

MINUTES OF THE PART I EXTRAORDINARY MEETING
OF BIRCHWOOD TOWN COUNCIL,
HELD AT PARKERS FARM, DELENTY DRIVE
ON TUESDAY 6TH SEPTEMBER 2022, 6.00 PM

- Present:** Councillor Ellis in the Chair
Councillors Allen, Atkin, Brereton, Dempsey, Evans, Reeves, Scott, Sheridan and Simcock
Clerk – Mrs. F. McDonald
RFO / Deputy Clerk – Mrs. C. Caddock
Administrative Assistant – Mrs. H. Vout
10 Residents
- Apologies:** Cllr Ball and Cllr Bowden

Code of Conduct – Declaration of Interests

The Chair reminded Members of their responsibility to declare any personal interest or prejudicial interest which they have in any item of business on the agenda, no later than when the item is reached.

Suspension of Standing Order 2 (d) (i)

The Chair stated that due to the nature of the first item of business to be discussed, which regards a controversial planning application, he **proposed** to allow the residents present to participate fully in the discussion regarding the application. Councillors would be given the first right of comment and questions on each point raised, followed by residents.

Cllr Atkin asked if this change of procedure is allowed under BTC's Standing Orders.

The RFO said that it was, and would find the correct detail in the Standing Orders to formally minute the reason for allowing the change of procedure (as follows):

The Chair's proposal effectively suspended item 2 (d) (i) in the Standing Orders:

- “(d) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:*
- (i) To allow public participation for the presentation, by a resident, of any items they wish to bring as an issue to the Council (a time limit of 5 Minutes will apply to each resident's issue) and to allow for the Police to give their monthly update report. There will be a maximum time of 30 Minutes allowed for public participation.”*

This suspension is allowed – see Standing Order 46 (a) and (d):

“46. Variation, Revocation and Suspension of Standing Orders

(a) All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements (in bold type), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting. . . .

(d) The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.”

Members **unanimously resolved** to accept the Chair's proposal, to allow the resident's present to fully participate in the discussions.

- (a) **Application 2021/40696 – Land at Trident Business Park (north of Daten Avenue, west of Trident Way). Proposed demolition of existing premises & redevelopment of site to provide buildings for employment use (use classes E(g)(iii) / B8) access and car parking, landscaping and associated works.**

The Chair briefed Members and residents regarding the details of the application. He advised that the original application was refused, and the planning applicant has come back with a revised application for the site.

A significant number of residents attended the meeting to raise their objections and voice their concerns. The residents have asked for the Town Council's support in objecting in the strongest possible terms to this planning application.

The proposed development would be massive, and the effect on the surrounding areas (even outside of Birchwood) would be substantial. Significant concerns were raised by both the Council and residents.

It was stated by a resident that some of the photographs prepared and submitted by the developer appear to be potentially misleading, as they are taken from angles that do not show the full perspective of how overbearing the development will be and are not taken from properties that would be closest to the proposed buildings.

Although two properties have been purchased from residents, which will be demolished to accommodate the development, there is still one home occupied which is attached to one of the garages. This will lose all its residential amenity, affecting the homeowners significantly.

It was noted that since the Town Council submitted its initial objection to the application some changes have been made. Councillors stated that they believe these changes have not improved the application at all.

One building is now approximately 10% larger and has moved five metres closer to the residential properties on Warrington Road.

Members discussed the application in great detail with the residents and **resolved unanimously** to object to the planning application, on the same grounds as the Council did previously, with some additional points made:

Loss of amenity for residents.

Massing – the size of the buildings will be unacceptably overbearing and intrusive in relation to nearby residents' homes.

Noise pollution – HGVs accessing the site 24/7, plant noise, operational noise, reversing beepers, etc. – Members are not convinced that the external noise and noise break-out from the buildings can be mitigated by thermal cladding.

There will not only be noise pollution from the HGVs, but also from forklift trucks and other delivery vehicles, many of which are fitted with reversing beepers and/or vocal alerts, which are designed not to be quiet, because they must be noticeable enough to warn people to get out of the way.

A concern was also raised that, given the size of the buildings, that the sound of the additional HGVs travelling along the road will 'reflect' or 'bounce back' off the building towards the houses, exacerbating the expected noise pollution.

It was noted that residents of Gorse Covert, several of whom were present at the meeting, can attest to the fact that the sound of HGVs from one of the warehouses on Leacroft Road (almost a mile away from their properties) can be heard during night-time hours. In comparison the proposed development is directly across the road from the homes on Warrington Road.

Light pollution – a site operating 24 hours a day will require floodlighting to ensure that pedestrians and vehicles can move safely around the site during operations throughout the hours of darkness. Light 'leaks', particularly vehicle headlights, flashing amber beacons on plant, and external lighting, no matter what the size or direction of the building will seep, to some degree, around them.

Loss of light – the 'sun path' will potentially be significantly 'blocked' by the new buildings, given that they will be 50ft and 42 ft high respectively. During winter months, the sun would not get high enough to enable any direct sunlight to reach the nearby residential properties for much of the day.

Air pollution – the very large number of additional HGV movements in the local area, some passing directly in front of residents' homes 24 hours a day, seven days a week. This will undoubtedly create additional air pollution to add to the pollution already coming from local roads and the nearby motorway, potentially having a detrimental effect on residents' health.

Drainage - Local roads already often flood making them impassable in areas for pedestrians, due to water run-off, as the drains cannot cope. Councillors questioned whether the developer has included mechanisms in their plans to prevent any potential negative effect of the development on local drainage.

Traffic congestion - There is already plenty of anecdotal, and possibly WBC monitored evidence, regarding traffic levels and congestion in the area.

The addition of many hundreds of additional vehicular movements a day will only exacerbate this problem, making some routes even more potentially dangerous to use – for example vehicles trying to access Warrington Road from Cross Lane, Glaziers Lane, New Hall Lane along with the various properties that are accessed from Warrington Road. It will also impact vehicles trying to access Daten Avenue from Trident Way and Birchwood Business Park.

Damage to local roads due to the significant number of HGVs that will be using them - HGVs coming from the East Lancashire Road / Leigh direction will probably use Warrington Road, coming through Glazebrook and Culcheth, despite it having a 7.5 tonne limit. It appears that this limit is currently not being 'policed' in any way.

It was noted that if HGVs are being directed to access the site via the roundabout on Daten Avenue, close to the entrance to Birchwood Park, this roundabout is relatively small in diameter. There is concern that it might be too small for the potential size of some of the HGVs to navigate safely, and there is already anecdotal evidence that diesel is spilled onto the road in that area as large vans/HGVs negotiate the roundabout.

Members raised concern that the already overworked road system in the area would not be able to cope, with the significant increase in traffic, especially if there are accidents on the local motorway network, which are already known to create long tailbacks as motorists try to find alternative routes.

Loss of livelihood - The effect on owners/employees of small businesses that will be displaced - many small to medium-sized local businesses that currently operate from the site. Even if some of these are on short-term tenancies, there are very few, if any suitable options in Birchwood where they could relocate to. This will have a knock-on effect on their personal lives, families, employees' lives, etc. and a likely detrimental effect on the wider community.

Jobs within the new buildings would not necessarily mitigate for the loss of these specific businesses. There is also no guarantee that any jobs would be filled by local residents.

Councillors stated that a potential relocation of other local businesses from one business area to the proposed development area might also create issues for the local economy – if, for example, a business currently located on Leacroft Road relocated to the proposed new development, then the Leacroft Road business area is losing a tenant, and an income stream.

Ecological concerns – evidence has been found of bats in the old Noggin building, which is earmarked for demolition as part of this scheme. Bats and their roosts are protected by law.

There are also several protected trees on the site, particularly in the north in the grounds of The Noggin, where there are some early mature oaks. Two oak trees within the site have potential bat roost features. These two trees, one of which is a Category A tree, are marked for removal as part of the development. This will not only affect potential roosts, but also destroy two 'early mature oaks'.

Councillors commented that the proposals for additional planting and bunds appear to be inadequate to mitigate for the imposition of the building on the street scene. In their opinion, the bunds are not high enough and the trees, as illustrated at 15 years of growth, will still not sufficiently mask the building. If they are deciduous trees, then they will only be effective during the summer months when they are in full leaf.

Councillors and residents would like to see the original part of the Noggin inn retained, as this is only one of a few remaining historical buildings in Birchwood.

Additional concerns were raised that there do not appear to be any illustration of fire tanks located on the plans, nor any indication of where flues might be located on buildings. Comments on these aspects, if they are to be included, can therefore not be made.

Residents and the Council agreed that they are not opposed to the development of the site per se; they would be happy to see replacement of current units buildings similar in scale. These would fit with the current requirements of the tenants, whilst improving the site, and would not create any loss of visual or residential amenity, whilst continuing to support local businesses and the local economy.

Councillors are concerned that this could set a precedent if permission is granted. They believe that the presence of industrial units within Birchwood is becoming more and more dominant and residents in all areas are feeling that they are being 'pushed out' and their needs are being ignored.

Members wished to stress in the strongest terms possible that Birchwood Town Council believes the proposed development is completely inappropriate industrial development for the location.

Members are prepared to speak against the application, should it go to Development Management Committee.

Action Clerk's office to send a letter of objection to WBC regarding the above application.

(b) **Application 2021/39954 – Car Parking Areas Adjacent To Building 2, 2 Kelvin Close, Birchwood, Warrington, WA3 7PB, Proposal: Part retrospective alterations to the layout of the site to provide additional car parking, landscaping and associated works.**

The Chair advised that the applicant has now proposed to remove nine spaces on the western boundary of the site. Most of these have relatively little impact on residents, compared to other spaces on the site.

There are five spaces in the south-western corner of the car park that have been retained. These have the greatest impact on homes, as they directly adjoin a resident's property in Smithills Close rather than gardens, as they do with some other properties.

There are gaps in the planted shrubbery. These gaps need to be filled in, which would then ensure there is a more acceptable vegetation barrier, both visually and regarding security concerns.

A resident advised the Council that the original planting has been removed and there is now only a small patch of grassland between the parking spaces and the boundary of their property.

The Chair stated that some groundwork took place without seeking approval in advance. Several sections of trees/bushes in the buffer zone in the south-west corner had been removed, leaving some properties with no barrier whatsoever between their property and the car park. This has led to substantial loss of amenity, decreased security for residents and the potential for significant disturbance.

The south-western corner of the site is where a timber fence has now been erected. This fence, whilst a visual barrier, is not as effective as the previous substantial shrubbery. The fence does not absorb the vehicle fumes, etc, in the same way that the thick vegetation does, nor does it perform as an effective noise barrier, or as a security measure in the same way that a concentrated planting of bushes might.

Members raised concerns that, as the development is being marketed with potential use as a 24/7 call centre development, there will be permanent, unavoidable, unacceptable noise and light pollution levels, along with issues of privacy and security for local residents. They will not have any respite, even at night. This will only exacerbate and continue the currently ongoing significant loss of amenity for those who live adjacent to, and nearby, the car park.

Members agreed that if the area that has been grassed, and adjacent to the new fencing was planted with thick shrubbery, this would help to mitigate some of the noise, privacy, and security concerns.

The Town Council believes that further changes to the plans are required to make the application more appropriate with regards to local residential amenity. This includes the removal of the five parking spaces directly adjoining a resident's property in Smithills Close and the inclusion of further dense planting of shrubbery in spaces where there are gaps, and in front of the new fence, to create a more purposeful barrier.

Birchwood Town Council **resolved** to object to this application for the reasons listed above. If the application goes to DMC, Councillors will be available to speak at the meeting.

Action Clerk's office to send a letter of objection to WBC regarding the above application.

(c) **Various planning applications**

Members considered several other planning applications listed on the agenda.

Councillors had no objections or comments to make regarding those applications at the present time.

FINANCE

130/22-23 **ADDITIONAL TIPPER VAN**

The RFO requested clarification from Members regarding the Council's preference relating to the purchase of an additional tipper van as there have been a number of different responses from individual Councillors.

The options were to purchase a new diesel tipper van, or to purchase a secondhand tipper van. The addition of another diesel vehicle to the fleet, whilst not ideal, will allow time to see if the prices of electric tippers will come down as current prices are too high for the Council to consider and choices are very limited.

Members discussed the merits of both options, and resolved that it would be better to purchase a secondhand tipper van.

Action Clerk's office to look at more options for secondhand diesel tipper vans.

The RFO informed Members that the tipper van HK64NNM has recently had a new starter motor fitted (£248.94). It has since passed its MOT.

131/22-23 **VEHICLE PO51 WLE**

The RFO advised Members that PO51 WLE, the caddy van, had failed its MOT and requires some welding work and new tyres to enable it to pass.

We have been given an estimate of £613 plus VAT for this work. The RFO stated that the van will also require a full service once it has passed its MOT, the cost of which, and any potential repairs that this might 'flag up' is currently not known.

The RFO asked Members if they wished to try to keep the caddy van on the road, or if they believe it is time to 'retire' it. She added that it has only done around 42,000 miles and the engine is still in good condition. It is the body work that is now starting to require some significant attention.

Members discussed the options and **resolved** that the van was still usable, and the work should be done to get it back in service.

Action Clerk's office to contact the garage to arrange for the repairs, repeat MOT and service to be done on PO51 WLE.

132/22-23 **GREEN BOOK**

The RFO asked Members if they would consider the purchase of an updated 'Green Book' for 2022 (£100). The book contains comprehensive guidance on local authority terms, conditions, and recommendations in respect to the employment of staff. The current copy the office holds is dated 2005.

Members **resolved** that a new copy of the Green Book could be purchased.

Action Clerk's office to arrange for the purchase of a copy of the updated Green Book.

133/22-23 **LAND USE AGREEMENT- INCREDIBLE EDIBLE BIRCHWOOD**

The RFO advised Members that the new 'Use of Land Agreement' between BTC, Incredible Edible Birchwood and BYCC has been approved and agreed between all parties. This has now been signed. Incredible Edible Birchwood can now progress their plans.

134/22-23 **PART II RESOLUTION**

The Chair asked Members to consider the following resolution:

That: Members of the public (including the press) are excluded from the following section of the meeting, by reason of exempt information, considered in the course of the following item of business being within a Category of Schedule 12A of the Local Government Act 1972.

The press and public may be excluded due to the confidential nature of the business to be transacted in accordance with Section 63 of Standing Orders (Admission of the Public and Press to Meetings).

Members **unanimously resolved** to hear the rest of the business on the agenda as Part II items.

This part of the meeting closed at 7:45pm.