

# Public Document Pack



## Development Control Committee Supplementary Item – AB Update List

Monday, 6 October 2014 6.30 p.m.  
Civic Suite, Town Hall, Runcorn

A handwritten signature in blue ink that reads 'David W R'.

**Chief Executive**

### COMMITTEE MEMBERSHIP

<b>Councillor Paul Nolan (Chairman)</b>
<b>Councillor Keith Morley (Vice-Chairman)</b>
<b>Councillor Arthur Cole</b>
<b>Councillor Ron Hignett</b>
<b>Councillor Stan Hill</b>
<b>Councillor Carol Plumpton Walsh</b>
<b>Councillor June Roberts</b>
<b>Councillor Christopher Rowe</b>
<b>Councillor John Stockton</b>
<b>Councillor Dave Thompson</b>
<b>Councillor Kevan Wainwright</b>
<b>Councillor Bill Woolfall</b>
<b>Councillor Geoff Zygadlo</b>

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or  
ann.jones@halton.gov.uk for further information.  
The next meeting of the Committee is on Monday, 3 November 2014*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE – AB UPDATE LIST</b>	<b>1 - 12</b>

*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**DEVELOPMENT CONTROL COMMITTEE  
Update List**

**6 October 2014**

PAGE NO.	LIST A	LIST B	Updated Information
24		13/00379/OUT	<p><b><u>Environment Agency</u></b></p> <p>The Environment Agency has confirmed that they have no objection subject to conditions 17 and 18 listed below.</p> <p><b><u>Amended Recommendations and Conditions</u></b></p> <p>It is therefore requested that the delegated powers are given to the Operational Director – Policy, Planning &amp; Transportation in consultation with the Chair or Vice Chair of the Development Control Committee to make the decision once the application has been referred to the Health and Safety Executive to request whether or not they wish the application to be called in by the Secretary of State. If the application is not called in, the application would be approved and issued subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. Standard outline conditions for the submission of reserved matters applications x 3 conditions (BE1)</li> <li>2. Plans condition listing relevant drawings i.e. site location / red edge ( BE1 and TP17)</li> <li>3. The details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the Drawing no. J0936 12'</li> <li>4. Prior to commencement the submission of a reserved matters proposal which incorporates a full proposal for drainage of the site (BE1)</li> <li>5. Prior to commencement submission of levels (BE1)</li> <li>6. Prior to commencement submission of materials (BE1 and CS11)</li> <li>7. Prior to commencement submission of hard and soft landscaping (BE1)</li> <li>8. Prior to commencement submission of a construction / traffic management plan which will include wheel cleansing details (TP17)</li> <li>9. Avoidance of actively nesting birds (BE1)</li> <li>10. Prior to commencement details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife (GE21)</li> </ol>

		<p>11. Prior to commencement details of a landscape proposal and an associated management plan to be submitted and approved (BE1, GE21)</p> <p>12. Prior to commencement details of boundary treatment (BE22)</p> <p>13. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>• detail extent and type of new planting (NB planting to be of native species)</li> <li>• Details of the on-site play space</li> <li>• details of maintenance regimes</li> <li>• details of any new habitat created on site</li> <li>• details of treatment of site boundaries</li> <li>• details of management responsibilities</li> </ul> <p>The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. (BE1, PR16, CS2, CS19, CS23)</p> <p>14. The future reserved matters proposal shall incorporate a provision for on-site play space. (BE1)</p> <p>15. The details of the development to be submitted pursuant to (condition requiring submission of details following the outline permission) shall not include the siting of any dwelling within the area shown hatched green on the submitted Drawing.</p> <p>16. Details of off-site highway works to be submitted for approval (BE1)</p> <p>17. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.</p> <p>18. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water on the proposed development, has been submitted to and approved in writing by the local planning authority.</p> <p><b><u>Innospec Objection</u></b></p> <p>A request has been received from PANNONE (acting on behalf of Innospec) that a full copy of their clients objection letter dated 5<sup>th</sup> November 2013 be made available to Committee Members, this has been attached to this update report.</p>
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# PANNONE

The Planning Department  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

**Date:** 5<sup>th</sup> November 2013  
**Our Ref:** SE03/KR/946418.1  
**Your Ref:** 13/00379/OUT  
**Direct Dial:** 0161 909 4218  
**Direct Fax:** 0161 909 4001  
**Email:** susan.ehlinger@pannone.co.uk

By email and special delivery

Dear Sirs

## **Town and Country Planning Act 1990 (as amended)**

**Planning Application No: 13/00379/OUT**

**Land east of Dans Road and north and west of Bennett's Lane, Gorsey Lane, Widnes, Cheshire**

### **Introduction**

We act on behalf of Innospec Widnes Limited, the owner and occupier of the former Bush Boake Allen Limited premises on Bennett's Lane, opposite the site which is the subject of the above mentioned planning application.

We have been instructed to submit an objection on behalf of our client to the above planning application, which was submitted by Mr John Steedman of Steedman Planning, on 4<sup>th</sup> October 2013, as agent for M S Strawson Limited. The application is in outline and is for "residential development". 131 residential units are proposed, with access off Bennett's Lane.

There are a number of significant reasons for our client's objection to this planning application. These are set out below:-

### **Innospec Widnes – the Company's position**

- 1 As part of Innospec's Active Chemicals business, the Widnes site is responsible for the manufacture of a wide range of fragrance ingredients and is a significant employer.
- 2 This site is an important one to the Company as Lilestralis Pure, which is produced here, is our client's flagship product. It is one of the most widely used aroma chemicals in the world and it serves as the base for endless fragrances. These fragrances are used across all applications from personal and household care to fabric and laundry care, to fine fragrances.
- 3 Turnover is currently £37,000,000, per annum. The site currently employs nearly 100 employees, made up of 69 full-time employees and, in addition, 20 to 25 contractors. These employees and their skill base can be broken down as follows:-

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Manchester  
M3 2BU

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Fax: 0161 909 4444  
DX 14314 Manchester 1

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- i. 37 shift based process operators, basic NVQ level 2/3 Chemical Process Plant Operation
  - ii. 8 trade skills (Instrument/Electrical) ATEX qualified technicians
  - iii. 10 professional engineering/science staff
  - iv. Remaining admin/accounts/clerical staff
  - v. Contractors: 18 trade skills and appropriate supervision
- 4 Notwithstanding the success and reputation of our client's flagship product, the site obviously competes in a global market for Aroma chemicals and has come under significant price pressure over the past two to three years. Other similar products are also being developed, and introduced, by the client's competitors. Our client must constantly respond to these pressures to safeguard its market share. This has necessitated our client in formulating plans to diversify both its product range and activities at this location.
- 5 The site has already safely introduced new products to support other markets and it also carries its own R & D Product Support, which represents circa 5,000 hours per annum of R & D work.
- 6 In addition, our client has proposals to introduce other activities. These plans are at an advanced stage and are critical to the site's future operations and success. Our client has concerns, however, about the constraints that might arise regarding these plans, and other future activities, if this planning application is granted planning permission, resulting in residential development in extremely close proximity to its own site.
- 7 In addition, we have advised our client that there are a number of other significant problems and issues with this planning application, which we have been instructed to draw to your attention.

## Planning Policy Issues

- 8 First and foremost, the site is an employment allocation in the Halton Core Strategy adopted this year (April 2013).
- 9 The Framework (NPPF), at paras 14 and 196, requires that applications for planning permission must be determined in accordance with the development plan, **unless material considerations indicate otherwise.**
- 10 The applicant has not demonstrated any material considerations to indicate why there should be a departure from this allocation thus, for this reason alone, this application for housing does not comply with an up to date development plan and should be refused.
- 11 The site has also been an allocated employment site for some time in the Unitary Development Plan (UDP), as well as in the Core Strategy and is therefore included in the employment land calculations in those documents. In policy E1 of the UDP, it is referred to as Shell Green and said to be suited "to B1/2/8 uses".
- 12 Indeed, planning permission has already been granted for employment use on the application site (07/0072/FUL) for B1/2/8 use, although we believe this has now expired. This does however

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- demonstrate the suitability of the site for this use, as this use has therefore already been considered on more than one occasion in detail (as we understand there have been renewals of expired planning permissions) and given approval.
- 13 Whilst the applicants' statement on employment and planning policy makes reference to the adopted Core Strategy, it does not seem to recognise that this is an allocated employment site in it. Given that the Core Strategy is newly adopted, and up to date, there have to be other material considerations to justify overturning such an up to date plan and none are put forward.
- 14 The Joint Employment Land Study 2010 interviewed the various owners of the main allocated sites which included the application site and their response was that, at that time, they anticipated development to commence in 2009. The study does not indicate whether the owners had any occupier interest at that time. This Joint report also notes that Halton has attracted a high level of manufacturing uses and that there is also a high take up rate of industrial space. It identifies there being particular demand for 500 sq.m. industrial units, smaller budget space and also for a single occupier unit of 3500 sq.m.
- 15 In Halton's 2012 Employment Baseline Report, the site is still clearly identified as an employment allocation suited to B1/2/8 uses. This document provides a summary of the take up of employment land from 1996 to the date of the report. Apart from the last two years, Halton appears to have maintained a steady build out of employment land since 2005.
- 16 The Employment Baseline Report 2012 also lists the subject site as allocated in the UDP (as Shell Green) and notes (as at 2012) that it had full planning permission but development had not started. The applicants make no reference to this document in their submission. Clearly, it is well established that the land which is the subject of the above application is allocated for employment uses (B1, B2 and B8). The proposed development, if planning permission is granted, would therefore result in an unacceptable loss of an employment site to the detriment of employment land supply in this locality and the wider area.
- 17 Given this background, and also the 2007 planning permission, it is surprising that the applicants have failed to provide any market evidence as part of the current application in relation to marketing activity regarding the site. It seems inconceivable that this site has singularly failed to attract potential interest when other sites in Halton clearly have, particularly when the unit sizes proposed in 2007 seem to closely match the evidence relating to market demand in the 2010 study.
- 18 Regarding marketing activity, the applicant has not identified their agents. We have carried out research ourselves but have failed to find out any details. We do not therefore know what marketing activity has been carried out, and by whom, in relation to the application site.
- 19 There are agents' boards near the site which we had anticipated related to the site. However, our enquiries indicate that these relate to the employment land at Johnson's Lane (to the south of the application site) in respect of which the agents report enquiries and deals, subject to planning permission.
- 20 The northern portion of the employment land allocation at Shell Green has already been developed out following the grant of planning permission on appeal. This is for a C2 use which significantly includes the employment element that is appropriate, given the site's original allocation.

- 21 Regarding housing on the application site, no supporting documents have been submitted to justify housing use. Indeed, the 2012 SHLAA indicates that Halton already have in excess of a 5 year housing land supply (Table 1 of 2012 SHLAA). Based on the Core Strategy and normal market conditions, Halton have 6.67 years supply (or based on the Core Strategy and a depressed market, they have a 5.96 years supply within the urban area). There is a 2013 call for sites which has recently closed. As far as we are aware this site was not put forward for consideration in 2012 nor this year. In addition, Halton's housing land supply already meets the NPPF criteria.
- 22 The need for using an allocated employment site for housing has not been justified by the applicants other than their indication that they had no interest in the site for employment uses during the market downturn. However, as indicated, we do not know how comprehensively and reasonably they have marketed the site. In addition, other employment sites have been successfully developed in the area during this very same period.
- 23 For the scale of development proposed, the submitted documents lack any significant substance. There is no justification statement to support residential use and we have already commented on the economic statement above. The Design and Access Statement is very basic and gives no background as to how the design and layout of the indicative scheme was formulated. There is also no reference to the appropriate guidance for such a scheme in the Design of Residential Development SPD (May 2012).
- 24 Whilst noting this is an indicative scheme with all matters reserved, this should not preclude submitting supporting documentation to justify a workable scheme, having taken note of all relevant planning policy and guidance.
- 25 Further, the proposal is for a housing scheme of more than 10 dwellings and is on a site larger than 0.33ha, yet no mention is made in the supporting documents of affordable housing provision. Core Strategy policy C13 requires 25% affordable housing on sites such as this and also that the provision should be onsite. Normally, it would also be expected that this would necessitate a Section 106 Planning Obligation to confirm the provision of the required affordable housing element.
- 26 The Draft Affordable Housing SPD (Oct 2013) is currently out for consultation and notes that Halton has an excess of terraced houses and needs more family and aspirational homes. Whilst this application fails to address the provision of affordable housing in any way, the submitted indicative layout in any event shows a high proportion of terraced houses. The 2011 SHMA identifies the greatest affordable demand being 1-2 bed units and the 2 bed units should be houses or bungalows. No detail of unit sizes and bed space is provided for either market or affordable homes on the application site, in any event.
- 27 Whilst reference to a named planning officer is made in the application form, there is no detail of whether any pre-application discussions took place or what response was received. This is in conflict with the requirements of the Framework, which encourages pre-application discussion and "front loading".
- 28 In our experience, a scheme of this size, which is also a clear deviation from a recently adopted Core Strategy, would require both pre-application discussions and far more substantive supporting documentation than has been provided in this case, even to be validated, never mind to be granted planning permission.



## Highways Issues

- 29 Our client also has a number of concerns regarding this aspect of the proposal and has therefore sought urgent technical advice. A copy of the report obtained is at **Appendix 1**. This has been prepared by SCP, Highway Consultants. It forms part of this letter of objection and it should be read in conjunction with it. The following paragraphs are, however, based on the conclusions drawn by the consultants in their report.
- 30 Regarding the location of the application site, it lies to the south of Dans Road which is a busy dual carriageway and a key route between Widnes and Warrington and the motorway network.
- 31 Dans Road forms a distinct boundary between the residential areas to the north and employment uses to the south. Currently therefore, this creates a natural segregation between residential property and the employment uses, which include heavy industrial use such as our client's site, the power station and United Utilities beyond.
- 32 This segregation is important, and should be maintained, as it allows the industrial processes concerned to operate at a safe distance from residential uses.
- 33 The other feature of this segregation is that all the local facilities that any occupiers of houses would need to take advantage of, are cut off from them by Dans Road. No information is provided in the applicant's submission as to how safe and suitable access would be provided to these facilities, given the speed and volume of traffic on Dans Road itself.
- 34 There is also no indication of the site's proposed links with public transport links, or whether walking and cycling have been considered as options. A key component of the Framework is achieving sustainable development by addressing these types of issues. The applicant has failed to address them. In our view, the proposed development is highly likely to promote car-based trips and is therefore unsustainable for this reason.
- 35 Regarding the proposed access arrangements off Bennett's Lane into the application site, our client has additional concerns on safety grounds. Our client's own main access point into its site is also on Bennett's Lane, not far from the proposed access into the application site. Large industrial tankers frequently use this access point and, by their very nature, they are slow moving and need large turning circles. There would be a conflict between the two access points and we do not see how it would be possible to resolve this.
- 36 It would be extremely dangerous, and wholly unacceptable, for our client's tankers (and any other vehicles) to have to turn right out of our client's site and turn into Dans Road. This view is supported in Appendix 1, the report produced by SCP, and our clients would be very concerned if this were to be contemplated.

## Summary

To summarise therefore, the planning application should be refused for the above reasons which include the following points:-

- **it is incompatible with the neighbouring industrial and other employment uses;**

- **it could compromise the operating conditions of adjacent uses, including our client's premises, with potentially serious consequences;**
- **it is unacceptable in planning policy terms, since it is well-established that the site is considered suitable for employment uses and, moreover, it is allocated for this use and planning permission has already been granted;**
- **the Framework requires that the planning system be plan-led, unless material considerations indicate otherwise. No material considerations have been cited in this application, justifying any departure from its allocation for employment uses;**
- **in addition, no evidence whatsoever has been submitted with the application to demonstrate that the site has been marketed in a reasonable and comprehensive way for employment use;**
- **nor has any evidence been submitted to demonstrate that there is no current or future likely demand for employment uses there, given that this is at odds with evidence of take up elsewhere in the area over the same period;**
- **it is unacceptable and unsustainable in highways terms, not least because there would be a conflict between the two access points on Bennett's Lane, there are issues concerning Dans Road and the site is also effectively severed by Dans Road from local facilities and public transport.**

In conclusion, our client requests, and expects, that the application should therefore be refused.

#### **Determination of the application**

Please confirm when it is proposed that the Local Planning Authority will determine this planning application, including the date and time of any Committee meeting. Please would you also notify us when the Officer's Report is available and send us a copy so that we have an opportunity to take our client's instructions and comment if appropriate.

#### **Conclusion**

Our client strongly objects to this planning application and we reserve the right, on behalf of our client, to comment further in relation to this application as appropriate, and as instructed.

Yours faithfully



**Pannone LLP**

# TECHNICAL NOTE



## APPENDIX 1

13307 / 24.10.13

### OBJECTION TO PLANNING APPLICATION REF: 13/00379/OUT

### PROPOSED RESIDENTIAL DEVELOPMENT, BENNETTS LANE, WIDNES

1. A planning application has been submitted on land at Bennetts Lane, Widnes for residential development for up to 140 dwellings. The land is allocated for employment uses and benefits from planning consent for B1 office use.
2. The site is located to the east of A562 Dans Road, which is a key route between Warrington and Widnes and carries around 13,000 vehicles per day. To the north of the site the road is subject to a speed limit of 50mph and is at dual carriageway standard. Dans Road meets B5178 Warrington Road, Barrows Green Lane and Gorsey Lane at a 5 arm roundabout junction. Significant areas of residential development lie to the north west of Dans Road, served by Warrington Road and Barrows Green Lane, while significant employment development lies to the south east of Dans Road served by Gorsey Lane, which connects to Bennetts Lane.

#### Sustainable Access

3. The site is therefore surrounded by employment uses, including significant industrial uses such as a chemical works, and is divorced from the existing residential area by a major dual carriageway. Vehicular access to the site is taken from Bennetts Lane, requiring future residents to drive through an employment zone to reach the development site. Pedestrian access is not clearly shown on the plans submitted with the application and no footways are proposed to be constructed along Bennetts Lane except for around the radii of the site access.
4. A key component of NPPF is achieving sustainable development. In transport terms, decisions should take account of whether safe and suitable access to the site can be achieved for all people (para 32). In addition, the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel (para 29).
5. It is our opinion that the application proposals do not comply with the above requirements of NPPF. The Transport Statement submitted with the application presents a review of the site's accessibility, concluding that the site "is in a sustainable location with good public transport links and that walking and cycling are attractive options." However, the report provides no information on how pedestrians or cyclists from the site will access the surrounding highway network or offer any information on the connectivity between the site and the local facilities



quoted. It is therefore not clear whether adequate pedestrian and cycle access to the site can be secured.

6. While there is a range of local facilities within acceptable distances of the site, these are physically severed from the site by Dans Road. The notion of severance is outlined in the IEMA "Guidelines for the Environmental Assessment of Road Traffic", published in 1993, which states:

*Severance is the perceived division that can occur within a community when it becomes separated by a major traffic artery. The term is used to describe a complex series of factors that separate people from places and other people. Severance may result from the difficulty of crossing a heavily trafficked road or a physical barrier created by the road itself. It can also relate to quite minor traffic flows if they impede pedestrian access to essential facilities."*

7. With the exception of employment opportunities, all other essential facilities are on the western side of Dans Road, which would require residents to cross a heavily trafficked dual carriageway that offers no controlled crossing facilities. Dans Road therefore severs the proposed residential development from the everyday facilities that it would rely on, rendering the site "unsustainable".
8. Further investigation of access to public transport reveals that from the bus services quoted, the single service that stops on Gorsey Lane has a frequency of just 5 per day. Two of the remaining three frequent services stop on Moorfield Road or Crow Wood Lane, which are only just within a 400m walk from the edge of the site, with the vast majority of properties exceeding the recommended 400m walk distance. Meanwhile the bus stops on Dans Road are also a similar distance from the site and would also require passengers to cross the dual carriageway, either on their outbound or inbound journey, at a point where traffic will be travelling at its quickest.
9. Therefore, the majority of the development is beyond recommended walking distances to all frequent bus services, while the need to cross a busy and fast flowing dual carriageway with no controlled crossing facilities will be an additional barrier that will not make travelling by public transport an attractive option.
10. The effect of Dans Road on severance will not only lead to a significant reduction in the attractiveness of walking to all other local facilities that lie on the other side of Dans Road, but will have a significant impact on access to schools. The location of schools will require all children to cross a busy dual carriageway, particularly during the morning peak hour when traffic will be at its busiest.

11. Based on the traffic flow information available, it is expected that Dans Road will carry around 1,300 vehicles (two-way) during the morning peak, equating to at least 650 vehicles in the busiest direction. Given that the typical gap acceptance for pedestrians crossing this width of carriageway will be about 7 to 8 seconds for able-bodied people and that children or elderly will require more than this, while the flow of traffic will result in a vehicle, on average, every 6 seconds, an uncontrolled crossing is not safe and acceptable when considering this site for residential development.
12. On the above basis, access to the site is considered neither safe nor sustainable and is highly likely to be balanced in favour of car-based trips.

#### Vehicular Access

13. The Transport Statement indicates that there is a desire to split the access for the residential use from the existing industrial uses on the adjacent sites. The principle of separating residential traffic from industrial traffic is a common desire so that residents aren't driving through industrial areas to reach their property. However, the proposed access is south of the existing access to the chemical works east of the site and therefore a complete separation is not possible.
14. Furthermore, the split of Bennetts Lane would require all land uses served by the northern section of Bennetts Lane to access the main highway network via the sub-standard junction onto Dans Road. The junction currently offers left turn in and left turn out for Bennetts Lane for vehicles travelling westbound along Dans Road along with right turn in with a right turning lane and a gap in the central reservation.
15. Dans Road is currently subject to a 50mph speed limit and it is possible that the 85<sup>th</sup> percentile speed is greater than this given the alignment and dual carriageway nature. There is no deceleration diverge or acceleration merge for vehicles entering or leaving Bennetts Lane, while the visibility for emerging vehicles is clearly inadequate for the speed limit. Any intensification in use of this junction would pose a highway safety risk and it is therefore surprising that no assessment or review of this junction has been carried out.
16. In addition, the chemical works operations require deliveries using tankers, which currently access the site via the roundabout junction with Gorsey Lane. Forcing all tankers to use the substandard junction with Bennetts Lane will also pose a highway safety risk given that such vehicles will be slow to decelerate on approach to Bennetts Lane and slow to accelerate when emerging from the junction.

17. The highway safety risk that is posed by these proposals to split access along Bennetts Lane will also prejudice future expansion of the chemical works business by restricting the amount of traffic that can use the junction with Dans Road, thereby affecting the future of the business. If the application were to remain as employment land, as it is allocated for, there would be no need to split Bennetts Lane and the business would be unaffected.