately secured by condition 36 as listed in the Recommendation.

4. A planning condition for nesting birds should be applied. Suggested wording:

Works should take place outside of the nesting bird season (1 March to 31 August inclusive), unless the site had been checked for nesting birds by a qualified

ecologist no more than 48 hours prior to commencement. If nesting birds were found, an appropriate exclusion zone should be established and maintained until nesting was complete. The details of any exclusion zone should be agreed with the ecologist.

This was considered to be adequately secured through legislation outside planning and would be attached as an informative.

- Refinements were proposed to condition 2 listed within the Recommendation as follows:

The development shall be carried out in accordance with the following application drawings:

Topo Survey	15808 OGL rev O
Location Plan	P001 Rev D
Location Block Plan	P002 Rev G
Site Plan	P003 Rev G
Unit Plan and Mezzanine Office and Warehouse Plan	P004
Building Elevations	P005
Unit Sections	P006
Roof Plan	P007
Gatehouse Plan and Elevations	P008
Landscape Concept Masterplan	1201/11-01 Rev E
Landscape Concept Cross Sections 1 of 2	1201/11-02 B
Landscape Concept Cross Sections 2 of 2	1201/11-03 A
Planting Plan 1 of 2	1201/11-04 E
Planting Plan 2 of 2	1201/11-05 C
Smithy House Landscape Mitigation details	1201/11-06 B
Unit and Park Interface	1201/11-08 B
Lighting Scheme	D18729/PY/C
Proposed surface and foul water drainage layout	16803-P-0300
Pond B details	16803-P-0300
Porous Paved Car Park details	16803-P-0300
Proposed finished levels	16803-P-0300
Proposed perimeter sections	16803-P-0610
Proposed retaining wall	16803-T-0620

Reason:- To define the permission, to ensure that the development is carried out as approved.

This would replace condition 2 as originally listed in the Recommendation section of the Officer report.

It was noted that the re-ordering and re-numbering of the conditions would be required to account for the refinements and additional conditions.

Officers further informed the Committee that on Page 92 of the report there were 13 issues listed by consultants for the Parish Council which they suggested were covered by planning conditions or a noise management plan. The suggestion to secure the acoustic barriers by condition was accepted and was listed in the recommended conditions. It was noted that some of the remaining issues were considered to fail one or more of the tests for valid planning conditions, but a noise management plan could be used to cover any outstanding appropriate issues and secured by planning condition. The inclusion of a noise management plan condition was therefore recommended.

The Committee was addressed by Councillor Rowan, Chairman of Halebank Parish Council, who opposed the application. He stated that the people of Halebank did not want this development which would be a 24 hour 7 day operation. He suggested that the railway would never be used and that lorries and HGV's would cause noise and light nuisance to nearby residents. He stated that the land would be better used for a housing project.

Mr Holmes, a representative for the applicant, addressed the Committee commending a well written detailed report and supplementary update list. He commented that since the last application for the site, the Council had adopted the Core Strategy and the land had been reallocated as an employment site. He stated that the application conformed to all planning policies and the scheme had been put together so that there was minimum impact to surrounding residents. He advised that all issues relating to traffic, noise, flooding and light pollution had been addressed by the applicant. Finally he stated that the purpose of the project should not be overlooked and that the railway would be used eventually instead of the roads, and that the development would be economically good for Halton, creating 1000 jobs and injecting £50m annually into the local economy.

Members considered the application and the updated information before them and received responses to their queries regarding the noise limits and history of the site.

The application as set out in the report, subject to the additional two conditions and one substituted condition as described above, was moved and seconded and approved by the Committee.

RESOLVED: That

- a) The Committee was satisfied that the payments referred to in Section 6 Financial Contributions and Table 5 thereto of the report, would be secured as part of the sale of land / development agreement; and
- b) The application be approved subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

(2) The development shall be carried out in accordance with the following application drawings:

Topo Survey	15808 OGL rev O
Location Plan	P001 Rev D
Location Block Plan	P002 Rev G
Site Plan	P003 Rev G
Unit Plan and Mezzanine Office & Warehouse plan	P004
Building Elevations	P005
Unit Sections	P006
Roof Plan	P007
Gatehouse Plan and Elevations	P008
Landscape Concept Masterplan	1201/11-01 Rev E
Landscape Concept Cross Sections 1 of 2	1201/11-02 B
Landscape Concept Cross Sections 2 of 2	1201/11-03 A
Planting plan 1 of 2	1201/11-04 E
Planting plan 2 of 2	1201/11-05 C
Smithy House Landscape Mitigation details	1201/11-06 B
Unit and Park Interface	1201/11-08 B
Lighting scheme	D18729/PY/C
Proposed surface & foul water drainage layout	16803-P-0300
Pond B details	16803-P-0300
Porous Paved Car Park details	16803-P-0320

Proposed finished levels	16803-P-0600
Proposed perimeter sections	16803-P-0610
Proposed retaining wall	16803-T-0620

Reason:- To define the permission, to ensure that the development is carried out as approved.

CONDITIONS TO BE COMPLIED WITH BEFORE DEVELOPMENT/USE COMMENCES

(3) The development hereby approved shall not be commenced until the following has been submitted to and agreed in writing by the Local Planning Authority:

a) A Construction Environmental Management Plan to include pollution and silt pollution control measures and specific measures to minimise and mitigate impacts including noise, light, odour and dust.

b) A plan for the control of routeing, access/ egress to/ from the site, parking, and waiting for all construction traffic including plant and deliveries. For the avoidance of doubt the routeing, access/ egress to/ from the site, other than in the case of emergency or unavoidable road closure, shall take place via the dedicated link road to A5300/ A562 only and not Halebank Road.

The development shall be carried out in accordance with the approved details.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to minimising potential impacts on neighbours, the environment and to comply with Policies BE1 and PR1 of the Halton Unitary Development Plan.

(4) The development hereby approved shall not be commenced until the details of wheel cleansing facilities for heavy commercial and site vehicles has been submitted to and agreed in writing by the Local Planning Authority. Such details as are approved shall be implemented, maintained and used by all heavy commercial and site vehicles with an operating weight greater than 3 tonnes before leaving the site throughout the construction period of the development.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment and highways, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(5) No development shall take place within the site, until a programme of archaeological work in accordance with a written scheme of investigation and recommendations has been submitted to and approved in writing by the Local Planning Authority. The work programme shall be carried out in accordance with the approved scheme.

Reason:- To ensure the proper investigation of the site due to its historic importance and to comply with Policy BE5 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(6) No development shall take place within the site, until a Site Wide Waste Management Plan and a Materials Management Plan to cover the ground and earth works and construction phases of the development has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and such details as are agreed shall be implemented in full throughout the construction phase of the development.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

(7) No development shall take place (other than ground remediation and earthworks) until details of a surface water regulation scheme (based on sustainable drainage principles and including maintenance timing / phasing) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason:- To prevent the increased risk of flooding

and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(8) No development shall take place (other than ground remediation and earthworks) until details of the proposed finished floor levels of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The finished floor level of the building hereby approved shall be set at a minimum of 8.0 A.O.D. The scheme shall be constructed and completed in accordance with the approved details.

Reason:- To reduce the risk of flooding to the proposed development and future occupants and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(9) No development shall take place (other than ground remediation and earthworks) until a detailed drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme for the site shall be designed to provide the following:

1. All surface water drainage from the lorry parking and manoeuvring areas will pass through a Class 1 Full Retention Separator, with alarm.
2. Car parking areas shall drain through a Class 1 by-pass separator with alarm.
3. Separators shall comply with BS EN 858 part 1 and 2 in full
4. Penstocks shall isolate the service yards areas and car parks (final manholes before discharge to Ponds A and B) - that these can be closed in the event of a major incident/emergency.

The scheme shall be fully implemented and maintained for the life time of the development.

Reason:- To prevent pollution of the water environment and to comply with Policy PR5 of the Halton Unitary Development Plan.

(10) No part of the development hereby approved shall be brought into use until a scheme of pond replacement to provide 4 no. ponds within the site has been implemented in full and in accordance with a detailed scheme submitted to and agreed in writing by the Local Planning Authority. Such details as are

submitted shall accord with the Appendix 6.5 of the submitted Ecological Assessment: Pond Design and Planting Specification and associated Figure. 1 and shall include a detailed maintenance and management plan. The ponds shall be so managed and maintained for the lifetime of the permission.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(11) No development shall take place within the site until a detailed method statement has been submitted to and agreed in writing by the Local Planning Authority for the translocation of vegetation/ aquatic fauna from ponds 5, 7 and 10 (as defined by Figure 6.1 of the submitted Ecological Assessment: Phase 1 Habitat Management Plan) to the newly created replacement ponds required by condition 10 of this planning permission.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

CONDITIONS TO BE COMPLIED WITH DURING THE COURSE OF THE DEVELOPMENT/USE

(12) Prior to the implementation or installation of any hard surfacing works to the HGV waiting spaces, reach-stacker operation zone, loading/ unloading yards and circulation space, visitor and staff parking (including overflow car park spaces) and related circulation roads, full details of the materials to be used in the finished surfaces of those areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure the appropriate use of quality materials in the interests of visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

(13) Prior to the commencement of construction of any part of balancing pond B as identified on Drawing No. P003 Rev G an Environmental Management Plan (EMP) shall have been submitted to and agreed in writing by the Local Planning

Authority to include detailed habitat creation and planting schedules to render balancing pond B, any existing and replacement waterbodies within the site unattractive to birds potentially moving from the estuary (gulls, waders and waterfowl). Such designs may include the establishment of reeds, proximity of trees and managing potential flightlines and sightlines through appropriate location and design of landscaping bunds etc. Such details shall include details of a scheme for monitoring of the use of the site by gulls, waders and waterfowl to be undertaken through the vegetation establishment period and methods of reporting results to the Local Planning Authority and agreeing additional measures deployed as required. These could include netting of the waterbodies (Balancing Pond B and existing waterbodies if also required).

Reason:- In the interests of aerodrome safeguarding, to minimise potential for birdstrike and to comply with Policy BE1 of the Halton Unitary Development Plan.

(14) Prior to the implementation or installation of any fencing, security or other boundary treatment which include 2.4m high paladin fence, security controlled pedestrian, cycle and/ or vehicle access and emergency access barriers hereby approved, full specification details, including colour coating, of that fencing, security or boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. Any fencing or such boundary treatment shall be carried out in full accordance with those approved details and approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate use of quality materials and boundary treatments in the interests of crime prevention and visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

(15) Prior to the implementation or installation of either sprinkler tanks, pump houses, bus stops or security barriers as detailed on approved plan P003 Rev G full specification details, including colour coating, of that feature shall be submitted to and agreed in writing by the Local Planning Authority. Any such feature shall be installed in full accordance

with those approved details and approved plan P003 Rev G prior to commencement of use of the building hereby approved and shall be maintained for the lifetime of the development.

Reason:- To ensure the appropriate design and quality of those ancillary features in the interests of visual amenity and to comply with Policy BE2 of the Halton Unitary Development Plan.

(16) The finished yard and ground levels as a result of carrying out the development hereby approved shall be in full accordance with the approved plan (Drawing No. NK016803_P_0600).

Reason:- To define the extent of this permission, to ensure the development is carried out in accordance with the approved details in the interests of visual and residential amenity, and to comply with Policies PR16 and BE1 of the Halton Unitary Development Plan.

(17) Unless such works do not cause existing ambient noise levels to be exceeded (as set out in the noise assessment submitted as part of the application) there shall be no construction work associated with the development on the site at any time on any Sunday, Bank Holiday or other Public Holiday or on any other day except between the following hours:

08:00 - 18.00 Monday to Friday
08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(18) No Heavy Commercial Vehicle or any other vehicle which has an operating weight greater than 3 tonnes associated with the construction of the development shall enter or leave the site at any time on any Sunday, Bank or Public Holiday or on any other day except between the following hours:

08:00 - 18.00 Monday to Friday
08:00 - 12.00 Saturdays

Reason:- To ensure that the development is carried out as submitted and approved, to minimise nuisance caused to nearby residents, and to comply with Policy BE1 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(19) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2011/ref: 24261 001/Peter Brett Associates and, the following mitigation measures detailed within the FRA:

Restricting the discharge of surface water from the site to a maximum rate of 4.8 l/s/ha for all rainfall events up to and including the critical 100-year return period event, including an additional 20% increase in rainfall intensities to cater for the impact of predicted climate change.

Reason:- To reduce flood risk, both on the site and elsewhere to an acceptable level and to comply with Policy PR16 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

(20) The retaining wall at the reach-stacker operation zone and rail siding interface as defined by Drawing No. P003 Rev G shall be constructed in accordance with Drawing Numbers NK016803_P_0600 and NK016803_T_0620.

Reason:- To ensure the development is carried out as approved and to comply with Policy BE1 of the Halton Unitary Development Plan.

(21) The retaining wall to the enhanced landscape bund as defined by Drawing No. P003 Rev G shall be constructed using a Timbalok timber crib retaining wall system.

Reason:- To allow the Local Planning Authority to retain control over the construction of retaining walls, to ensure the development is carried out as approved and to comply with Policy BE1 of the Halton Unitary Development Plan.

(22) No trees or hedgerows shown to be retained shall be felled, pruned, lopped, topped, uprooted or damaged in any way as a result of carrying out the development hereby approved.

Reason:- In order to avoid damage to the trees and hedgerows on and adjoining the site, in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, in the interests of visual amenity and to comply with Policy BE1 of the Halton Unitary Development Plan.

(23) If at any time during the course of carrying out the development hereby approved contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and agreed in writing by the local planning authority. The remediation strategy shall thereafter be implemented as approved.

Reason:- To ensure a safe form of development which poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan and Core Strategy Policy CS23.

CONDITIONS TO BE COMPLIED WITH BEFORE THE COMPLETION OF THE DEVELOPMENT AND/OR COMMENCEMENT OF THE USE

(24) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990 and to comply with Policy BE2 of the Halton Unitary Development Plan.

(25) A landscape management and maintenance plan, including long term design objectives and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason:- In the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(26) Prior to the commencement of use of any part of the building hereby approved, a detailed travel plan including timescale for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Such details as are agreed shall be implemented in full and in accordance with the submitted timescales for the lifetime of the development.

Reason:- To ensure provision for a range of transport options in the interest of sustainable development and to comply with Policy TP16 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

(27) No part of the development hereby approved shall be occupied until space has been laid out within the site for the safe and secure parking of bicycles in accordance with drawing no. P003 Rev G and a detailed specification for covered and secure cycle stands has been submitted to and agreed in writing by the Local Planning Authority. The cycle stands shall be retained for the lifetime of the development.

Reason:- To ensure the satisfactory provision for cycle parking to encourage alternatives and sustainable means of travel and to comply with Policy TP6 of the Halton Unitary Development Plan and Core Strategy Policy CS15.

(28) Prior to the occupation of the premises hereby approved, the vehicle access, service and parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority in accordance with the approved plans, and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy BE1 of the Halton Unitary Development Plan.

(29) No part of the development hereby approved shall be brought into use until a scheme of biodiversity and ecology/ habitat enhancement features including bat and bird boxes has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and maintenance, shall

be implemented in full accordance with the submitted details and shall be maintained for the lifetime of the development.

Reason:- In the interests of species and habitat creation/ protection and to comply with Policy GE21 of the Halton Unitary Development Plan and Core Strategy Policy CS20.

(30) Prior to the installation of any external lighting hereby approved, details of measures to minimise light spill beyond the site boundary and sky glow, including cowls and/ or specific luminaire design features, shall be submitted to and agreed in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the details as agreed and shall be maintained for the lifetime of the development.

Reason:- To minimise impacts of light spill in the interests of visual and residential amenity, to minimise impact on surrounding landscape corridors for foraging by bats and to comply with Policies PR4 and GE21 of the Halton Unitary Development Plan.

(31) No part of the building hereby approved shall be brought into use until areas have been clearly defined and laid out within the site for the safe and secure storage and collection of waste and recycling in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. All future storage and collection of waste and recycling shall take place within that area for the lifetime of the development.

Reason:- To ensure that satisfactory provision is made within the site for safe and secure storage and collection of waste and recycling, to minimise potential for unsightly open storage in the interests of visual amenity and to comply with Policy BE1 of the Halton Unitary Development Plan.

(32) Prior to the commencement of use of the development hereby approved, a Remediation Verification Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide detailed verification methodology and data in order to identify all material unsuitable for use as fill or re-use on site, to demonstrate that works for the excavation and removal of all such material and

pollutant linkages have been completed in accordance with the Environmental Statement and Construction Environmental Management Plan and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan.

(33) Prior to the commencement of use of the development hereby approved, upon completion of the site remedial works a verification report containing the data collected in accordance with the verification plan required by Condition 32 of this planning permission shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To allow the Local Planning Authority to ensure the development is carried out as agreed in a safe form that poses no unacceptable risk of pollution and to comply with Policy PR14 of the Halton Unitary Development Plan.

(34) No part of the development hereby approved shall be brought into use until a scheme of acoustic mounds and barriers has been implemented in full and in full accordance with the approved plans having particular regard to Drawing No's Site Plan P003 Rev G, Landscape Cross Sections 02 Rev B and 03 Rev A, Smithy House Landscape Mitigation Details 06 Rev B and Noise and Vibration Technical Note 13463i2. Such a scheme as is agreed and implemented shall be so maintained for the life of the development.

Reason:- In order to secure the satisfactory development of the site, to minimise risk of nuisance caused by noise, and to comply with Policy PR2 of the Halton Unitary Development Plan.

(35) No part of the use hereby approved shall be commenced until a scheme of off-site works have been implemented to provide vehicular access to and egress from the site via the A562/ A5300 Speke Road Knowsley Expressway Junction in accordance with earlier planning permissions 08/00031/HBCFUL

(Halton Borough Council) and 08/00068/FUL (Knowsley Council).

Reason:- To ensure satisfactory access and egress to and from the site, to minimise traffic impacts on the local highway network at Hale Bank and to comply with Policy E7 of the Halton Unitary Development Plan.

(36) No part of the development hereby approved shall be brought into use until all of the following are completed: (a) rail sidings have been provided within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans P003 Rev G; (b) the retaining wall and (c) reach-stacker operation zone and (d) rail siding interface which are defined in Dwg Nos. P003 Rev G, NK016803_P_0600 and NK016803_T_0620. Such sidings and reach-stacker operation zone and rail siding interface shall be retained for the lifetime of the development.

Reason:- To ensure adequate provision is made to secure rail access to the site, to encourage movement of freight by rail and to comply with Core Strategy Policy CS8.

(37) No part of the development hereby approved shall be brought into use until a copy of formal sign off by the Office of the Rail Regulator or any superseding authority for works to provide rail sidings within the application site to a standard providing operational connectivity to the rail network in accordance with the approved plans P003 Rev G has been submitted to and acknowledged in writing by the Local Planning Authority. Such sidings shall be retained for the lifetime of the development.

Reason:- To ensure adequate provision is made to secure rail access to the site, to encourage movement of freight by rail and to comply with Core Strategy Policy CS8.

(38) No part of the use hereby approved shall be commenced until a management plan for grassland management relating to the Barn Owl Feeding Site to the west of the site as identified on the submitted plans has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be designed to provide habitat creation and

management for ground nesting birds, including skylark, and short and long-term management proposals. The plan shall be implemented in full.

Reason:- To ensure that appropriate provision is made for mitigation and habitat creation for ground nesting birds and to comply with Policy GE21 of the Halton Unitary Development Plan.

(39) Prior to the commencement of the use hereby approved a detailed plan including a timetable for implementation of a post completion Spring walkover to identify if any invasive species have been introduced to the site shall be submitted to and agreed in writing by the Local Planning Authority. Such plan shall include details for submission and approval of the results of such walkover and identify any requirements for longer-term monitoring, maintenance and arrangements for treatment and/ or removal should such invasive species be identified.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to preventing the spread of invasive species.

(40) Prior to the commencement of the use hereby approved, a detailed Operational Waste Management Plan including details of facilities to collect and store bulk wastes generated as a result of the use shall be submitted to and agreed in writing by the Local Planning Authority. Such a Plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason:- To allow the Local Planning Authority to ensure that sufficient regard is given to the consideration for minimising and re-use of waste materials and to comply with Policies BE1 of the Halton Unitary Development Plan, Core Strategy Policy CS24 and Policy WM9 of the Joint Waste Local Plan 2013.

(41) Prior to the commencement of the use hereby approved an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full.

Reason: To minimise risk of nuisance caused by noise, and to comply with Policy PR2 of the Halton

Unitary Development Plan.

**CONDITIONS TO BE COMPLIED WITH
THROUGHOUT THE LIFE OF THIS PLANNING
PERMISSION**

(42) The development hereby approved shall be used for the purposes of a single, rail-served building for storage and distribution purposes with ancillary offices and for no other purpose.

Reason:- For the avoidance of doubt as to the extent of this permission, and to comply with Core Strategy Policy CS8.

(43) There shall be no outdoor storage or display of equipment, plant, goods or material within the site other than as detailed in the approved plans.

Reason:- In the interests of visual amenity, and to comply with Policy E5 of the Halton Unitary Development Plan.

(44) Except to provide access/ egress for emergency vehicles and public transport vehicles, no motorised traffic shall at any time be permitted to gain access to or egress from Halebank Road using the section of roadway identified as Emergency Access on the approved plan (Drawing No. P003 Rev G).

Reason:- In order to prevent traffic using the local highway network in the interests of highway safety and to minimise impacts on local residents and to comply with Core Strategy Policy CS8.

(45) There shall be no external plant or plant extracting to air operated within the site.

Reason:- To ensure that the development is carried out in accordance with the submitted Environmental Statement, to minimise potential noise nuisance and to comply with Policy PR2 of the Halton Unitary Development Plan.

DEV18 MISCELLANEOUS ITEMS

The following Appeals had been received / were in progress:

12/00428/S73

APP/D0650/A/13/2196163 - Proposed removal of condition 1 from Planning Permission APP/D0650/C/10/2126943 to allow the permanent retention of a mixed use for the keeping of horses and a residential gypsy caravan site at Land south-west of junction between, Newton Lane and Chester Road, Daresbury, Warrington, Cheshire, WA4 4AJ.

Inquiry had been held, currently awaiting decision of the Secretary of State.

13/00278/FUL – (APP/D0650/V/14/2212165) Proposed redevelopment of existing high school comprising new school building, provision of new tennis courts, relocation of playing fields, new car parking and associated hard and soft landscaping and demolition of the existing school buildings at The Heath Specialist Technology College.

The Secretary Of State had called the application in for his consideration. This will now be heard by a public Inquiry likely to be in the New Year.

DEV19 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 URGENT BUSINESS

The Committee was advised that a matter had arisen which required immediate attention by the Committee (Minute DEV20 refers), therefore, pursuant to Section 100 B(4) and 100E and due to the need to allow the maximum time for a considered response by Members as early as possible in the consultation process, the Chairman ruled that the item be considered as a matter of urgency.

DEV20 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) - KEUPER GAS STORAGE PROJECT (KGSP)

It was reported that Keuper Gas Storage Limited (KGSL) sought to construct and operate an underground gas storage facility and associated infrastructure on and under land at the southern end of the Holford Brinefield and surrounding area, north of Middlewich, Cheshire.

Members were advised that there had never been an application under the 2008 Planning Act which involved the Borough of Halton and consequently, the Council's Constitution was silent on the subject of NSIP's, other than assigning responsibility to the Committee.

It was reasonable to assume that most NSIP's would have significant implications for the Borough and that substantive decisions would be dealt with by the Committee despite the fact that time scales under the 2008 Act were sometimes quite tight. Nevertheless, procedural matters ought to be delegated in the interest of good management on all occasions with the Committee deciding on substantive matters. The Keuper Gas Storage Project was so minor in nature in so far as it affected Halton that the entire response of the Council ought to be delegated.

The Committee agreed with the request for delegation as stated below:

RESOLVED: That

- 1) in respect of the Keuper Gas Storage Project all matters under the Planning Act 2008 be delegated to the Operational Director – Policy, Planning and Transportation; and
- 2) in respect of future matters coming within the Planning Act 2008 relating to Nationally Significant Infrastructure Projects, all matters up to the stage of acceptance of applications under Section 55 of the 2008 Act be delegated to the Operational Director – Policy, Planning and Transportation.

Meeting ended at 7.00 p.m.