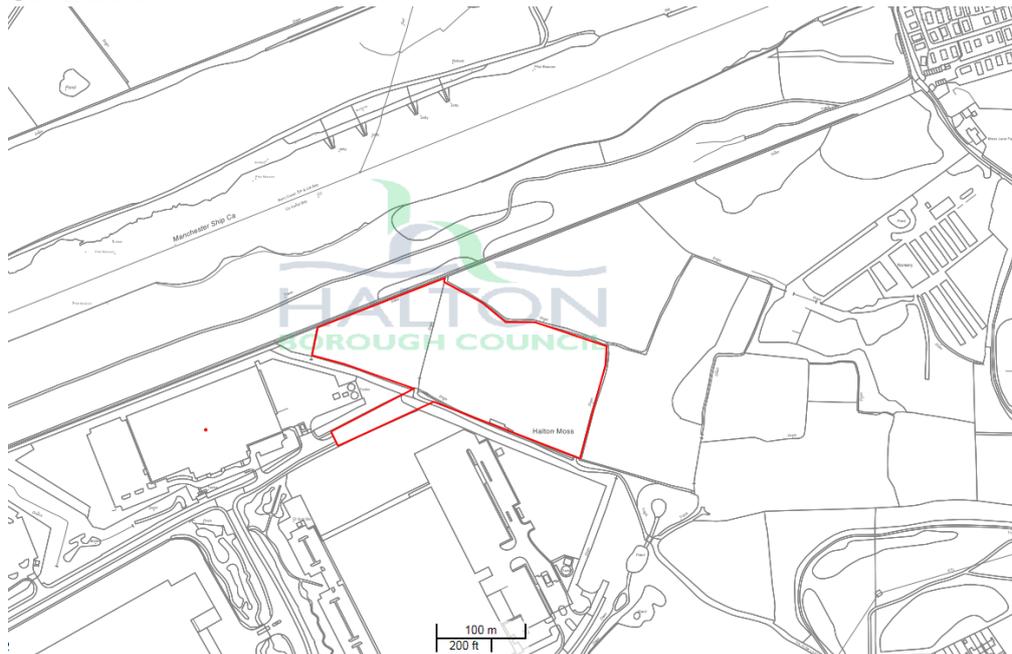


APPLICATION NO:	17/00441/FUL
LOCATION:	Fresenius Kabi, Cestrian Court, Eastgate Way, Runcorn
PROPOSAL:	Proposed development of unit for general industrial (B2 Use Class) Warehousing (B8 Use Class) with ancillary offices (B1a Use Class), extension to access road, parking provision and ancillary development
WARD:	Daresbury
PARISH:	Moore
AGENT(S) / APPLICANT(S):	Commercial Development Projects Ltd and Paul Charles Mountfield
DEVELOPMENT PLAN ALLOCATION: National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Open Countryside
DEPARTURE	Yes
REPRESENTATIONS:	8 plus letter from Moore Parish Council
KEY ISSUES:	Principle of development; Loss of Open Countryside/ agricultural land, Ecology, Lighting and Noise, Design, Flooding and Drainage, Highways, Trees, Pipeline Risk, Employment Retention and Creation, Archaeology, Contamination, Future Access
RECOMMENDATION:	Approve Subject to Conditions

SITE MAP



THE APPLICATION SITE

The Site

Site of approximately 3.96 hectares (9.78 acres) of agricultural land. The site is located to the east of the existing Fresenius Kabi and Calea facility and the B&M Distribution Centre on Manor Park. The site will be accessed from Eastgate Road over a strip of land currently owned by the Homes and Communities (HCA) and accordingly the relevant notice has been served on the HCA as landowner.

Planning History

None directly relevant. Retrospective planning permission (Ref: 10/00415/COU) was previously approved for the change of use of part of the site from agricultural farmland to a model flying field and retention of 2 no. containers used for club house and storage. Part of the site is believed to be currently in use by Halton and District Model Flying Club.

THE APPLICATION

The proposal

The proposed development comprises an industrial unit with a gross internal area of 10,653 square metres including offices over three floors for B1, B2 and B8. A new/ extended access is also proposed from the end of Eastgate Way across the existing drainage ditch system.

Documentation

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

Planning Statement

Design and Access Statement

Ecological Appraisal and Species Survey Reports

Flood Risk Assessment & Surface Water Drainage Strategy

Geo-Environmental Desk Study & Ground Investigation

Noise Assessment

Transport Assessment

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 complement 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: -

- S23 Open Countryside
- BE1 General Requirements for Development
- BE2 Quality of Design
- BE5 Other Sites of Archaeological Importance
- GE19 Protection of Sites of importance for Nature Conservation
- GE21 Species Protection
- PR2 Noise Nuisance
- PR4 Light Pollution
- PR14 Contaminated Land
- PR6 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP16 Green Travel Plans
- TP17 Safe Travel for All
- 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
- 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 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 in Principle
- United Utilities – No Objection in Principle
- Sabic - No Objection in Principle
- Health and Safety Executive – Do Not Advise Against
- Natural England – No Objection in Principle
- Cheshire Fire – Advice Provided Re: Use of Sprinklers
- Moore Parish Council – No Objection in Principle
- Cheshire (CWAC) Archaeology – No Objection in Principle

MEAS - No Objection in Principle

Council Services:

HBC Open Spaces – No Objection in Principle

HBC Contaminated Land – No Objection in Principle

HBC Highways – No Objection in Principle

HBC Drainage – No Objection in Principle

REPRESENTATIONS

8 letters of representation have been received from residents of Moore. These raise the following issues:

- 24 hour operation/ Noise from existing and proposed use/ disagree with findings/ results of the noise survey
- That Fast growing trees should replace acoustic barriers being more effective, better for wildlife and a more aesthetic screen
- Traffic, pollution and impact on health
- Light pollution
- Should be located elsewhere
- Proximity to village/ impact on village
- Loss of fields and woodland
- That the field is often waterlogged
- That if allowed sufficient screening should be provided
- Concerns if the development will be accessed via six acre lane
- Objection to expansion of manor park
- Time available for consultation too short
- Noise from existing uses and impact on wildlife
- Flooding and flood risk/ building on flood plains should cease
- That the development should avoid changing the landscape in a way which affects wildlife

A letter has also been received from Moore Parish Council. This states as follows:

“I write with regard to the above application, further to a site visit two nights ago to Fresenius Kabi, by kind invitation of the management there.

Members of Moore Parish Council were most impressed by the work being undertaken on the site and were very pleased by the whole ethos of the organisation; in terms not only of its vital work, but also its commitment to the local area and desire to be a good neighbour.

To this end I have been asked to write to you regarding the above planning application:

My Councillors main concerns are that the site perimeter has an appropriate perimeter treatment to mitigate against noise and light pollution adversely affecting village residents and suitable deterrents are installed to prevent: for example off road bikes cutting through to Six Acre Lane at this point.

Could we politely request that HBC put an acoustic limiting condition onto the planning permission to help 'future proof' the area, when further expansion becomes necessary?"

ASSESSMENT

Background

Fresenius Kabi and Calea provide specialised home and health care services together with the production and distribution of specialist medicines and technologies for infusion, transfusion and clinical nutrition.

The application seeks permission to construct a new industrial unit with a gross internal area of 10,653 square metres including offices over three floors for B1, B2 and B8. A new/extended access is also proposed from the end of Eastgate Way across the existing drainage ditch system.

At the current time, Fresenius Kabi Ltd & Calea UK Limited undertake manufacturing and warehousing within the same existing facility at Manor Park. Once the application proposals have been constructed it is the occupier's intention to relocate all the warehousing operations to the new facility and undertake all of the manufacturing activities within the existing unit. Notwithstanding that, a mixed use permission is sought to allow flexibility for the future occupier as the business grows and their requirements for the facilities layout may change.

The combined businesses of Fresenius Kabi Limited and Calea UK Limited employ 496 staff based at the Runcorn Head Office of which they report that 220 reside in the Halton area (44%). The business also currently employs a total of eight apprentices within the business, five of which reside in the Halton area.

The application states that the proposals will help to retain and increase the number of jobs within the Halton boundary to around 750 staff over the next 10 years and that these jobs could be lost to the Borough if the company are required to relocate.

Principle of Development

The site is designated as Open Countryside in the Halton Unitary Development Plan (UDP) for which saved UDP policy S23 applies. This states that:

"new development will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other purposes"

As such the proposals do not accord with the development plan and have been advertised as a departure.

Legislation places a statutory duty on decision-makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The application is supported by a planning statement which includes an assessment of relevant existing and emerging development plan policies and other material considerations under the titles below.

The lack of availability of suitable alternative sites- The statement considers the suitability of available sites within the Borough and identifies only one other suitable site available within

the Borough This is however situated at land north of Ditton Junction, Widnes. The applicant has stated that the company wants to remain in Runcorn as a large proportion of their workforce is already based in Runcorn. Also that it would be impractical to split the business operations over two sides of the River and that this site is not therefore considered to be suitable.

The emerging potential development plan designation for the application site - Halton Borough Council are currently in the process of preparing a Delivery and Allocations Local Plan (DALP) which will replace the saved policies and the Proposals Map from the UDP.

That process will require a review of all current land use allocations. However, in order that sufficient land can be identified for new residential and employment development over the plan period, a review has been considered necessary for the identification and release of additional land for development currently within the adopted Green Belt. As part of that review Open Countryside designations are also to be considered for potential development.

The Draft DALP currently identifies the site as a potential future employment site. The emerging DALP is a material consideration with the weight to be given to it by the decision maker increasing at successive rounds of preparation. The DALP is currently at a very early stage with no public consultation concluded. As such it is considered that no weight can be given to this draft allocation at this stage.

The economic benefits of the proposed development- Fresenius Kabi and Calea currently employ 496 based at the Runcorn Head Office with 220 (44%) of those staff resident in the Halton Borough Council area. With the proposed development the company states that it expects the number of staff at Manor Park will increase by 488 both based at the head office and in a field based capacity. They have stated that, if the business was unable to expand at Manor Park they would most likely have to relocate to a site outside of the Borough to a site where there is further future expansion capacity available.

In addition it is also estimated that during the construction period around 100 jobs would be created by the development.

The locational needs of the occupier - The existing business has been established at Manor Park since 2006/7 and has submitted that there are a significant proportion of employees (44%) residing in the local area. In addition to having land within which to expand in the future, the benefit of having the proposed development at this location is that it will help to promote sustainability and reduce the need to travel, by safeguarding existing employment and promoting additional employment opportunities that are convenient for the existing workforce and will not require residents in the locality to travel.

Within the National Planning Policy Framework (NPPF) there is an underlying 'commitment to securing economic growth in order to create jobs and prosperity' (paragraph 18). As such, it states that significant weight is to be placed on the need to support economic growth through the planning system (paragraph 19). In addition, paragraph 20 and 21 set out that 'investment in business should not be over-burdened by the combined requirements of planning policy expectations' and that local planning authorities should be proactive in meeting the needs of business.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

The proposed development will make a significant contribution to the planned expansion of an existing business which will reportedly result in the retention of a significant number of jobs and the creation of a significant further number of additional jobs potentially available to residents of the Borough. A good number of these jobs are relatively well skilled including provision of apprenticeships. In this regard it is considered that the proposals would make a significant potential contribution to the economic and employment aspirations as set out by national policy and within the Strategic Objectives within the Council's adopted Core Strategy.

Members should however be aware that, in spite of the above submitted justification, no guarantee can be given that the suggested end users will occupy the building. That the adjoining business has been involved at pre-application discussion with officers and with the separate presentation to residents and the Parish Council (as evidenced by the representations received) may be seen to offer some degree of comfort. That highlighted risk nevertheless does exist and needs to be weighed in the planning balance.

The site subject of the application directly adjoins the existing Manor Park employment area and would function as a direct extension to it. Whilst the site is designated as Open Countryside and in agricultural use, albeit to a limited extent, the development would sit neatly within a pocket of land between the existing developed area, raised embankment to the Manchester Ship Canal and the heavily wooded LWS to the rear. As such it would not appear as an isolated development and its impact on the wider open countryside would be somewhat limited. Against that back drop it is considered that the significant economic and employment benefits for the Borough can be argued to outweigh any harm resulting from the loss of agricultural land, its Open Countryside designation and the potential that the development may be completed without being occupied by the adjoining business. It is therefore considered that an exception to policy can be justified in this case.

Design and Character

The proposal is for a modern industrial building for B1, B2 and B8 uses with gross internal area of 10,653 square metres including offices over three floors. The height to underside of haunch will be approximately 12.5 metres, to the top of the eaves it will be approximately 14.5 metres and to the ridge it will be approximately 16.5 metres.

The building will be of steel framed construction and the external materials will comprise a mix of vertical and horizontal cladding not dissimilar to a number of other units in existence in the area and across the Borough. Detailed materials are to be agreed by condition.

The Site Layout Plan shows two separate entrances into a service yard and a car parking area. The service yard is located to the west of the unit with 24 hour gatehouse with access to the building via docking doors and surface level access. Car parking is located to the south of the unit and provides parking for 145 staff, 20 visitors including nine disabled spaces and 12 overspill spaces. There will be a number of spaces allocated for electric vehicles. The unit will operate 24 hours a day, 7 days a week.

The building and wider development is considered to be of a quality appropriate to the site and wider area.

Lighting and Noise

Issues relating to noise from existing commercial developments in the Manor Park area and impact on the residents of Moore have been raised by a number of objectors to the scheme together with the impact of potential additional noise arising from the proposed development. The issue of noise together with potential impacts arising from light pollution have also been raised as areas of concern by Moore Parish Council.

The application is supported by a Noise Impact Assessment. This has assessed the potential noise sources associated with the proposed development including noise associated with external plant, internal/warehousing activity and external operations including service yard delivery/ loading activity. On this basis the report recommends the installation of a 3m acoustic barrier to be installed along the northern boundary of the site with a return along the rear boundary to return to the building. With the barrier in place it is predicted that 24 hour activities at the proposed development would represent a No Observed Adverse Effect Level (NOAEL) in that such noise is noticeable and not intrusive i.e. noise can be heard, but does not cause any change in behaviour or attitude and such noise can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. The noise impact is therefore concluded to be negligible. The report also states that predicted noise levels at the Noise Sensitive Receptors (NSRs) associated with service yard activity is significantly below the stated criterion which indicates that there would be no sleep disturbance, even with partially open windows.

The report includes an example noise barrier consisting of a 0.6m bund with 2.4m timber fence. To avoid conflict with other site constraints the applicant has agreed orally that this be amended to a 3m timber fence. The Council's Environmental Health Officer has agreed this in principle but the report has not been updated accordingly. It is considered that this amended detail can be secured by appropriately worded planning condition. The Council's Environmental Health Officer has confirmed general agreement with the findings and recommendations of the report. They have requested the detailed calculations underpinning the findings and these are awaited. Members will be updated accordingly.

The application includes no detail with respect to external lighting. Whilst lighting levels must be designed to meet health and safety standards on site it is considered that, using modern lighting technologies and careful design issues with light spill etc and associated nuisance can be appropriately designed out and mitigated. Detailed lighting design and mitigation measures have also been raised in relation to ecology impacts. It is considered that this detail can be properly secured by appropriately worded planning condition.

Highway Considerations

The application includes provision to access the site via an extension to the existing Eastgate Way which serves the existing Fresenius Kabi/ Calea facility. A new culvert will be required to allow the access to cross the existing drainage ditch. No detail of that culvert has been provided with the application. It is considered that this can be secured by planning condition. Contrary to the belief of a small number of objectors no vehicle access is proposed from Six Acre Lane and the Village of Moore.

The application is supported by an accompanying Transport Assessment (TA). The TA provides an assessment of the accessibility of the site and concludes that the site is highly accessible as it is located close to a major transport corridor with good connections to the wider network. The TA confirms that the traffic generation of the development will result in only a slight increase in vehicle numbers during the peak hours.

The application as originally submitted raised a number of issues including with regard to highway alignment, visibility, culvert lengths, cycle and footway provision and proximity of highway features to drainage ditches. The application has been amended in line with officer advice. Halton Borough Council Highways Engineers have confirmed that no objections are raised in principle to the scheme and that it is not considered that the revised highway layout will result in any perceived road safety issues. It has been confirmed that the site has suitable parking for its scale and usage and provides acceptable accessible parking and cycle provision and Electric Vehicle charge points. Adequate space is provided for vehicular movements within the car park and service area.

On that basis the Council's Highways Engineer has confirmed that no objections are raised to the scheme subject to conditions included within the recommendation section of this report. It is therefore considered that no significant transport or highway safety issues are raised capable of sustaining a refusal of planning permission based on NPPF, UDP and Core Strategy Policy.

Moore Parish Council have raised the issue of ensuring measures are put in place to restrict access for off road motorbikes etc using the proposed new access through the fields to Six Acre Lane at Moore. A condition is recommended requiring submission of a scheme to address this issue.

Trees

The Council's Open Spaces Officer has confirmed that there are no tree related constraints associated with this site. As originally submitted however, the proposed building did encroach into the adjacent Manor Park 3 Woodland designated Local Wildlife Site and water vole protection zone. In line with officer advice, amended plans have been submitted to show the building and associated development shifted to clear the affected areas and these issues are no longer considered an impediment to development. Wider ecology and water vole issues are addressed elsewhere in this report.

Ecology

The Council's Open Spaces Officer has confirmed that the proposed development plot sits entirely within the Liverpool City Region Ecological Network Nature Improvement Area. The designated Manor Park 3 Woodland Local Wildlife Site (LWS) sits immediately adjacent to the plot to the north, Moore Meadows LWS is situated approximately 220mtrs to the east and the Blackheath Lane water vole mitigation area (no designation) sits to the south of the plot.

The application as submitted was supported by a Preliminary Ecological Appraisal and detailed reports with respect to Great Crested Newt, Water Vole, Bats, and Breeding Birds. Further follow-up survey reports have also been received with respect to Water Vole and Bats. These survey results confirm that an absence of Great Crested Newt and water vole

from the site. The submitted bat survey information also confirms that bat activity at the site is low. The breeding bird survey report identifies that the land within the red line boundary is considered to be of low ornithological value but that the habitats bordering the site on all four sides are relatively important for breeding birds and also for maintaining bird biodiversity locally. No other evidence of protected species has been identified which would represent an impediment to development.

The Council's Open Spaces Officer and retained adviser on ecology have confirmed that the submitted surveys are acceptable. As the reports state that no evidence of bats or great crested newt use or presence was found it is advised that the Council does not need to consider the proposals against the three tests (Habitats Regulations) or consult Natural England. Whilst vegetation on site may provide nesting opportunities for breeding birds, these are protected by alternative legislation. Where it is necessary to undertake works during the bird breeding season it is advised that all trees, scrub and hedgerows be checked first by an appropriately experienced ecologist to ensure no breeding birds are present and identify appropriate mitigation as required. It is advised that this should be included within the Construction Environmental Management Plan required by condition of any planning permission.

The submitted reports identify the need for the development to make a positive contribution to biodiversity beyond mitigating or compensating any potential impacts. It therefore identifies a number of opportunities for the proposals to deliver such a contribution. Most simply a mix of native planting along site boundaries to strengthen connectivity and provision of bat and bird boxes through the scheme are recommended. In addition, given the historical presence of water vole in the area and the precedent set by previous industrial development in the area, the report suggests the incorporation of new drainage ditches, swales and water features within the masterplan aimed at attracting and supporting water vole.

Whilst the final drainage strategy may ultimately incorporate such features, the Council's Open Spaces Officer has suggested an alternative to the suggested additional water vole habitat creation. It is suggested that, rather than creating further habitat (which does not appear on any of the submitted drawings, for which scope within the site appears limited and which may over time degenerate as the current ditch network appears to have done) it may be more appropriate to bring the current network of ditches that surround the development plot into prime condition for water voles and secure a commitment from the developer to manage them accordingly in perpetuity. The developer has agreed this suggestion and it is considered that this can be secured by appropriately worded planning condition.

The Council's Open Spaces Officer also advises that the recommendations of the submitted survey regarding lighting are appropriate requiring a sympathetic lighting plan which demonstrates that light spill is minimised along boundaries where bat activity is focussed. It is considered submission and agreement of a detailed external lighting plan can be secured by appropriately worded planning condition. Details of the culvert to allow access to cross the existing drainage ditch will also be required by planning condition to ensure that provision is made within the culvert for water vole.

Flood Risk and Drainage

The application site is identified as lying within Flood Risk Zone 3. In accordance with NPPF less vulnerable uses such as commercial uses are considered appropriate in such areas. The application is accompanied by a Drainage and Flood Risk Statement (FRA).

Based on the application as originally submitted the Environment Agency had raised objections. In light of their comments, the Statement has been updated and includes a number of mitigation measures including compensatory flood storage within yard/ parking areas, identification of safe routes into/ out of the site and setting appropriate finished floor levels. On this basis, the Environment Agency has now confirmed that it raises no objection subject to conditions securing the required mitigation measures. The HBC Drainage Engineer acting for the Lead Local Flood Authority (LLFA) has also now confirmed that he raises no objection subject to the same conditions but also subject to conditions requiring submission and agreement of detailed culvert design. Issues raised in relation to a requirement for the developer to secure Ordinary Watercourse Consent are acknowledged within the submitted FRA and can be reaffirmed by informative attached to any planning permission.

Due in part to existing underlying ground conditions it is indicated that drainage by any form of filtration scheme are unlikely to be appropriate. The application therefore states that it is intended that the site will be drained by SuDs to the surrounding watercourses or to existing foul and surface water systems. Appropriate attenuation to restrict discharge to an acceptable rate will also be required. A drainage scheme based on those principles can be secured by planning condition. United Utilities and the LLFA have confirmed that they raise no objection

Agricultural Land

UDP Policy BE1 provides that development must not use the best and most versatile agricultural land grades 1, 2 and 3a. Where agricultural land is used, it provides that the impact on the viability and productivity should be minimised. The Council does not hold information with respect to agricultural land classified other than grades 1 and 2. No evidence is available to consider whether the land would be considered as category 3a but the site is not identified as falling within either class 1 or 2. As such it is clear that the land would not fall within the highest categories of best and most versatile agricultural land. In that context, the loss of agricultural land having potential of grade 3a must be considered in the wider planning balance. The site is located on the edge of an existing industrial/ commercial area. Its current agricultural use appears limited being taken in part by the use of the model flying club and its development could not be considered to potentially fragment or be integral to any wider agricultural unit. On balance therefore, it is considered that lesser weight should be given to the loss of this limited parcel of agricultural land when compared with the wider economic and employment benefits.

Archaeology

Cheshire Archaeology Planning Advisory Service (APAS) has identified that a previous desk-based assessment considered the data contained in the Cheshire Historic Environment Record (HER) and also examined historic mapping, aerial photographs, and readily-available secondary sources. They indicate that the assessment highlighted the application

areas position on Halton Moss, which lies close to the River Mersey, which formed a major route way across the country from at least the Roman period onwards and thus likely to have led to a foci of settlement in the area. Although no archaeological remains were identified within the application area, the assessment did find clear evidence of archaeological activity within and around Halton Moss, most notably the remains of a possible Prehistoric / Romano-British farmstead at Moss Side Farm to the north of the application area. In conclusion the assessment referred to the findings of the English Heritage-funded North West Wetland Survey (Leah et al 1997. 151-2), which highlights that there is a general trend in Prehistoric and Romano-British sites to be located along major river valleys in north Cheshire. Thus the apparent dearth of remains identified within the application area may simply reflect the absence of systematic archaeological research.

Whilst no archaeological grounds have been identified for refusal of planning consent, the site has been identified as holding the potential to yield below ground archaeological remains which would be destroyed by the groundworks involved in the development. Therefore the Cheshire Archaeology Planning Advisory Service (APAS) has advised that a limited programme of archaeological mitigation be made as a condition of any planning permission that might be granted.

Access to Potential Future Development

The site occupies land on the edge of the existing Manor Park employment area and will be accessed by extension to the existing road at Eastgate Way. The potential for further extension to the Manor Park employment area is currently being considered by the Council through the production of its Delivery and Allocations Local Plan (DALP). Whilst alternative means of access may exist to that wider land via Blackheath Lane, the site has the potential to form another/ alternative access point. Whilst that potential future allocation is at a very early stage and by no means certain, efforts have been made by negotiation with the developer to secure potential future access through the site in order that the development would not prejudice or impede any future wider aspirations. The application has been amended to include an indicative route. It is however considered necessary that such access, if required, is secured by appropriate legal agreement.

Planning and Risk

The site includes land which crosses the consultation zones for a Major Accident Hazard Pipeline. Consultation through the Health and Safety Executive's consultation software has returned a response that the HSE does not advise, on safety grounds, against the granting of planning permission. Consultation with the pipeline operator has not returned any objection. It is considered that advice regarding separate consultation with the operator and the location of another Hydrogen Pipeline in the vicinity can be dealt with by way of informative attached to any planning permission.

Contaminated Land

The application is supported by a Geoenvironmental Report. The Council's Contaminated Land Officer has confirmed that the report presents a suitable review of the available information for the site and formulates an initial conceptual site model based on that review. The site is assessed as low risk as a consequence of its former agricultural use with low risk of potential contamination and limited exposure pathways. The proposed end use is also not

considered a sensitive end use. As such the Council's Contaminated Land Officer has confirmed that he raises no objection to the application and that no further submission is required in this regard. A condition can be attached which enables further assessment and submission should unexpected contamination be identified.

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 new industrial unit with a gross internal area of 10,653 square metres including offices over three floors for B1, B2 and B8. A new/extended access is also proposed from the end of Eastgate Way across the existing drainage ditch system. Contrary to the belief of a number of objectors no vehicle access is proposed from Six Acre Lane and the Village of Moore.

Given the justification as outlined above it is considered that the significant economic and employment benefits for the Borough can be argued to outweigh any harm resulting from the loss of agricultural land, Open Countryside and the potential that the development may be completed without being occupied by the adjoining business. It is therefore considered that an exception to policy can be justified in this case.

It is considered that the development will for a good quality building offering potential employment opportunities and should therefore 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 highways, noise, flooding, ecology and other issues raised as a result of the original submission have been adequately addressed and that any outstanding issues in can be resolved by way of oral update and appropriately worded planning conditions.

RECOMMENDATION

The application be approved subject to the following:

- a) a legal or other appropriate agreement relating to securing future highway/ transport corridor.
- b) Conditions relating to the following:
 1. Standard 3 year timescale for commencement of development
 2. Specifying approved and amended plans

3. Requiring submission and agreement of a Construction Environmental Management Plan
4. Materials condition(s), requiring the submission and approval of the materials to be used (BE2)
5. Landscaping condition, requiring submission and approval both hard and soft landscaping. (BE1/2)
6. Submission and agreement of boundary treatment including gates/ landscape maintenance access gates (BE2)
7. Requiring implementation and maintenance of acoustic barrier in accordance with details submitted to and agreed by the local planning authority (PR2)
8. Submission and agreement of detailed culvert and highway design for the culvert crossing and its approaches
9. Condition requiring development be carried out in accordance with the approved FRA and mitigation measures contained therein (PR16)
10. Submission and agreement of scheme of biodiversity features including bat and bird boxes.
11. Condition requiring development be carried out in accordance with the approved Ecological Appraisal, associated species survey reports and recommendations, mitigation and avoidance measures contained therein(GE21)
12. Submission and agreement of programme of archaeological work
13. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
14. Submission and agreement of detailed lighting scheme (PR4/GE1)
15. Submission and agreement of a detailed scheme of ditch network habitat improvement and long term management plan
16. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
17. Requiring submission and agreement of cycle parking details (TP6)
18. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF)
19. Condition relating to discovery of unidentified contamination (PR14)
20. Conditions relating to/ requiring submission and agreement of detailed foul surface water/ highway drainage scheme including attenuation (BE1/ PR5)
21. Requiring submission and agreement of a green travel plan. (TP16)
22. Requiring submission and agreement of site and finished floor levels with finished floor levels to be a minimum of 300mm above estimated flood levels. (BE1)
23. Submission and agreement of Site Waste Management Plan (WM8)
24. Submission and agreement of a sustainable waste management plan (WM9)
25. Requiring submission and agreement of onsite waste storage (WM9)
26. Conditions restricting external storage and working (E5)
27. Submission and agreement of details of measures to prevent unlawful access through the site to the wider open countryside and Six Acre Lane

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

SUSTAINABILITY STATEMENT

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

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

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.