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

Date: 5th November 2013
Our Ref: SE03/KR/946418.1
Your Ref: 13/00379/OUT
Direct Dial: 0161 909 4218
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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 4th 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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Registered Office
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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