

APPLICATION NO:	15/00428/OUT
LOCATION:	Land at east end of Newstead Road bounded to the north by Ditton Brook and to the south by the West Coast Mainline
PROPOSAL:	Outline planning application with all matters reserved except for means of access for a B2/B8 development comprising a maximum floorspace of 43,321 sqm including ancillary office space/staff facilities with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure
WARD:	Ditton
PARISH:	N/A
AGENT(S) / APPLICANT(S):	Stoford Widnes Ltd/ Ainscough Strategic Land Ltd
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)/ Core Strategy	Part of the Proposed Employment Development Site (242). Policy CS8 of Halton's Core Strategy identifies the site as falling within the 3MG Key Area of Change.
DEPARTURE REPRESENTATIONS:	No 2
RECOMMENDATION:	Approve subject to Conditions.
SITE MAP	
<p>The site map shows a plot of land outlined in red, situated at the east end of Newstead Road. The site is bounded to the north by Ditton Brook and to the south by the West Coast Mainline railway. The map also shows surrounding residential and commercial buildings, roads, and infrastructure. A large watermark for Halton Borough Council is visible across the map.</p>	

APPLICATION SITE

The Site and Surroundings

Site of approximately 9.65Ha to the east end of Newstead Road bounded to the north by Ditton Brook and to the south by the West Coast Mainline. The site was historically used as a railway timber sleeper treatment facility, which was operational until the 1990s but has since been demolished.

Planning History

Outline Permission was previously approved in 1996 for development of the site as part of a wider development for uses B1, B2 and B8 and provision of roads. Earlier phases of that permission on land to the west have been constructed under numerous subsequent planning permissions.

THE APPLICATION

Proposal Description

The planning application is submitted in outline with all matters reserved except for means of access for a B2/B8 development comprising a maximum floorspace of 43,321 sqm including ancillary office space/staff facilities with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure.

The indicative masterplan demonstrates that 3 distribution warehouse units proposed on the site are capable of being accommodated in a manner which is sympathetic to surrounding uses and street scene. A single point of access into the site is provided from Newstead Road to the south west corner via the A5300/ A562 junction. A cycle/footpath is also provided to the eastern boundary in order to provide greater connectivity to public transport facilities, shops and services.

The indicative masterplan includes a service yard providing docking arrangements, circulation and parking for HGV's and trailers. Extensive car parking is also provided to serve each warehouse unit within close proximity of the main entrances to the proposed offices. The indicative masterplan is, however, purely indicative and subject to the matters reserved for future consideration.

Documentation

The application is supported by a Design and Access Statement, Supporting Planning Statement, Flood Risk assessment, Health Impact Assessment, Geo Environmental Assessment, Ecology Assessment, Transport Assessment, External Lighting Assessment, Sustainability Statement and Framework Travel Plan.

POLICY CONTEXT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

The National Planning Policy Framework (2012) (NPPF) requires that local authorities support the transition to a low carbon future in a changing climate. Paragraph 97 seeks to increase the use and supply of renewable energy, recognising that the issue of climate change must be addressed.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Halton Unitary Development Plan (UDP) (2005)

The site is identified as a within a Proposed Employment Development Site Primarily Employment Area and Potential Extent of the Ditton Strategic Rail Freight Park. 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
- PR6 Land Quality
- PR14 Contaminated Land;
- PR15 Groundwater
- E5 New Industrial and Commercial Development
- TP3 Disused Public Transport Facilities
- TP6 Cycling Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP14 Transport Assessments
- TP15 Accessibility to New Development

- TP16 Green Travel Plans

Halton Core Strategy (2012)

The following policies within the adopted Core Strategy are considered to be of particular relevance:

- CS2: Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities
- CS7 Infrastructure Provision
- CS8: 3MG
- CS15 Sustainable Transport
- CS19: Sustainable Development and Climate Change
- CS22 Health and Well-Being
- CS23: Managing Pollution and Risk

Relevant SPDs and Other Considerations

The Council's Design of New Industrial and Commercial Buildings Supplementary Planning Document and 3MG Mersey Multi-Modal Gateway: Supplementary Planning Document (2009) are also of relevance.

1. CONSULTATIONS

- Health and Safety Executive – Does not advise on safety grounds against the granting of planning permission in this case.
- Network Rail – No Objection in principle
- HBC Contaminated Land – No objection subject to conditions
- Environment Agency – Objection on Flood Risk Grounds
- Knowsley Council – No Objection in principle subject to conditions/ s106 contribution
- HBC Highways – No objection subject to conditions
- HBC Open Spaces – See Ecology and Drainage sections of report
- United Utilities – No Objection

2. REPRESENTATIONS

Two letters of representation have been received raising the following issues:

- The additional amount of movements on Newstead Road is going to be unacceptably high which could cause extra delays and danger for my staff. The additional transport will all need to use the roundabout at the A5300 /A562 junction which is already a dangerous junction to use due to there being no traffic lights on Newstead Road. I have voiced my concern in the past, when a planning application came forward for a new unit on the other side of the new bridge erected some years ago, about the dangers at the A5300/A562 roundabout and this will only make matters worse.
- Montague Road could suffer from severe vehicular congestion mostly from HGV traffic at times if the proposed development goes ahead. Currently HGV

vehicles park on this road either for enforced breaks or lunch or night time stops which would make congestion even worse. The road is also used a lot as a turning head for HGV vehicles coming off the Knowsley expressway and there seems no provision for a turning head in the new road extension. I don't think the application has studied this potential problem in realistic terms.

DISCUSSION AND ASSESSMENT

Principle of Development

The site is located within an area allocated as a Proposed Employment Development Site in the Halton Unitary Development Plan. The site is specifically identified in the policy as the "Ex. Sleeper Depot, Ditton Junction" as part of wider site reference 242 for the provision of 17.24 hectares for B1, B2 and B8 uses. The site also falls within the 3MG Key Area of Change under policy CS8 in the Halton Core Strategy 2013. The 2009 "3MG Mersey Multimodal Gateway" SPD identifies the site within its list of Key Development Opportunities as Site D with the "Most Appropriate Use" being B1, B2 and B8 uses.

Whilst the application is in Outline form only with approval sought only for Access, it is considered that the indicative masterplan demonstrates how 3 distribution warehouse units are capable of being accommodated in a manner which is sympathetic to surrounding uses and area. A single point of access into the site is provided from Newstead Road via the A5300/A562 junction. The indicative masterplan provides for service yards providing docking arrangements, circulation and parking for HGV's and trailers and for car parking to serve each warehouse unit.

Whilst the layout is indicative being reserved for later consideration along with Appearance, Landscaping and Scale, it is considered to demonstrate that a suitable form of development can be accommodated on the site in compliance with wider national and local policy criteria. Against this backdrop it is considered that the development of the site for proposed use with Use Class B2 and B8 is considered acceptable in principle.

Highways and Transportation

The proposed development will be accessed from a single highway access from the A5300/A562 junction which serves the existing businesses off Newstead Road and is the responsibility of Knowsley Council. The future development of HBC Field is also served from that junction. The internal estate roads are however, as far as they are adopted, the responsibility of Halton Borough Council.

The Transport Assessment as originally submitted raised concerns that it reflected proposed development for B8 uses only along with other issues including that it did not make adequate provision for the new Mersey crossing. On that basis Knowsley Council originally advised that they were unable to fully consider the proposals nor support the conclusion of the submitted Transport Assessment.

An update and supplementary analysis has been provided to the Transport Assessment. Knowsley now advise that, on that basis the development will have an impact on the operation of the A5300/A562 junction, despite the committed improvements due to be implemented soon. Although the analysis shows that the relative impacts may be low in most of the scenarios demonstrated, recent guidance emphasises that when at or close to saturation, even relatively small increases in the degree of saturation can have large impacts, and can make accurate prediction of queuing difficult. For this reason, Knowsley's Highways Officer has requested that conditions be attached to any planning permission including that the developer covers the cost of funding a static Variable Messaging Sign, for use in the vicinity of the development to warn drivers of queues and enable route choice decisions to be made when appropriate. Discussions are currently ongoing with the developer and Knowsley Council to ascertain that the requested contributions can be justified against the relevant tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Members will be updated accordingly.

Halton Highways Engineers have advised that the Transport Assessment shows that this development will have little highway impact on the adopted highway in Halton. The outline shows a highway scheme that is acceptable providing suitable room for the proposed and provides for cycle linkages beyond the development. Although the ratios do not meet the UDP standard of 1 space per 50m² for car parking spaces it should be noted that this is a maximum standard and it is considered that adequate provision has been made within the indicative scheme to accommodate the parking requirements of these units.

The development allows for future cycle linkages to Hale Road, however there are concerns about the ability to construct this at appropriate gradients and standards as currently shown. The Council's Highways Engineer has however confirmed that they raise no objections in principle and that such issues can be properly addressed through the submission of reserved matters. Clarification has been sought from the applicant in this regard and Members will be updated accordingly with respect to any required amendments.

Further conditions are also suggested relating to submission and agreement of a Construction Management Plan demonstrating routing, signage, measures to ensure the highway is kept clear of debris, construction vehicle parking.

Contamination

Historical maps show that prior to 1927, the site comprised low-lying farmland / floodplain with evidence of significant land raising in the south eastern sector. By 1927, the site was largely developed as Ditton Sleeper Depot with railway sidings, buildings and a circular tank. By 1956, a further circular tank, plant building, electrical sub-station, hopper and conveyors were constructed.

The site appeared to remain in use into the 1990's as a sleeper depot, which involved the preparation and treatment of timber sleepers. Treatment chemicals

and processes are said to include creosote, CCA (chromated copper arsenate) and other pesticide / fungicide formulations and it is likely that the circular tanks were used for storage of creosote.

By 1997, most of the sidings had been stripped and railway ash had been recovered from parts of the site for block-making. Stockpiles of ash and sand were placed in areas, visible to present day. The former uses of the site have resulted in some contamination to the underlying soil and groundwater.

The application is supported by a GeoTechnical Ground Investigation Report which has been reviewed by the Council's Contaminated Land Officer and Environment Agency. In summary, it is considered that submission includes an adequate preliminary risk assessment and some detailed site investigation but that further detailed work is required to properly characterise the risk and remediation measures. The Council's Contaminated Land Officer and Environment Agency have confirmed that they are satisfied that this can be adequately secured by appropriately worded planning condition. Conditions are also recommended relating to submission of a verification report, including long term monitoring and maintenance report, un-identified contamination and restricting piling or other foundation designs using penetrative methods.

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR6, 14 and PR15 and Core Strategy Policy CS23. The Environment Agency has confirmed that it raises no objection, subject to the requested conditions which are included within the recommendation section of this report.

Flood Risk and Drainage

The application as submitted is supported by a Flood Risk Assessment. Based on that submission the Environment Agency has objected to the application on the basis that the submitted report failed to comply with the national requirements, in particular that it failed to consider the impact of tidal flood risk.

That report has now been updated to take account of the Environment Agency comments. The revised report states that the proposed development is not at significant flood risk and is situated above the 1 in 100 year plus climate change flood level, including the 1 in 100yr tidal flood level. The Environment Agency Flood Zone mapping shows all proposed built development is situated within Flood Zone 1 which is land assessed as having a less than 1 in 1000-year annual probability of river/tidal flooding. Therefore all built development is shown to have a low risk of fluvial/tidal flooding. The eastern portion of the site is within Flood Zone 3 (High Probability). This portion of the site however contains no built development with the exception of the cycle/footpath. Modelled flood levels provided by the Environment Agency as part of the Ditton Brook study (2008) confirm no out of bank fluvial flooding along the reach of Ditton Brook adjacent to the proposed development site. There is no identified risk to the site from canals or reservoirs. Pluvial and groundwater risk to the site is assessed to be low.

To ensure mitigation against residual risk of flooding, it is recommended finished floor levels are set above a prescribed flood level. As the proposed development site is of a "Less Vulnerable" nature it is recommended finished floor levels be set to 6.89m AOD but that currently the entire site is set above this level. It recommends that flood resilience should be provided for the small area within Flood Zone 3 up to a level of 7.23m AOD to mitigate against any residual risk of tidal flooding.

The report further states that a positive drainage system will be incorporated into the development which will restrict run-off to greenfield rates with discharge to Ditton Brook. In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could it claims proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site at greenfield rates.

The Council's Highways and Drainage Officers have advised that surface water runoff is proposed to be attenuated by underground storage tanks prior to discharge at greenfield rates into culverted watercourse and then to Ditton Brook. The NPPG outlines a hierarchy to be investigated by developers when considering a surface water drainage strategy. Whilst such surface water drainage proposals may be acceptable from an engineering / Flood Risk Management perspective discussions are ongoing to secure the most sustainable strategy. The revised submission is currently being considered by the Environment Agency and the Councils Drainage Engineers. Members will be updated accordingly including any amendments or further recommended conditions as required.

Trees and Hedgerows

There are no Tree Preservation Orders in force on this site and the area is not a designated Conservation Area. The majority of the trees, scrub, ephemeral/short perennial vegetation and grassland will be lost due to this proposal. The largest and best trees on site referring to the submitted Arboricultural Impact Assessment are trees T3 oak, T6 hybrid black poplar and T7 false acacia. The submitted survey states that Trees T3 and T6 will be lost to facilitate the proposal and that there is not enough room on site to mitigate the loss of trees. T3 is however categorised as having "excellent form and vigour with minor deadwood typical to species, dense foliage cover and large leaves are indicative of good physiological condition and is accordingly categorised as being of high quality. This tree is located directly adjoining the boundary of the site within an area of indicative landscaping. It is considered that this tree could potentially be retained with relatively minor amendments and/ or minor reduction in floor space of indicative Unit 3. Discussions are ongoing with the applicant in this regard and members will be updated accordingly.

Ecology

The habitat on site is reported to be consistent with NERC Section 41. Open Mosaic on Previously Developed Land. As such, it has the potential to provide suitable habitat for invertebrates. Current plans include the installation of green walls to provide habitat for invertebrate species. There is also a green area along the boundary with Ditton Brook, as well as another in the south east of the site and along the remaining boundaries. If planted with native species of shrub, and wildflower mixes on the grassed areas, the combination of these and the green walls will provide adequate mitigation for the habitat lost. The Council's Open Spaces Officer has stated his opinion that, although beneficial to some species, green walls of ivy alone will not fully mitigate the loss of habitat at this site. Whilst the loss of habitat is regrettable it is considered that the wider benefits of the scheme in terms of securing redevelopment of previously developed land and securing potential future jobs for the Borough outweigh any harm resulting from such loss. Opportunities for onsite mitigation and replacement planting are considered to have been maximised.

Native bluebell is also recorded at the site but it is advised that this could be translocated to the nearby Hale Rd Woodland Local Nature Reserve site if in danger of being lost. No issues are identified regarding badgers or bat roosts associated with the proposal although the submitted survey does state that the site provides good potential foraging and commuting habitat for bats. Great Crested Newt has been recorded in a pond 480mtrs away however the survey suggests that the site is very unlikely to contain GCN as a major railway line separates it from the pond. The report also states that further reptile and bat activity surveys are planned. These will be secured by appropriate planning condition.

With respect to mitigation for breeding birds planting native shrub and grassland species on the north boundary is recommended. The presence of grey partridge is difficult to mitigate for as they require large areas of open land. However, given the site's small area compared with the large expanse of arable and other open space in the vicinity, it is advised that its loss will not be of significance for the species. Habitat enhancement for the remaining birds nesting onsite can also be met by native species planting, as well as the installation of suitable nest boxes.

Japanese knotweed has been recorded on the site and the submitted report indicates this will be excavated and transported off site to a controlled waste disposal site. The proposed method is considered acceptable but must be done with care to avoid any possible contamination.

Lighting

The application is supported by a Preliminary External Lighting Report. This report proposes a draft scheme of external lighting for various areas of the development including associated car parking, lorry/service yard, access road and landscaping. In general lamps are proposed on indicative 6m columns to aid the visual tasks.

The preliminary report states that the scheme has been developed to reduce the impact that the external lighting would have on the surrounding areas, particularly the railway line. The scheme shows that predominantly the potential spillage towards the commercial properties and rail line surrounding the proposed site are kept to a minimum. It states that the final lighting design will be sensitive and coherent with the principles set out within the ILE (Institute of Lighting Engineers) reduction of light pollution, BSEN 12464-2 and other institutional guides for exterior lighting. It is considered that an appropriate final lighting design can be adequately secured by appropriately worded planning condition.

Health Impact Assessment

Core Strategy Policy CS22 requires that applications for large scale major development such as this should be supported by a Health Impact Assessment (HIA). The HIA is intended to identify the effects of the development upon the health and well-being of the local community. Whilst the development may result in beneficial impacts, there may be indirect or induced negative health impacts. By assessing any potential impacts early in the development process, the opportunity arises to maximise health benefits and minimise any potential negative impacts through design evolution and appropriate mitigation measures.

The application is supported by a Health Impact Assessment (HIA) in accordance with Policy CS22. This assessment demonstrates that the delivery of the proposed development will have predominantly positive health impacts within the Borough. The development has been assessed in accordance with national and local policy and the Council's HIA Framework the results of which confirm the development will have a positive impact on the health and wellbeing within the Borough, through tackling deprivation, education and awareness, providing employment to tackle financial issues and mental wellbeing within local residents.

In order to maximise the health and wellbeing benefits associated with the proposals, a number of actions are recommended. None are considered to justify further planning intervention by planning condition or any other means. The requirements of Core Strategy Policy CS22 are considered to have been fulfilled.

Summary and Conclusions

The application seeks permission for development of the site for B2/B8 uses comprising a maximum floorspace of 43,321 sqm including ancillary office space/staff facilities with associated loading bays, HGV/car parking, landscaping, pedestrian/cycle connections and associated infrastructure. The application is in outline only with all matters reserved except for means of access. The site will be remediated in accordance with a strategy to be agreed in consultation with the Environment Agency and the Council's Contaminated Land Officers subject to appropriate planning conditions. A number of issues are outstanding at the time of writing however it is considered that these can be adequately resolved and addressed by update to the Committee and/ or appropriate planning conditions as required.

The NPPF at paragraph 168 states that LPAs should approach making planning decisions in a positive way to foster the delivery of sustainable development. Paragraph 187 states that authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. LPA's should work proactively with applicants to secure developments that improve the economic, social and environmental conditions for the area.

The site is allocated for Uses B1, B2 and B8 and as such the proposed use is considered acceptable in principle. The site is substantially removed from residential properties and the proposed scheme is considered to offer good potential for sustainable development offering appropriate quality of design and layout as a progression of earlier phases of development of the wider site 242. In particular it is considered that the requirements of Policy E6 – New Industrial and Commercial Development, the overall objectives of the adopted Halton Unitary Development Plan, Supplementary Planning Documents and National Planning Policy Framework can be met within the proposed development. The proposals are not considered to prejudice the future re-use of Ditton Station in accordance with UDP Policy TP3 and accord with the principles of Core Strategy Policy CS8 with respect to the wider development of 3MG.

RECOMMENDATIONS

Approve subject to conditions relating to the following:-

1. Standard conditions relating to Outline Planning Permission(BE1)
2. Condition specifying plans/ amended plans (BE1)
3. Requiring submission and agreement of reptile and bat activity surveys and compliance with reasonable avoidance/ mitigation measures contained therein (GE21)
4. Requiring submission and agreement of a Construction Management Plan including vehicle access routes and construction car parking; (BE1)
5. Materials condition, requiring the submission and approval of the materials to be used (BE2)
6. Landscaping condition, requiring the submission of both hard and soft landscaping (BE2)
7. Boundary treatments including retaining walls to be submitted and approved in writing. (BE2)
8. Wheel cleansing facilities to be submitted and approved in writing. (BE1)
9. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
10. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
11. Submission and agreement of finished floor and site levels. (BE1)
12. Site investigation, including mitigation to be submitted and approved in writing. (PR14)

13. Submission and agreement of remediation verification report prior to occupation (PR14)
14. Condition relating to identification of contamination previously not identified (PR14)
15. Condition restricting piling or other penetrative foundation design (PR15)
16. Submission and agreement of cycle parking (TP6)
17. Submission and agreement of detailed Travel Plan (TP16)
18. Conditions relating to tree protection during construction (BE1)
19. Submission and agreement of detailed lighting design (PR4)
20. Submission and agreement of biodiversity enhancement features including native wildlife friendly planting, bird nest boxes and insect house (BE1 and GE21)
21. Condition requiring installation of green walls to provide habitat for invertebrate species and planting scheme of native species of shrub, and grassland and wildflower mixes on the grassed areas, native shrub and grassland species (GE21)
22. Submission and agreement of treatment/ removal of Japanese Knotweed and validation report
23. Restricting external storage (E5)
24. Requiring implementation of a scheme of pedestrian/ cycle linkages through the site to Hale Road (TP6/7)
25. Submission and agreement of a scheme to dispose of foul and surface water (PR15)

SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

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.