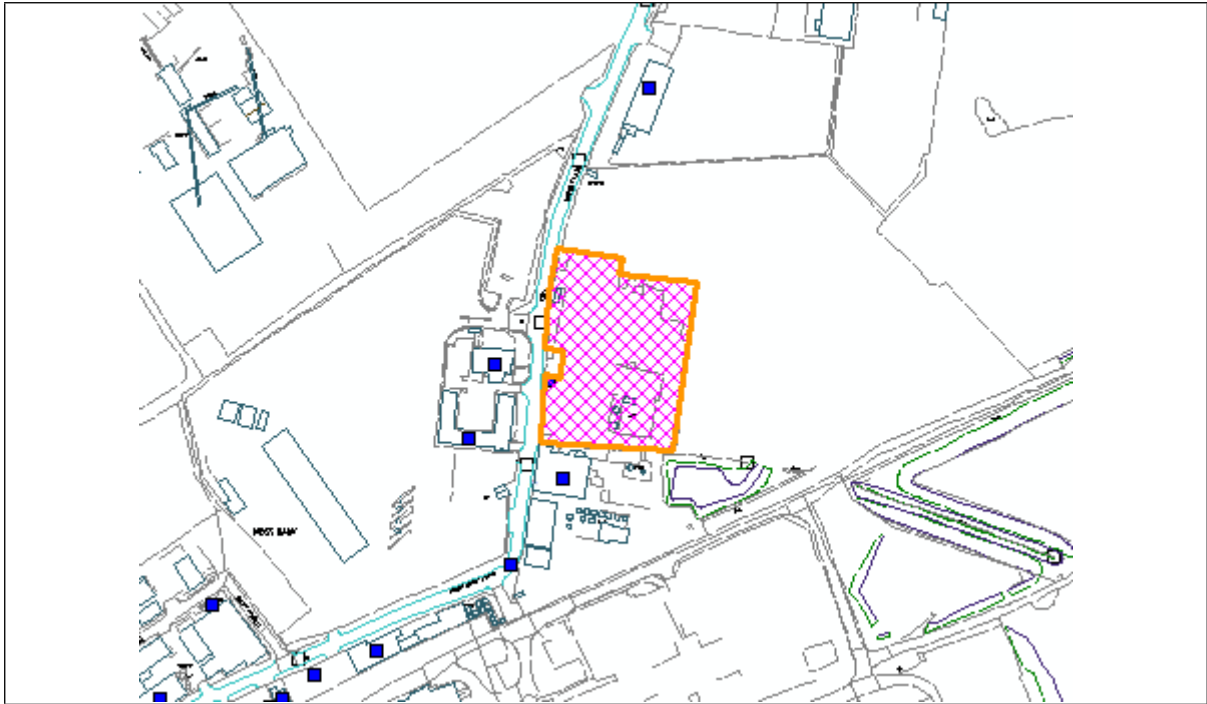


<b>APPLICATION NO:</b>	21/00498/FUL
<b>LOCATION:</b>	Bowman Works Gorse Lane Widnes Cheshire WA8 0YZ
<b>PROPOSAL:</b>	Proposed erection of industrial/storage building for use class B2 / B8 purposes, parking and servicing areas, bunds, fencing, landscaping, ancillary works and retrospective permission for the retention of previously installed bunds.
<b>WARD:</b>	Halton View
<b>PARISH:</b>	N/A
<b>APPLICANT:</b>	Industrial Chemicals Ltd
<b>AGENT:</b>	Lawson Planning Partnership Ltd
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3) and Environmental Priority Areas (BE3)
Halton Core Strategy (2013)	South Widnes Key Area of Change (CS9)
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, and Flood Risk and Drainage
<b>RECOMMENDATION:</b>	Approve subject to conditions
<b>SITE MAP</b>	



## **1. APPLICATION SITE**

### **1.1 The Site**

The Bowman's Chemical Works site is located within the defined town settlement boundary for Widnes, to the east of Widnes town centre. It is accessed from Gorsey Lane, which is located to the south of the A562 which links to the town of Warrington to the east. The river Mersey Estuary is approximately 200m to the south of the site.

The site is bounded to the west by Gorsey Lane followed by Suttons Logistics, by vacant brownfield land (formerly occupied by a number of chemical operators) to the south beyond Bowman's works, by grassland and two former waste disposal lagoons to the east, and by grassland to the north.

### **1.2 Planning History**

Planning permission 14/00626/FUL was granted 13 March 2015 for the construction of an industrial / storage building (Use Classes B2 and B8) associated parking, servicing areas, plant and bunds, fencing, landscaping and ancillary works.

This planning permission was for a larger building on the same site which was never implemented. Since then the applicant's operational requirements have changed, and they now require a smaller building to cover part of the processing areas, plant and storage of raw materials. It is understood that covering these areas is a requirement of the Environment Agency's permit.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The site manufactures a range of products which are supplied to the steel manufacturing, water treatment, food, and paper making industries. In 2018 the company installed various infrastructure and plant, including various tanks, open top dissolvers and storage of raw magnetite used to manufacture Ferrous Sulphate.

The development proposals are to support the sites existing chemical manufacturing, and the proposed new building will enclose part of the manufacture/processing of Ferrous Sulphate by housing the open top dissolvers and storage of raw magnetite. This forms part of a programme of environmental improvements required by the Environmental Agency and their permitting regime.

This proposal comprises the following main elements:

- A portal framed, steel clad building measuring approximately 25m wide by 45m in length providing a floor space of approximately 1120m<sup>2</sup>. The building would contain the plant, control room, processing tanks and materials storage.
- Bunds for containment of spillages and surface water
- The relocation of the access and associated hardstanding
- Provision of 16 car parking spaces and cycle parking
- New 2.4m high green palisade fencing, gates and landscaping

The proposed building will operate 24/7 (subject to demand) in line with the existing chemical plant, which has no planning restrictions on hours of use and enjoys 24 hour unrestricted working.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a Planning Design and Access Statement, Contaminated Land Report, Surface Water Drainage Strategy, Preliminary Ecological Assessment, and a construction traffic management plan.

## **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 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
- 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 site is located within the South Widnes Key Area of Change. The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes Key Area of Change
- 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.

### 3.6 Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## 4. **CONSULTATIONS**

### Highways and Transportation Development Control

No objection subject to conditions to secure the provision of cycle storage and electric vehicle charging points. Detailed comments from the highways engineer have been incorporated into the report below.

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

No objection. The applicant has submitted an ecological assessment report in accordance with Local Plan Core Strategy policy CS20 which meets BS

42020:2013, the survey/report is acceptable. Conditions recommended relating to protection of nesting birds, provision of insect boxes, and a waste audit or site waste management plan.

#### Major Projects

Have confirmed that they have no comments to make on this application.

#### Lead Local Flood Authority

No objections subject to conditions relating to the provision and agreement of a suitable drainage strategy. Detailed comments from the drainage engineer have been incorporated into the report below.

#### Contaminated Land Officer

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

#### Natural England

Have confirmed that they have no comments to make on this application.

#### The Environment Agency

No objection to the proposed development, subject to conditions relating to the contaminated land site investigation, remediation and verification. Conditions are also required relating to piling and foundation designs using penetrative methods, and no drainage systems for the infiltration of surface water to the ground other than with the written consent of the local planning authority.

#### United Utilities (UU)

No objection, conditions recommended in relation to the drainage strategy and to ensure that foul and surface waters are drained on separate systems.

### **5. REPRESENTATIONS**

5.1 No representations have been received.

### **6. ASSESSMENT**

#### **6.1 Principle Development**

The site is located within an area defined as Primarily Employment Area, in Policy E3 of the Halton Unitary Development Plan. Policy E3 states that use classes B1, B2, B8 and Sui Generis industrial uses are considered to be acceptable within this area. Furthermore, the previous use of the site was B2 'general industry' as the land previously sited buildings used in the manufacturing and processing of chemicals. Therefore, the proposed use is

consistent with the established previous use and policy E3 and is considered to be acceptable in principle.

Policy E5 requires new industrial and commercial developments to be compatible with existing and proposed surrounding uses. Outside storage areas must be screened and open storage of loose materials will not be permitted.

UDP saved policy E3 states that B1, B2, B8 and Sui Generis industrial uses will be permitted in primary employment areas. Core Strategy policy CS1 also supports the prioritisation and re-use of previously developed land for new development. The site's location, proposed use and the form of the development proposals comply with both these policies and the proposals are in keeping with the use, scale and character of existing premises adjacent to and near to the site.

## 6.2 Scale, Layout and Appearance

The proposed car parking area would be positioned to the front of the site. The proposed building would have a gross external floor plan measuring 45m long x 25m wide, it would have two shallow pitched roofs with a valley in the middle, with eaves heights of 12.8m and ridge height of 16m. The walls and roof of the building are proposed to be clad in box section metal sheeting, coloured 'goose-wing grey' with blue trim including the rain water goods.

The general appearance, materials and details of the proposed building would be consistent with existing buildings within the surrounding area. It would represent a simple building of neat functional and durable design, appropriate to the established surrounding industrial and commercial context.

The proposal includes a new 2.4m high palisade fence and gates across the front of the site. These would be colour coated green, and are appropriate in this industrial setting.

The development would not appear incongruous, and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2, BE22 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

The application provides for 16 additional spaces and 28 in total to serve the site which the Highway Authority would deem appropriate. The application does appear to indicate that there is available space to provide additional parking if it were deemed necessary in the future. Included within this parking layout we would require 10% disabled parking provision and a minimum of one electric vehicle charging bay to be provided.

It is noted that cycle parking is proposed as per the design and access statement, this should be covered, secure and located in a prominent and overlooked location. The position identified on the plan is considered to be acceptable, but details are required to ensure that they meet the appropriate standards and are covered. Plans have been provided to demonstrate safe walking and cycling routes through the site to the main building and cycle storage area would be provided.

Details of the new access have been provided with the application, and are considered to be acceptable, these should be secured by planning condition. The proposed parking provision would help remove pavement and on road parking in the area

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 applicant has provided an overview of flood risk considerations within the design and access statement and a drainage strategy document with accompanying drawings, and the Lead Local Flood Authority (LLFA) have been consulted on the application.

The Environment Agency mapping identifies that the site has a low risk of fluvial flooding. The location of less vulnerable development in Flood Zone 1 is consistent with the NPPF. The site is also not within a Critical Drainage Area which are identified on the Councils Strategic Flood Risk Assessment. Therefore, the LLFA agrees that a Flood Risk Assessment (FRA) is not required to support the planning application.

It is noted that Environment Agency mapping indicates that the site is located within an area that has a high risk of flooding from surface water. This would appear to be related to historic issues in part associated with blockages along Johnsons Brook. So whilst a formal FRA is not required, the developer is required to demonstrate that the site would be safe from flooding and would not increase flooding elsewhere by way of producing an acceptable drainage strategy.

It is stated within the drainage strategy that runoff from roof areas would be routed into Johnson's Brook, but recognises the issues with blockages. It is understood that the applicant is currently liaising with the LLFA, the EA and other landowners along the course of the brook to address this issue.

Whilst the applicant has a strategy for managing surface water on the site, the Lead Local Flood Authority are of the opinion that this strategy is deficient in various areas, and should be better articulated to in terms of what standards have been used, to clearly demonstrate that the SUDs hierarchy has been considered, as well as the effect of climate change amongst other things.



Evidence of resolving the blockages on Johnson's Brook should also be provided as part of the strategy.

Therefore, whilst the LLFA do not object, they consider it necessary for a planning condition to be attached for a revised Drainage Strategy. This condition is considered to be necessary to ensure that the proposed development is acceptable from a flood risk and drainage perspective and that it complies 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 has been submitted with a site investigation report with associated mitigation measures. The Environment Agency has advised that if the application were to be supported that further site investigation work remediation, implementation and verification should be controlled by conditions.

In the interests of protecting ground water, the Environment Agency have also stated that they would require conditions relating to piling and foundation designs using penetrative methods, and that there should be no drainage systems for the infiltration of surface water other than with the written consent of there shall the local planning authority.

The contaminated land officer has also been consulted, any comments received will be provided to members via the written update or presented orally at committee

The attachment of the conditions 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 preliminary ecological assessment and Merseyside Environmental Advisory Service have been consulted. They note the separation from the Mersey Estuary SPA/Ramsar/SSSI, and that the development is unlikely to harm the features for which the sites have been designated for the following reasons:

- The development is relatively small scale and located in an existing industrial site on hardstanding.
- The site is over 3.1 km from the European sites at the Mersey Estuary. At this distance noise and visual disturbance during construction and operation are very unlikely.
- The site is already subject to significant disturbance as a result of the existing industrial use and heavy vehicle movement.

- The land immediately adjacent to the site is primarily industrial and is not considered to be functionally linked to the European sites.

The site has potential to be used by nesting birds, therefore, conditions are recommended to ensure their protection during nesting season. The applicant has also provided details of insect boxes, the implementation of which can be secured by condition.

The 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

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.

## 7. CONCLUSIONS

7.1 The principle of the development is considered to be acceptable. The scale, layout and appearance of the buildings is also 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, drainage and protection of nesting birds can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies BE1, BE2, GE21, E3 and E5 of the Unitary Development Plan, and CS9, 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 conditions:

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. External facing materials (BE1 and BE2)
4. Conditions covering ground investigation report, and remediation strategy, implementation and validation (PR14 and CS23)
5. Detailed access design drawings (BE1)
6. Parking, access and servicing provision (BE1)

7. Electric Vehicle Charging Points Scheme (CS19)
8. Cycle parking (TP6)
9. Existing and proposed site and finished floor levels (BE1)
10. Conditions for the submission and agreement of drainage scheme, implementation and validation (PR16 and CS23)
11. Foul and surface water on a separate system (PR16 and CS23)
12. Protection of nesting birds (GE21, CS20)
13. Provision of insect boxes (GE21, CS20)
14. Site waste management (WM8)
15. Details of piling and foundation designs (PR14 and CS23)
16. No drainage systems for the infiltration of surface water (PR14 and CS23)

## **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.