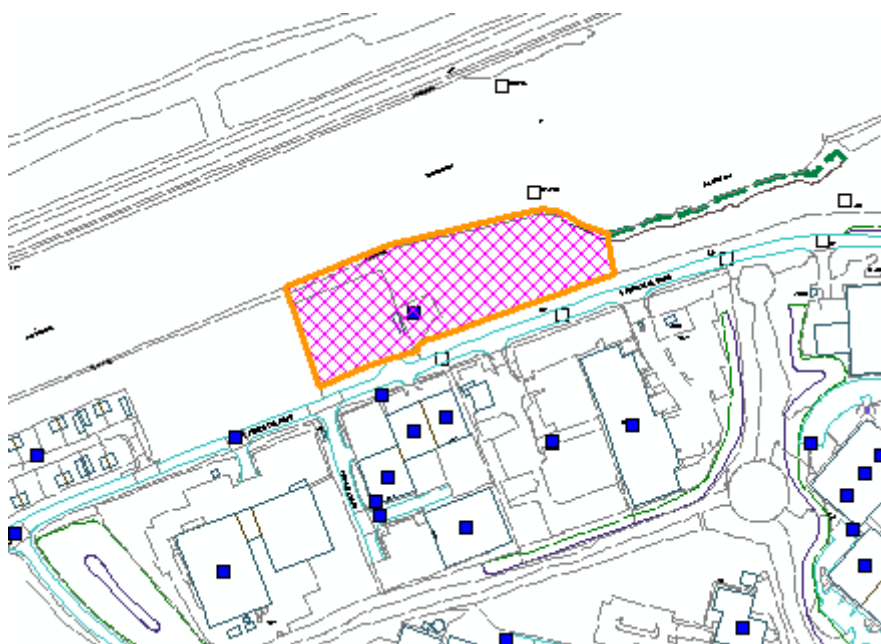


APPLICATION NO:	20/00607/FUL
LOCATION:	Land to north of junction of Warrington Road and Domino Court, Runcorn, Cheshire
PROPOSAL:	Proposed erection of 26 light flexible industrial units (Use Classes E(g) and B8) with associated landscaping, parking and access
WARD:	Daresbury
PARISH:	Sandymoor
APPLICANT:	Riverside Estates (NW) Ltd
AGENT:	Harry Dodd, Nuko Planning
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3) and Designated Greenspace (GE6)
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	Yes
REPRESENTATIONS:	None
KEY ISSUES:	Principle of Development, Design and Layout, Highways and Access, Loss of Greenspace, Ecology and Habitats.
RECOMMENDATION:	Approve subject to conditions and S106 agreement to secure a financial contribution to mitigate loss of priority habitat and greenspace.
SITE MAP	
 <p>The site map shows a plan view of the development area. A large rectangular area is highlighted with a pink grid pattern, indicating the proposed industrial units. This area is bounded by Warrington Road to the north and Domino Court to the east. The map also shows surrounding residential areas, roads, and green spaces. Blue squares are scattered throughout the map, likely representing existing buildings or structures. The site is located in an industrial area adjacent to a residential area.</p>	

1. APPLICATION SITE

1.1 The Site

The application site covers an area of comprises 1.35 hectares, which encompasses the site of a former cement batching plant in the western part of the site, and an area of protected greenspace in the eastern part. The former batching plant area consists of a concrete yard enclosed by a high level fence, whereas the area of greenspace consists of shrub land, with hard-core in areas, and some signs of historic tipping and debris.

The site is approximately 3.5km north east of Runcorn Old Town, it is bound by the Manchester Ship canal to the north, and Warrington Road to the south. The cement batching site has an existing access taken directly off Warrington Road.

1.2 Planning History

The site has no recent relevant planning history.

2. THE APPLICATION

2.1 The Proposal

The application seeks planning permission for the erection of 26 light flexible industrial units (Use Classes E (g) and B8) with associated landscaping, parking and access.

Use Class E (g) comprise of those lighter employment users which can generally be carried out without a detriment to amenity and include, offices to carry out any operational or administrative functions, research and development of products or processes, and industrial processes. Use Class B8 is for storage or distribution.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Transport Statement, Contaminated Land Desk Study Report, Flood Risk Assessment, Phase 1 Ecology and Bat Survey Report and Arboricultural Report.

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 2005 (UDP)

The site is designated as part Primarily Employment Area, and part Greenspace 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
- GE6 Protection of Designated Greenspace
- GE21 Species Protection
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP15 Accessibility to New Development
- TP17 Safe Travel for All
- E3 Primarily Employment Areas
- E5 New Industrial and Commercial Development

3.2 Halton Core Strategy 2013 (CS)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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 material considerations relevant to the determination of this planning application.

3.4 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.

3.5 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 person's 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

Highways and Transportation Development Control (Highways)

No objection to the principle of the proposed development, subject to conditions.

Open Spaces

The proposals appear to seek development on private land that does not appear to impact upon HBC managed/owned land. There are no formal tree or Nature Conservation constraints associated with the proposed development plot.

Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor

No objection, subject to a conditions relating to a construction environmental management plan, lighting details, protection of nesting birds, provision of bird nesting boxes, Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs, invasive species and site waste management. Compensation will also need to be agreed and secured for the loss of priority habitat.

MEAS have considered the potential significant effects on Mersey Estuary (SPA/Ramsar and SSSI), and concluded that due to the distance, separation by the ship canal, adjacent road and areas of existing industrial and commercial development the proposals do not warrant a Habitats Regulations Assessment.

Lead Local Flood Authority

No objections subject to conditions.

Contaminated Land Officer

No comments received yet, members will be updated at committee.

Natural England

The potential significant effects on Mersey Estuary Special Protection Area (SPA), Mersey Estuary Ramsar and Mersey Estuary Site of Special Scientific Interest (SSSI) need to be considered, including consideration of the potential for pollution of the nearby designated sites during construction and operation.

The Environment Agency

No objection to the proposed development, subject to condition that the development be carried out in accordance with the submitted flood risk assessment.

United Utilities (UU)

There is a sludge pipeline crosses this site and UU will not permit building over it, as well as a water main within the vicinity of the site.

The submitted layout is designed around the indicative location of UU assets as shown on the public sewer record, therefore the applicant will need have a survey carried out of the precise location of the pipeline will be required.

UU also requests that the applicant confirms whether there is any proposed change in levels over the sludge pipeline.

Therefore, the sludge pipeline could compromise the deliverability of the submitted site layout, and amendments may be required post decision.

Whilst UU would recommended that the survey is carried out prior to determination, if not forthcoming a condition is recommended for a survey that identifies the exact location (line and depth) of the sludge pipeline and water main. Further conditions are recommended for drainage details.

Peel Holdings

No comments received

Sandymoor Parish Council

No comments received

5. REPRESENTATIONS

5.1 No representations have been received.

6. ASSESSMENT

6.1 Principle and Loss of Greenspace

The application site encompasses a former cement batching plant in the western part of the site which is designated as Primarily Employment Area, development of this part of the site for employment (Use Classes E (g) and B8) is therefore acceptable in principle.

The rest of the site to the east is designated as Greenspace, however it does not comprise any public footpaths, and is private land. Therefore in terms of access, the site does not provide any recreational value to residents. Aesthetically, the sites semi-natural appearance does provide some general amenity value to passers-by, and occupiers of the industrial premises opposite. It also provides habitat for various plants and wildlife which is addressed in the ecology and habitats section below.

Policy GE6 of the UDP seeks to protect designated Greenspace from development, unless one of the exceptions contained in the Policy is met. Part 2 states that *exceptions may be made where the loss of the amenity value, which led to the designation of the site as greenspace, is adequately compensated for. Loss of amenity value may be compensated for where either of the following criteria can be satisfied:*

b The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace. In assessing whether a proposal would significantly improve the amenity value of a nearby greenspace, consideration will be given to the extent to which the quality and accessibility of the space would be enhanced.

In this particular instance the applicant would be providing a commuted sum to be spent to significantly enhance local nearby greenspaces and local nature sites. This would be secured by way of a S106 agreement with the applicant. Therefore, the proposal is considered to be acceptable in this regard and is consistent with Policy GE6.

6.2 Scale, Layout and Appearance

The proposed 26 units would provide a total of 3,152 sq.m of net gross floor space for Use Classes E (g) and B8. These would comprise two size of units, type A would be 100 sq.m, and type B would be 192 sq.m. The units would be single storey, with a ridge height of approximately 7 metres. The scale of the units respect the sites context and the nearby existing industrial buildings along Warrington Road and within Manor Park. The proposal is considered to be acceptable in terms of size and scale.

With regards to layout, the majority of the proposed units would be arranged in a linear fashion forming two distinct building lines that face each other. These would be separated by the proposed internal access road, parking and servicing areas running through the centre of the site. Each of the units will have a forecourt area to the front for servicing, loading and unloading, a roller shutter for vehicle access, a separate pedestrian doorway, and kitchenette and toilet facilities for occupiers and staff.

The external walls of the units are proposed to be comprised of a mix of materials, including contrasting brick and grey profiled panels to provide some variations and break up the appearance of the elevations. Roof lights are proposed to the roofs to provide natural light to the interior, as well as the provision of solar PV panels on the south facing slope of each of the roofs.

The proposed elevations show that the building would be of an appropriate appearance with some variety in materials to break up the massing of the elevations and add interest to the overall external appearance. Additional landscaping is proposed to enhance the immediate surrounding area. It is noted that the existing row of mature trees and vegetation that line the northern side of Warrington Road would be retained and screen much of the site from the road.

The proposed scale, layout and appearance of the buildings would be in keeping with the existing industrial and office buildings in the wider employment area of Manor Park. Their single storey nature and the existing line of trees along Warrington Road would ensure that the development does not appear incongruous, and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2 and E5 of the UDP and CS18 of the Core Strategy. A condition is recommended that the buildings be implemented in accordance with the approved plans and details, and for approval of external materials.

6.3 Highways and Access

A Transport Statement (TS) has been submitted in support of the application, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level and would not harm the operation of the highway network.

With regards to parking provision the UDP would require a maximum parking provision of 80 spaces. The submitted plans provide 78 spaces, and the Highways Officer has confirmed that is acceptable for this development. The scheme also includes the provision of 52 cycle spaces.

Following initial concerns with regards pedestrian and cycle routes within the site, the applicant has provided amended drawings including footways either side of the carriageway. The applicant has also provided drawings that track the movement of larger vehicles within the site, these have demonstrated that both a 10m rigid and articulated vehicle can safely enter and exit the site in forward gear.

The proposed access to the site would broadly be where the existing access into the former cement batching plant is off Warrington Road, albeit significantly improved and including the provision of footways for pedestrians either side of the access. This will require construction under supervision of the Local Highway Authority and include suitable pedestrian crossing points. A condition is recommended for the approval of the final access design and to secure its implementation.

The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are implemented as approved, and for the provision of a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP6, TP7, TP12, TP15 and TP17 of the Halton Unitary Development Plan.

6.4 Flood Risk and Drainage

The application site is located in Flood Zones 2 and 3, therefore the application has been supported with a flood risk assessment and the Environment Agency has been consulted. The flood risk assessment (ref: February 2021/KRS.0494.001.R.001.B/KRS Environmental Ltd) and the following mitigation measures it details:

- Incorporating a sequential approach to the development layout.
- The minimum floor level for the development buildings will be set at 6.34m AOD.
- Flood resilience and resistance material, measures and technology will be incorporated into the building design.
- A flood plan will be developed along with a designated safe access and egress route away from the development in the event of flooding occurring.

The Environment Agency and the LLFA have no objection provided the above measures are secured by condition. The LLFA has also recommended conditions for the final design and agreement of the drainage strategy based on the SUDs hierarchy. Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

6.5 Contamination and Pollution

The application is accompanied by a desk study report (Ref. 20CHE257/DS, October 2020). The report identifies the need for further site investigations including gas and groundwater monitoring. Therefore, a condition is recommended to secure a detailed scheme of investigation, and if necessary a remediation strategy, its implementation and verification reporting to ensure that any contamination is dealt with appropriately.

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

6.6 Ecology and Habitats

The application is supported with a phase 1 habitat and bat survey report. The report identified the potential roosting features for bats on two mature willow trees on the site. However, the applicant has confirmed that these would be retained and protected in accordance with the submitted arboricultural report. MEAS are satisfied with the report, subject to the above being secured by condition.

MEAS have identified the site as containing a Priority Habitat known as 'Open Habitat Mosaics on Previously Developed Land'. This type of habitat is characterised by previously disturbed ground and vegetated areas in the process of change from one vegetation type to another, supporting a variety of grassland and scrub species. Therefore, in accordance with Core Strategy policy CS20 the applicant will be required to compensate for this loss. As explained above a commuted sum will be secured by way of a S106.

MEAS have also considered the potential significant effects on the protected Mersey Estuary site (SPA/Ramsar and SSSI). They have concluded that due to the distance, separation by the ship canal, adjacent road and areas of existing industrial and commercial development that there is no pathway that could result in likely significant effects on the protected site, therefore the proposals do not require a Habitats Regulations Assessment.

The site has potential to be used by nesting birds, and will result in the loss of bird breeding habitat. Therefore, conditions are recommended to ensure their protection during nesting season, and to secure the provision of bird nesting boxes.

Further conditions are recommended relating to a construction environmental management plan, lighting details, Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs, invasive species and site waste management.

The securing of the compensation by S106 and attachment of the conditions suggested above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.7 Waste Management

The proposal provides a suitably enclosed and accessible bin storage area within the site. The information provided is sufficient to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The plans can be secured as an approved drawing by a suitably worded planning condition.

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

6.8 Other Matters

There is a sludge pipeline that crosses the site and United Utilities (UU) will not permit building over it. The submitted layout is designed to take this into account, siting car parking and landscaping over the easement. However, the plans have been based on the indicative location of UU assets as shown on the public sewer record.

The applicant acknowledges that detailed surveys with regard to the precise location and depth of the UU asset will be required, they also acknowledge that a redirection of the UU asset may be required at their own cost, or that the scheme may need to be revised if that is not feasible. Whilst the concerns of UU have been fully considered, as there is the potential for a redirection if necessary, a refusal on these grounds could not be sustained.

7. CONCLUSIONS

7.1 The proposal would provide for the redevelopment of a former cement batching plant, and the provision of a commuted sum will ensure that the loss of greenspace and priority habitat is adequately compensated for. The proposal is therefore acceptable in principle. The scale, layout and appearance of the buildings is acceptable and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination, flood risk and species protection can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies BE1, BE2, GE6, GE21, E3 and E5 of the Unitary Development Plan and CS18 and CS20 of the Halton Core Strategy Local Plan, and is recommended for approval.

8. RECOMMENDATION

That the application is approved subject to the following:

- a) **The entering into a legal or other agreement relating to secure a financial contribution to mitigate loss of priority habitat and greenspace.**
- b) **Conditions relating to the following:**

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. External facing materials (BE1 and BE2)
4. Submission and agreement of ground investigation report, and remediation strategy (PR14 and CS23)
5. Submission of validation report (PR14 and CS23)
6. Submission of access design (BE1)
7. Parking, access and servicing provision (BE1)
8. Electric Vehicle Charging Points Scheme (CS19)
9. Cycle parking (TP6)
10. Existing and proposed site and finished floor levels (BE1)
11. Survey of UU assets (BE1)
12. Flood risk assessment and mitigation (PR16 and CS23)
13. Submission and agreement of drainage scheme (PR16 and CS23)
14. Foul and surface water on a separate system (PR16 and CS23)
15. Construction Environmental Management Plan (BE1, GE21 and CS20)
16. Lighting details in relation to wildlife protection (GE21, CS20)
17. Protection of nesting birds (GE21, CS20)
18. Provision of bird nesting boxes (GE21, CS20)
19. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (GE21, CS20)
20. Scheme to deal with invasive species (GE21, CS20)
21. Site waste management (WM8)

- 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.**

9. BACKGROUND PAPERS

9.1 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

10. 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.