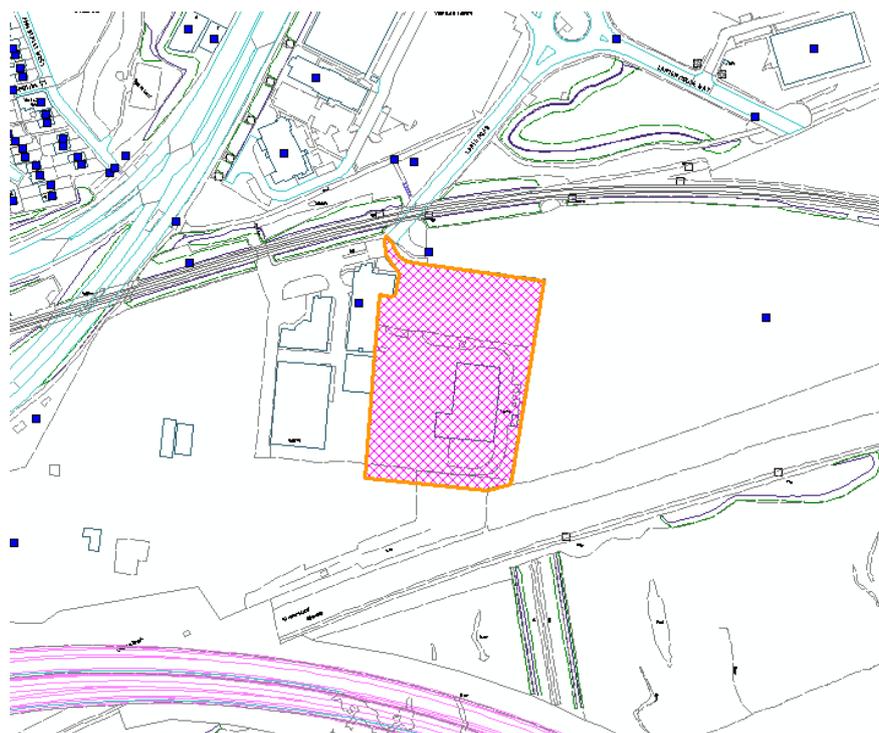


<b>APPLICATION NO:</b>	21/00038/FUL
<b>LOCATION:</b>	Devenish Nutrition, Earle Road, Widnes, Cheshire, WA8 0GY.
<b>PROPOSAL:</b>	Proposed erection of industrial building, lean-to canopy and silo, ancillary to existing operations.
<b>WARD:</b>	Riverside
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Adrian Power at Devenish Nutrition
<b>AGENT:</b>	Mr Andrew Jalali at Mosaic Town Planning
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Widnes Water Front Regeneration Action Area (RG3)
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>	One representations has been received from the publicity given to the application.
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Habitat Protection.
<b>RECOMMENDATION:</b>	Approve subject to conditions.

**SITE MAP**



## **1. APPLICATION SITE**

### **1.1 The Site**

The application site comprises 1.3 hectares of brownfield land, the existing industrial buildings are located in the south east corner of the site, and the rest of the site is predominantly hard standing used for servicing and staff car parking, with a small amount of grass around the periphery. The buildings house the existing warehousing and manufacturing plant for producing animal feed products.

The site is approximately 1km south of Widnes town centre, and is accessed from Earle Road via Queensway. To the south is the St Helens canal, Widnes Wharf and the Mersey estuary.

### **1.2 Planning History**

The site has an extensive planning history with the more recent relevant applications being as follows:

- 94/00005/FUL- Erection of roof extension to existing warehouse, permitted 16.02.1994
- 96/00619/FUL- Proposed erection of new powder blending plant, permitted 29.11.1996
- 97/00448/FUL- Proposed erection of new chimney stack to plant building and construction of two storey switch house, permitted 11.09.1997
- 97/00509/FUL- Proposed warehouse extension, permitted 16.10.1997
- 14/00624/FUL - Proposed extension to existing warehouse, addition of second floor to office block, permitted 12.01.2015
- 15/00208/DEM - Prior notification of proposed demolition of former industrial buildings, permitted 11.05.2015

## **2. THE APPLICATION**

### **2.1 The Proposal**

Proposed erection of industrial building, lean-to canopy and silo, ancillary to existing operations.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a Planning Statement, Flood Risk and Surface Drainage Details, and a Geo Environmental Risk Assessment.

### **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 a Regeneration Action Area and falls with the Developed Coastal Zone on the Halton Unitary Development Plan Proposals Map. The site also falls within the South Widnes Key Area of Change the Halton Core Strategy. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- RG3 Action Area 3 - Widnes Waterfront
- BE1 General Requirements for Development
- BE2 Quality of Design
- GE21 Species Protection
- GE30 The Mersey Coastal
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP12 Car Parking

##### **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
- CS9 South Widnes key Area of Change
- CS18 High Quality Design
- 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.

#### **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 proposed development.

#### **Contaminated Land Officer**

No comments received

#### **Lead Local Flood Authority (LLFA)**

No comments received

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

No objection, subject to a condition relating to construction methods and timing of the works to secure avoidance measures, so that there will be no adverse effect upon the integrity of the Mersey Estuary SPA and Ramsar sites.

#### **Mersey Gateway Environmental Trust**

No comments received

#### **Mersey Gateway**

No comments received

#### National Grid

No comments received

#### Natural England

No objection, subject to timing restrictions to ensure all construction works are undertaken between April and August.

#### 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, and conditions relating to a contaminated land remediation strategy, validation report and foundation design.

#### Health and Safety Executive (HSE)

Do not advise against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

#### United Utilities

No objection subject to conditions relating to a surface water drainage scheme, and that foul and surface water be drained on separate systems.

#### Network Rail

No objection in principle to the proposal, advice to be provided to the applicant on the requirements should any works be carried out within 10m of the railway boundary.

#### National Grid

No comments received

### **5. REPRESENTATIONS**

5.1 One representation has been received from the publicity given to the application. The representation states that as long as the silo is no larger than building already on site and that it doesn't produce any smoke or toxic fumes, they would have no objection.

### **6. ASSESSMENT**

#### **6.1 Principle of Development**

The site is brownfield land, and located within an existing manufacturing site in the Widnes Waterfront Regeneration Area (Policy RG3 of the UDP) and the South Widnes Key Area of Change (CS9 of the CS). It is also within the

Developed Coastal Zone (Policy GE30 of the UDP), as identified in the Halton Unitary Development Plan and the associated proposals map.

Policy RG3 and CS9 allow for employment uses, and Policy GE30 allows for proposals made in connection with existing uses that have regard to environmental quality. Given that the proposal is associated with the continued use of the existing manufacturing use of the site, the proposal is considered to be acceptable in principle.

## 6.2 Design and Layout

The proposal includes the provision of a new lean to canopy extension to provide additional covered areas for the movement of material and products, and an industrial building to be used for storage. Together they would provide a net additional floor space of 1,222sq.m.

The canopy would tie into the existing canopy on the west facing elevation of the building, and would be constructed in similar white materials and would be in keeping. The industrial building would be detached and constructed in an aluminium frame with grey glazed walls and a white plastic coated membrane roof.

The buildings light weight construction allow for minimal ground work, as the light weight structures can be anchored to the existing concrete.

The proposal also includes an additional silo, this would be approximately 13m in height and located adjacent to the existing building. The new silo would be smaller in height than the two tallest existing silos which are approximately 17m tall, and substantially lower than the tallest building on site which was designed to house a vertical blending plant.

Overall the proposed buildings would be in keeping with the existing buildings, and reflect the industrial surroundings of the site, therefore would not harm the character and appearance of the area. The proposal is consistent with policy BE2 of the UDP and CS18 of the CS. A condition is recommended that the buildings be implemented in accordance with the approved plans and details.

## 6.3 Highways and Access

The proposal is to provide additional buildings to be used for the existing manufacturing plant, the access via Earle Road will remain as existing. The buildings would allow for internal storage on site, so that a greater amount weather sensitive stock can be stored at any one time, reducing the need for movements of material and finished goods. Therefore, the movement of pallets and materials to/from other sites operated by the applicant will reduce, as the proposed storage building will increase the capacity to store these on site.

The applicant states that there are in excess of 100 existing car parking spaces to be retained on the northern part of the site, and that the existing 34 full time employees are not expected to increase as a result of the development.

Therefore, there is ample onsite car parking provision. The Council's Highways Officers have been consulted and have no objection to the proposal.

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, TP12 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 as well as the LLFA. The flood risk assessment (Ref: Jan 2021/RCEF78679/RPS) report makes the following recommendations for mitigation against the risk of flooding which include the following:

- Development is limited to a less vulnerable (non-residential) classification;
- Storage of products and racking to be set a minimum of 300mm above ground level inside the warehouse;
- Equipment or machinery used inside the warehouse to be set a minimum of 300mm above ground level inside the warehouse;
- Flood resilient materials and techniques to be used throughout the development; and
- An open/grated conveyance culvert channel to be constructed in order to maintain a flood flow route through the site.

The Environment Agency have no objection provided the above measures are secured by condition. 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 has been supported with a Phase 1 preliminary risk assessment report (Ref JER8934 R0), and Quantitative Risk Assessment report (Ref IBR0654 Rev 0). Whilst these are sufficient to determine the application, further work would be required, and conditions are recommended as per those suggested by the Environment Agency for a remediation strategy, validation report and foundation design.

With regards to the one representation received raising air pollution concerns, the buildings would be used in connection with the existing manufacturing use, providing a covered area for the movement of staff and materials, as well as the storage of raw materials and stock. Therefore the development would not introduce any new process that would cause emissions.

## 6.6 Ecology and Habitats

The application site is in close proximity to the flats and saltmarshes of Widnes Wharf, which are functionally linked to Mersey Estuary SPA and Ramsar sites. These provide feeding and roosting sites for large and internationally important populations of waterfowl, notably in the winter months.

Due to the development's potential pathways and impacts on the above sites, MEAS have undertaken a Habitats Regulations Assessment (HRA) for likely significant effects, this has concluded that avoidance measures are required to ensure that there would be no likely significant effects. The HRA has taken into account the following:

- Works will take place April to August;
- There will be no requirements to connect to foul drainage and surface water will not discharge into the canal;
- Background noise will remain as existing;
- The site is a working industrial site;
- The structure will be pre-fabricated, and no deep foundations, excavations or major groundworks will be required as part of this development

The HRA concludes that, with the above avoidance measures, there will be no adverse effect upon the integrity of European sites. A condition is recommended for a construction method statement to ensure that necessary method and timing of construction are secured.

The attachment of the condition 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 proposals comprise development which is unlikely to generate significant volumes of waste. The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise offsite disposal where practicable.

As a discretionary requirement, MEAS have advised that waste audits or a similar mechanism such as a site waste management plan should be used to

monitor waste minimisation, recycling, management and disposal. It is recommended that an advisory note be attached as an informative on the decision notice.

## 6.8 Other Matters

Part of the site lies within the outer risk zone of a gas pipeline. The HSE have been consulted, and they do not advise, on safety grounds, against the granting of planning permission in this case.

## 7. CONCLUSIONS

7.1 The proposed development maintains the existing employment use, and the investment will ensure the future viability of the site and future employment opportunities. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination, flood risk and habitat protection can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies RG3, BE1, BE2, GE21, PR14, PR16 of the Unitary Development Plan and CS9 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. Submission and agreement of a construction method statement including HRA avoidance measures and timing of development (BE1, GE21 and CS20)
4. External facing materials (BE1 and BE2)
5. Submission and agreement of ground investigation report, and remediation strategy (PR14 and CS23)
6. Submission of validation report (PR14 and CS23)
7. Foundation design (PR14 and CS23)
8. Flood risk assessment and mitigation (PR16 and CS23)
9. Submission and agreement of drainage scheme (PR16 and CS23)
10. Foul and surface water on a separate system (PR16 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.