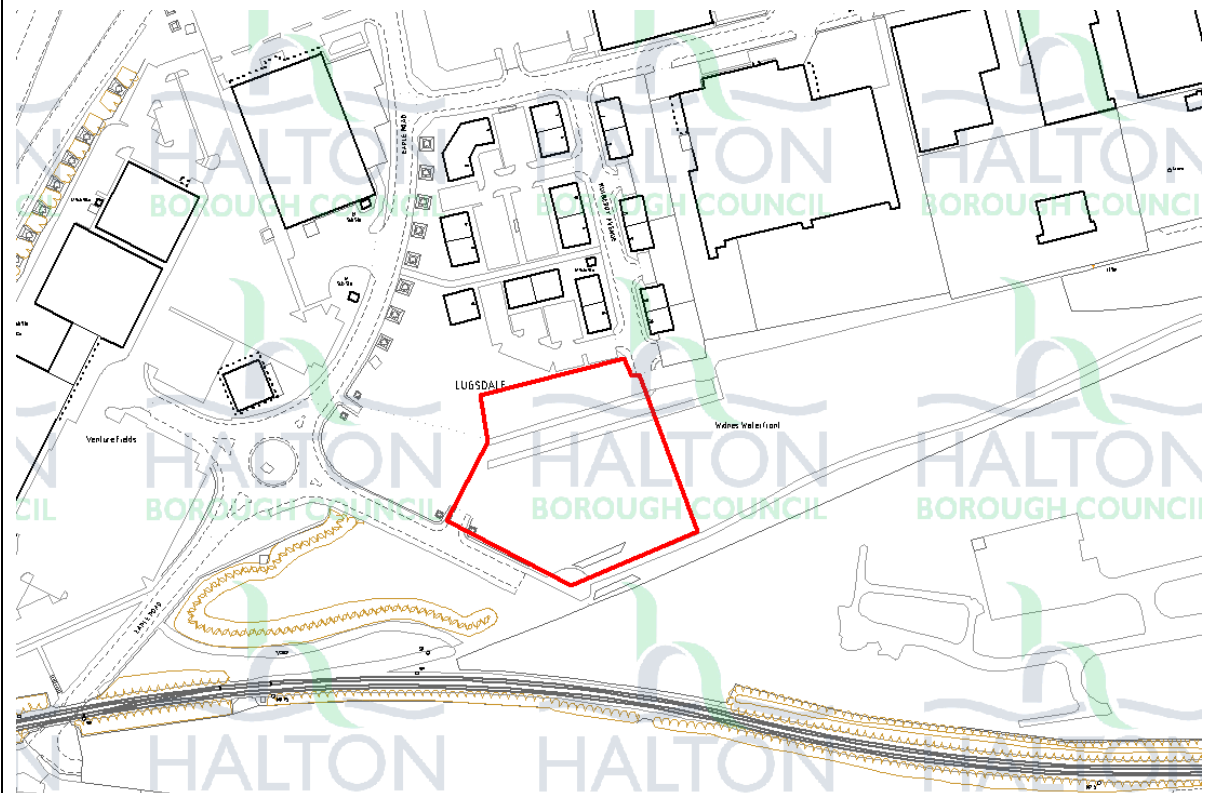


<b>APPLICATION NO:</b>	13/00310/FUL
<b>LOCATION:</b>	Land off Earle
<b>PROPOSAL:</b>	Proposed construction of two units. 1 no. for D2 use class (assembly and leisure) and 1 no. for A1/A3 use classes (shops, restaurants and cafes).
<b>WARD:</b>	Halton View
<b>PARISH:</b>	N/A
<b>CASE OFFICER:</b>	Rob Cooper
<b>AGENT(S) / APPLICANT(S):</b>	Mr Andrew Dickman Barwood Developments (North) Limited
<b>DEVELOPMENT PLAN ALLOCATION:</b>	National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	1 Objection
<b>KEY ISSUES:</b>	Regeneration Economic development
<b>RECOMMENDATION:</b>	Approval

**SITE MAP**



**1. APPLICATION SITE**

**1.1 The Site**

The site is located off the Earle Road roundabout, within the Widnes Waterfront Regeneration Area, approximately 500m south of the Widnes Town Centre. The application site covers an area of approximately 0.64 hectares of disused brownfield land.

## 1.2 Planning History

There is no recent relevant planning history on the site, but historically all or part of the site has been subject to the following planning applications.

In 2006 planning permission 06/00016/FUL was granted for proposed two storey office development.

A planning application (99/00395/HBCWST) was submitted by the Council in 1999 for a proposed household waste and recycling centre, this included part of the site, the application was not determined.

In 1990 the site formed part of a planning application (25798F) for the erection of a bulk transport depot and warehousing including offices and ancillary parking, the application was refused.

Planning application 00252R was approved in 1974 for the renewal of permission to use site for the production of Bitumen coated and hot rolled asphalt materials including use of manufacturing plant.

## 2. **THE APPLICATION**

### 2.1 The proposal

This application seeks full planning permission for two units. These units are known as Unit 3 and Unit 4 as they form part of a wider development area. It should be noted that the application site forms the first phase of a larger mixed-use development area which does not form part of this application. These further phases will be subject to separate planning applications.

Firstly, a small retail unit providing 120 sq.m of gross internal floor space with A1 and A3 use classes (this is referred to as Unit 4 in the application). The applicant has applied for open A1 and A3 for Unit 4, whilst they have not specified the exact end user, this would allow the unit to be used as a shop, sandwich shop, coffee shop or café for example.

A second unit is also proposed (referred to as Unit 3 in the application). This would be a much larger unit to provide 1672sq.m of gross internal floor space with D2 'leisure' use class. The applicant has also applied for open D2 use for Unit 3, and has not specified the end user. The D2 use would allow the building to be used as a gymnasium, cinema or bingo hall for example.

## 2.2 Documentation

The applicant has submitted a Planning Application Statement with the application that includes the following reports:

Location Plan  
Design and Access Statement  
Transport Statement  
Phase 1 Ground Investigations  
Topographical Survey  
Proposed Cross Sections  
Proposed and Existing Site Plans  
Proposed Floor Plans and Roof Plans  
Proposed Elevations

## **3. POLICY CONTEXT**

### 3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Paragraph 24 states that local planning authorities should apply a sequential test to planning applications for main town centre uses (includes A1, A3 and D2 classes) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraphs 18 states that the Government is committed to securing economic growth and 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

### 3.2 Halton Unitary Development Plan (UDP) (2005)

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

BE1	General Requirements for Development
BE2	Quality of Design
BE3	Environmental Priority Areas
BE22	Boundary Walls and Fences
RG3	Action Area 3 Widnes Waterfront
TC1	Retail and Leisure Allocations
TP6	Cycle Provision as Part of New Development
TP12	Car Parking
TP16	Green Travel Plans

### 3.3 Halton Core Strategy Local Plan (2013)

The following policies, contained within the Core Strategy are of relevance:

CS2	Presumption in Favour of Sustainable Development
CS5	A Network of Centres
CS9	Key Area of Change South Widnes
CS7	Infrastructure Provision
CS15	Sustainable Transport
CS18	High Quality Design

The Widnes Waterfront SPD is also of relevance.

## **4. CONSULTATIONS**

The application has been advertised by a press notice and a site notice posted near the site. All adjacent and residents and occupiers have been notified by letter.

The Council's highways department, open spaces department and environmental health department, contaminated land officer and major projects team have been consulted. any comments received have been summarised below in the assessment section of the report. Ward councillors have been notified of the application.

## **5. REPRESENTATIONS**

One representation has been received from an occupant at Unit 2 Turnstone Business Park. The occupant is a supplier of scientific instruments that are sensitive to vibrations that could be created from road traffic. They wanted to know whether the proposal would use Mulberry Avenue for access. Mulberry Avenue will not be used as an access to the application site, a response has been provided to the contributor to explain this.

## **6. ASSESSMENT**

### **6.1 Principle of Use**

The site is located within the South Widnes Key Area of Change as identified in Policy CS9 of The Core Strategy Local Plan. The site is also located within Regeneration Area in Policy RG3 'Widnes Waterfront' of the Halton Unitary Development Plan.

Both Policies CS9 and RG3 allow for A1/A3/D2 use classes, the application therefore complies with the above Policies and the proposal is considered to be acceptable in principle.

Policy RG3 of the Unitary Development Plan states that leisure uses will be permitted where they comply with Policy TC1 (2).

TC1(2) states 'leisure uses will be permitted within the Widnes Waterfront Action Area to the north of the Shell Green protected rail route where it can be demonstrated that there is 'need' for the development and where the use is within reasonable walking distance of Widnes Primary Shopping Area.'

However, the requirement to demonstrate the 'need' test for the retail development was dropped from Government guidance in 2009 and is not included in the National Planning Policy Framework, and therefore this part of the Unitary Development is considered to no longer apply.

Policy CS5 of the Halton Core Strategy Local Plan is of relevance. The site is in an out-of-centre location; however the development as a whole constitutes less than 2,000 sq. m of gross floor space. Therefore in accordance with Policy CS5 an impact assessment is not required.

Policy CS5 also states that retail and leisure uses in excess of 200 sq.m require a sequential assessment, and whilst this has not expressly been addressed in the Design and Access Statement, officers are not aware of any sequentially preferable sites that are available within or adjacent to the town centre that could accommodate this scale of leisure use and the associated car parking standards and service areas that would be required.

The small A1/A3 unit is less than 200 sq.m and in isolation would not require a sequential test. Although small this unit it is considered to provide a use that would provide complimentary services to the surrounding regeneration area and the Hive.

The NPPF states the when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The proposal is approximately 500m south of Widnes town centre's Primary Shopping Area, adjacent to the recently completed Hive Leisure development which has facilitated improved connectivity to the town centre. The proposal site is considered to be accessible and have good reasonable connections to the town centre via car, pedestrian and bus routes (13A 12A and 14A), with the nearest bus stop being in close proximity at The Hive.

The development forms the first phase of a proposed larger mixed use development which represents a significant investment in the borough and significant job creation. Paragraphs 18 and 19 of the NPPF state that significant weight should be placed in support of economic growth.

The development is considered to comply with saved Policies TC1, RG3 and CS9 which seek regeneration of the area, and the National Planning Policy Framework. The use would complement the existing leisure uses at the Hive, and is considered contribute significantly to the Council's vision for redevelopment in the area.

## 6.2 Design, Appearance and Visual Impact

Unit 3 is the largest unit. The front elevation would be north facing, and in appearance would consist of composite cladding in contrasting colours to break up the elevation, with a wrap around on the western elevation that would be visible from Earle Road roundabout. The side and rear elevations would consist of vertical profiled cladding. The roof would be dual pitched with a maximum height to the ridge of approximately 9.6m and incorporates a series of sky lights.

Unit 4 is a much smaller than Unit 3. It would have a mono-pitched roof with a maximum height of approximately 4.8m. It has an almost entirely glazed front elevation that partially wraps around to each of the side elevations. The front of the building has a projecting lobby that would also be predominantly glazed. The significant amount of glazing relates to the internal dining area for customers, and provides for an active frontage on three side of the building.

The site falls within the area covered by the Widnes Waterfront SPD (2005) which identifies the site as being within Plot D and suitable for the range of used set out in Policy RG3. The Widnes Waterfront Phase 2 Masterplan, provides additional detail to guide the development of the wider area. The application site (together with the land to its west) is identified as being particularly suitable for mixed use development to complement the leisure development on the Hive. The Masterplan identifies the southern boundary of the site as a 'Key Development Frontage'. The application scheme places the buildings to the south of the site with the rear and service elevations to this frontage contrary to the Masterplan. The positioning of the buildings has been dictated by the presence of underground pipelines / apparatus that traverse roughly east/west across the north of the site precluding

development in this location. The design is therefore compromised to accommodate these constraints and is considered acceptable.

In terms of appearance both of the buildings would have an acceptable quality of design that would be in keeping with the Widnes Waterfront area, would complement the existing Hive leisure site, and would comply with saved Policies BE2 and BE3 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.

### 6.3 Amenity and Landscaping

The site is located some 400m east of the nearest residential properties which are on Ann Street West. Between the site and these properties is Ashley Way and The Hive, the proposal would not therefore have any negative impact on the amenity of these or any other residents, given their distance away from the site.

It terms of the general visual amenities of the Widnes Waterfront area, these will be significantly improved by the redevelopment of this vacant brownfield site, will raise the environmental standards and enhance the character and appearance of the area in compliance Policy BE3.

The site is brownfield and has been left vacant for some time, resulting in several small self-seeded trees and scrub vegetation, this is considered to be of limited amenity value, and will need to be removed for the development. The open spaces officer has recommended some planting within the scheme to mitigate. Whilst the application has been submitted in full there is insufficient detail in relation to the final hard and soft landscaping of the site, therefore relevant conditions are recommended.

### 6.4 Transport and Highways and Drainage

The application has been submitted with a transport statement and proposed layouts showing that the proposed access to be taken from the already construction (but un-adopted) spur off the Earle Road round-a-bout, and the provision of 120 car parking spaces.

The Council's Highways Engineer has been consulted and has no objections to the application. However, he has noted that further details need to be provided in relation to servicing the site and how deliveries would be received, it is therefore considered necessary to attach a relevant condition to ensure that servicing and deliveries are managed appropriately. Further conditions are recommended for a travel plan and secure cycle storage and to comply with Policies TP6 and TP16.

### 6.5 Contaminated Land

The application has been submitted with a phase 1 ground investigation report. The Council's contaminated land officer has been consulted, and further intrusive ground investigations, along with any required remediation

strategy would be required prior to the commencement of development a condition is recommended and to comply with Policy PR14 of the Halton Unitary Development Plan.

#### 6.6 Other matters

One representation has been received from an occupant at Unit 2 Turnstone Business Park. The occupant is a supplier of scientific instruments that are sensitive to vibrations that could be created from road traffic. They wanted to know whether the proposal would use Mulberry Avenue for access. Mulberry Avenue will not be used as an access to the application site, a response has been provided to the contributor.

The Police strategic crime reduction officer has provided advice in relation to security and designing out crime. The officer has no objections but has listed a number of security measures that he would like to see implemented in the scheme. These comments will be forwarded on to the applicant.

### 7. **CONCLUSIONS**

In conclusion, the development forms the first phase of a proposed larger mixed use development within the Widnes Waterfront. This would provide significant regeneration and bring back into use a vacant brownfield site, providing significant investment and job creation in the Borough. The principle of the development is considered to comply with UDP saved policies TC1, RG3 and Core Strategy CS9 which seek regeneration of the area, and the National Planning Policy Framework. The use would complement the existing leisure uses at the Hive, and is considered contribute significantly to the Councils vision for redevelopment in the area.

The quality of design that would be in keeping with the Widnes Waterfront area and would complement the existing Hive leisure site and would comply with saved policies BE2 and BE3 of the Halton Unitary Development Plan and CS18 of the Halton Core Strategy Local Plan.

### 8. **RECOMMENDATIONS**

Approval subject to conditions

### 9. **CONDITIONS**

1. Time limits condition
2. Approved Plans – (Policy BE1)
3. Materials – (Policy BE2)
4. Drainage condition (s) (Policy BE1)
5. Boundary Treatments – (Policy BE22)
6. Submission and Agreement of finished floor and site levels – (Policy BE1)
7. Prior to commencement bin storage facilities to be submitted and agreed – (Policy BE1)



8. Condition restricting outdoor storage (BE1 and E5)
9. Travel Plan (TP16)
11. Vehicle access, parking, servicing etc. to be constructed prior to occupation of properties/commencement of use – (Policy BE1)
12. Condition(s) relating to full details of hard and soft landscaping, including planting scheme, maintenance, and replacement planting (BE1)
13. Condition for details of any external plant or flues (BE1, BE2)
14. Condition for the management of servicing and deliveries (BE1)

## **10. SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.