

APPLICATION NO:	19/00518/FUL
LOCATION:	Former Widnes Timber Centre, land off Foundry Lane, Widnes, WA8 8TZ.
PROPOSAL:	Proposed demolition of existing building and replacement by 8 no. self contained light industrial units (use class B1c) including new access and associated car parking, hardstanding and landscaping.
WARD:	Ditton
PARISH:	Halebank
AGENT (S):	JD Developments C/O Randle White Architects, 11 Bradshaw Lane, Warrington, Cheshire, WA4 2NJ.
DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Action Area 5 Halebank – Unitary Development Plan Proposals Map.
DEPARTURE	No.
REPRESENTATIONS:	Five representations have been received from the publicity given to the application.
KEY ISSUES:	Development in an Action Area, Amenity, Parking and Servicing.
RECOMMENDATION:	Grant planning permission subject to conditions.
SITE MAP	



THIS APPLICATION IS TO BE CONSIDERED BY THE DEVELOPMENT CONTROL COMMITTEE AS AGREED BY THE CHAIR FOLLOWING A CALL IN REQUEST BY WARD MEMBERS.

1. APPLICATION SITE

1.1 The Site

The site subject of the application is the former Widnes Timber Centre located on Foundry Lane in Widnes. The site is 0.26ha in area. Foundry Lane lies to the south west of the site. The site to the south east is used for open storage by a paving contractor. Located to both the north west and north east of the site is a relatively recent residential development by Barratt Homes. Located on the opposite side of Foundry Lane are a number of businesses which are industrial in nature.

The site itself is vacant and has a building of a steel frame and blockwork construction and is predominantly hardstanding with soft landscaping to the rear of the site.

The site is designated as Action Area 5 Halebank on the Halton Unitary Development Plan Proposals Map.

1.2 Planning History

The site has some planning history with the more recent applications being as follows:

10/00320/FUL – Proposed demolition of existing building and construction of 14no. new affordable dwellings with associated access road – Granted 27/09/2011.

12/00364/COU – Proposed change of use from timber supply centre to tanker haulage yard including the demolition of part of the existing lean to building – Refused 08/04/2013.

2. **THE APPLICATION**

2.1 The Proposal

The application now under consideration proposes the demolition of the existing building and replacement by 8 no. self contained light industrial units (use class B1c) including new access and associated car parking, hardstanding and landscaping.

During the processing of the application, the description of development has been amended to exclude Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution) so permission is now only sought for Use Class B1c (light industrial) only. The application description was amended due to concerns over the relationship of the proposed General Industrial and Storage and Distribution uses with the adjacent residential development.

2.2 Documentation

The application is accompanied by a Design and Access Statement, Geo-Environmental Desk Study, Noise Impact Assessment along with the planning drawings.

3. **POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Unitary Development Plan (UDP) (2005)

The site is designated as Action Area 5 Halebank on the Halton Unitary Development Plan Proposals Map.

The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- E5 New Industrial and Commercial Development;
- GE27 Protection of Trees and Woodland;
- PR2 Noise Nuisance;
- PR12 Development on Land Surrounding COMAH Sites;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- RG5 Action Area 5 Halebank;
- TP6 Cycle Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;
- TP12 Car Parking;
- TP17 Safe Travel For All.

3.2 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy;
- CS2 Presumption in Favour of Sustainable Development;
- CS4 Employment Land Supply and Locational Priorities;
- CS18 High Quality Design;
- CS19 Sustainable Development and Climate Change;
- CS23 Managing Pollution and Risk.

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout of New Development.

MATERIAL CONSIDERATIONS

Below are some material considerations relevant to the determination of this planning application.

3.4 Halton Borough Council – Halebank Regeneration Action Area Plan – Draft Supplementary Planning Document.

This document is only a draft and the intention was that it acts as a 'supplementary planning document' (SPD) to the existing policies of the Halton Unitary Development Plan (UDP). The purpose set out in the Draft Supplementary Planning Document was to establish what development or improvement opportunities there are within Halebank to help sustain the existing community and improve the economy of this local area.

3.5 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in February 2019 to set out the Government's planning policies for England and how these should be applied.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that *the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*

Paragraph 8 states that *achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 9 states that *these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states *so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:*

The Presumption in Favour of Sustainable Development

Paragraph 11 states that *for decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

Paragraph 38 states that *local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

Determining Applications

Paragraph 47 states that *planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.*

3.6 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4. CONSULTATIONS

4.1 Highways and Transportation Development Control

OBSERVATIONS ON THE ORIGINAL LAYOUT

The present application is for 8 no. light industrial units with an internal square area of 800sqm. This has a maximum parking requirement of 16 spaces with 16 car parking spaces proposed in the application.

The plan does not indicate the inclusion of disabled parking. There is a 10% requirement for this to be provided in as convenient a location for the entrance to the units as is practicable. This could be achieved by widening the necessary two spaces nearest the units. We would also wish to see the provision of minimum one EV charging space.

We would wish to see the provision of secure, visible and covered cycle parking, in a prominent position, made available as part of the application. Given the adequacy of parking available it seems reasonable that this could be included as part of the plan. We would require a minimum of four cycle parking spaces made available.

CONDITIONS

Ev charging space and cycle parking as part of the proposal.

OBSERVATIONS ON THE AMENDED LAYOUT

No objections

4.2 Contaminated Land Officer

The application is supported by the following document;

- *Phase I geo-environmental desk study, Widnes Timber Centre Widnes, ref A3228/19, Earth Environmental & Geotechnical Ltd, October 2019*

The above report details a desk top review along with a site visit, and presents a preliminary risk assessment and conceptual site model, in line with best practice and guidance.

The site was historically open land with some residential dwellings before development as part of a scrap yard with associated rail lines and subsequently a depot and the current configuration of the now closed Widnes Timber Centre. The immediate surrounding area was also subject to excavation (probable clay extraction) and the subsequent infilling of a large void with local industrial wastes. The site immediately to the north also had a fuel filling station attached to a supermarket (now residential development).

The preliminary conceptual site model identifies a number of possible pollutant linkages associated with former uses, with a wide range of potential contaminants, including hydrocarbons, metals and asbestos.

The report recommends that some intrusive investigation is necessary prior to any development, predominately for geo-technical design purposes but with some soil sampling and analysis.

Whilst the report states that the authors were not aware of any previous site investigations there are a number of documents in existence that are of direct relevance to this site. A significant thickness of fill has been identified under the site, along with highly variable levels of contamination of both soils and shallow ground water. Additionally as part of the investigation and remediation of the adjacent residential site a significant fuel spill was identified with evidence of cross boundary contamination and red phosphorous also encountered.

Given the evidence of potentially significant contamination, I recommend that the existing information be acquired and incorporated into the current assessment of the site prior to the revised conceptual site model being utilised to design an intrusive site investigation.

It would be preferable that this should occur before a decision regarding this application is made. However, if this not the case, on balance (a low sensitivity end use and additional site investigation information previously reviewed by the planning authority in relation to earlier planning permissions), it is reasonable to conclude that the proposed development is likely to be viable from a land contamination perspective, and that any permission can be conditioned to require a revised preliminary risk assessment, detailed site investigation and subsequent remedial strategy. A verification report will also be required by condition to be submitted upon completion of any such remedial works and prior to occupation.

4.3 Lead Local Flood Authority

After reviewing 19/00518/FUL planning application the LLFA has found the following:

- *The site is 0.25ha, it is a brownfield site with a vacant industrial unit. The current ground cover is a mixture of hardstand and gravel with mature vegetation and areas of soft landscaping to the rear of the plot (DAS_1900518FUL.pdf).*
- *The Design Access Statement (DAS_1900518FUL.pdf) states the site is relatively flat across its area, with a slight increase onto Foundry Lane.*
- *The proposed development is for 8.no 2 storey flexible use units (B1, B2 and B8), with associated car parking, hardstanding and landscaping. This would likely increase the hardstanding area currently on site.*
- *The information submitted with the proposed application does not include a formal Flood Risk Assessment. However the Environment Agency Flood Map for Planning and the Design Access Statement have been provided and indicate the proposed development site predominantly lies within Fluvial Flood Zone 1, with a small area to the North West of the site within Fluvial Flood Zone 2 (Environment Agency Flood Map for Planning).*
- *There are public combined and surface water sewers within a reasonable distance of the development. Permission from United Utilities will be required to connect the drainage from the development to the public sewer. It should be noted that United Utilities will expect to see that the drainage hierarchy, as described in Part H of the Building Regulations, has been considered before allowing any discharges to the public sewer.*

- *The Environment Agency Long Term Flood Risk Maps show the site to have a low Surface Water Flood Risk, however the site lies within Critical Drainage Area (Halton Borough Council SFRA).*
- *The planning application form states surface water will be dealt with using a sustainable drainage system. The Design Access Statement states 'the proposed site will be designed to allow for a sustainable drainage solution where the ground conditions permit'. The LLFA recommends developers should engage early with the local authority and the water company to agree a drainage strategy and maintenance plan, for any size development (i.e. major and minor), prior to making any planning or Section 104 of the Water Industry Act 1991 application for Adoption of their assets. This helps to ensure that SuDS are considered at the appropriate time, ahead or as part of the production of the preliminary development layouts, and that they are fully integrated into the final development layout.*
- *The document 'OTH_A3228 Widnes Timber Centre, Widnes FDS.pdf' states the bedrock at the site is a Wilmslow Sandstone Formation, and is classified as a Principal Aquifer. The groundwater vulnerability and soil leaching potential of the soils at the site is classified as major aquifer/high leaching potential. This may impact on the type of SuDS that could be used on site and would need to be considered within a Drainage Strategy for the site.*

Based on the lack of accompanying drainage information the LLFA would recommend the following general considerations relating to drainage and flood risk to be made by the developer:

- *As the site lies in a Critical Drainage Area and partially in Fluvial Flood Zone 2 a Flood Risk Assessment would be required for this development.*
- *Treatment of the current and future surface water risk on EA flood maps will need to be considered through a drainage strategy (threshold levels/compensatory storage etc) (see 4th link below – consideration should also be given to any river (fluvial) risk in discussion with the Environment Agency).*
- *Drainage strategy should follow SUDS hierarchy – i.e. in preferential order – Soakaway, Watercourse, Surface Water Sewer, Combined Sewer. Infiltration tests would be required to demonstrate whether soakaway is feasible. It should be noted that United Utilities also apply this strictly, and detailed consideration of the hierarchy will need to be demonstrated in supporting documentation.*
- *Appropriate discharge rates should be calculated for 1, 30 and 100yr flood events for use in drainage design. In line with NPPF this should be attenuated to greenfield rates for greenfield sites/site area, and as close as possible to greenfield rates for brownfield areas (Halton BC SFRA requires minimum 50% reduction from existing in Critical Drainage Areas, which this site lies in). Climate change should be considered appropriately.*
- *A conceptual drainage layout should be prepared indicating runoff areas and calculations provided including attenuation. Interceptors/filtration may also be deemed appropriate in accordance with SUDS hierarchy/guidance.*

- *Separate consent will be required from LLFA should a development affect the flow in a watercourse or land drain, and discussions held with the LLFA if development is proposed within 8m of a watercourse.*
- *Further information on consideration of flood risk can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change>; <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf; <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>*
- *In addition it should also be noted that the Council are currently working jointly with the Cheshire Authorities on a SUDS guidance document which will require a checklist to be completed to show that the developer has considered drainage and flood risk. This is likely to be adopted as SPD and will require a reasonable amount of information to be submitted and listed by the developer at each stage. The draft checklist is attached for information.*

Should the planning authority be minded to approve on this basis, the LLFA would recommend the following conditions:

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme for the disposal of surface water, in accordance with the SuDS hierarchy, have been submitted to and approved by the local planning authority. This should be detailed within a Drainage Strategy, which should form part of the Flood Risk Assessment required for this site. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- I. A management and maintenance plan for the lifetime of the development which shall include the arrangements for i) drainage to soakaway, including calculations and arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime or ii) if i) is not feasible then drainage to watercourse or iii) if i) or ii) is not feasible connection to any system adopted by, any public body or statutory undertaker.*
- II. Interceptors, attenuation structures and calculations to demonstrate a reduction in surface water runoff rate to greenfield runoff rates for the new hardstanding areas as a minimum, with additional improvements for existing runoff where practical (50% reduction required as a minimum in critical drainage areas). Calculation should demonstrate no flooding to buildings in the NPPF design event (1 in 100 year + 40% climate change allowance).*

No development shall be occupied until a verification report confirming that the SuDS system has been constructed in accordance with the approved design drawings (including off site alterations) and in accordance with best practice

has been submitted to and approved by the local planning authority. This shall include:

- i) Evidence that the SuDS have been signed off by an appropriate, qualified, indemnified engineer and are explained to prospective owners & maintainers plus information that SuDS are entered into the land deeds of the property.
- ii) An agreement that maintenance is in place over the lifetime of the development in accordance with submitted maintenance plan; and/or evidence that the SuDS will be adopted by third party.
- iii) Submission of 'As-built drawings and specification sheets for materials used in the construction, plus a copy of Final Completion Certificate.

4.4 Environmental Protection

Environmental Protection have considered the details of the application and have the following comments to make.

The proposal is for 8 no. self-contained industrial units with use classes B1c. Part B of The Town and Country Planning (Use Classes) Order 1987 classes B1 (Business) 'being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'.

A noise assessment has been provided and whilst it concludes that the noise emissions from the new plant would not have an adverse impact on the surrounding noise receivers, the report highlights a number of factors of concern.

Para 6.1 of the noise assessment states that the future occupant/specific use is unknown and so an assumption is made on the reverberant noise level within the proposed units in line with the lower exposure level of the Control of Noise At Work Regulations 2005 of 80dB(A). Similarly, Para 6.2 states that the construction of the envelope is unknown and assumptions are based on typical materials and construction.

Para 7.1 makes a number of recommendations on timings of deliveries, number of deliveries per hour, manoeuvring of HGV's and also the use of audible alarms within the operation of vehicles (assumed to be reversing sirens). The recommendations indicate that any deviation from any of these practices will increase the calculated noise levels. Figure 7 gives the location of where HGV's should not manoeuvre.

The amended layout screens the neighbouring properties to the North East of the site from noise, assuming there are no opening windows or ventilation extraction to the rear of the units. However, it is clear from the noise assessment that any deviation from the assumed operations will lead to disturbance to the neighbouring residents to the North West of the site. We have concerns about

how the recommendations made will be managed and who will take responsibility for the day-to-day operations on the site.

Recommendations

Based on the assumed internal noise levels and the typical construction of the building envelope, both referred to in the report, we would have no objection to the B1c use.

However, in order to protect the amenity of the residents, we would ask the following to be conditioned –

- 1. No openable windows or ventilation equipment to be installed to the rear of Units 2-7.*
- 2. Opening Hours to be as follows -*

Mondays to Fridays 0700hrs to 1900hrs

Saturdays 0700 to 1700hrs

Sundays 1000 to 1700hrs

4.5 Health and Safety Executive

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.6 Natural England

Natural England has no comments to make on this application.

4.7 United Utilities

United Utilities have made comments on drainage and water supply which can be attached as an informative on the decision notice.

4.8 Halebank Parish Council

Hale Bank Parish Council does not believe this application should be granted as this development would have a negative impact on residents whose properties surround the site causing them disturbance and nuisance by noise and pollution. There will also be additional traffic generated by this development in a residential area. It is the Parish Council's view that this development should take place in the industrial area further along Foundry Lane as this brownfield land would be more suited to housing which it is also "zoned" for. Concerningly there is no information available as to what will operate within these industrial units once built and seems to be speculative development? Given the previous fire at Golden Triangle where "unknown" businesses were operating Hale Bank Parish Council is again deeply concerned by the inappropriateness of this application with its close proximity to housing. Hale Bank Parish Council asks that it is refused.

5. REPRESENTATIONS

5.1 The application was originally advertised by a site notice posted on Foundry Lane on 23/10/2019 and fifty seven neighbour notification letters sent on 17/10/2019.

5.2 Following the receipt of amended plans and a noise assessment, a further fifty eight neighbour notification letters were sent on 07/01/2020.

5.3 As a result of the description of development being amended, sixty neighbour notification letters were sent on 21/01/2020.

5.4 Five representations from three households have been received from the publicity given to the application. A summary of the issues raised is below:

- The developer of the adjacent houses (Barratt Homes) informed purchasers that the area was a regeneration area and Foundry Lane would be subject to traffic control with HGVs diverted away;
- Foundry Lane is busy with HGVs and is the main route to many units;
- Added traffic could result in further pet deaths, damaged cars and road traffic accidents;
- Noise impact for adjacent residents;
- It's like living in the middle of an industrial estate for nearby residents;
- A reduction in property values;
- Uncertainty as to who would occupy the units;
- What are the proposed opening times?
- Smells, pollution and traffic noise are already significant.

5.5 Ditton Ward Councillors have made the following observations:

Cllr Eddie Dourley - I am contacting you regarding the above planning application, I am completely opposed to the building of industrial units on this site and would ask that the application is heard at committee.

Cllr Marie Wright – I object on the grounds that the area is designated in the DALP for future housing.

Cllr Joe Roberts - I would like to ask that this application be discussed at the Development Control Committee, as opposed to being approved through delegated powers.

6. ASSESSMENT

6.1 Principle of Development

The site forms part of the Action Area 5 Halebank designation on the Halton Unitary Development Plan Proposals Map.

Policy RG5 of the Halton Unitary Development Plan states that within the Halebank Action Area, the following uses will be acceptable: -

- Business uses (B1);
- Residential institutions (C2);
- Dwelling houses (C3);
- Community facilities (D1);
- Shops serving the local community (A1);
- Food and drink outlets serving the local community (A3);
- Recreation and leisure facilities serving the local community (D2);
- Open space and public spaces.

The proposed use of the site for light industrial purposes (Use Class B1c) falls within the wider Use Class B1 which is considered to be an acceptable use in this location.

For clarity, Use Class B1 is defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) as the following:

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The principle of the proposed development is therefore considered to be acceptable and in accordance with the current Development Plan and would provide employment opportunities.

Members will note that a representation has been received stating that the area is designated in the emerging Halton Delivery and Allocations Local Plan (DALP) for future housing.

It is noted that Full Council on 18th December 2019 approved that The Delivery and Allocations Local Plan Proposed Submission Document (August 2019) (DALP) can be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning Act (Local Development) (England) Regulations 2012.

At the time of writing this report, The DALP has yet to be submitted to the Secretary of State, however from the point of submission to Government, material weight is given to the DALP as a material consideration in decisions made under the planning Acts. As the DALP represents an appropriate development strategy for the Borough and has undergone public consultation, the DALP is capable of being a material consideration in planning decisions. Members are advised that little weight can be given to the DALP at this stage.

As the proposal is for a land use which is considered to be acceptable in the Action Area 5 Halebank designation on the Halton Unitary Development Plan Proposals Map, the principle of development is considered to be acceptable in this instance and accords with Part 1 of Policy RG5 of the Halton Unitary Development Plan and Policy CS4 of the Halton Core Strategy Local Plan.

6.2 Amenity

The representations received raise concerns over noise pollution and question the compatibility of the proposal with the adjacent dwellinghouses.

As set out in 6.1 above, the proposal is for one of the accepted uses within the Action Area 5 Halebank designation and is considered acceptable in land use planning terms. The definition taken from The Town and Country Planning (Use Classes) Order 1987 (as amended) is clear that that proposal for a Use Class B1c use is one which can be carried out in any residential area without detriment to the amenity of that area.

As noted at 2.1, the application originally proposed that the units could also be used for Use Class B2 and Use Class B8. These uses are not outlined as being acceptable in the Action Area 5 Halebank designation and if they were to have been retained within the description of development would have had to be considered on their merits.

Concerns were raised by Officers about the introduction of Use Class B2 and Use Class B8 on this site due to their compatibility with the adjacent residential development which the applicant attempted to demonstrate their suitability through the submission of a noise impact assessment. This did not address the concerns of Officers regarding Use Class B2 and Use Class B8 on this site and the applicant has chosen to remove these from the description of development.

In terms of the hours of operation, the applicant set out on the application form that the opening hours would be 0700-1900 Monday-Saturdays and 1000-1700 Sundays. The Environmental Health Officer raises no objection to the use of the units for light industrial purposes (Use Class B1c) nor to the proposed hours of operation (subject to a minor amendment to 0700-1700 on Saturdays) from a noise perspective. It is considered reasonable to attach a condition restricting the hours of operation to those set out by the Environmental Health Officer in the interests of protecting the amenity of the locality.

With regard to representations received regarding smells, a light industrial use is one which can be carried out in any residential area without detriment to the amenity of that area by reason of smell so it is not considered that the proposed use would be significantly detrimental in this regard.

In respect of amenity, the proposal is considered to accord with Policies BE1, E5 and PR2 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.3 Highway Implications

The Highway Officer has not raised any objection to the way in which the proposed development would be accessed nor has any highway capacity issues been raised. As the proposal involves the creation of a new site access point, a scheme detailing the off-site highway works and their subsequent implementation should be secured by condition.

The Highway Officer has commented that the proposal for 8 no. light industrial units with a proposed floorspace of 800sqm would have a maximum parking requirement of 16 spaces. The applicant has shown 16 car parking spaces on the submitted plan.

The original observations noted that the plan did not show any disabled parking, however the amended site layout now shows 2no. disabled spaces directly adjacent to the units at the entrance to the site. 1no. EV charging space has been shown on the amended site layout to address the observations of the Highway Officer. More detail would be required on the proposed EV charging system which should be secured by condition.

The provision of secure, visible and covered cycle parking, in a prominent position has been incorporated into the amended site layout in two locations to make appropriate provision for persons choosing to cycle to the site. More detail on the type of provision proposed is required and should be secured by condition.

An accessible location for bin storage has now been included as part of the amended site layout. This provision whilst being in an accessible location is suitably screened in the interests of visual amenity.

In relation to space for the servicing of the proposed units, the Highway Officer has not raised an objection to the proposed development and is therefore satisfied that there is sufficient space for vehicles servicing the proposed units to enter and exit the site in forward gear. The implementation of the parking and servicing proposed should be secured by condition.

In relation to pedestrian access to the proposed development, a separate pedestrian access gate is proposed on Foundry Lane. It is also noted that the site is within 400m of the nearest bus stop offering access to the site by sustainable modes.

In conclusion, the proposal is acceptable from a highway perspective in compliance with Policies BE1, RG5, TP6, TP7 and TP12 of the Halton Unitary Development Plan.

6.4 External Appearance and Site Layout

The elevations show that the building proposed would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. Amendments have been made to the front elevation of the proposed development during the processing to introduce a variety of materials to add interest to the streetscene. The submission of precise external facing materials and their subsequent implementation should be secured by condition.

Amendments have been made to the site layout during the processing of the application. This has resulted in the repositioning of the proposed units within the site. The majority of the units are now close to the rear of the site which helps to screen the parking and servicing of the units from the properties on Wellingford Avenue. It has also assisted by giving the development a greater visual presence from Foundry Lane with the front of units facing the road. The units on either side of the site entrance give the development symmetry as viewed from Foundry Lane and would result in appropriate appearance.

The proposed site layout is considered to be logical and allows for functionality whilst also being of an appropriate design.

The attachment of the suggested condition would ensure compliance with Policies BE 1, BE 2 and RG5 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.5 Site Levels

Based on the site's topography, it is considered that appropriate relationships can be achieved in terms of appearance and relationships to Foundry Lane and adjacent sites. It is considered that the submission of existing and proposed site levels for approval and their subsequent implementation can be secured by condition.

This would ensure compliance with Policy BE 1 of the Halton Unitary Development Plan.

6.6 Landscaping, Trees and Fencing

There are no Tree Preservation Orders in force at this site and the site does not fall within a designated Conservation Area.

There is an area of soft landscaping at the rear of the site adjacent to the residential properties on Wellingford Avenue. This provides the adjacent residential properties with some screening from this site and the proposed scheme has been designed for this to be retained at a reduced width.

Landscaped buffers are also proposed for the north western boundary of the site adjacent to the existing residential development and also along the Foundry Lane frontage. It is considered that this would soften and screen the proposed development and would enhance the appearance of the site. The detail with regard to soft landscaping should be secured by condition.

The site is currently enclosed by galvanised steel palisade fencing. This is not considered to be of a particularly high design standard. In order to enhance the appearance of the site, the applicant now proposes to use a green paladin type fence to complement the appearance of the proposed units and enhance the appearance of the site. Implementation of the boundary treatments scheme should be secured by condition.

In order to protect breeding birds during the removal of vegetation necessary to implement the proposed development, it is considered reasonable to attach a condition which ensures that these works are undertaken outside of breeding bird season or have been checked by an Ecologist if works need to be undertaken during that timeframe.

The attachment of the suggested conditions would ensure a satisfactory landscaping proposal in compliance with Policies BE1, BE22, GE21 and RG5 of the Halton Unitary Development Plan.

6.7 Ground Contamination

The application is accompanied by a Phase I Geo-Environmental Desk Study.

This has been reviewed by the Contaminated Land Officer. They have stated that it would be preferable if a Phase II Site Investigation occurs before a decision regarding this application is made. However, if this is not the case, on balance (a low sensitivity end use and additional site investigation information previously reviewed by the planning authority in relation to earlier planning permissions), it is reasonable to conclude that the proposed development is likely to be viable from a land contamination perspective, and that any permission can be conditioned to require a revised preliminary risk assessment, detailed site investigation and subsequent remedial strategy. A verification report will also be required by condition to be submitted upon completion of any such remedial works and prior to occupation.

The attachment of the condition suggested above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.8 Flood Risk and Drainage

There is a requirement for a detailed drainage strategy for the site to be submitted.

The drainage strategy for the development should/shall demonstrate use of the drainage hierarchy, as described in Part H of the Building Regulations/ NPPF.

The requirement for the submission of an appropriate drainage strategy and its subsequent implementation to satisfy both the Lead Local Flood Authority and United Utilities can be secured by condition.

This would ensure compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.9 Risk

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites / Pipelines.

Policy PR12 of the Halton Unitary Development Plan states that development on land within consultation zones around notified COMAH sites will be permitted provided that all of the following criteria can be satisfied:

- a) The likely accidental risk level from the COMAH site is not considered to be significant.
- b) Proposals are made by the developer that will mitigate the likely effects of a potential major accident so that they are not considered significant.

Whilst being within the consultation zone, the individual accidental risk level does not exceed 10 chances per million in a year. The proposal is therefore considered to accord with Policy PR12 of the Halton Unitary Development Plan.

It should also be noted that the HSE does not advise against the granting of planning permission on safety grounds in this case.

Accidental risk is therefore not considered to be a constraint to the proposed development.

6.10 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development.

NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development and the amended site layout shows the introduction of 1no. electric vehicle charging point within this scheme. The precise detail for this and its subsequent implementation should be secured by condition.

Based on the above, the proposal is considered compliant with Policy CS19 of the Halton Core Strategy Local Plan.

6.11 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, construction management by the applicant will deal with issues of this nature and based on the development cost, the developer would be required to produce a Site Waste Management Plan.

In terms of on-going waste management, there is sufficient space on site to deal with this.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.12 Issues raised in the representations not addressed above

At 3.4, reference is made the Halebank Regeneration Action Area Plan – Draft Supplementary Planning Document. This draft document did make reference to a potential road scheme and traffic management that would have resulted in a section of Foundry Lane being residential only. This has not come to fruition to date and this application needs to be considered on its compliance with the Development Plan. Foundry Lane is the established route to many commercial units in Halebank.

With regard to the proposal resulting in a reduction in property values, the planning system does not exist to protect the private rights of one individual against another and no weight can be afforded to this.

No details are provided on who would occupy the units, however it would need to be for a use falling within Use Class B1c of The Town and Country Planning (Use Classes) Order 1987 (as amended) as set out in 6.1.

7. CONCLUSIONS

In conclusion, the proposal would bring a vacant site back into use for light industrial purposes within the Action Area 5 Halebank designation for a land use which is policy compliant and provide employment opportunities. The proposed land use as amended is considered to be sympathetic to surrounding land uses and would not be unduly detrimental to persons who reside in the vicinity of this site.

Sufficient space for parking and servicing would be provided for the proposed units. The site is within walking distance of bus stop and provision is made on site for cycle parking which provides opportunities for the site to be accessed by sustainable means.

The site layout is considered to be functional and the units proposed are considered to be of an acceptable appearance.

The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton.

The application is recommended for approval subject to conditions.

8. RECOMMENDATION

Grant planning permission subject to conditions.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans.
3. Clarification on Use.
4. Hours of Operation – (Policy BE1)
5. Restriction on Openable Windows and Ventilation Equipment at rear of Units 2-7 – (Policy BE1 and PR2)
6. Existing and Proposed Site Levels (Policy BE1)
7. External Facing Materials (Policies BE1 and BE2)
8. Boundary Treatments Scheme (Policy BE1)
9. Soft Landscaping Scheme (Policy BE1)
10. Breeding Birds Protection – (Policy GE21)
11. Hours of Construction – (Policy BE1)
12. Cycle Parking Scheme – (Policy BE1 and TP6)
13. Electric Vehicle Charging Point Scheme – (Policy CS19)
14. Off Site Highway Improvements Scheme – (Policy BE1)
15. Provision & Retention of Parking and Servicing – (Policy BE1 and TP12)
16. Ground Contamination - (Policy PR14 and CS23)
17. Drainage Strategy – (Policy PR16 and CS23)

Informatives:

1. United Utilities Informative.

10. BACKGROUND PAPERS

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

11. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.