

<b>APPLICATION NO:</b>	16/00461/FUL
<b>LOCATION:</b>	Land Off MacDermott Road (Adjacent to Tesco Distribution Centre), Widnes, Cheshire
<b>PROPOSAL:</b>	Proposed construction of two storey office building (Use Class B1) with associated access, boundary treatments and hard and soft landscaping.
<b>WARD:</b>	Riverside
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Westlink Holdings Ltd
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Greenspace (playing fields); Environmental Priority Area; Coastal Zone – Developed; Trans-Pennine Trail Part Within Key Area of Change: 3MG
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Principle of development; regeneration and employment; ecology and environmental impacts; drainage; contaminated land and highway issues including pedestrian and cycle access
<b>RECOMMENDATION:</b>	Approve Subject to Conditions

**SITE MAP**



## **THE APPLICATION SITE**

### **The Site**

Site of approximately 0.65 hectares being former playing fields located adjoining the north bank of the Mersey Estuary. The site is currently part poor quality grassland and part poor quality hard surface/ stoned ground. It is located in a predominantly industrial/ commercial area formerly known as the West Bank Dock Estate. Immediately to the north and west is the Tesco National Distribution Centre (NDC). To the east / southeast lies a grassed and fenced school play area, the Runcorn/ Widnes Railway Viaduct and Silver Jubilee Bridge. The Mersey estuary lies approximately 50m to the south. A United Utilities pumping station is located within the site and a Sottish Power substation to the south.

### **Planning History**

An application for a similar office development utilising ground floor only Ref. 16/00461/FUL was withdrawn. A previous outline planning application for office development (being 12 storeys of offices over 7 decks of vehicle parking) with all associated development including site remediation and rooftop helicopter pad was also withdrawn.

## **THE APPLICATION**

### **The proposal**

Proposed construction of a two storey office building (Use Class B1 with gross internal area of approximately 2,160m<sup>2</sup>) with associated access, boundary treatments and hard and soft landscaping. The applicant is a subsidiary of the Stobart Group Ltd. The development is reported to be the proposed Headquarters building for Stobart Biomass and will function as a training centre for employees, suppliers and contractors.

### **Documentation**

The applicant has submitted a planning application, drawings and the following reports:

Design and Access Statement

Planning Statement

Phase 1 Site Investigation/ Contaminated Land Report

Aboricultural Impact Assessment

Construction Noise Impact Assessment

## Construction Environmental Management Plan

### **POLICY CONTEXT**

#### 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.

The government has published its finalised Planning Practice Guidance (PPG) to compliment the National Planning Policy Framework (NPPF).

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

The following 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

BE6 Archaeological Evaluations

GE7 Protection of Designated Greenspace

GE8 Development Within Designated Greenspace

GE18 Protection of Sites of National Importance for Nature Conservation

GE21 Species Protection

GE30 The Mersey Coastal Zone  
PR14 Contaminated Land  
PR15 Groundwater  
TP6 Cycling Provision as Part of New Development  
TP7 Pedestrian Provision as Part of New Development  
TP12 Car Parking  
TP16 Green Travel Plans  
E5 New Industrial and Commercial Development

Halton Core Strategy Local Plan (2013)

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

CS1 Halton's Spatial Strategy  
CS2 Presumption in Favour of Sustainable Development  
CS4 Employment Land Supply and Locational Priorities  
CS8 3MG  
CS15 Sustainable Transport  
CS18 High Quality Design  
CS19 Sustainable Development and Climate Change  
CS20 Natural and Historic Environment  
CS23 Managing Pollution and Risk

Joint Waste Local Plan 2013

WM8 Waste Prevention and Resource Management  
WM9 Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents (SPD)

Designing for Community Safety Supplementary Planning Document  
Design of New Industrial and Commercial Development SPD

## CONSULTATIONS

The application has been advertised as a departure via the following methods: site notices posted near to the site, press notice, and Council website. Surrounding residents and landowners have been notified by letter.

The following organisations have been consulted and any comments received have been summarised below in the assessment section of the report:

Environment Agency – No Objection

United Utilities – No Objection

Natural England - No Objection

Scottish Power – No Comments Received

Cheshire Archaeology PAS- No Objection

Merseyside Environmental Advisory Service- No Objection

Network Rail – No Objection

### Council Services:

HBC Open Spaces – No Objection

HBC Environmental Health – No Objection

HBC Contaminated Land – No objection

HBC Highways – No Objection

## REPRESENTATIONS

None Received

## ASSESSMENT

### Background

The application seeks permission to construct a two storey office building (Use Class B1 with gross internal area of approximately 2,160m<sup>2</sup>) with associated development on an area of low quality grassland and bare ground adjoining the Tesco National Distribution Centre. The offices are designed to provide headquarter offices and related development for the Stobart Group Biomass Division. It is indicated that there

are to be 80 permanent employees at the site, 20 hot desks for other employees and those visiting for training and induction.

### Principle of Development

The site is designated predominantly as Greenspace Playing Fields in the Halton Unitary Development Plan and the application has therefore been advertised as a departure from the development plan. The site originally formed part of a wider playing field complex occupied by the West Bank Sports Ground. This was redeveloped to facilitate the development of the Tesco National Distribution Centre (NDC) whereby the playing field facilities were successfully relocated to a new improved site at the Ted Gleave playing fields. The application site is the remainder of the original West Bank Sports Ground and has not therefore been in use as a playing field for a number of years and certainly not within the past 5 years. The proposals are not therefore considered to be a notifiable departure and consultation with Sport England or referral to the National Planning Casework Unit before determination is not required.

The site also lies on the edge of the 3MG Key Area of Change as defined by the Halton Core Strategy which identifies availability of approximately 103ha of land for B8 employment development. Whilst the proposed use is for B1 office development the application site is not identified as Development Opportunity within that policy. As such, it is not considered that such B1 use would conflict with or prejudice the future development of 3MG. Significant weight can also be attached to the regeneration and employment benefits of the scheme.

The application site is known to be contaminated and is situated on the edge of a commercial and industrial area. The use of the site for B1 office development securing valuable employment opportunities is therefore considered to be an appropriate use for the site.

### Design and Character

The proposals are for a 2 storey office building which is rectangular, running from east to west. It is located to the south of the site with a large expanse of car parking to the front. Access is proposed from Macdermott Road which is unadopted and serves the adjoining Tesco National Distribution Centre. The building is constructed predominantly of horizontal cladding panels with significant elements of double glazed curtain walling (both in anthracite grey) and a single ply membrane roof.

The plant area, substation, refuse area and cycle parking are positioned to the eastern end of the office building adjoining a new pedestrian access to the Trans Pennine Trail and double gates to provide servicing for the adjoining existing substation. The carpark layout also incorporates maintenance access to the United Utilities pumping station and compound.

The offices, which are two storeys with a roof parapet height of 8.368m above finished floor level, are considered to be of an appropriate design and scale for the site in keeping with the adjoining Tesco NDC. The proposals will be substantially screened from the Mersey Estuary and Trans Pennine Trail by an existing bank of landscaping. Particular screening is provided by a line of poplars which line the southern boundary of the site on adjoining Council owned land. Such trees can be relatively short lived and their future removal or pollarding may expose the southern elevation to increased view. Given the quality of the proposed building, the extent of glazing within that elevation and the further softening offered by trees and landscaping beyond it is not considered that any significant issues of visual impact on the Mersey, whether in the immediate or in future, would be raised requiring mitigation.

The NPPF requires that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The listed structures of the Runcorn/ Widnes Railway Viaduct and Silver Jubilee Bridge lie to the east of the site. Given the separation from these structures, the office building is only two storeys and the site setting in the context of the adjoining substantial Tesco NDC it is not considered that the proposed development will impact on their significance to merit further assessment or justify refusal of planning permission in this case.

### Highway Considerations

Although the proposed development is of a scale within the range set out in the DFT Guidance justifying a Transport Assessment/ Statement the Council's Highway Officer has advised that due consideration has been given to the relevant issues within the Design and Access Statement and on this occasion a Transport Statement will not be required. It is further advised that the remaining issues with regards, access, parking and sustainable modes of travel could be covered by revised drawings and the Travel Plan.

The application as originally submitted raised a number of concerns with respect to conflict with the proposed access arrangement and HGV access to the adjoining Tesco NDC, poor pedestrian and cycle access, motorcycle and disabled parking, electric vehicle charging provision and internal parking and access arrangements. Amended plans and an update to the Design and Access Statement have been supplied. These include a revision to the proposed access, revised internal circulation and car parking arrangement and provision for motorcycle and electric vehicle charging points. The amendments also include provision of a secure pedestrian and cycle access gate to the south east corner of the site to allow for off-site footpath provision (across HBC Council owned land) to link the development to the Trans Pennine Trail in order to secure appropriate cycle and pedestrian links to the scheme and accessibility to local bus stops. This can be secured by an

appropriately worded Grampian style condition. Further minor amendments have since been provided relating to footway design and relocation of cycle storage.

Parking provision within the scheme exceeds the maximum set out in the Halton Unitary Development Plan. The submitted Design and Access Statement (DAS) sets out the rationale why the over provision is required in that as well as hosting up to 100 staff members the space will be used for training and induction purposes. The proposed parking provision is therefore considered acceptable for this number of employees and users. Encouraging means of transport by alternative and more sustainable modes of travel will be secured through a suitable Travel Plan required by recommended condition.

On that basis the Council's Highways Engineer has advised that, subject to gates within the scheme being hinged to open into the site to avoid potential conflict and other appropriate conditions they now consider the proposals to be acceptable. The applicant has agreed that the gate opening can be controlled by an appropriately worded planning condition. It is therefore considered that no significant transport or highway safety issues are raised and it is therefore considered acceptable based on NPPF, UDP and Core Strategy Policies.

### Trees

The application is supported by an Arboricultural Impact Assessment. The proposal as submitted does not currently propose the removal of or impact significantly on any trees as all adjoining trees are located on adjoining land believed to be owned by Halton Borough Council. As part of the proposals it is proposed to provide a new pedestrian and cycle link from the southern boundary of the site to the adjoining Trans Pennine Trail across Council land as set out within the Highways section of the report. Whilst an indicative route has been shown on the submitted plan which passes between two groups of trees, the design and route of any such path would be subject to agreement by the local planning authority and other relevant Council parties. A condition relating to the provision of that footpath in accordance with details to be submitted and agreed is included within the recommendation at the end of this report. Any alteration to the currently indicative footpath alignment may require the loss of some trees. All trees identified on adjoining land are however categorised as Category B, C and U (unsuitable for retention). As such it is not considered that any are worthy of statutory protection and that landscaping within the scheme can be designed to include tree planting which would mitigate any potential losses should they be required. In addition, the Council's position as landowner is considered to offer a sufficient degree of control to secure any further replacement planting should that be required. The Council's Open Spaces Officer raises no objection to the scheme.

## Ecology

The site itself has been assessed as having low ecological value comprising species poor amenity grassland. Notwithstanding that the proposed development site adjoins the following European designated sites which are protected under the Habitats Regulations 2010 (as amended):

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar

The site is also close to the following designated sites and Core Strategy Policy CS20 applies:

- Mersey Estuary SSI;
- The Mersey Estuary LWS; and
- Upper Mersey Estuary intertidal area LWS

The Council's retained adviser on ecology matters identified the following potential impacts on the designated sites:

- Noise disturbance to qualifying bird species within the Mersey Estuary SPA and Ramsar and LWS sites during the construction period;
- Release of existing on site contamination into the Mersey Estuary SPA and Ramsar and LWS sites;
- Release of construction related pollutants into the Mersey Estuary SPA and Ramsar and LWS sites; and
- Surface water drainage outfalls into the Mersey Estuary SPA and Ramsar and LWS sites.

The application as originally submitted attracted objection from Natural England on the basis that there was not enough information to determine whether the likelihood of significant effects can be ruled out and therefore further information would be required. This view was supported by the Council's retained adviser on ecology matters.

As a result the applicant has supplied further information relating in particular to revisions to the submitted Construction Environmental Management Plan and details of background noise levels and a proposed construction noise limit of 70dB. On the basis of the submitted Construction Noise Impact Assessment the Council's retained adviser has reviewed the possibility of likely significant effects including with regard to the Habitats Regulations. They have concluded that, subject to suitably worded planning conditions relating to implementation of the CEMP, limiting site boundary noise levels to 70dB including monitoring provision and phasing to limit any construction activity to outside of peak wintering bird season (September to March), there will be no likely significant effects on European Sites or qualifying species.

Natural England have confirmed that they agree with these conclusions. Appropriate conditions are accordingly included within the recommendation to this report.

### Flood Risk and Drainage

The Environment Agency identifies that the application site lies entirely within an area at the lowest risk of flooding (Flood Risk Zone 1). In accordance with national and local policy the proposed development is considered to be located within an area of low flood risk. The issue of how the site will be appropriately drained including detail to ensure that the drainage of the site does not impact to exacerbate potential flood risk has been a matter for discussion.

United Utilities has confirmed that they raise no objections however have suggested the following conditions:

#### Condition 1 - Foul Water

Foul and surface water shall be drained on separate systems.

#### Condition 2 - Surface Water

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Based on the available information it is understood that United Utilities are willing to accept a connection to existing drainage with respect to foul drainage but not from surface water drainage. Due to existing underlying ground contamination issues it is unlikely that any form of filtration or SuDS scheme are likely to be appropriate. The applicant has been in discussions with the adjoining Tesco NDC regarding potential connection to their existing surface water drainage system which discharges to the Mersey. No formal approval for such a connection has however been demonstrated and a planning condition requiring third party consent would fail the 6 tests relating to the use of planning conditions as set out at Paragraph 206 of the National Planning Policy Framework (NPPF). Notwithstanding this, it is considered that in the event that third party approval is not granted, an engineering solution to provide acceptable surface water drainage can reasonably be expected to be achieved. To this end and to avoid unnecessary delay in the planning process the applicant has suggested that

the submission and agreement of details of foul and surface water drainage be secured by appropriately worded planning conditions. The Lead Local Flood Authority (LLFA) has confirmed that it raises no objection to this proposed solution.

### Contaminated Land

The application is supported by a detailed phase 1 assessment that draws heavily on previous site investigation work undertaken for the other Stobart led redevelopments in the former West Bank Dock Estate area, and is a revision of an earlier document produced for the previous withdrawn application. The reports have been reviewed by the Council's Contaminated Land Officer who has confirmed that they provide a comprehensive review of the site history, development and contamination potential.

Additional work is recommended to determine the ground gas regime. It is also advised that there is the need to understand the current near surface ground conditions and the up to date groundwater regime. Whilst opinion in relation to impacts on controlled waters is deferred to the Environment Agency, a number of queries have been raised which it is advised should be addressed via additional site work and appropriate assessment prior to the commencement of any development.

The Council's Contaminated Land Officer has confirmed that, whilst the outstanding information is not insignificant, the assessment provides sufficient information to determine the application subject to appropriate planning conditions.

The Environment Agency has reviewed the submitted documents and confirm that potentially contaminative historical activities associated with the site include the deposition of waste materials predominately comprised of galligu and ash waste and the infilling of the former West Bank Dock Basin previously located within the southern part of the site. Potentially contaminative historical activities off-site include the former deposition of galligu waste within the wider area and numerous former chemical works and landfills.

They advise that controlled water receptors potentially at risk include the underlying sandstone aquifer designated a Principal Aquifer and the tidal Mersey Estuary located adjacent to the southern boundary of the site which is designated a Site of Special Scientific Interest (SSSI), a Natura 2000 Special Protection Area (SPA) designated under the Birds Directive and a Ramsar wetland site.

Having reviewed the report they do not consider that the report accurately discusses the hydrogeological conditions of the site based on current information, fully considers that the groundwater contamination identified may be associated with the site or fully considers the potential risks posed to controlled water receptors. On that basis they recommend a number of planning conditions are included within any planning permission granted for the site given that further works are required to ensure any unacceptable risks from contamination in respect of controlled waters are adequately addressed and mitigated during the re-development of the site.

## Archaeology

The application is supported by an archaeological desk-based assessment which was prepared by the archaeological unit at National Museums, Liverpool. The report notes that the development will affect a part of the infilled 19th-century dock complex but concludes that the dumping of chemical waste on the site and subsequent infilling and reclamation of the area in the 1970s means that there is little chance of significant material being disturbed or revealed by the particular development. The Council's retained adviser on archaeology advise that this represents an appropriate conclusion and that no further archaeological mitigation will be required.

## Waste

The proposal involves construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan (WLP) applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

The applicant has not provided information with respect to provision of on-site waste storage and management to demonstrate compliance with policy WM9 of the Joint Merseyside and Halton Waste Local Plan. It is considered that this can be secured by a suitably worded condition.

## Conclusions

The application seeks permission to construct a two storey office building (Use Class B1 with gross internal area of approximately 2,160m<sup>2</sup>) with associated development. The offices are designed to provide headquarter offices for the Stobart Group Biomass Division. It is indicated that there are to be 80 permanent employees at the site, 20 hot desks for other employees and facilities for those visiting for training and induction.

Core Strategy Policy CS2 and NPPF paragraphs 14-16 set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay.

The site is designated predominantly as Greenspace Playing Fields in the Halton Unitary Development Plan and the application has therefore been advertised as a departure from the development plan. A significant proportion of those playing fields have previously been redeveloped to facilitate the development of the Tesco National Distribution Centre and appropriate alternative provided at the Ted Gleave playing fields. The application site forms only a small part of the original playing fields and has not therefore been in use for a number of years. The use of the site for

B1 office development securing valuable employment opportunities is therefore considered to be an appropriate use for the site.

It is considered that the redevelopment of such an underused and poor quality site potentially for a high quality end user and offering potentially significant employment opportunities should be welcomed. The proposals are considered to be of a quality suited to the site in keeping with the area and adjoining developments. It is considered that highway and ecology issues raised as a result of the original submission have been adequately addressed and that any outstanding issues in this regard and those relating to drainage, contamination and risk to controlled waters and any other matters can be resolved by appropriately worded planning conditions.

### RECOMMENDATION

That the application is approved subject to:-

Conditions relating to the following:

1. Standard 3 year timescale for commencement of development
2. Specifying approved and amended plans
3. Requiring implementation of the Construction Environmental Management Plan
4. Condition restricting boundary noise levels exceeding 70dB as a result of the development (GE21)
5. Condition requiring submission and agreement of a scheme for boundary noise monitoring and requiring noise reduction measures if 70dB is exceeded (GE21)
6. Submission and agreement of phasing plan to demonstrate that noisiest construction phases will be undertaken outside period 1 September to 31 March (GE21)
7. Materials condition, requiring the submission and approval of the materials to be used (BE2)
8. Landscaping condition, requiring submission and approval both hard and soft landscaping, including tree planting. (BE1/2)
9. Submission and agreement of boundary treatment including retaining walls. (BE2)
10. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
11. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
12. Requiring any gates are hung to open into/ within the application site
13. Requiring submission and agreement of cycle parking details (TP6)
14. Requiring submission and agreement of electric vehicle parking and charging point(s) (NPPF)

15. Grampian style condition relating to off-site foot/cycle path link to Trans Peninne Trail (TP6/7)
16. Conditions relating to further detailed site investigation/ mitigation/ verification (PR14/15)
17. Restricting piling or other penetrative foundation methods without prior consent subject to demonstration that there is no unacceptable risk to groundwater (PR15)
18. Condition relating to unidentified contamination (PR14)
19. Submission and agreement of details of on-site biodiversity action plan for measures to be incorporated in the scheme to encourage wildlife including dwellings to be fitted with bird/ bat boxes (GE21)
20. Conditions relating to tree protection during construction (BE1)
21. Conditions relating to/ requiring submission and agreement of detailed foul surface water/ highway drainage scheme (BE1/ PR5)
22. Requiring submission and agreement of a green travel plan. (TP16)
23. Requiring submission and agreement of site and finished floor levels. (BE1)
24. Submission and agreement of Site Waste Management Plan (WM8)
25. Submission and agreement of a sustainable waste management plan (WM9)
26. Submission and agreement of detailed lighting scheme including measures to minimise light spill onto surrounding habitats and sky glow (PR4/GE21)

## SUSTAINABILITY STATEMENT

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

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.