

<b>APPLICATION NO:</b>	19/00240/FUL
<b>LOCATION:</b>	Unit 1, Land Off Gorsey Lane, Widnes
<b>PROPOSAL:</b>	Proposed development of industrial unit with use classes B1, B2 and B8 with associated external lighting, electricity substation, service yard and car parking
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Commercial Development Projects Ltd
<b>DEVELOPMENT PLAN ALLOCATION:</b> National Planning Policy Framework (2012) Halton Unitary Development Plan (2005) Halton Core Strategy Local Plan (2013)	Primarily Employment Area and Environmental Priority Area
<b>DEPARTURE REPRESENTATIONS:</b>	No
<b>KEY ISSUES:</b>	Principle of development, regeneration and employment, drainage, Noise, contaminated land and highway issues
<b>RECOMMENDATION:</b>	Approve Subject to Conditions
<b>SITE MAP</b>	

## **THE APPLICATION SITE**

### The Site

Site of approximately 8.74 hectares (21.6 acres) being the northern part of a wider development site formerly occupied by the former Bayer Cropscience chemical works up until its demolition. The site is located within the industrial and commercial area of and accessed from Gorsey Lane.

### Planning History

Application ref. 17/00345/FUL was previously approved for the remediation of the wider site which was validated by condition discharge application ref.

18/00385/COND. Since it has been remediated a new road, improvements to existing carriageway to create a right turn lane and extension of existing cycleway provision has been constructed from Gorsey Lane under planning permission ref. 17/00274/FUL to enable access to future development. The remainder of the site is now vacant save for an existing group of sub stations which are proposed to be demolished and replaced through this proposed development.

## **THE APPLICATION**

### The proposal and Background

Permission is sought for the proposed development of an industrial unit with use classes B1, B2 and B8 with associated external lighting, electricity substation, service yard and car parking accessed from Gorsey Lane, Widnes.

### Documentation

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

- Site Layout Plan 3088-100 H
- Unit 1 Floor Plan 3088-1-01 E
- Unit 1 Elevations 3088-1-02F
- Unit 1 Office Floor Plan 3088-1-03 C
- Unit 1 Roof Plan 3088-1-04
- Substation Details 3088-101
- Substation Location Plan 3088-101-2
- Site Location Plan 3088-102
- Landscape proposals SF 2922 LL01
- Landscape Proposals SF 2922 LLL02
- BREEAM Pre-Assessment Report prepared by Red Six Partnership
- Design & Access Statement prepared by CDP
- Drainage and Flood Risk Statement prepared by JPG
- Noise Impact Assessment prepared by ENS
- Remediation Summary Statement prepared by JPG
- Transport Assessment prepared by Cora IHT
- Travel Plan Framework prepared by Cora IHT

## **POLICY CONTEXT**

### National Planning Policy Framework

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

Paragraph 47 states that planning law requires planning applications 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.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.”

Paragraphs 80-82 states the need for planning policies and decisions to be made to create conditions in which business can invest, expand and adapt. Significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It encourages an adaptive approach to support local and inward investment to meet the strategic economic and regenerative requirements of the area.

#### 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
- GE21 Species Protection
- PR2 Noise Nuisance
- PR4 Light Pollution and Nuisance
- 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
- E3 Primarily Employment Areas

## 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
- 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 along with Ward Councillors.

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

### External Consultees:

Environment Agency

## Council Services:

HBC Contaminated Land

HBC Highways

HBC Environmental Health

HBC Major Projects

Lead Local Flood Authority

## REPRESENTATIONS

None Received

## ASSESSMENT

### Proposals and Background

The proposal is a full planning application for a modern industrial unit for B1, B2 and B8 uses together with the associated external lighting, electricity substation, service yard and car parking. An unnamed occupier has been identified for the unit subject to planning.

The proposed building is substantial measuring approximately 256.1m by 139.28m and measuring approximately 17 metres to the eaves and approximately 18.5 metres to the ridge. The total floor area of the unit will be approximately 400,000 sq ft. It is proposed there will be a total of 206 parking spaces including disabled spaces and Electric Vehicle Charging Points (EVCPs). A dedicated area for cycle parking is also proposed.

### Principle of Development

The site is designated as a Primarily Employment Area in the Halton Unitary Development Plan (UDP). UDP Policy E3 provides that development falling within Use Classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) will be permitted in such areas. As such the proposals are considered to accord with this policy and the development can be considered appropriate in principle. The site also falls within an Environmental Priority Area in the Halton Unitary Development Plan. Matters of design and character are covered elsewhere within this report. The proposed is however considered to be of a quality of design that enhances the character of the area and offer a high quality of design in terms of landscaping, boundary treatments and facing materials in accordance with the provisions of Policy BE3.

## Design and Character

The proposal is for a modern industrial building for B1, B2 and B8 uses. The proposed building will be approximately 17 metres to the eaves and approximately 18.5 metres to the ridge. The gross internal area of the unit will be approximately 400,000 sq.ft total floor area with the submitted plans showing approximately 383,500 sq.ft of warehouse building with 16,500 sq.ft of office accommodation over two storeys.

In terms of the external appearance of the industrial buildings, this has, by necessity, been driven by function and operational requirements. Materials and colour will be consistent with those used for this type of development and other developments by the same developer within the borough. The elevations of the building will be broken up by vehicle docks, windows and fire exits.

The building will be constructed from a palette of modern horizontal and vertical cladding panels in a mix of silver and greys with contrasting black flashings, yellow feature detailing to the entrance and curtain wall glazing. The building and wider development is considered to be of a quality appropriate to the site and wider area.

The building is currently oriented so that the principle office elevation faces into the site and away from the principle road networks which currently provide any significant public vantage point or active frontage. As such the buildings rear, relatively blank elevation will face Gorsey Lane, the service yard and docking bays front the principle access road and the principle office elevation largely screened from Fiddlers Ferry Road by an existing belt of trees. It is understood that the proposed building could not be designed to fit the site with parking adjoining the principle frontage if the building was reoriented. Whilst amended landscape details are awaited, those submitted indicate a significant effort to soften the development through surrounding woodland planting. It is not considered that refusal of planning permission could be justified on this basis especially given the quality of the development, the character of the existing industrial area and potential regeneration and employment benefits of the scheme.

## Highway Considerations

The application is supported by a Transport Assessment (TA) prepared in accordance with the relevant policies set out in Halton UDP Policy TP14 and Core Strategy policy CS15 and guidance contained within the revised NPPF. The TA provides an assessment of the accessibility of the site and concludes that the site is highly accessible as it is located on a major transport corridor with good connections to the motorway network. The TA confirms that the traffic generation of the development is comparable during the peak hours to the previous use of the site for B2/B8 use when occupied by the former Bayer Cropscience chemical works.

Within the context set out above, it is concluded by the TA that the proposed development accords with relevant transport policy and is considered suitable taking into account all available current national and local guidance. With regards to a Travel

Plan (TP) required by UDP Policy TP16 however until the occupier is confirmed an interim a Framework TP has been prepared to identify a range of sustainable travel initiatives that could be employed in order to mitigate the possible impacts of the development. This will include cycle parking provision in accordance with UDP Policy TP12. The final Travel Plan can be secured by planning condition.

The site will be accessed from Gorsey Lane and the new spine road within the site constructed under a previous planning permission. The Council's Highways Engineer has confirmed that the assessment is suitable in demonstrating that the proposed development will not adversely affect the future potential development of the adjacent plots that would be served off the new access road. Appropriate provision is considered to be made for vehicular access and servicing within the site. Further detail is required in relation to detailed cycle parking and EV charging however it is considered that this can be adequately secured by condition.

Discussions are ongoing with the developer regarding relocation of the car park access to ensure any future aspirations for connectivity to Fiddlers Ferry Road are not prejudiced and how the pond sits adjacent to the potential highway extension. Whilst the applicant has agreed to a Grampian style condition relating to off-site crossing improvements to Fiddlers Ferry Road discussions are also ongoing with respect to securing better footway and cycleway connectivity to the wider network. Members will be updated orally.

### Ecology

No ecological information has been submitted with the application. Whilst the site is considered to be of limited potential with respect to ecology any trees that are to be removed should be checked for bats and all works should comply with current bird nesting legislation. It is considered that this is covered by other legislation and the applicant can be reminded of their duties in this regard by way of informative attached to any planning permission.

### Flood Risk and Drainage

The site is located within Flood Zone 1, as defined on the Environment Agency's Flood Risk Maps, and is therefore not considered to be at risk from fluvial or tidal sources. The application is supported by an accompanying Drainage and Flood Risk Assessment (FRA) in accordance with UDP Policy PR16 to demonstrate that the proposed development does not pose any flood risk and that in accordance with the NPPF Technical Guidance all uses of land are appropriate to this site.

It is proposed that surface water will discharge into the existing system and foul water into the existing adopted sewer network. Following consultation with United Utilities the applicant has stated that they have agreed to a restricted discharge rate of 226 litres/second from the site to the surface water public sewer.

A balancing pond associated with the proposed development is also shown on the drawings. At this stage, the detailed design of the balancing pond has not been determined, however, the concept plan and section for the pond will confirm it is neither deep nor steep sided and it is proposed to incorporate a dry weather channel and sedimentation basins on the inlet and outlet which provide opportunities for both complementary planting and SUDs. It is considered that detailed design of the balancing pond can be adequately secured by appropriately worded planning condition.

Detailed comments from United Utilities and the Lead Local Flood Authority (LLFA) are awaited and members will be updated as required.

### Noise and Amenity

The application includes a Noise Impact Assessment which refers to noise monitoring undertaken to determine prevailing ambient and background noise levels at the nearest noise sensitive receptors (NSRs) to the proposals.

Noise levels associated with internal operations within the unit and HGV collections / deliveries at the site have been determined at the nearest Noise Sensitive Receptors and assessed using BS4142. The assessment has determined that low impacts are expected during the day and night at all NSRs assessed and night time noise resulting from service yard operations are expected to be below the threshold for potential sleep disturbance set out in WHO Guidelines.

Notwithstanding this the Council's Environmental Health Officer has advised that no consideration has been given to the potential impacts on neighbouring industrial/commercial units, the hours of operation and the nature of plant to be installed within the report. It is considered that this information can be adequately secured and agreed by appropriately worded planning condition and on that basis the Council's Environmental Health Officer raises no objection.

### Contaminated Land

The wider site has already been remediated under planning permission reference 17/00345/FUL and validation by discharge of condition reference 18/00385/COND. The application is supported by a Remediation Summary Statement which sets out the remediation that has taken place referencing the previous application documents.

Whilst the Environment Agency has confirmed that they raise no objection in principle to the proposed development discussions are ongoing with respect to the validation of the remediation. Members will be updated orally.

### Waste, Sustainable Development and Climate Change.

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.

Halton Core Strategy Local Plan Policy CS19 (Sustainable Development and Climate Change) seeks to encourage BREEAM Excellent standard from 2013. The applicant has submitted a BREEAM pre-assessment report which demonstrates that based on the measures recommended within the report the development could achieve a rating of 'very good' without compromising the viability of the scheme. It is considered that these measures can be secured by planning condition.

### Conclusions

The application seeks permission for the construction of a substantial industrial unit for use classes B1, B2 and B8. Core Strategy Policy CS2 and NPPF paragraphs 11 and 38 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 use of the site for B1, B2 and B8 development in accordance with UDP Policy E3 securing valuable employment opportunities is therefore considered to be an appropriate use for the site. The quality of design that enhances the character of the area and offers a high quality of design in terms of landscaping, boundary treatments and facing materials is considered to accord with the provisions of Policy BE3.

It is considered that the redevelopment of such a vacant site for a good quality industrial building and offering potential employment opportunities should be welcomed. The proposals are considered to be of a quality suited to the site and in keeping with the area and adjoining developments. It is considered that highway and other issues raised as a result of the original submission have been adequately addressed and that any outstanding issues can be resolved by way of oral update and 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. Materials condition(s), requiring external finishing materials be carried out as approved (BE2)
4. Landscaping condition, requiring both hard and soft landscaping be carried out in accordance with details submitted/ as approved. (BE1/2)
5. Boundary treatment condition(s) requiring fencing etc. be carried out in accordance with details submitted/ as approved (BE2)
6. Vehicle access, parking, servicing etc to be constructed prior to occupation / commencement of use. (BE1)
7. Requiring submission and agreement of cycle parking details (TP6)
8. Requiring submission and agreement of electric vehicle parking and charging point(s) details (NPPF)
9. Conditions relating to/ requiring submission and agreement of detailed drainage scheme/ including attenuation/ detailed balancing pond details including planting/ biodiversity creation (BE1/ PR5)
10. Requiring site and finished floor levels to be carried out as approved. (BE1)
11. Submission and agreement of Site Waste Management Plan (WM8)
12. Submission and agreement of an Operational Waste Management Plan (WM9)
13. Requiring implementation of the measures recommended within the BREEAM pre-assessment report (CS19)
14. Requiring submission and agreement of operational plant including noise assessment (PR2)
15. Grampian style condition requiring off-site pedestrian/ cycle crossing improvements
16. Condition(s) protecting trees to be retained (BE1)
17. Submission and agreement of Travel Plan (TP16)
18. Requiring implementation of cycle/ pedestrian links (TP6)
19. Requiring external lighting be carried out as approved (PR4/ GE21)

## SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework; and
- The Town and Country Planning (Development Management Procedure) (England) Order 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.