APPLICATION NO:	19/00261/FUL
LOCATION:	Land To The North West Of Foundry House, Waterside Lane, Widnes, WA8 8UD
PROPOSAL:	Proposed erection of 10 no. light industrial work units and associated access, external works and fencing
WARD:	Ditton
PARISH:	Halebank Parish Council
AGENT(S)/APPLICANT(S):	JPE Consultancy Limited Art Industrial Buildings Ltd Bracken House Properties LLP
DEVELOPMENT PLAN ALLOCATION:	Action Area Coastal Zone - developed
National Planning Policy Framework (2018)	
Halton Unitary Development Plan (2005)	
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE:	No
REPRESENTATIONS:	Concerns raised by Hale Bank Parish Council – See Representations Section of the Report
KEY ISSUES:	Principle of Development, Highways, Ground Contamination, Parking, Drainage
RECCOMMENDATION:	Approve subject to conditions
SITE MAP:	BORD

1. APPLICATION SITE

1.1 The Site

The application site forms part of the wider ownership to Foundry House and comprises an area of surplus car parking to the existing office use that is currently under-used. The site covers an area of 0.4877ha.

Foundry House is to the south of the development site and directly to the west is Foundry Lane, the main service road to the industrial estate with a range of industrial and commercial use to the north and west and beyond Foundry House to the south. There are residential properties located to the north west of the site, with the nearest dwelling located approximately 100m from the site boundary.

The site is located within a Regeneration Action Area as identified within the Halton Unitary Development Plan. Policy RG5 of the Halton Unitary Development Plan indicates there is a need for regeneration within the area particularly in relation to the redevelopment of vacant and derelict sites and that uses acceptable within the area are those appropriate to a mixed residential and employment area.

1.2 Site/Planning History

The plot was formerly part of Ditton Marshes with the original channel of Ditton Brook running through it. Once Ditton Brook was canalised the site was open land with the former meander identified as a reservoir. Surrounding land has been developed out in various industrial / chemical works uses. The reservoir and other ponds have been infilled at some point in the late 1980s/early 1990s, with the current layout of car parking being developed.

Historical plans and aerial photographs indicate a number of phases of infilling and land-raising. The exact nature of the fill is not known, although the adjacent fertilizer works may have contributed. Additionally the broader area has been subject to tipping by a wide variety of heavy industries that were local to Southern Widnes.

Previous applications for the site include proposals for porta-cabins as office use, Hazardous Substance Consent, proposed Warehouse Extensions and Plant building and storage tanks. None of these previous applications are directly relevant to the current planning application.

2. THE APPLICATION

2.1 The Proposal

The application seeks full planning permission to construct 10 light industrial units to be a flexible use development allowing B1, B2 or B8 use. The proposal is for one building separated into the 10 units with external access, car parking and turning areas.

The overall internal floor space of the proposed building is 1,119m², equating to 111.9m² per unit. Each unit will have a forecourt area for loading and servicing. 40 car parking spaces are also provided (intended as 3 per unit for staff parking and visitors) together with sheltered cycle storage for up to 10 bicycles.

It is envisaged that the units will appeal to small businesses that require a base for storage and packaging of goods. The units are to comprise an open area with a wide roller shutter door to maximise the space available for loading and storage. A pedestrian entry door is provided with access to a small kitchen and WC.

2.2 Documentation

The planning application is supported with the following documents:

- Design and Access Statement
- Topographical Survey
- Flood Risk Assessment
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Extended Phase 1 Site Investigation Report
- Preliminary Ecological Appraisal
- Appendix 1 Map 1 Extended Phase 1 Habitat Survey

3. POLICY CONTEXT

3.1 National Planning Policy Framework

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

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

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.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is designated as within a Regeneration Action Area in the Halton Unitary Development Plan. 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;
- BE22 Boundary Walls and Fences;
- GE18 Protection of Sites of National Importance for Nature Conservation
- GE21 Species Protection;
- PR2 Noise Nuisance:
- 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;
- E5 New Industrial and Commercial Development;
- RG5 Action Area 5 Halebank

3.3 Halton Core Strategy (2013)

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

- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS23 Managing Pollution and Risk

3.4 Joint Merseyside and Halton Waste Local Plan (2013)

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

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout for New Development

3.5 Relevant SPD's and Other Considerations

The Council's Design of New Industrial and Commercial Buildings Supplementary Planning Document (2006) are also of relevance.

4. **CONSULTATIONS**

- United Utilities No objection subject to conditions
- Environment Agency No objection subject to conditions
- Environmental Protection No objection subject to condition
- Health and Safety Executive Does not advise on safety grounds against the granting of planning permission in this case.
- MEAS No comments received
- HBC Highways No objection subject to conditions
- HBC Contaminated Land No objection subject to conditions
- HBC Major Projects No objection
- HBC Open Spaces No objection
- LLFA Comments awaited
- Ward Councillors No comments received
- Hale Bank Parish Council See section Below
- Cheshire Police No objection
- Liverpool Airport No comments received
- National Grid No comments received
- The Coal Authority No objection

5. REPRESENTATIONS

- 5.1 The application has been advertised by a press notice in the Widnes & Runcorn Weekly News on 06/06/2019, a site notice posted on 31.05.2019 on Foundry Lane and 9 neighbour notification letters sent on 30.05.2019.
- 5.2 Comments have been received on behalf of Hale Bank Parish Council raising the following concerns:

"The Parish Council is concerned that there may be an increase in HGVs accessing/departing this development and the road infrastructure in Hale Bank

is unable to cope with any such increase. The Parish Council is also concerned this would lead to further increases of nitrogen dioxide levels within the village.

The Council's Environmental Protection Officer has been contacted for comment. Comments are awaited and members will be updated orally at Committee Meeting.

5.3 No further representations have been received from the publicity given to the application.

6. ASSESSMENT

6.1 Principle of Industrial development

The application site is situated within an area of established employment uses, accessed off Foundry Lane in Widnes. There are five existing units directly to the north west of the site that have a mix of industrial and commercial uses. The site is located within Action Area 5 as designated by the Halton Unitary Development Plan.

Policy RG5 of the adopted Halton Unitary Development Plan indicates a series of uses which it states will be acceptable within the action area along with a series of general principles for development. Whilst provision for "a variety of employment uses" is listed under principles of development, the proposed uses (B2 & B8) are not specifically listed as an acceptable use. Notwithstanding that, the list of acceptable uses given in Policy RG5 could not be considered as an exhaustive list nor does Policy RG5 seek to exclude uses not listed within the policy but more represents a reflection of the aspiration of the policy to seek enhancement of the area.

Previous planning consents for the site have authorised B2 and B8 uses, therefore the proposed flexible use is considered to be appropriate and in keeping with the history of the site. In addition to this, the proposed development would have an acceptable relationship with the surrounding land uses.

It is considered that the principle of the proposed development does not directly conflict with Policy RG5 of the Halton Unitary Development Plan given the surrounding land uses and the history of the site and therefore although B2 and B8 uses are not directly specified in the policy guidance, this does not give substantial justification for refusal of the application. It is considered that the development of the site for proposed use with Use Classes B1, B2 and B8 is considered acceptable in principle.

6.2 Layout

The proposed units would be situated to the north of the site to maximise the space available for parking provision to the front of the units and to create the least visibly intrusive appearance.

The units will comprise of an open area with a wide roller shutter door to maximise the space available for loading and storage. A pedestrian entry door is provided with access to a small kitchen and a WC, with a fire exit located at the rear. Each unit would have a forecourt to the front for loading purposes.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE1, BE2 and E5 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.3 <u>Scale</u>

The proposed building would provide 1,119sqm floor space for B1, B2 and B8 uses, measuring 81.93m by 14.62m. An overall height to the eaves of 6.26 metres is proposed with a ridge height of 8.46 metres. The scale of the units reflect the site context and surrounding buildings, specifically the existing units to the north west of the site. The location and alignment of the units would integrate with the existing industrial units and the estate road to the north. The proposal is considered to be acceptable in terms of size and scale.

6.4 Appearance

The external walls of the units are proposed to be composite insulated panels. A simple pallet of grey tones are proposed (Merlin Grey and Anthracite colourcoat) to create a neutral appearance and add interest to the elevations. Roof lights are proposed to the roofs to provide natural light to the interior. Each unit would have an area for signage however no details have been submitted as the end users are unknown.

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

A condition will be attached to implement the approved materials and landscaping scheme to ensure compliance with Policies BE1, BE2 and E5 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

6.5 Landscaping and Trees

There are no formal tree constraints associated with the application site and the plot is not situated within a designated Conservation Area. The site does contain a number of semi-mature trees (Ash, Poplar, Sycamore, Cherry etc.) around the proposed development plot perimeter and many young trees within the traffic islands of the car park. None of the trees on site would satisfy the criteria for Statutory Protection.

The existing landscaping along the perimeter of the site consisting of semimature trees and shrubs will mostly be retained to provide natural screening to the development, with some of the landscaping cleared to accommodate the new development. The submitted Arboricultural Impact Assessment concludes that due to the species, condition and limited extent of encroachment, the proposal will not have a detrimental impact on the safe useful life expectancy of the existing trees.

A precautionary method of working near trees has been detailed in the accompanying Arboricultural Method Statement and it is considered that in following the advice in this document, any negative factors affecting the trees on site will be minimised.

In addition to the above, a landscape plan has also been submitted as a supporting document and is considered to be acceptable. The existing boundary fencing would be retained with the addition of a new section along the north east boundary. The proposed fence details have been submitted, consisting of 2.4m high palisade security fence with triple point head settings, finished in green powder coat.

A condition securing the implementation of the landscape plan, tree protection measures and boundary fencing is considered reasonable. This would ensure compliance with Policies BE1 and BE22 of the Halton Unitary Development Plan.

6.6 Ecology

A Preliminary Ecological Appraisal has been submitted to accompany the application. The appraisal concluded that the site is dominated by tall ruderal herb of very little botanical interest or value, there were no protected higher plant species recorded on site and there were no rare or uncommon species or habitats recorded on site.

There are no formal ecological constraints associated with the site, however the plot does sit immediately adjacent to Ditton Brook which discharges into the Upper Mersey Estuary SSSI, RAMSAR, SPA.

The Merseyside Environmental Advisory Service has been consulted on the application and submitted documents. MEAS has advised that the submitted Preliminary Ecological Appraisal report is acceptable however it has some limitations.

These limitations include the radius of the data search was only 500m as opposed to 1km and the surveys were carried out in January, when the presence of invasive plant species is difficult to determine. There is insufficient information to support the conclusion that the trees on site have negligible potential to support roosting bats and the proposals have not been assessed for the potential effects on the Mersey Estuary SPA and Ramsar. There is a direct hydrological connection between the site and the Mersey Estuary via Ditton Brook.

The SSSI Impact Risk Zone triggers for consultation depend on the end use. MEAS has advised that Natural England should be consulted as the end use of the industrial units is unknown and the applicant proposes surface water drainage to Ditton Brook. Natural England has been consulted and comments are awaited. Members will be updated accordingly.

MEAS has advised that the submitted Preliminary Ecological Appraisal report can be cross referenced with site photos and the Submitted Arboricultural Implications Assessment, which supports the conclusions of the report. Therefore no further information regarding bats is required.

The report also proposed a pre-commencement survey for invasive plant species, this is considered acceptable and will be secured by planning condition. If invasive plant species are found on site, a method statement outlining methods for their treatment and disposal should be prepared.

MEAS are undertaking Habitat Regulations Assessment for likely significant effects on the Mersey Estuary SPA and Mersey Estuary Ramsar site. To enable the HRA to be carried out, further information has been requested. Members will be updated accordingly.

The Council's Open Spaces Officer pre-application enquiry response advised that any development of the plot should include a pollution control plan to prevent run off into the brook. This has been requested by MEAS prior to the determination of the application and so cannot be conditioned.

It is also advised that all works comply with current bird nesting legislation (Wildlife & Countryside Act 1981 Part 1 Section1 (1) with amendments). This information will be attached as an informative.

6.7 Site Levels

The development site is relatively level and extends up to the embankment to Ditton Brook to the north west of the site. There is no significant change proposed to the land levels therefore an appropriate relationship can be achieved in terms of appearance and relationships to existing roads.

The proposed land levels are considered to be acceptable and a condition will be attached to ensure the implementation in accordance with the submitted plan.

6.8 Highway considerations

The application site forms part of the wider ownership to Foundry House and comprises an area of surplus car parking to the existing office use that is currently under-used.

Foundry House offers office space within a 10,631sqm building. Presently the building has a 63% occupancy rate with 3,321sqm presently un-occupied. The building as a B1 category use class has a maximum parking requirement in the Unitary Development Plan of 265 spaces. The application sets aside 126 spaces within the site for Foundry House which the HBC Highways Officer has advised would be deemed as acceptable. Further justification and clarification has been sought from the Council's Highways Officer regarding futureproofing the parking provision should the occupancy rate of Foundry House increase. Members will be updated accordingly.

Following pre-application enquiry discussions with the Council's Highway Officer, it is proposed that the existing access to Foundry House be utilised as access to the site. The existing security gate house will have the ability to monitor vehicles accessing the site and this is considered to be appropriate.

A swept path analysis plan has been submitted in support of the application to demonstrate the ability for the proposed development to be accessed and serviced safely and successfully and is considered to be acceptable.

The proposed development has a maximum parking requirement of 22 spaces; 40 car parking spaces are proposed in addition to 10 light goods vehicles spaces. This provides an over provision of parking for the proposed development. 4 disabled parking bays are provided which is in compliance with the 10% requirement for this to be provided. Amendments have been sought to correct the disabled bay hatching at spaces V1 and V10 on Dwg. No. 18/1188/201A – Proposed Site Layout. Members will be updated at committee meeting.

Cycle storage is provided at either end of the proposed building with storage provided for 10 bicycles. Details of these storage shelters will be conditioned to ensure implementation and to comply with Policy TP6 of the Halton Unitary Development Plan.

There is existing hardstanding to the side and rear of the proposed building which will remain unused. A condition will be added to ensure there is no

outdoor storage of materials or products of any kind to ensure there is no impact on the visual amenity of the surrounding area.

6.9 Contamination

The application is supported by the following document:

Proposed light industrial development Foundry House, Widnes.
 Extended phase 1 site investigation report, Ref 4014/01 Issue 1,
 TerraConsult Ltd, 31st July 2018

The report includes a desk study, site reconnaissance and a preliminary site investigation.

The preliminary site investigation consisted of 8 trial pits with associated soil sampling and analysis. The initial findings have not identified any significant sources of contamination, although further assessment is required to assess the potential hazard of ground gases and the risk to controlled waters. The report recommends a detailed phase of site investigation, and sets out a scope of works.

The Council's Contaminated Land Officer is in agreement with the findings of the preliminary risk assessment presented in the report, and the recommendations for additional investigation and risk assessment.

The Environment Agency has also been consulted and have commented as follows:

The report submitted in support of this planning application provides us with confidence that it will be possible to suitable manage the risk posed to controlled water by this development. However, further detailed information will be required before built development is undertaken. The proposed development will be acceptable if planning conditions are included within any planning permission granted or the site.

No objections have been raised to the application with the provision that any approval is conditioned to require the completion of a detailed site investigation, risk assessment and, if required, a remediation strategy and associated verification reporting.

The Environment Agency has also requested a condition restricting the use of piling without the written consent of the local planning authority as piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

On that basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR14 and Core Strategy Policy CS23.

6.10 Lighting and Noise

The application has not been supported by a Noise Impact Assessment or Lighting Assessment, however the proposed development has been discussed at length with the Council's Environmental Health Officer at Pre-application stage. The Environmental Health Officer notes that the development is some distance from residential areas and on that basis potential issues arising from noise and light are considered to raise less concern.

The proposed building is orientated with a largely blank elevation facing North West towards the residential properties beyond Foundry Lane. The building itself therefore offers a significant degree of screening from any potential light and noise sources from the loading and service yard activities which are located to the south east of the building.

Given that the planning application is for units containing B1, B2 and B8 uses, a condition restricting hours of use from 7am – 7pm would be appropriate. This has been agreed with the agent on the basis that a noise report has not been requested as the end use of the proposed units is unknown.

The Environmental Health Officer has noted that it would be difficult to apply noise conditions when the end use of the units is not known. However Environmental Health has the statutory nuisance provisions of the Environmental Protection Act 1990, which can be applied should noise become an issue during daytime hours.

Should the individual occupiers of each unit require extended hours they could come back to planning and at that point a noise report would be requested based on the potential end use of that individual unit.

6.11 Flood Risk and Drainage

The application is supported by a Flood Risk Assessment (FRA). This advises that the site is shown to be primarily within Flood Zone 2 with a low risk of groundwater, artificial sources, sewers and drainage and surface flooding; together with a medium risk of tidal and fluvial flooding.

United Utilities have commented on the application, following a review of the submitted Flood Risk Assessment, the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted, they would suggest conditions relating to surface water and foul water be attached to any subsequent decision.

The Environment Agency has also commented on the submitted Flood Risk Assessment and have raised no objection subject to a condition being added ensuring finished floor levels be set no lower than 7.75 metres above Ordnance

Datum. This accords with the submitted proposed floor levels and is therefore considered to be acceptable.

Comments from the LLFA are awaited, members will be updated at Committee meeting.

6.12 Waste

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 provided information on the location of 2 bin stores, one at either end of the car park area. Each bin store (serving 5 units) will be provided with 3No. Euro Bins (1100 litre capacity) with separate bin for paper and cardboard, general waste and plastic and glass. No details have been provided with respect to bin screening however this can be secured by condition. The above is considered to be acceptable in accordance with Policy WM9 of the Joint Merseyside and Halton Waste Local Plan.

7. CONCLUSIONS

The application seeks permission for development of the currently under used area of surplus parking that serves Foundry House. The application proposes to build 10 light industrial units with flexible B1, B2 and B8 uses with associated loading bays, parking, landscaping and associated infrastructure. The proposed new building would comprise of a maximum floor space of 1,119m², equating to 111.9m² per unit.

The proposals offer the opportunity for further inward investment in the borough, the appropriate reuse of a brown field site and for employment creation. It is envisaged that the units will appeal to small businesses that require a base for storage and packaging of goods and thus would generate employment and growth in this area, supporting the objectives of policy CS4 of the Halton Core Strategy.

The site is located within a sustainable and accessible location to an existing industrial estate with established infrastructure and transport links.

The application site is previously developed land forming the periphery and part of the extended parking area to Foundry House. The parking area that is

proposed to be developed is surplus to the requirements of Foundry House and therefore this proposal makes use of the land and remodelling of a site within an existing employment area.

It is considered that the principle of the proposed development does not directly conflict with Policy RG5 of the Halton Unitary Development Plan given the surrounding land uses and the history of the site and therefore it is considered that the development of the site for proposed use with Use Classes B1, B2 and B8 is considered acceptable in principle.

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. These include awaited comments from the LLFA, clarification in parking numbers, an amended plan showing the disabled parking spaces amended to include additional hatching markings and additional information requested by MEAS.

The scheme is considered to offer good quality development at a sustainable location and it is considered that 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.

8. RECOMMENDATIONS

The application be approved subject to conditions relating to the following:

- 1. Standard 3 year timescale for commencement of development (BE1)
- 2. Specifying approved/amended plans (BE1)
- 3. Materials condition, requiring external finishing materials be carried out as approved (BE2)
- 4. Implementation of Proposed Site and finished floor Levels (Policy BE1)
- 5. Landscaping condition requiring Implementation of Landscaping scheme (Policy BE1)
- 6. Boundary treatment condition(s) requiring fencing etc. be carried out as approved (BE22)
- 7. Pre-commencement survey for invasive plant species
- 8. Drainage details/strategy to be implemented (UU surface water condition (PR16)
- 9. Foul water drained on separate system (PR16)
- 10. Conditions relating to further detailed site investigation/ risk assessment/ remediation strategy/ verification (PR14/15)
- 11. Pilling using penetrative methods shall not be carried out other than with written consent (EA applied)
- 12. No drainage for the infiltration of surface water to the ground (EA Applied)
- 13. In accordance with Arb Method Statement (BE1)
- 14. In accordance with ecological appraisal (GE18)

- 15. Cycle Storage Details and Implementation (Policy TP6)
- 16. Bin screen details (BE1)
- 17. Vehicle access, parking, servicing etc. to be constructed prior to occupation/commencement of use. (BE1)
- 18. submission and agreement of Site Waste Management Plan (WM8)
- 19. Pollution control plan
- 20. Hours of operation (Policy BE1)
- 21. No outdoor storage (Policy E5)

9. INFORMATIVES

- 1. Breeding birds protection (Policy GE21)
- 2. Construction Method Plan and considerate constructors

10. SUSTAINABILITY STATEMENT

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.