

WARRINGTON DEVELOPMENT MANAGEMENT COMMITTEE

VIRTUAL MEETING

Wednesday 01 July 2020 at 18:30

Chair: Cllr J Grime (Culcheth Glazebury and Croft Ward) and 8 elected members:

Cllr B Barr Lymm North and Thelwall

Cllr P Carey Fairfield and Howley

Cllr G Friend Poulton North

Cllr K Mundry Latchford East

Cllr S Parish Chapelford and Old Hall

Cllr J Wheeler Appleton

Cllr S Wright Bewsey and Whitecross

WBC Officers:

Democratic Services, Jenny Connor

Legal Services, Paul Clisby

Development Manager, Planning, Nikki Gallagher

Principle Planning Officer, Martha Hughes

Development Control, Transport, Mike Taylor

Development Management, Director of Growth, Steve Park

Environmental Health, Principle EHO Noise, Steve Smith

Environmental Health, Environmental Protection Officer Air, Richard Moore

Chair – opened the meeting, introductions and confirmation all received documents

ITEM 1

JC: Apologies from Cllr McCarthy and Cllr Morgan

ITEM 2

Chair: Declarations of Interest (standard declaration read out) – proceeded to ask all Counsellors present. All replied – negative – except:

Cllr Friend: Yes Chair Item 1 Planning Application that came up in 2016. I was one of the main speakers against this application when it came before us. But I believe we are just viewing a report tonight so I presume I can take part in the meeting as a lot of the Councillors on the Committee did vote against this application at the time when it came to the Committee.

Chair: (Erm)

Legal Services: As long as Cllr Friend has not made up his mind how he is going to vote this evening and is going to consider all of the information before him and come to a conclusion and vote on that then the fact that he may have a predisposition is not fatal (ermm) as long as he has not made his mind up and is prepared to listen to the arguments then that's fine that's not an interest as such.

Chair: Thank you, yes, I am prepared to do that.

Cllr Friend: Item number 2 is being opposed by Poulton North Parish Council. I'm a member of that Council but I always leave the room when then discuss planning matters. So, I have not had a discussion about that issue. Thank you Chair.

Chair: Cllrs: Mundry, Parish, Wheeler, Wright. All declared no interest. Item 3 is in my Ward Culcheth Place Glazebury and Croft, but I have had no discussion with anyone about and I am also on the Parish Council and left the meeting when it was discussed.

ITEM 3

Minutes of the last Meeting. Chair – went through Minutes of the last Meeting 10 June

ITEM 4

Planning Applications. Chair: We will take items 2 and 3 and then number 1.

Item 1 - APPLICATION 2016 38492 LAND AT PEEL HALL

Chair: Read description of application.

The application is Accompanied by an Environment Impact Assessment and we have a presentation – if we can hand over to Planning for that.

Nikki Gallagher (NG): MH will be leading the presentation but to make you aware this is not an application we are determining tonight we are looking at how we can continue to defend the appeal given DMC's previous resolution which was based on insufficient information, quite a while ago now, that situation has moved on so we are looking to update members on the current situation and how this should be taken forward during the appeals process – so I will just hand over to Martha.

Chair: Thank you. Martha.

Martha Hughes (MH): Thank you Chair. There is a summary of the up to date position in relation to the appeal on page 18 of the Agenda Report that sets out the complicated process that this application and appeal has taken and where we are at present. Members will be familiar with the

site I am sure and there is an aerial photograph on the screen now for and if we move onto the next slide, we have the parameters plan which is also in your Agenda pack.

SLIDE

It is an outline application, and this is the indicative parameters plan which was submitted to the Planning Inspectorate. This is an updated parameters plan, that was submitted in March this year.

The summary on page 18 explains that the Inquiry, in relation to this appeal, has been reopened. But just to go back to the position of the Council in the 2018 Inquiry. If you move on to the next slide please Nikki.

SLIDE

In 2018 the appeal was heard at a Public Inquiry, at that point members of the Development Management Committee had refused the application in 2017 and the Council's position during the 2018 Inquiry is summarised here.

SLIDE

Members had refused the application for 2 reasons and Nikki has just referred to and this was defended at the Inquiry in 2018. The 2nd reason for refusal of the Council related to social infrastructure matters. Now this was resolved before the Inquiry in 2018 through the entering into a legal agreement, a Section 106 Agreement. This assured delivery of relevant matters for social infrastructure provision and therefore the Council didn't contest this reason for refusal at the Inquiry. It was essentially resolved and fell away at the Inquiry. The outstanding issue, from the Council's perspective in 2018, was reason for refusal 1 which related to insufficient information which relating to Highways, Air Quality and Noise Impact. Move onto the next slide please.

SLIDE

The up to date position on these reasons for refusal is set out in the Agenda Report before you tonight. The 2nd reason for refusal, relating to social infrastructure, is being reviewed and matters will be updated in relation to current requirements, current policy and the Section 106 Agreement is being drafted. We have a draft with us now and it is expected that that will be entered into before the Inquiry opens, before a new Inquiry opens. There is ongoing work to review the detail of this but it is not expected that this matter will still be a matter for the new Inquiry and it will be resolved in the same way it was in 2018.

Turning to the first reason for refusal which related to insufficient information for Highways, Air Quality and Noise Impacts. New information has been submitted by the Appellants and that was received in March this year. Just move on to the next slide please Nikki.

SLIDE

Cllr Parish: Chair, can I interrupt? There is a box on the screen about Nikki Gallagher presenting which is obscuring the information. I don't know if this is just me or whether others have got it including the public, but you can't see the whole slide.

Chair: I think that's just you Steve because I've not got it.

Cllr Parish: Can we try and get rid of it?

Cllr Parish: Thank you.

MH: The new information that was submitted in March 2020 is summarised here and summarised in the main Agenda Report. There was traffic modelling data submitted in the new Transport Assessment. An Environmental Statement Addendum was submitted – this included Air Quality Assessment and Noise reports concerning the appeal scheme. The information has been accepted by the Planning Inspectorate for consideration as part of the new Inquiry and the Council have recently publicised this information in accordance with new legislation which allows this to be publicised in a revised way which allows digital copies to be available for members of the public.

SLIDE

The Highways up to date position is set out in the Agenda Report. Just to summarise, there is considered to be 4 key issues relating to the Highways case presented by the Appellants. The Council considers the main issues to be;

Impact on Sandy Lane West on the _____ A49 and A574,

Cromwell Avenue signal junction particularly queuing here,

Impact on A50 Orford Green and Hilldon road roundabout,

Impact on Poplars Avenue and Capesthorpe road and surrounding residential roads due to increased level of traffic, and;

Then fourthly the impact on Delph Lane due to the level of the traffic.

SLIDE

This is a bit difficult to see but if members do need anything pointed out to them we have the slide with the local highway network on and Mike Taylor can come back to you and respond to any specific queries relating to the 4 issues that have been identified.

SLIDE

So the Council's position in relation to the new Transport Assessment that has been submitted by the applicant/Appellants, is that a new access strategy will be required so the Council's position is no longer that insufficient information has been submitted it is that we don't accept the access strategy as proposed. The Council considers significant mitigation is needed to overcome the key issues that were previously referred to – those 4 key issues.

Key issue number 3. The 3rd key issue is the impact on Poplars Avenue and Capesthorpe Road. This is considered by officers to be the most serious impact and the key reason why a new access strategy is required. The other key issues that we referred to on the previous slide may potentially be addressed by appropriate mitigation that could be secured through conditions in the Section 106. That would need further design work and review of possible mitigation measures and it would also require agreement with the Appellants on how and if that mitigation was put forward and how it was secured and delivered.

So, there is some ongoing work in relation to those key issues. So, it is just to bring to attention that there is potential to consider mitigation around those issues. But certainly, for key issue 3, officers

considered that that's insurmountable at this stage and it will be our key argument in terms of the reopened inquiry.

SLIDE

In relation to Air Quality matters the Agenda Report sets out that previously that was an objection due to insufficient information. The appellant didn't demonstrate the air quality impacts clearly enough due to a number of errors with the criteria used to set the air quality model and for the traffic data used.

For the new Air Quality Assessment that's been submitted in March this year the criteria used within the model set up traffic data and detailed model and carried out at the junctions, has been agreed with Council officers – between officers and the Appellants. The Air Quality Assessment, results and conclusions are now considered to be acceptable and it is agreed that the additional traffic generated by the development will not cause a significant impact on air quality. Therefore subject to a condition to secure a 30-metre buffer zone which is shown on the parameters plan submitted by the Appellants this would deal with risk of exceedance of nitrogen dioxide. The Council do not intend to raise any objections to this development on air quality grounds, but the Council's Air Quality Officer has joined the meeting tonight and is available if members have any specific questions on air quality matters and the review of the new information.

SLIDE

Here we have a contour diagram which is in the Agenda Report showing the Nitrogen Dioxide impacts with the development and then – next slide.

SLIDE

Also shows without the development. The Air Quality Environment Protection Officer Richard can give you more information if you need to, we are just showing here a comparison with and without the development.

SLIDE

Similarly noise matters was an issue in relation to insufficient information for the 2018 appeal / Inquiry. Traffic data has now been agreed which has been used in the Noise Assessment and is now considered there is no significant noise impact arising from the development proposals. Implementation mitigation for all properties will be required by condition and also acoustic assessment will be required with each reserved matters application to deal with the detail. Further consideration will also need to do appropriate buffer zones around the existing kennels within the site to ensure impact to future amenity and nuisance does not exist. It is expected that this can be secured by condition.

SLIDE

So to summarise, the Council's case in 2020. The central part of the first reason for refusal related to the absence of adequate information to accurately forecast potential impact that related to Highways and Transport mitigation and also in terms of air quality and noise affects, traffic noise affects. The Air Quality and Noise concerns have now been addressed in terms of the outline

proposals although further detail will be required at the reserved matters stage and through the design and layout of future detailed proposals. The Council's highway objection remains.

SLIDE

So for the reopened Public Inquiry – for which we are still waiting for the date of the new Inquiry the conclusions of the appellants Transport Assessment are not accepted by the Council and it is considered the appellant has not demonstrated acceptable mitigation to deal with the Highways and Transportation impacts of the appeal proposals. It is considered that an alternative access strategy is required for the proposed development to be successfully delivered at the site. It is considered that the appellants have not demonstrated that the impact of the development on the highway network would not be significantly adverse having regard to local plan policies and guidance contained within the NPPF. It is therefore the recommendation that the Council continues to defend the appeal on this basis only. Thank you Chair.

Chair: Thank you. From the point of view particularly of the members of the public, listening in to the meeting, can I just emphasise Martha's first point, that we are not approving or rejecting Satnam's application now / this evening. This is the application that we have rejected already in 2017. There has been an appeal which was not upheld but Satnam then took this to the High Court and as a result we have got a reopened Inquiry which will take place later year probably. The decision we have to make tonight is not about approving or rejecting it is about whether we continue to defend our decision, whether we continue to defend the appeal. If we do decide to continue to defend the appeal, we then have to decide on what grounds we are going to defend it. And we have the officers advice that we defend it on what they think is the one really very strong reason - that this will be the most effective thing to do. So, these are the 2 things we need to discuss.

In addition to the officers recommendations we've got representations from residents. I confirm that we have received written representations from:

Mr D Sawyer Mr J Parr, Miss Johnson-Taylor, Mr J Sullivan, Mr G Seattle, Miss M Steen, Cllrs John Kerr- Brown and Hilary Cooksey, Mr I Webb, Mr G O'Brien, Miss T Dutton and others on behalf of residents of Birch Avenue and Elm Road, Miss G Walker and others on behalf of residents of Harrington Road.

This is an exceptional number of representations and I have decided that we should accept and they are all against the application. However this is a very major application and is the reason there are only 3 items on the Agenda. The perimeter of the site is huge compared to ordinary applications and the representations come from different people at difference places around it who are seeing the situation in relation to their own area, so they are distinctly different. In all these 11 representations there is only a very minor amount of repetition. I am very grateful to the public who have co-operated and made real efforts to write about different points. I regret we are unable to present representations in support, but we have not received any. Of course, Satnam and its representatives have been in extensive communication with our officers as is clear throughout the report. So I take this as balancing information to what we have got from the objectors. I think I need to clarify that we did receive 1 representation that stated it was in support but actually it was a 12th objection written with quite strong irony and I rejected it because it did not raise any new material and in new material planning issues and it did include comments throughout that some

people might find offensive. So, I will ask members of the Committee to confirm that they have read and understood the 11 representations:

Cllr Barr: I have read and understood all the e-representations.

Cllr Carey: Yes Chair I confirm.

Cllr Friend: Yes Chair confirm thank you.

Cllr Mundry: Read and understood Chair.

Cllr Parish: Understood.

Cllr Wheeler? Are you with us? We seem to have lost Cllr Wheeler. Cllr Wheeler - can you hear me?

Cllr Wheeler: Can you hear me Chair. Sorry, yes read and understood Chair.

Cllr Wright: Read and understood Chair

Chair: I also have read and understood. I confirm these 11 representations will be included in the Minutes of this meeting. I will now invite comments and questions to members and officers in turn. Starting with Cllr Friend.

Cllr Friend: I was wondering why the officers were inviting new access strategies from the appellants – surely we should just be opposing the whole application?

Chair: I don't know if that should go to Paul Clisby or Martha Hughes?

MH: It might be me Chair or it might be Mike Taylor can expand.

Chair: OK thank you Mike. Have you got comments to make to us there?

Mike Taylor (MT): Thanks Chair, only in respect of obviously the last application came in was a public Inquiry and we were advised to consider the impacts of that. We didn't have the information available at that time to determine the actual impacts of it and what is now clear is that the impacts in the residential area in the south which is Poplars Avenue, Capsthorpe Road, the proposed access points that loads development traffic directly out of Poplars Avenue caused us concern so if development is to come forward at that site it is felt that a new access strategy is needed. In terms of the plan side of it, it is probably one of the planning officers can give you a clearer steer on the status of that site and whether it is considered as developable land or not. But certainly we are of the opinion that the existing proposals access strategy is not acceptable.

MH: Chair can I just come back? Chair: Certainly.

MH: I think there might be some confusion here, in terms of the appeal and the process we are in now in terms of the lead up to the new Inquiry whenever that is scheduled for. I don't think it is the case that the officers are inviting now, as part of this appeal scheme, a new access strategy to be put forward – we are just pointing out that the Council's case is that this access strategy that is before us now and will be part of the Inquiry and in front of the Inspector, the Council's case is that that isn't a suitable access strategy it doesn't work. So, to summarise the Council's position, it's considered that a new strategy would be needed for this site to come forward.

Chair: Thank you, is that clear Cllr Friend?

Nikki Gallagher (NG): If I could just add something to that as well if you don't mind. Just to make it clear in the run up to an Inquiry there are various meetings that occur with all parties. In this case the Rule 6, the appellants and ourselves and within that it is the Inspector who has confirmed that we are to accept additional information. So, in this particular instance, she has confirmed that she will accept to the Inquiry the additional information, the revised ES, the revised Transport Assessment etc and that we need to continue a dialogue with the appellants towards the Inquiry process. So, it isn't something we have any control over - we need to maintain a dialogue.

Chair: Thank you I think that is very clear. Is that OK Cllr Friend?

Cllr Friend: Yes thank you Chair.

Cllr Parish: Can I just chip in at the start of this because in terms of the whole situation would it be helpful if Officers told us what the Courts have already decided about this site, because I got the impression that the Courts have basically told us that yes it is possible to build on that site and it is just the detail – things like the access and the traffic that we are in and effectively the Courts have decided it is a suitable site – is that right?

Chair: I can confirm that they decided that the site is developable but not currently deliverable for reasons that we gave in 2017 which Satnam have gradually tried to answer but our officers advice is that it is still not deliverable because of the highways issues. Do you want to expand on that Nikki?

NG: Other than to say the original appeal, the decision that was issued by the Secretary of State dismissed the appeal. That decision was subsequently challenged through the Courts and that decision was quashed which means we are in a position that the application is reopened. So in doing that we haven't got a decision and we can't say which way this is going to go at the moment and obviously time has moved on with the additional information that has been submitted but you are absolutely right Cllr Grime that that remains our position at the moment is what we see in front of us it isn't sufficient to allow development on this site in our opinion.

Chair: Thank you. Going back to Cllr Mundry – have you any comments or questions for officers?

Cllr Mundry: Yes I was just wondering if it has got insufficient infrastructure – the problems that we are going to be over-crowded on the local roads?

MH: Chair, I think, just to respond to that – I think the Council's case in terms of summary if Nikki is going back to the slide before the local highway network plan. The summary of the Council's position that officers are recommending is that there will be impact on the local highway network summarised into these 4 issues – there were 3 being the key issue but the other roads and the impacts there also at the moment being issues that the officers Mike Taylor can expand on. To consider the _____ to be unacceptable impact.

Chair: OK thank you. There will be opportunities obviously to come back to that but in the meantime Cllr Wheeler have you got any comments or questions?

Cllr Wheeler: No Chair not at this stage.

Cllr Wright: Not at this stage

Cllr Barr: Just one comment which is a historical comment about site. This site has been subject to appeals through the Courts for over 20 years. It was originally designated by Warrington as

Greenbelt and there was a challenge in the High Court that forced it to be removed from Greenbelt in the Local Plan at that time. And the Council fought in order to try and keep it in the Greenbelt, and we lost in the Courts. Throughout that period it's been felt that the access to the site is inadequate for the proposed development – a development on this scale. And that has been stated regularly over the last 15 years. It seems amazing that in 2020 we are still in front of the High Court with a proposal to develop the whole of this site with an inadequate highways scheme. It is not as though that should have come as news to the landowners or the developers as they have been told that for the last 15 or 20 years. So, this is just a general informative comment for those members of the public who are there. But that's the strange position we find ourselves in that we are being asked yet again – can we develop this site without having good road access and it is our job tonight to say yes or no.

Chair: Thank you. Cllr Carey?

Cllr Carey: Yes Chair I support the officers proposal on the highways situation. This site really is _____ part of what is the largest residential development in north west of the borough. It's hard to imagine how access to this plot at the northern end can be accommodated without some major changes to the present highway strategy. If you look at the outer boundaries of this area you've got the A49 which is really at saturation point, partly because of the retail development that has gone on at Junction 9 and Gemini, so that the points at which this area comes out onto the A49 are already heavily congested, especially at peak times and if you go sort of east west you start at the A49 going down along long Lane through Padgate Lane along to Manchester Road that also is a very congested area at peak times. So, without a proper highways strategy the traffic that comes out of this site is probably going to go towards Manchester Road via Padgate Lane or try to filter through the Orford Estate to get out onto the A49. And there's very limited opportunity for that to happen without exacerbating the present situation which is already, as I say, very congested at times. So, to me a comprehensive highways strategy that looks a bit further afield than the 4 points mentioned on page 20 and on the previous slide. To me it is essential before anybody could even contemplate generating more vehicles onto this road network. It's an area I use every day of the week virtually and it does at times cause major problems. You have to go back on yourself within the housing estates to be able to find a route out of the built-up area and its just untenable really to put another 1,200 properties into the mix with the attendant number of vehicles that will generate. So, I support the strategy being recommended and I think a more comprehensive highways strategy than the one we've got at the present time is needed – that looks at the wider area. That's the way I see it.

Chair: Thank you. Can we go round again and see if people have further points and then we have the officers from Environmental Health here so it would be useful to ask them to comment on what Martha was telling us about those issues having been probably resolved in advance of the reopened application. But let's see if we've got any further comments on what we have discussed so far.

Cllr Friend: Yes, thank you Chair. I would echo everything Cllr Barr and Cllr Carey have just said. It's also very disappointing the amount of time and cost – it has cost this Council over 20 years – in officer time, legal fees etc. It has been a considerable drain on the Council, but I think something really needs to be done about it. Thank you.

Chair: Thank you.

Cllr Mundry: No more comments Chair.

Cllr Parish: Chair yes as members we are always aware of working the tight parameters set by the Government in the National Planning Policy Framework –gosh that starts from the presumption that the answer to any application is yes so you have to have a good reason for refusing but I am just wondering what the impact is of what the Government has just been announcing this week. I mean the Prime Minister has set out his store with his dismissive comment about new counting as part of the red tape stopping development. I just wondered when any new legislation is likely to come in because we could actually be wasting our money on this appeal if the Government are going to rip up the planning system anyway and hand the process over to development corporations and dare I say it, sit next to them at corporate meals.

Chair: very valid points I am sure, but I don't know if there are any possible answers to them. Have any officers got any comment to make in response to Cllr Parish.

NG: Yes thank you. I think at the current time all we can do is work within the parameters of the planning regime that we have and should that change in the course of this Inquiry then we will need to be responsive to that.

Chair: Thank you. Cllr Wheeler do you have any further comments or questions?

Cllr Wheeler: No Chair can you hear me? Just to echo Cllr Carey's comments I mean this site itself around the Orford Estate is a tricky site to navigate. I get lost frequently, I've still not found my way out of Poplar's Avenue so you are adding problems to problems without an adequate highways access proposed by the applicant.

Chair: OK.

Cllr Wright: Yes support everything that's been said and support the recommendation.

Chair: OK.

Cllr Barr: No more comment.

Cllr Carey: No comment.

Chair: OK. I would like to add then, that looking at the mitigation measures that Satnam have suggested for the problems on the roads that have been identified – I didn't think that they were impressive really. There were things like changing the facing of traffic lights, using the grass verges for parking. It couldn't really be called a proper road strategy at all and I think the suggestion that we've got the grounds for defending it is really strong and I hope that will turn out to be so. There were other grounds for opposing the application that came out of the representations. They have been answered by the officers who feel that the Inspector will find that probably these other matters have been resolved but the officers from the Environmental Health have kindly come along and perhaps they could give us a summary of their views on this that might help the objectors who put a lot of work into their representations, to gather where we are coming from. If the officers from EH could give us a brief summary.

Steve Smith Principle EHO, WBC (SS): My primary focus has been looking at noise through this site. Obviously there are a number of different noise constraints and issues that would arise from this development. We have to consider the impact of noise on any future incoming occupiers, however, that can be done quite easily by condition. Primarily the motorway is the main noise source

generating noise around the site. We have to consider the impact of this development for the traffic flows and the changes in traffic flow levels and previously with the submitted information the traffic assessments were not agreed to such an extent that we were able to determine the level of change in noise that would occur for the existing residents, surrounding the site and around the site accesses. Unfortunately in terms of noise you need a very significant increase in traffic flows to make a very minor change in overall noise levels. And on reviewing the data after it has been reviewed by the consultants based on the..... the acoustic consultants have reviewed it based on the traffic data and there have been only one or two areas where a barely detectable change in noise level had occurred. However they have recommended mitigation for that to protect the existing residential properties that will be affected by that.

The final main area is obviously concerning the Kennels which runs in the centre of the site. This obviously is impacted by road traffic noise on the motorway but what we are concerned is the proximity of new residential development to the existing Kennels and how to protect the interests of the Kennels and how to protect the residential amenity. At this stage, with it being an outline permission, with subsequent reserved matters, we will have to address those at reserved matters stage and make provision for those interests to be considered.

In terms of the appeal generally whilst we recommended there was insufficient information previously, all of the elements we have concerns about have now been addressed on a noise basis errm and because of that this is why we are no longer able to sustain the reason for our refusal, which was inadequate information provided with the application. The updated information is of much better quality and we feel addresses those areas of concern that we had and, as indicated, we longer can support acoustically grounds to contest this and subject to implementation and design measures, through subsequent stages, if permission is ultimately granted, we have to go with that recommendation we can't actually fight that.

Chair: Right thank you. Are there any other further comments from officers on this?

I am Richard Moore Air Quality Officer (RM) Chair do you want me to give a quick brief on Air Quality?

Chair: Yes that is a matter a lot of people raised.

RM: Our original reason for refusal was based on lack of information for the air quality so it was never based on the actual impacts because we just didn't have any information so the original assessment that was carried out by Satnam was just not fit for purpose for us to actually be able to tell what the air quality impacts would be from the traffic but also what the existing air quality from the motorway would be on the site. They've submitted the new information that we've reviewed, it's been done by a completely different consultant and the consultant they've used is more of an air quality specialist who's got quite a lot of experience in large developments so we understand the modelling for this site because the size is quite complex. So, we did quite a bit of work with them and liaising with them to agree how the model should be set up which is all being carried out as we would want and meets all the guidance now. To support the modelling because modelling does always have uncertainties with it, it's never accurate, is that they have carried out their own monitoring in the area and that's also been supported by a number of monitoring that we also do down Winwick Road but we have also been doing monitoring up near Peel Hall Kennels just to assess the pollution off the motorway so that's all been built into their models to make it more accurate

and give a more accurate sort of reflection of the current air quality in the area. So we are quite happy with the assessment now as a technical piece and the when we actually look at the results of it, as we would probably expect, because of the traffic levels, you need quite significant increases in traffic to affect air quality and the level of increases on the different roads will have a negligible impact on air pollution in the area and most of the air quality meets the national objectives of the limits that are set and based on health grounds and the only areas we do still have issues with are right against the motorway which is why we recommended a 30-metre buffer zone to protect against that. So, as it stands, we just don't have the evidence anymore that air quality would be an issue on the site that would sort of give us grounds to continue refusal of the application.

Chair: Thank you very much. Do members wish to make any further or comments or questions either in reply to those comments or about any other part of the application. Going back to Cllr Friend?

Cllr Friend: Yes thank you Chair. I am rather concerned about the 4-storey apartments that seem very very close to the motorway. What impact would noise and air quality have for the people who live in those new apartments?

NG: Chair I can come back on that point. It is just at this stage what is subject to the appeal is an outline application with all detailed matters, other than access, reserved. So those indicative 4-storey etc that is all for consideration at the next stage.

Chair: OK. Is there any further you wish to take this, have you any other comments?

Cllr Friend: Yes, I just would have assumed any noise barrier or anything would have to be extremely high to protect a 4-storey building.

NG: So the parameters plans we have in front of us talks about 'up to' so it maybe 4-storey it may not so at this stage we don't know that would come through on the reserved matters application but perhaps Steve could provide some more information on how we could defend, how a building could be defensible in those terms, in noise terms?

SS: Thank you Chair. Yes there is a lot of design mitigation that can be built in the arrangement of buildings around a noise source obviously acoustic barriers, acoustic bunds – combinations of that. You can include significantly uprated glazing to any façade that does face the motorway ermm obviously that is only effective provided the façade is solid. So, if you open a window along that façade then that would obviously introduce noise. So where there are noisy facades we would obviously look to have a ventilation system, we would encourage the arrangement of buildings so that primary rooms do not necessarily face that façade where possible and obviously any external amenity spaces are obviously at a lower level. They would naturally attain more attenuation by the acoustic fence but the imposition of higher storey buildings along the motorway façade would actually create... themselves would become a significant acoustic barrier further to the south across the site, so there maybe some slight sacrificial element by upgrading mitigation along the noisiest facades however, anything beyond that façade then gains additional protection by the bulk of building design whether that be 2-storey, 3-storey or 4-storey or whatever comes forwards.

Chair: Thank you. Does that answer your question Cllr Friend... so far? Cllr Friend: Yes I suppose so, still not pleasant to live in those I would think.

Chair: (in the background) I think not.

Chair: Cllr Mundry have you any further comments or questions for officers.

Cllr Mundry: No comments or questions Chair.

Chair: Cllr Parish? Cllr Parish are you with us?

Cllr Parish: I think it is worth emphasising of course that the Council is at risk of costs at an appeal if we act unreasonably and I am guessing that is part of the reasoning behind the officers saying that these other reasons we can't defend them without risking huge costs but I think there is an argument as well that if we concentrate on the one objection where we really are strong and that is traffic issues and where it all goes we would probably do better just to emphasise that one point.

Chair: Yes I think it is obviously a matter of opinion but certainly it is our officers opinion, that's what they stressed to us. Do you want to come back on that, Martha or Nikki?

NG: I think to go back on the first point the risk of costs of appeal who are unreasonable the case that is now but not associated with costs is purely on the basis – this is the technical information that has been assessed and this is the officers view on the technical information that has been received. As to why we brought it back to Planning Committee now or the previously resolution from DMC is the one that the Inspector will be looking at the moment. That reflects the DMC's resolution pre-Inquiry during which course, the course of the last couple of years the situation has changed significantly on the site and therefore it is right to bring this back to members to keep you fully informed and to give you the opportunity to influence how we take this forward given your previous recommendation.

Chair: Thank you, thank you Nikki. Cllr Wheeler have you got any further comments you want to make or questions? Cllr Wheeler?

Cllr Wheeler: Sorry Chair, strange message just flashed on my screen. No Chair.

Chair: OK thank you. Cllr Wright?

Cllr Wright: No, I think it is right we should put the best defence forward, so I support what the officers are saying.

Chair: OK. Cllr Barr?

Cllr Barr: No further comment

Chair: Cllr Carey? Cllr Carey?

Cllr Carey: Cllr Wheeler suddenly came up on my screen. Yes I am happy to support the recommendations in the report.

Chair: Right are there any other comments or questions at all from Councillors? Do officers want to make any further points of clarification?

NG: No thank you Chair.

Chair: Right then I propose the motion 'that we continue to defend the appeal on highway grounds. Cllr Friend are you prepared to second that motion?

Cllr Friend: Yes I will second that.

Chair: OK so that motion is proposed and seconded. Are there any amendments? OK can I had over then to the Democratic Services Officer to take the vote and state the result.

Jenny Connor (JC): Thank you Chair.

Cllr Barr? : In favour

Cllr Carey : In favour

Cllr Friend : In favour

Cllr Grim : For

Cllr Mundry : In favour

Cllr Parish : In favour

Cllr Wheeler : In favour

Cllr Wright : For

Thank you that is unanimous, the Council have agreed to continue to defend the appeal on highway grounds.