

Public Document Pack



Development Management Committee

Tuesday, 1 March 2022 6.30 p.m.
Council Chamber - Town Hall, Runcorn



Chief Executive

COMMITTEE MEMBERSHIP

| |
|------------------------------------|
| Councillor Stan Hill (Chair) |
| Councillor Rosie Leck (Vice-Chair) |
| Councillor John Abbott |
| Councillor John Bradshaw |
| Councillor Chris Carlin |
| Councillor Noel Hutchinson |
| Councillor Alan Lowe |
| Councillor Ged Philbin |
| Councillor Rob Polhill |
| Councillor John Stockton |
| Councillor Dave Thompson |

*Please contact Ann Jones on 0151 511 8276 Ext. 16 8276 or
ann.jones@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 4 April 2022*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

| Item No. | Page No. |
|--|-----------------|
| 1. MINUTES | 1 - 8 |
| 2. DECLARATIONS OF INTEREST | |
| Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary Interests, to leave the meeting prior to discussion and voting on the item. | |
| 3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE | |
| (A) 21/00316/FUL - Proposed installation of a fume hood and four extraction arms in the applications laboratory together with external extraction ducting at Metrohm UK Limited, Metrohm House, Evenwood Close, Runcorn WA7 1LZ | 9 - 18 |
| (B) 21/00613/FUL - Proposed development comprising 5 no. 3 storey residential blocks containing 33 no. Use Class C3 - 1 and 2 bedroom apartments with access, parking , landscaping and associated works at Former Site of Express Dairies, Perry Street/Sewell Street, Runcorn | 19 - 33 |
| (C) 21/00657/FUL - Proposed erection of a storage and distribution building (Use Class B8) including ancillary (integral) offices, creation of a service yard and parking areas for cars and HGVs, with associated access and servicing including a new vehicle access point from Mathieson Road, new landscaping and other works at Land at Viking Park (Plot 2), Mathieson Road, Widnes | 34 - 54 |
| (D) PLANS | 55 - 75 |

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

DEVELOPMENT MANAGEMENT COMMITTEE

At a meeting of the Development Management Committee on Tuesday, 18 January 2022 at the Halton Stadium, Widnes

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Abbott, J. Bradshaw, Carlin, Hutchinson, A. Lowe, Philbin, Polhill, J. Stockton and Thompson

Apologies for Absence: None

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, P. Peak, K. Thompson and R. Cooper

Also in attendance: 32 members of the public, Councillors A. McInerney and V. Hill and one member of the press

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

| | <i>Action</i> |
|---|---------------|
| DEV29 MINUTES | |
| <p>The Minutes of the meeting held on 7 December 2021, having been circulated, were taken as read and signed as a correct record.</p> | |
| DEV30 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE | |
| <p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p> | |
| DEV31 19/00391/WST - PROPOSED CONSTRUCTION OF WASTE TRANSFER BUILDING, CHANGE OF USE TO COMMERCIAL AND INDUSTRIAL WASTE TRANSFER STATION AND ANCILLARY DEVELOPMENT AT ASH WASTE LTD, MACDERMOTT ROAD, WIDNES | |
| <p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p> <p>Local Ward Councillor Wallace, requested her statement against the application be read out to Members, as she was unable to attend the meeting.</p> | |

In response to her comments regarding odours, Officers advised that there was a specific condition added (top of page 20 of the report), which would restrict the type of waste being received and minimise the risk of odour from the site.

The Committee was addressed by Mr Hassle, the Agent acting on behalf of the Applicant. He provided some background information in respect of the Applicants, who were a family run business. He stated that:

- The company worked with local businesses, charities and local authorities;
- They employed 250 people and hoped to create 15-20 new jobs with this proposal, which would also secure 25 existing jobs;
- The company was a Band A site operator and ran the top 5% sites in the Country;
- No objections had been received;
- The waste collected would not include food waste;
- They would be regulated by the Environment Agency;
- All planning policies regarding waste had been met;
- New waste sites were needed in line with the Climate Change agenda; and
- The proposal did not affect the businesses in the surrounding area and no changes to the roads were required.

Members discussed the concentration of waste transfer sites in the West Bank area, the odour problems, accidental contamination from food waste and their compliance. It was noted following queries that waste companies were regulated by the Environment Agency, not the local authority. Officers also confirmed that the Applicant would be applying for a bespoke Environmental Permit (as discussed on page 18), as this was required by law.

The Committee agreed to approve the application, subject to the conditions listed below.

RESOLVED: That the application be approved subject to conditions relating to the following:

1. Standard 3 year timescale for commencement of development;
2. Specifying approved and amended plans;
3. Requiring submission and agreement of a

- Construction Environmental Management Plan to include wheel wash and construction hours;
4. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2);
 5. Vehicle access, parking, servicing etc to be constructed prior to occupation of properties / commencement of use (BE1);
 6. Requiring submission and agreement of cycle parking details (TP6);
 7. Condition restricting waste throughput to 75,000 tonnes per annum;
 8. Condition(s) restricting waste types accepted / processed;
 9. Condition(s) restricting external storage processing;
 10. Condition(s) requiring waste to be delivered / exported in sealed / covered wagons (BE1);
 11. Protecting nesting birds (GE21);
 12. Restricting penetrative / piled foundations (PR25);
 13. Submission and agreement of solar panel details (BE1/2);
 14. Condition relating to contamination / ground investigation / remediation (PR14/15);
 15. Conditions relating to / requiring submission and agreement of detailed surface water / highway drainage scheme including attenuation / interceptors (BE1/PR5); and
 16. Submission and agreement of Site Waste Management Plan (WM8).

In order to avoid any allegation of bias, Councillor Thompson took no part in the debate and did not vote on following item as he had made earlier objections in the media on the dereliction of this site.

DEV32 21/00161/FUL - PROPOSED DEMOLITION OF THE EXISTING VACANT OFFICE BUILDING AND THE ERECTION OF APARTMENT BLOCK AND TOWNHOUSES TOTALLING 153 NO. DWELLINGS (USE CLASS C3) A 66 NO. BEDROOM CARE HOME (USE CLASS C2) AND AN 85 NO. BEDROOM HOTEL (USE CLASS C1) WITH ASSOCIATED HARD AND SOFT LANDSCAPING AND PARKING AT EAST LANE HOUSE, EAST LANE, RUNCORN, WA7 2UR

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

Since the publication of the report one additional objection had been received, this was read out to the

Committee. The applicant had confirmed that the off-site payment relating to open space and affordable housing was accepted by them. It was noted that Natural England (NE) had been notified of the Applicant's agreement to the obligation and a response was awaited. Therefore, delegated authority was requested to issue the decision following confirmation that NE has no objections to the proposal.

The Committee was addressed by Ms Goff, the Agent representing the Applicant, who spoke of the benefits to the proposal. These included *inter alia*:

- the site had been vacant for 12 years and had a detrimental impact on the area;
- the proposal provided an opportunity to develop high quality dwellings which would contribute to the housing targets in the Borough;
- the proposal included a 25% affordable housing ratio;
- a Section 106 contribution would be made for open space improvements;
- no objections were received from statutory consultees;
- positive feedback had been received from publicity given to the application; and
- the scheme would have economic, social and environmental benefits, providing employment and attracting investment and economic growth in the Borough.

Clarification was provided for Members over condition (c). The Committee agreed that the application be approved subject to the response from Natural England.

RESOLVED: The Committee agreed that the application be approved subject to the conditions listed below and receipt of confirmation of no objections from Natural England.

- a) a Legal or other appropriate agreement relating to securing financial contributions to open space;
- b) conditions relating to the following:
 1. Time limit – full permission;
 2. Approved plans;
 3. Restriction of use;
 4. Submission of Proposed Site Levels (BE1);
 5. Submission of Facing Materials (BE1 and BE2);

6. Submission of Soft Landscaping Scheme and subsequent maintenance (BE1);
7. Implementation of Submitted Boundary Treatments Scheme and subsequent maintenance (BE1);
8. Breeding Birds Protection (GE21 and CS20);
9. Submission of Bird Boxes Scheme (GE21 and CS20);
10. Lighting Scheme to protect ecology and to consider safety (GE21 and CS20);
11. Hours of construction (BE1);
12. Electric Vehicle Charging Points Scheme (CS19);
13. Noise condition in respect of implementing recommendations in the report (PR8);
14. Implementation of Remediation Strategy and submission of Validation Report (PR14 and CS23);
15. Implementation of off site highway works (BE1);
16. Provision and retention of parking and servicing including Electric Vehicle spaces (BE1 and TP12);
17. Cycle parking scheme to be implemented (BE1 and TP6);
18. Implementation of travel plan (TP16);
19. Implementation of a Drainage Strategy, including SUDS and verification report (PR16 and CS23);
20. Found and surface water on a separate system (PR16 and CS23);
21. Waste audit (WM8);
22. Requiring the climate change standards to be met;
23. Resident information pack in relation to impacts on protected sites;
24. Provision of the appropriate bat licence;
25. Submission of CCTV scheme;
26. Provision and implementation of car club;
27. Implementation of a car parking management plan; and
28. Construction phase management plan.

And

- c) that if the S106 Agreement or alternative arrangement was not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation, in consultation with the Chair or Vice Chair of the Committee, to refuse the application.

DEV33 21/00408/FUL - PROPOSED CHANGE OF USE FROM CARE HOME (C2) TO 3 NO. SELF-CONTAINED HMO'S (SUI GENERIS) WITH ASSOCIATED INFILL EXTENSION,

LAYOUT OF CAR PARK AND LANDSCAPING AT 61
DERBY ROAD, WIDNES, WA8 9LG

This item was deferred by Development Management Committee Members at the November 2021 Committee meeting to allow for a site meeting to be carried out by Committee Members; this took place on 29 November 2021.

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

The Chair advised Members that the representations made by all parties verbally at the last meeting still stood for consideration today.

Since the publication of the agenda, an additional representation had been received from the residents of the neighbouring property and a brief statement received from the Applicant; these were all forwarded to Members via email in advance of the meeting. In addition, it was confirmed by the Applicant that the landowner was not the Applicant and the correct certificate has now been served. It was noted that due to this any decision by the Committee could not be issued for 21 days from service of this notice.

Members referred to their site visit and discussed the application, raising concerns over insufficient parking on the site, difficulties with access and egress for the site, existing congestion in the area and along Derby Road, neighbouring residents rights to privacy and access to amenities, inappropriate assumptions of car ownership and impacts on road safety.

One Member moved a motion to refuse the application on highway safety grounds and insufficient parking provision. This was seconded and the Committee voted to refuse the application.

RESOLVED: That the application is refused due to:

1. the proposed change of use to 3 separate Homes of Multiple Occupation (HMO) would impact negatively on highway safety and congestion in the vicinity of the site, due to the lack of off street parking provision. This under provision would lead to further antisocial parking in an area that was already congested and would result in an unacceptable impact on highway safety;

2. the use of the side door to gain main access to the (HMO) and impact of the extension that is adjacent to No. 59 Derby Road is considered to be detrimental to the amenity of the occupiers of neighbouring properties; and
3. as a result the proposal conflicts with the saved Policies BE1 'General Requirements for Development', and the Design of Residential Development Supplementary Planning Document and Paragraph 111 of the National Planning Policy Framework.

DEV34 21/00498/FUL - 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 AT BOWMAN WORKS, GORSEY LANE, WIDNES, WA8 0YZ

The consultation procedure undertaken was outlined in the report together with background information in respect of the site.

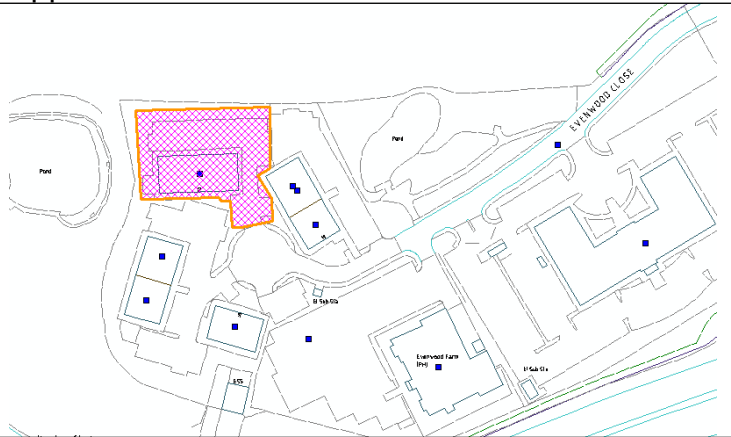
The Committee agreed that the application be approved.

RESOLVED: That the application be 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); and
16. No drainage systems for the infiltration of surface water (PR14 and CS23).

Meeting ended at 7.40 p.m.

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| APPLICATION NO: | 21/00316/FUL |
| LOCATION: | Metrohm UK Limited, Metrohm House, Evenwood Close, Runcorn, WA7 1LZ |
| PROPOSAL: | Proposed installation of a fume hood and four extraction arms in the applications laboratory together with external extraction ducting |
| WARD: | Daresbury, Moore & Sandymoor |
| PARISH: | Sandymoor Parish Council |
| AGENT(S)/APPLICANT(S) | Mr Andrew McCreav, Fumetec Ltd/Dr Victoria Black, Metrohm UK Limited |
| DEVELOPMENT PLAN: National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013) | Primarily Employment |
| DEPARTURE: | No |
| REPRESENTATIONS: | Two representations have been received from the publicity given to the application. |
| KEY ISSUES: | Pollution, Noise, Odour |
| RECOMMENDATIONS: | Approve |
| SITE MAP: |  |

1. APPLICATION SITE

1.1 The Site

The site subject of the application is Metrohm House, located on Evenwood Close in Runcorn. The site forms part of Daresbury Court which comprises a development of two storey office units. Metrohm Ltd are manufacturers of high-precision, analytical testing instruments for chemical analysis. The Evenwood Close site is the headquarters of Metrohm UK Ltd, from which the main UK and Ireland operations are carried out. The two storey application

building contains offices, a training room, warehouse, applications laboratory, kitchen and toilet facilities.

The immediate surrounding area is characterised by office buildings with a public house located 80m away to the south east. Green Wood is located directly behind the application site to the north and west of the site. The nearest residential properties are located 110m to the south west of the site, with further residential dwellings located beyond the Daresbury Expressway

The application site is designated as a Primarily Employment Area on both the Halton Unitary Development Plan Proposals Map and the emerging Delivery and Allocations Local Plan Policies Map.

1.2 Planning History

There is no relevant planning history associated with this site.

2. THE APPLICATION

2.1 The Proposal

The application seeks permission for the installation of a fume hood and four extraction arms in the Applications Laboratory together with external extraction ducting.

2.2 Documentation

The application is accompanied by the necessary plans and written statement outlining the scope of the development. Given the nature of the application, no further information has been submitted.

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.

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 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.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.2 Halton Unitary Development Plan (UDP) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application:

BE1 General Requirements for Development
BE2 Quality of Design
PR1 Air Quality
PR2 Noise Nuisance
PR3 Odour Nuisance

3.3 Halton Core Strategy (2013)

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

CS2 Presumption in Favour of Sustainable Development
CS23 Managing Pollution and Risk

3.4 Supplementary Planning Documents (SPD)

None of direct relevance

3.5 DALP

The policies relevant to the determination of this application are CS (R) 18 – High Quality design, HE7 Pollution and Nuisance, GR1 Design of Development and GR2 Amenity. The modification to some of the policies are not considered to reduce the weight given to the policies at this stage of the plan process. Therefore, these policies should be given significant weight.

The policies within the DALP are considered to result in the same assessment as those set out below in relation to the UDP and Core Strategy Policies.

3.6 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.

3.7 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. MATERIAL CONSIDERATIONS

The material considerations are identified and have been addressed in the assessment section of this report.

5. CONSULTATIONS

- **HBC Environmental Protection**
No objection subject to conditions
- **Shell UK Ltd.**
No effect to the Shell pipeline
- **Sandymoor Parish Council**

02/06/2021 - As a parish council we do want more information on this application and wish to make comment Our next meeting is 17th June and I will send in a comment as soon after as I can, We are concerned about the fumes being released into the area.

15/06/2021 - We have reviewed the application for the installation of a fumehood and extraction arms at Metrohm UK in Sandymoor. Our primary concern is with the amount of fumes that will be released as a result of the

proposed development, and the nature of these fumes. We understand that the development is being put in place for safe extraction of fumes and that the written statement that supports the application is clearly implying that the development be releasing only small amounts of fumes to the atmosphere. However, how confident can we be that the fumes released by the development won't vastly exceed those that are estimated in the written statement? If the Metrohm extraction system started belching out clouds of toxic smog, we doubt that the residents of Sandymoor would be happy about it.

To ensure that Metrohm don't suddenly decide to ramp up their emissions once the development is complete, could we request that the development control committee at HBC obtain more specific statements (or preferably commitments) from Metrohm regarding:

- 1. How often they expect 'infrequent heavy usage' days to occur (being more specific than 'infrequent').*
- 2. What quantities of gas and particles they expect the system to be releasing during 'normal' usage.*
- 3. The substances which they anticipate the extraction system to be releasing to the air, perhaps listing: i) The 5 substances which they expect to be released in largest volume; ii) The 5 substances being released that they consider most hazardous.*
- 4. What form of scrubbing or pre-treatment of the fumes will occur between the fumehood/extraction point in the lab and the final release to the environment.*
- 5. A commitment that they will not drastically increase their hazardous emissions in the future. If they state that they will only release a maximum of 10 mL methanol per day in 2021, that alone doesn't guarantee they won't end up releasing 1000 gallons of something more hazardous per day in 2022. Perhaps you could seek a commitment that the maximum fumes released per day will not increase by 2030.*

In an ideal situation, we would have zero industrial emissions polluting the Sandymoor landscape but failing that we think a more realistic goal would be to ensure that an analytical lab that tells us it will be releasing tiny amounts of hazardous materials is not secretly expecting to release large amounts of hazardous materials. We think a reasonable approach will be to get them to make specific statements about what they expect to release and then either:

- 1. Their statements will turn out to be accurate, or;*
- 2. Their statements will turn out to be inaccurate and HBC/SPC will be left in a better position to take action against them for any damages that result.*

Note: This response was not agreed by full council, as the June 2021 Sandymoor Parish Council meeting does not take place until 17th June and replies to the development control committee regarding 21/00316/FUL were requested to be sent before this.

18/06/2021 - *What kind of filters or scrubbers (if any) will they be installing in the extraction system to minimise the potential of high levels of solvent vapour being vented to the air in case of a spill of a hazardous and/or volatile chemical?*

- Will they be using any substances with hazard statements in the H4XX category as environmental hazards, and if so, what measures are they taking to mitigate the risk of environmental damage by these substances?

- Will the noise levels potentially adversely affect any residences in the immediate area, and have they assessed the potential impact on noise-sensitive wildlife in Green Wood or Lodge Plantation?

27/01/2022 - *The Parish Council has reviewed the application and has concerns as follows*

1) There is still no evidence of any type of scrubbers or filtration system. Although emissions are claimed to be minimal this is not a scientific approach. For example in the case of an accident what measures will be in place to protect, people, animals etc?

2) Given the wide nature of potential clients this company will be seeking contracts from, the scope of the application is too narrow and the planners should review the back up systems that need to be in place cope in the event of a spill and mistakes happening.

3) The Council and residents have concerns that the close proximity to an established food and beverage business could allow the public house to be compromised in the event of the release of unknown substances into the atmosphere to the adjacent Evenwood farm which could result in people including children being affected to a greater or lesser degree.

Previously comments that were made have so far remained unanswered. Why is this? For clarity these were. - What kind of filters or scrubbers (if any) will they be installing in the extraction system to minimise the potential of high levels of solvent vapour being vented to the air in case of a spill of a hazardous and/or volatile chemical? - Will they be using any substances with hazard statements in the H4XX category as environmental hazards, and if so, what measures are they taking to mitigate the risk of environmental damage by these substances? - Will the noise levels potentially adversely affect any residences in the immediate area, and have they assessed the potential impact on noise-sensitive wildlife in Green Wood or Lodge Plantation?

6. REPRESENTATIONS

The application has been advertised by way of a site notice and neighbour notification letters sent on 27th May 2021.

Two representations have been received, echoing the concerns raised by Sandymoor Parish Council.

7. ASSESSMENT

7.1 Principle of Development

The application site is designated as a Primarily Employment Area on both the Halton Unitary Development Plan Proposals Map and the emerging Delivery and Allocations Local Plan Policies Map. There is no change of use proposed as part of the application.

Policy E3 of the Halton Unitary Development Plan states that industries that have the potential to cause noise, smell, dust, noxious omissions, nuisance or unacceptable loss of amenity to surrounding uses are unlikely to be unacceptable within or adjacent residential areas or within business parks or near recreational areas.

The application seeks permission for the installation of a fume hood and four extraction arms in the Applications Laboratory together with external extraction ducting.

Based on the consultee responses and advice given from the Council's Environmental Protection Officers, it is not considered that the proposed development would result in pollution caused by noise, odour or air pollution resulting in a detrimental impact on the immediate surrounding area or the wider context. This is discussed further in the sections below.

7.2 Appearance

The proposed fume hood and four extraction arms would be located internally and would not be visible from the street scene. This would be linked to a uPVC extraction system and vented externally through a small stack, projecting above the roof level by 1m as per guidelines. Externally the fan motor and ductwork will be located on the gable elevation which forms the rear of the building. This would result in minimal visual impact. The external elements of the proposed development would be dark grey in colour which is considered to be acceptable.

The proposed development is considered to have an acceptable appearance in accordance with Policies BE1 and BE2 of the Halton Unitary Development Plan.

7.3 Noise

This application follows on from the pre-application enquiry and discussions undertaken by the applicant. Halton Borough Council's Environmental Health Officer had previously requested that the application supplied information in

relation to the expected noise levels of the extraction unit. The applicant has subsequently provided this information. In terms of noise, the applicant has indicated that the noise level from the extraction unit is expected to be 53Db.

The Council's Environmental Protection Officer has reviewed the application and has provided the following comments:

There are a small number of domestic properties on Warrington Road, the closest being approximately 110m meters away. I would not expect the extraction unit to be audible over existing background noise at this distance.

In terms of noise, it is not considered that the proposed development would result in significant noise pollution that would cause a detrimental impact on residential amenity and the development is considered to be acceptable in accordance with Policy PR2 of the Halton Unitary Development Plan.

7.4 Environmental Protection

The Applicant's Laboratory at Metrohm UK performs critical development work for customers looking to analyse challenging samples. As per the submitted written statement, occasionally the applications require chemicals that are labelled as hazardous, and need to be used in well ventilated spaces. To assist with this, protect staff, and comply with Health and Safety regulations, planning permission is sought for the ventilation/extraction system to the ground floor Applications Laboratory.

It is intended for the equipment to extract any chemical fumes, vapours and dust out of the laboratory atmosphere whilst making a minimal impact on the environment/aesthetics of the area.

The submitted written statement states: As the nature of our work is developmental, i.e. small volume, low sample numbers, high technical skilled work, an extremely low level of volatiles will be ventilated from the laboratory, relative to an industrial laboratory. On an infrequent "heavy usage" day, it is estimated that less than 10ml per hour of a solvent like methanol would be extracted into nearly 2800m³ of air, which will leave nearly undetectable levels of volatiles being released (parts per trillion levels).

Concerns have been raised by Sandymoor Parish Council and Councillor Bradshaw as detailed above. A meeting was offered up by the applicant to discuss some of these concerns, either in person or virtually given the pandemic, which was put forward to the Parish Council and Councillor Bradshaw on the 6th December 2021 but this offer was not taken up.

The applicant has advised that the purpose of the extraction system is because there is currently no extraction system in place and staff are

occasionally performing work that releases some solvent vapours. To clarify, this is also a staff wellbeing measure as well as a health and safety measure.

The Council's Environmental Protection Officer has reviewed the application and has provided the following comments:

In terms possible emissions from the extraction system, the applicant has indicated these will be solvents such as methanol at very low levels, and so would not require any form of further control from the Environmental Health Department.

In terms of air pollution and odour, it is not considered that the proposed development would result in significant pollution that would cause a detrimental impact on residential amenity and the development is considered to be acceptable in accordance with Policy PR1 and PR3 of the Halton Unitary Development Plan.

8. CONCLUSIONS

In conclusion, the proposed development would assist the function and operations of an existing business. The proposed development would have a minimal visual impact on the immediate area. The Council's Environmental Protection Officer has no objection to the proposed development and has assessed the submitted plans and information in terms of noise and emission pollution.

The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton.

9. RECOMMENDATION

Approve subject to conditions

10. CONDITIONS

1. Standard 3 year permission
2. Condition specifying plans
3. Environmental Protection suggested condition

11. BACKGROUND PAPERS

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.

12. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2021);
- 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.

| | |
|---|--|
| APPLICATION NO: | 21/00613/FUL |
| LOCATION: | Former Site Of Express Dairies Perry Street / Sewell Street Runcorn Cheshire |
| PROPOSAL: | Proposed development comprising 5no. 3 storey residential blocks containing 33 no. Use Class C3 - 1 and 2 bedroom apartments with access, parking, landscaping and associated works at |
| WARD: | Bridgewater |
| PARISH: | None |
| APPLICANT: | AKM Homes Ltd & Bandbrand Ltd |
| AGENT: | Smith Young Architecture Ltd |
| DEVELOPMENT PLAN: | ALLOCATIONS: |
| Halton Unitary Development Plan (2005) | Primarily Residential Area (Policy H8) |
| Halton Core Strategy (2013) | |
| Joint Merseyside and Halton Waste Local Plan (2013) | |
| Emerging Halton Delivery and Allocations Local Plan | Housing Allocation R55 |
| DEPARTURE | No |
| REPRESENTATIONS: | 7 representations have been received from the publicity given to the application. |
| KEY ISSUES: | Principle of Development, Design and Appearance, Amenity, Highways and Access, Habitat Protection. |
| RECOMMENDATION: | Approve subject to conditions and S106 agreement securing of a commuted sum in lieu of on-site open space provision and affordable housing by S106 or condition . |
| SITE MAP | |



1. APPLICATION SITE

1.1 The Site

The site is located in the residential area off Picton Avenue, Runcorn. The site comprises a vacant, underused and previously developed parcel of land, approximately 0.2 hectares (1978.00sq.m) in area. The site was a former milk depot known as Express Dairies, which stopped operating and was cleared of buildings in the late 2000's.

1.2 Planning History

Since the site stopped operating as Express Dairies, there have been the following relevant planning permissions granted for the site:

- 11/00018/FUL Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation on 07/00832/FUL (permitted 12/12/2012)
- 07/00832/FUL Proposed redevelopment of former milk depot to provide 81 No. apartments in single block (up to seven storeys high) (permitted 30/01/2008)

2. THE APPLICATION

2.1 The Proposal

Proposed development comprising 5no. 3 storey residential blocks containing 33 no. Use Class C3 - 1 and 2 bedroom apartments with access, parking, landscaping and associated works.

2.2 Documentation

The application is accompanied by the associated plans in addition to a design and access statement, transport statement, drainage strategy, SI report, affordable housing statement, noise impact assessment, preliminary ecological appraisal, arboricultural impact assessment, invasive species management statement.

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 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
- GE21 Species Protection
- PR2 Noise Nuisance
- PR5 Water Quality
- PR8 Noise Sensitive Development
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP7 Pedestrian Provision as Part of New Development
- TP12 Car Parking
- TP17 Safe Travel for All
- H1 Provision for New Housing
- H3 Provision of Recreational Greenspace

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
- CS13 Affordable Housing
- CS15 Sustainable Transport
- 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)

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.

3.4 Emerging Delivery and Allocations Local Plan

RD1 Residential Development Allocations. A number of policies within the DALP are relevant to the determination of this application. The modification to some of the policies are not considered to reduce the weight given to the policies at this stage of the plan process. Therefore, these policies should be given significant weight. The policies within the DALP are considered to result in the same assessment as those set out below in relation to the UDP and Core Strategy Policies.

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.5 National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) was published in July 2021, this sets out the Government's planning policies for England and how these should be applied.

3.6 Supplementary Planning Documents (SPD)

The Design of New Residential Development SPD (May 2012); Affordable Housing SPD (January 2014); and Draft Open Space SPD (October 2007).

3.7 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.

3.8 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 to the proposed development, comments have been incorporated into the Highways and Access section below.

Contaminated Land Officer

Comments not yet received, member will be updated of these via the AB list.

Environmental Protection

No objections subject to conditions relating to the standard of glazing and trickle vents to minimise noise disturbance to future occupiers from the expressway.

Open Spaces

No objection to the proposed development, comments have been incorporated into the Trees and Landscaping section below.

Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objections, the HRA concludes that the development would not have an adverse effect on the integrity of the European sites in combination provided that the mitigation in the form of an awareness raising information leaflet in householder information packs secured by condition. Other conditions are recommended for the protection of nesting birds, badger and hedgehog, and the implementation of the method statement for dealing with invasive plant species.

Lead Local Flood Authority (LLFA)

No objections, however further information is required therefore conditions are recommended for an updated detailed drainage strategy. The detailed comments from the LLFA have been incorporated into the Flood Risk and Drainage section below.

Designing Out Crime Officer - Cheshire Police

Has provided advice and recommendations relating to standard of windows and doors, lighting and the use of audio visual door entry systems.

United Utilities

No objection subject to a conditions.

Natural England

No objection, Natural England advise that the mitigation measures in the form of an awareness raising information leaflet in householder information packs secured by condition, this will ensure no adverse effect on the integrity of the European sites in combination.

The Environment Agency

No comments received

5. REPRESENTATIONS

Seven representation have been received from the publicity given to the application. These include 1 in support, and six raising the following concerns:

- Three storey height of the buildings is too tall
- Would cause loss of sunlight to the rear of neighbouring properties on Picton Avenue
- Would cause overlooking and loss of privacy to occupiers of neighbouring houses on Picton Avenue
- Noise from the apartments
- Noise and disturbance during construction
- Impact on outlook
- Potential for parked vehicles to block accesses/drives to the rear of houses off Picton Avenue

- Proximity to expressway and safety
- Need to ensure adequate parking
- Need to ensure adequate services, suitable access and road surfaces.
- Landscaping and need to retain the line of trees at the rear of 20-40 Picton Avenue
- Houses would be more appropriate for this site
- Loss of views
- Loss of property values

6. ASSESSMENT

6.1 Principle of Development

The application site falls within an area designated as Primarily Residential on the Halton Unitary Development Plan Proposals Map. The principle of residential use of the site is therefore considered to be acceptable in principle. Furthermore it would be consistent with the emerging Delivery and Allocations Local Plan which proposes to allocate the site for housing (Ref. R55).

6.2 Design and Appearance

The proposal is to construct a three storey apartment building, constructed parallel to Sewell Street, with multiple entrance points and window proportions to give it a terraced like appearance. The roof would have a mixture of pitched and flat elements so as to break up the mass of the building and minimise its overall visual impact.

The elevations would include a contrasting palette of materials (a mix of facing brick, render, and glazing) that would provide for a quality modern finish. It is recommended that approval of final building materials be approved prior to commencement.

The proposed design and appearance is considered to be acceptable, it would not harm the character and appearance of the area, and would not cause loss of privacy or harm the living conditions of neighbouring occupiers. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

6.3 Living Conditions

Concerns have been raised by neighbouring residents in relation to the potential overlooking and loss of privacy to the rooms at the rear of their properties and gardens.

The nearest dwelling houses are the terraced properties to the east along Picton Avenue. These have habitable room windows to the rear, but long rear gardens providing for a good degree of separation from the proposed apartments. In such instances Halton's Design of New Residential Development SPD advises an interface distance of 21m plus an additional 3m as the new building would be three storey. The proposed habitable room

windows would be approximately 27m away from the nearest rear elevation on Picton Avenue, therefore exceeding the above guidance.

Whilst it is acknowledged the upper floors would overlook the rear gardens to some degree, Sewell Street and the footway does provide approximately an 8m separation from their rear boundary walls, this degree of overlooking of gardens would be similar to many existing residential settings.

Consequently, a refusal on loss of privacy, overshadowing or loss of light could not be sustained. Overall, the proposal ensures that a good standard of living conditions to existing surrounding occupiers would be maintained. It would comply with the design of New Residential Development SPD and Policies BE1, BE2 and H6 of the Halton UDP and CS18 of the Halton Core Strategy.

6.4 Highways and Access

The application has been submitted with a Transport Statement (TS) to support the proposal, and the Highways Officer has been consulted. The TS demonstrates that the proposal would not increase traffic to an unacceptable level. The proposed vehicle and pedestrian access will be taken from Perry Street / Sewell Street via Picton Avenue, and the submitted plans demonstrate that this will ensure suitable visibility and safe access for vehicles and pedestrians.

The level of car parking is considered to be acceptable for the 33 apartments. The Highways Officer also recommends conditions to make provision for the implementation of the secure cycle storage, and for electric vehicle charging points, which will provide choice of travel and support low carbon modes of transport. Conditions are also recommended to ensure the access, parking and service areas are satisfactorily constructed, and for the provision and a construction management plan.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It would not have an unacceptable impact on highway safety, and accords with Policies BE1, TP6, TP7, TP12, TP15, TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan, and the NPPF.

6.5 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 1 therefore a flood risk assessment is not necessary. The applicant has provided a drainage strategy as well as micro drainage and infiltration testing results. The Lead Local Flood Authority has been consulted, and whilst they have no objection in principle they have made the following comments.

It appears that it is proposed that surface water would be discharged to main sewer via an attenuation tank and a hydrobrake to restrict discharge to 5l/s. Whilst infiltration test results are included there is no interpretation of these.

Therefore, it is unclear whether the discharge of surface water to sewer is justified.

There is no justification given for the proposed discharge rate of 5 l/s. As a brownfield development within a critical drainage area, the Halton Strategic Risk Assessment requires that discharges are limited to 50% of the existing runoff rate, greenfield rate or as close to this as possible. The LLFA does not accept that 5l/s is the minimum that can be safely achieved to avoid a risk of blockages and this should not be used as a justification for the proposed runoff rate.

Whilst no interpretation is provided with the micro drainage calculation. The proposed drainage system appears to be surcharged within the 30% AEP flood event and at risk of surface flooding during the 1% AEP +40%CC flood event. It is therefore unclear what the proposed standard of service is and whether the development would be safe from flood risk and would not increase risk elsewhere throughout the life of the development.

They also note that there is no maintenance management plan.

However, the LLFA is satisfied that the above could be satisfactorily addressed by conditions. The applicant has been provided these comments, notes that the information could be conditioned, and have contacted the LLFA directly to address what is required.

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.

6.6 Ecology

The applicant has submitted a preliminary ecological appraisal (Ref. P.1538.21, Ascerta, September 2021), and the Council's ecology advisor (MEAS) has been consulted, their comments on the proposals are summarised below.

Vegetation on site may have potential to be used as nesting sites by birds. A condition is recommended to ensure their protection. The proposed development will also result in the loss of bird breeding habitat. To mitigate for this loss, a condition is recommended for details and to secure the provision of bird nesting boxes.

The site has also been identified as having potential for badger and hedgehog which are classed as priority species, therefore to prevent any harm to the species conditions are recommended for reasonable avoidance measures including gaps in fencing to allow for connectivity in the area for hedgehogs.

The development site is near to the Mersey Estuary is a European and international protected site (SPA and Ramsar). Recreational pressure from residential development has been identified as a Likely Significant Effect alone and in-combination within the Liverpool City Region.

Therefore, MEAS have carried out a Habitats Regulations Assessment (HRA) for likely significant effects on behalf of the Council. The HRA concludes that the development would not have an adverse effect on the integrity of the protected sites in combination provided that an awareness raising information leaflet is provided in householder information packs for residents promoting the use of suitable alternative natural greenspace and highlighting the sensitivity of European sites with particular regard to the Mersey Estuary SPA and Ramsar. This can be secured by condition.

Natural England have been consulted on the HRA and also advise that the mitigation measures in the form of an awareness raising information leaflet in householder information packs is secured by condition.

Cotoneaster and Montbretia are present within the site boundary, these are classed as invasive plant species, and therefore the applicant has submitted a method statement to prevent it from spreading, and for its treatment and removal. The implementation of this can be secured by condition.

Subject to 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 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment Report. Whilst the site itself is relatively clear are trees, the report does identify two groups of trees along the western and northern boundaries of the site that slightly encroach into the site, these would require some removal in part whilst being able to retain and protect the rest during construction. The report also identifies two lime trees adjacent to Sewell Street, and proposes protective fencing. The tree protection measures can be secured by condition. None of these benefit from Tree Preservation Orders and the site does not fall within a designated Conservation Area.

Planning conditions would ensure that a suitable landscaping scheme and the replacement planting is secured, implemented and maintained, and that any new tree planting that is lost is replaced within a reasonable time frame.

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policies BE1 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

6.8 Public and private amenity space

The requirements for the provision of public open space and recreational greenspace within new residential developments are set out in Policy H3 of the Halton Unitary Development Plan.

The open space requirement calculator has identified that there is a deficit of amenity greenspace and allotments in this particular neighbourhood. The deficiencies generated by the development would be met through a financial contribution in lieu of on-site provision. It is recommended that the financial contribution be secured by Section 106 agreement.

It is acknowledged that there is minimal provision of useable private amenity space onsite, the majority of the external areas being utilised for parking, bin and cycle storage, with limited areas of soft landscaping along the northern edge of the site. However, Rock Park is located adjacent to the southern part of the site, and can be accessed directly off Sewell Street. Whilst this may not constitute private amenity space, it would provide an easily assessable opportunity for future residents to enjoy an outside space on their doorstep, and it is considered that a refusal on the lack of on-site private amenity space could not be a substantive reason for refusal.

Representations have been made asking that the trees behind 20-40 Picton Road are retained and that the site is appropriately landscaped. The above trees fall outside of the application site, and would not be affected by these proposals. Planning conditions will ensure that the proposed landscape plans are implemented satisfactorily.

Based on the above, it is considered that the proposal would meet the local needs of the people living there, with regards to public open space provision and private amenity space. It would also be in compliance with Policy H3 of the Halton Unitary Development Plan.

6.9 Affordable Housing

Policy CS13 of the Halton Core Strategy Local Plan states that affordable housing units will be provided, in perpetuity, on schemes including 10 or more dwellings (net gain) or 0.33 hectares or greater for residential purposes.

In this particular instance the proposal is for 33 apartments. The applicant has stated on the application form and within the submitted affordable housing statement that all of the proposed apartments would be 100% affordable housing.

For the avoidance of doubt it is recommended that a policy compliant affordable housing scheme, and its subsequent implementation, is secured in accordance with the Council's adopted Affordable Housing SPD.

Subject to the above being secured by way of condition or S106 agreement, the proposal is considered to be compliant with Policy CS13 of the Halton Core Strategy Local Plan and the Affordable Housing Supplementary Planning Document.

6.10 Sustainable Development and Climate Change

Policy CS19 of the Halton Core Strategy Local Plan outlines some principles which will be used to guide future development. Paragraph 10.7 of the applicant's design and access statement outlines the energy efficiency measures including highly efficient heating, high levels of insulation, and low energy lighting amongst other measures.

Furthermore, the NPPF seeks to ensure that development proposals are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles could be realistically achieved for this development. A condition is recommended to secure this.

Based on the above, the proposal is considered consistent with the requirements of Policy CS19 of the Halton Core Strategy Local Plan.

6.11 Ground Contamination

The application is accompanied by a site investigation report (Ref. A3888/21, January 2021). A condition to secure any necessary further site investigations and, if needed, a remediation strategy, its implementation and verification reporting to ensure that any ground contamination is dealt with appropriately.

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

6.12 Noise and Disturbance

The application is accompanied by a BS8233:2014 noise report which assesses the impact of the proximity of the adjacent expressway on the future noise levels at the apartments. The Environmental Protection Officer has been consulted and has no objections. The reports sets out the necessary mitigations measures including upgraded window specification and trickle

vents. A condition is recommended to secure these mitigation measures to protect the living conditions of future occupiers of the apartments.

With regards to noise and disturbance during construction, the applicant has provided a pre commencement management plan outlining the hours of construction (Working hours would be Mon-Fri 08:00 to 16:30 except bank holidays, and 08:00 to 13:00 on Saturdays, with deliveries only Mon-Fri 09:30 to 15:00). The plan also includes noise and dust mitigation measure during construction, and vehicle cleaning measures. This plan can be secured by condition.

The attachment of the above conditions above will help mitigate against noise and disturbance to existing residents during construction, and the living conditions of future occupiers once complete, and ensure compliance with Policies BE1 and PR8 of the Halton Unitary Development Plan.

6.13 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application.

The proposal is a major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require 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.

The applicant has provided sufficient information in the Proposed Site Plan (Drawing No. 20.045 002 dated August 2021), Design and Access Statement and Transport Statement (Axis doc ref: 2955-01-TS01 dated September 2021) to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste (paragraph 8).

6.14 Designing Out Crime

The designing out crime officer (DOCO) at Cheshire Police has been consulted and has provided guidance and advice relating to the standard of

windows and doors, lighting a video door entry system is installed to the apartments. Any communal areas and bin /cycle stores should all be fitted with an access control system. This advice can be forwarded to the applicant as an informative attached to any planning permission.

6.15 Other issues

Residents have also raised concerns over the loss of views and property prices, however these are not material planning consideration and can therefore not constitute a reason for refusal.

7. CONCLUSIONS

In conclusion, the proposed apartments are acceptable in principle. The overall design and appearance of the apartments is considered to be acceptable, they would respect the character and appearance of the area and fully support the high quality design standards required for new development.

The proposal provides for a good standard of living conditions for future residents, and would ensure that the amenity of existing surrounding occupiers is not harmed.

The proposed vehicle and pedestrian access, and the level of car parking is considered to be acceptable for the 33 apartments. The provision of secure cycle parking and condition to secure EV charging with provide choice of travel and support low carbon modes of transport.

The proposals are consistent with the Council's standards and complies with the design of New Residential Development SPD and Policies BE1, BE2, GE21, PR14 and H3 of the Halton UDP, as well as Policies CS18 and CS19 of the Halton Core Strategy Local Plan.

8. RECOMMENDATION

That the application is approved subject to the following:

- a) The entering into a legal or other agreement relating to securing financial contributions in lieu of on-site open space provision and affordable housing (this could be secured either by way of a condition or the legal agreement).
- b) Conditions relating to the following:
 1. Standard time limits condition (BE1)
 2. Approved plans condition (BE1 and TP17)
 3. Securing pre construction management plan (BE1)
 4. External facing materials (BE1 and BE2)
 5. Conditions for landscaping, planting, management and maintenance (BE1 and BE22)

6. Breeding birds protection (GE21 and Policy CS20)
7. Bird nesting boxes scheme (GE21 and Policy CS20)
8. Information leaflet for Mersey Estuary (GE21 and Policy CS20)
9. Method statement for invasive species (GE21 and Policy CS20)
10. Electric Vehicle Charging Points Scheme (CS19)
11. Parking, access and servicing provision (BE1, TP6, TP7, TP12, TP15 and TP17)
12. Submission of ground investigation report, mitigation measures and validation (PR14 and CS23)
13. Securing report mitigation measures (PR8)
14. Drainage strategy and verification conditions (PR16 and CS23)
15. Foul and surface water on a separate system (PR16 and CS23)
16. Use class restriction to C3 (BE1)

c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

9. BACKGROUND PAPERS

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.

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| APPLICATION NO: | 21/00657/FUL |
| LOCATION: | Land At Viking Park (Plot A2) Mathieson Road Widnes Cheshire |
| PROPOSAL: | Proposed erection of a storage and distribution building (Use Class B8) including ancillary (integral) offices, creation of a service yard and parking areas for cars and HGVs, with associated access and servicing including a new vehicle access point from Mathieson Road, new landscaping and other works |
| WARD: | Central & West Bank |
| PARISH: | None |
| AGENT(S)/APPLICANT(S) | Agent: Avison Young Applicant: Madog Estates Ltd |
| DEVELOPMENT PLAN: National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013) Emerging Delivery and Allocations Local Plan (2022) | Regional Investment Site within the Halton Unitary Development Plan, however the adopted Halton Core Strategy Local Plan has updated the allocation to a Key Area Of Change 3MG. Within the emerging Delivery and Allocations Local Plan Policies Map the site is identified as a Strategic Employment Allocation. |
| DEPARTURE: | No |
| REPRESENTATIONS: | No representations received from the publicity given to the application |
| KEY ISSUES: | Principle of Development, Design, Highway Safety, Drainage, Ecology, Ground Contamination |
| RECOMMENDATION: | Approve subject to conditions. |
| SITE MAP: | |

1. APPLICATION SITE

1.1 The Site

The site itself comprises of approximately 4.9 hectares of cleared, remediated brownfield land with various other industrial uses to the north, west, south and east. The site is accessed off Mathieson Road which is a purpose built service road running east to west, which forms the site's northern boundary and provides all vehicular and pedestrian access to the site. The wider context is heavily dominated by other industrial and employment uses including a distribution centre for Warburtons located directly to the east, a large Tesco Distribution Centre to the east, Eddie Stobart Container Logistics and various industrial uses along Foundry Lane to the west. The River Mersey is approximately 250m to the south of the application site.

The application site is identified as a Regional Investment Site within the Halton Unitary Development Plan, however the adopted Halton Core Strategy Local Plan has updated the allocation to a Key Area Of Change 3MG.

It is noted that on the emerging Delivery and Allocations Local Plan Policies Map the application site is identified as a Strategic Employment Allocation.

1.2 Planning History and Background

- 05/00212/FULEIA - Proposed redevelopment of freight terminal to provide 78,308sq.m. of new distribution warehousing with improved road and rail access. **Permitted 24.03.06**
- 07/00815/FULEIA - Proposed distribution centre and additional warehousing floorspace with associated access, vehicle parking, landscaping and ancillary development including diversion of existing watercourse. **Permitted 10.03.08**
- 08/00422/FUL - Proposed erection of distribution warehouse (with a total of 18,311sq.m. floorspace) Use Class B8, external storage area and associated parking. **Permitted 13.09.08**
- 11/00266/OUTEIA - Outline application (with all matters reserved) for the proposed remediation of the 32.29ha (79.79 acres) site and expansion of Stobart Park/3MG, including: 124,000sq m (1,335,000sq ft) of storage and distribution floorspace (Use Class B8) including ancillary offices and vehicle parking; construction of additional rail

siding; and all associated land remediation, engineering works and landscaping. **Permitted 10.08.12**

- 12/00155/REM - Phase I Earthworks and Infrastructure Reserved Matters submission relating to the area east of Steward's Brook comprising: (1) cut and fill earthworks including remediation to secure a level platform for Unit 3; (2) spine road and Desoto Road roundabout; (3) new road bridge over Steward's Brook; (4) site drainage including works to Steward's Brook; and (5) strategic landscaping. **Permitted 28.09.12**
- 12/00258/FULEIA - Proposed development and erection of a wood fuelled Biomass Combined Heat and Power Plant and ancillary infrastructure development. **Permitted 04.04.13**
- 20/00110/FUL - Proposed erection of storage and distribution building (Use Class B8) including ancillary integral offices, associated access, parking, servicing and ancillary works. **Permitted 20.07.20**

2. THE APPLICATION

2.1 The Proposal

The application seeks permission for the erection of a storage and distribution building (Use Class B8) including ancillary (integral) offices, creation of a service yard and parking areas for cars and HGVs, with associated access and servicing including a new vehicle access point from Mathieson Road, new landscaping and other works.

2.2 Documentation

The planning application is supported by the following documents:

- Planning Statement, Date: November 2021
- Design and Access Statement, 11153-05.01
- Ecological Assessment, Document Ref: 9107.002 Date: October 2021
- Habitat Regulation Assessment (HRA) Screening Report, Document Ref: 9107.003, Date: October 2021
- Flood Risk Assessment, Document No.: T/2485/FRA, Revision: 1.0, Date: 04/11/2021
- Historic Environment Desk-Based Assessment, Document Ref: 9109.001, Version 1.1, Date: November 2021
- Phase 1 Contaminated Land Assessment, Project Reference: 021-1877 Revision: REV00, Date: October 2021
- Transport Assessment and Travel Plan, 680-01/TA01

- Drainage Strategy, Project Ref: T_21_2485, Report Ref: T2485_Drainage Strategy
- Storm Water Maintenance Plan, Project Ref: T_21_2485, Report Ref: 2485_SuDS_001

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.

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 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 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.

Paragraphs 81 states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.2 Halton Unitary Development Plan (UPD) (2005)

The following Unitary Development Plan policies and policy documents are relevant to this application:

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- BE3 Environmental Priority Areas;
- BE6 Archaeological Evaluations;
- BE22 Boundary Walls and Fences;
- GE21 Species Protection;
- GE30 The Mersey Coastal Zone;
- PR2 Noise Nuisance;
- PR14 Contaminated Land;
- PR16 Development and Flood Risk;
- E5 New Industrial and Commercial Development;
- TP6 Cycling Provision as Part of New Development;
- TP7 Pedestrian Provision as Part of New Development;

- TP12 Car Parking;
- TP17 Safe Travel For All;

3.3 Halton Core Strategy (2013)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS4 Employment Land Supply and Locational Priorities
- CS8 3MG Key Area of Change
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

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 Supplementary Planning Documents (SPD)

- Planning For Risk 2009
- 3MG Mersey Multimodal Gateway 2009
- Design of New Industrial and Commercial Development 2006
- Designing for Community Safety (2005)

3.6 DALP

The site is allocated as a Strategic Employment Allocation therefore CS ((R) 4, and ED1 are relevant.

CS (R) 4 is not subject to modification and ED1 is only subject to modification to bring the uses in line with the new use classes order. Therefore, these policies should be given significant weight.

Other policies within the DALP are relevant but are considered to result in the same assessment as those set out below in relation to the UDP and Core Strategy Policies.

3.7 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.

3.8 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. MATERIAL CONSIDERATIONS

The material considerations are identified and have been addressed in the assessment section of this report.

5. CONSULTATIONS

The application has been advertised via the following methods: site notice posted near to the site and on the Council Website. Surrounding properties have also been notified by letter.

The following organisations have been consulted and, where relevant, any comments received have been summarised below in the assessment section of the report:

- **United Utilities**
No comment to make
- **Cheshire Police**
No objection
- **Environment Agency**
No objection subject to conditions
- **Liverpool Airport PLC**
No objection subject to informatives
- **Merseyside Environmental Advisory Service**
No objection subject to conditions
- **Natural England**
No objection
- **Network Rail**
No objection or comments to make
- **National Grid**
No comments received at time of report
- **Scottish Power**
No comments received at time of report
- **Cheshire Archaeology Planning Advisory Service**
No objection
- **Mersey Gateway**
No comments received at time of report
- **Fire Officer**
No comments received at time of report
- **Risk and Emergency Planning**
No comments received at time of report
- **HBC Highways and Transport**
No objection subject to conditions
- **HBC Environmental Protection**
No comments received at time of report
- **HBC Contaminated Land**
No objection subject to conditions
- **Lead Local Flood Authority**
No objection subject to conditions
- HBC Emergency Planning Officer Halton
No comments received at time of report
- **HBC Major Projects**
Fully support this application
- **HBC Ward Councillors**
No comments received at time of report

6. REPRESENTATIONS

The application was advertised by 19 neighbour notification letters sent on the 18th November 2021 and a site notice posted on 18.11.2021. At the time of writing the report, no representations have been received.

7. ASSESSMENT

7.1 Principle of Development

The application site is identified as a Regional Investment Site within the Halton Unitary Development Plan, however the adopted Halton Core Strategy Local Plan has updated the allocation to a Key Area Of Change 3MG.

It is noted that on the emerging Delivery and Allocations Local Plan Policies Map the application site is identified as an Employment Allocation.

Policy CS8 of the Halton Core Strategy Local plan highlights that the existing Mersey Multimodal Gateway (3MG) makes a huge contribution to the economy of Halton and the wider region, and the site is a key employment generator. The Core Strategy identifies the site as a potential to deliver a large quantum of employment development.

One of the key elements of the future of 3MG is the availability of land for B8 employment development and the provision of jobs for the people of Halton.

The application seeks planning permission for the erection of a storage and distribution building (Use Class B8) including ancillary (integral) offices, creation of a service yard and parking areas for cars and HGVs, with associated access and servicing including a new vehicle access point from Mathieson Road, new landscaping and other works.

Given that the application is associated with industry and employment, in accordance with Policy CS8 of the Halton Core Strategy Local Plan, the principle of the proposed development is considered to be acceptable.

7.2 Layout

The main entrance to the site will be accessed off Mathieson Road. A large proportion of the building footprint is sited within the southern portion of the application site and is separated from Mathieson Road via the service yard and staff parking area. This arrangement achieves a good level of visual set back from Mathieson Road, which is encouraged, given the size of the building structure.

Vehicular parking would be positioned to the front of the building to provide direct access and again, would give the proposed building a level of setback from the highway.

The main building entrance is located on the building's north-western boundary and will be clearly visible on approach to the site. The proposed offices containing windows will face towards Mathieson Road for an outward looking aspect.

Staff parking has been configured to wrap around the north-west corner of the building enabling parking bays to be in close walking distance of the principle building entrance. Zones for refuge areas and other ancillary uses are included within the yard area.

Given the sites location this will not conflict with access to the coast and therefore does not conflict with Policy GE30.

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

7.3 Scale

The proposed building would measure 213.61m in length by 87m and would have a maximum height of 17.86m. The massing and form of the proposed building is typical of a logistics facility of this type and within the height parameters of previous outline consent (ref: 11/02666/OUTEIA), which permitted buildings with eaves heights up to 40m.

The massing of the proposed building has been dictated by the building footprint, proposed development levels and elevated third party land to the west and south, which would reduce the perceived massing from these aspects. Surrounding land uses generally comprise employment uses containing large building footprints with tall clear internal heights and associated service areas. It is considered that a building of this proposed height and volume will sit comfortably on the plot.

The proposed scale of the storage and distribution unit reflects the site context and surrounding buildings, but is also set to meet the dimensions required of the proposed internal fit out.

The proposal is acceptable in terms of scale and compliant with Policy BE1 and E5 of the Halton Unitary Development Plan.

7.4 Appearance

The proposed building would be primarily clad with a combination of horizontally laid, metal-faced insulated cladding panels with a 'microrib'

profiled finish and vertically profiled 'built-up' cladding. The materials are considered to be suitable for a building of this typology, size and construction given their durability, ease of maintenance and efficiency of installation.

A simple palette of greys and off-white colours will be utilised throughout the elevations to reflect and co-ord with adjacent buildings. A contrasting colour would be included on the principle elevation of the building entrance on the north-western corner and would be repeated across the service doors/shutters.

The proposed elevations show that the building would be of an appropriate appearance with some variety in materials and texture to add interest to the overall external appearance. The subsequent implementation of the external facing materials should be secured by condition. This would ensure compliance with Policies BE1, BE2 and E5 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

7.5 Site Levels

Whilst the application site is generally flat, there is some substantial banking running along the southern boundary of the site and in part, the eastern boundary. Consequently, the neighbouring Saria Warehouse to the south and Viking House to the east are elevated several meters above the general ground level of the application site. The submitted topographical survey indicates that across the main body of the site, north to south, the site levels gradually rise between 1m across the site. Within the southern banking are gabion structures, largely hidden from view by the self-seeded vegetation.

Where there are areas of banks and mounding, these will be removed and regraded as per the submitted Demolition and Landscape Removal Plan. It is considered that appropriate relationships can be achieved in terms of overall appearance and relationships to existing roads.

It is considered reasonable to attach a condition which secures the subsequent implementation of the proposed site levels. This would ensure compliance with Policy BE1 of the Halton Unitary Development Plan.

7.6 Landscaping and Trees

The submitted Design and Access Statement states that landscaped areas are to be incorporated around the site perimeter to visually soften the boundaries and provide opportunity for biodiversity and ecological enhancement.

Proposed boundary treatments would consist of 2.4m high perimeter security fencing (details of the type and colour will be dealt with by way of a condition).

A condition securing the submission of a detailed landscaping scheme, including details of new boundary fencing, the subsequent implementation and maintenance thereafter is considered reasonable. This would ensure compliance with Policies BE1 and BE22 of the Halton Unitary Development Plan.

7.7 Security and Crime

The Designing for Community Safety Supplementary Planning Document outlines guiding principles which should be incorporated into new developments to achieve safer places.

As the site will operate 24-hour days, this will benefit the surrounding area by provided permanent activity, presence and surveillance at all times, therefore discouraging and limiting the opportunity and likelihood for crime local to the site.

CCTV surveillance systems and security personnel will operate on site together with the following security measures:

- 2.4m high security fencing
- Good levels of illumination throughout the site
- Raised arm barrier access to and from the site
- Good levels of visibility from the offices and street scene
- Clearly defined footpaths
- Secure cycle parking
- Low level landscaping to enable good visual surveillance

The Council's Designing Out Crime Officer has reviewed the application and has raised no objection to the proposed development. Advice supplied can be forwarded to the applicant by means of informative attached to any planning permission.

7.8 Ecology

The Merseyside Environmental Advisory Service has been consulted on the application and has provided the following comments:

The development site is near to the following National and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 and Core Strategy policy CS20 applies:

- *Mersey Estuary SPA;*
- *Mersey Estuary Ramsar site; and*

- *Mersey Estuary SSSI*

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. In line with the recent Court of Justice of the National and international Union judgement of 12 April 2018 (known as People Over Wind¹), I have undertaken an assessment of likely significant effects which is based upon the essential features and characteristics of the project only.

Whilst I agree with the general assessment set out in the applicant's shadow HRA (TEP, Habitats Regulations Screening Report, October 2021) I consider that there is a low potential for likely significant effects on the above sites without precautionary mitigation/preventative measures in place during the construction phase.

An Appropriate Assessment will therefore be required in accordance with Regulation 63 (Habitats Regulations 2017). The Appropriate Assessment report (Appendix 1) concludes that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of National and international sites. I advise that Natural England is consulted on the outcome of the Appropriate Assessment prior to determination and any points which may arise should be addressed.

Natural England have been consulted on the application and submitted information and have confirmed that the proposed development will not have significant adverse impacts on designated sites and has no objection.

MEAS goes on to advise that: the applicant prepares a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phases of the proposed development.

The applicant has submitted an Ecological Appraisal report in accordance with Local Plan Core Strategy policy CS20 (TEP, Ecological Appraisal, October 2021) which meets BS 42020:2013.

The site is approximately 4ha. At least 2ha of the site area comprises modified grassland, scrub and tall ruderal vegetation which will be lost to development. The proposed site plan shows a large warehouse and hardstanding area with landscaping limited to a 5-15m strip on the perimeter of the site. On this basis, I advise that mitigation and enhancements set out in section 6 of the report are acceptable and should be secured to compensate for habitat loss. Landscaping, enhancement measures and management proposals should be specified on a detailed landscape plan which can be secured by a suitably worded planning condition.

On the basis of the above, the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

7.9 Highway Considerations

The Council's Highway Authority have reviewed the application and have provided the following comments:

The Highway Authority are supportive of the proposed use and have reviewed the submitted plans and the transport assessment to formulate it's response.

The presented Transport Assessment is considered to be robust and demonstrates that the proposed use and associated traffic movements would not result in a negative impact on network capacity.

Car parking levels are below the current maximum UDP standard but in his considerations the Highway Officer has reviewed the number of spaces offered against a sliding scale for a B8 use and is confident that on this occasion suitable provision has been made.

The submitted plan 11153 P L06 (Proposed Site Plan) demonstrates suitable levels of accessible spaces, EV charge points and cycle storage have been made although more detail for both the EV provision and cycle store should be submitted for approval pre-occupation.

The site benefits from a pedestrian footway to the North of Mathieson Road secured via previous permission but tactile paving provision is only shown to the site side, therefore off site works will be required outside the red line plan to connect the site to the route.

The Highway Officer welcomes the inclusion of the framework for a Travel Plan within the Transport Assessment but would request that more specific detail should be submitted once an end user is identified. Any Travel Plan will rely on its implementation and management throughout the life of the development, therefore we would request that a suitably worded condition be placed on any decision.

It is considered that the proposal is capable of demonstrating compliance with the development plan having particular regard to Policies TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan and Policy CS15 of the Halton Core Strategy Local Plan.

7.10 Noise

The application is for a large industrial warehouse, but no information has been provided in association with the application in terms of a noise assessment.

Whilst there is noise associated with this type of development particularly if the building will be in operation 24 hours a day, this application is over ½ km from the nearest residential property, within an existing and active commercial area and associated noise environment. It is considered that the distance alone will mitigate the noise impact to a negligible level.

On the basis of the above it is not considered that any objection nor requirement of any conditions related to this application to control noise could be justified. The proposal is therefore considered capable of demonstrating compliance with the development plan having particular regard to Policies PR2 of the Halton Unitary Development Plan.

7.11 Ground Contamination

The Merseyside Environmental Advisory Service has been consulted on the application and has provided the following comments:

The Planning Statement (Avison Young November 2021) states that the development site was part of the wider 3MG application 11/02666/OUTEIA which was subject to Environmental Impact Assessment. A subsequent application 12/00155/REM dealt with the remediation of the site. Although the size of the proposal exceeds the EIA Regulations 2017 applicable thresholds for Schedule 2 10(a) industrial estate developments, the parameters of the proposal meet the criteria set out in the original 2011 application. Furthermore, remediation has subsequently been undertaken on site to create a development platform. As such, I do not consider that this proposal constitutes EIA development.

The Council's Contaminated Land Officer has reviewed the application and has provided the following comments:

I have reviewed the supporting information and have the following comments in relation to land contamination impacts.

The site has a long development history, closely associate with various phases of chemical manufacture and associated disposal of process wastes (particularly use to reclaim saltmarsh). The site has been subject to a number of phases of site investigation and risk assessment, and in 2012 it was part of a wider site scheme of remediation. That remediation was based on removal of sub-structures and old drainage, site levelling via a cut-and-

fill operation, a cement stabilized layer (reducing infiltration and contaminant mobility) and a clean break layer of crushed, inert material.

The assessment presented, based on the historical information, indicates that there are limited potentially significant pollutant linkages for the proposed development. However, the status of the ground gas regime is not known. The applicants reporting states that additional site investigation is required for foundation/geo-technical assessment as well as some additional environmental sampling.

Therefore I have no objection to the proposals, but recommend it be conditioned to require the submission of a remediation strategy that includes recommendations for ground gas protection measures based upon up-to-date monitoring of gases. A verification report should also be required upon completion of any remedial activities. Given the known nature of the sub-surface it is likely that some element of piling will be required, and therefore any approval should be conditioned to require a piling risk assessment to be submitted.

The Environment Agency has also provided comments for the proposed development. They have raised no objection to the proposed works subject to a number of planning conditions which echo the requirements of the Council's Contaminated Land Officer.

Based on the above, the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR14 and Core Strategy Policy CS23.

7.12 Flood Risk and Drainage

The Lead Local Flood Authority has been consulted on the application and have commented as follows:

The site area is approximately 4ha and comprises a brownfield site. The proposed development is for the construction of warehouses and associated infrastructure. The land use vulnerability classification defined in Planning Practice Guidance would be 'Less Vulnerable'. The development would increase the impermeable area of the site.

The applicant has provided a flood risk assessment:

- *The FRA identifies that the site is within Flood Zone 1.*
- *Based on a finished flood level of 7.15m AOD this would result in flood depths of up to 600mm during the design flood.*
- *Surface water flooding is reported to be generally very low (less than 0.1% AEP) although localised areas of high risk are indicated in Environment Agency mapping*

- *Flood risk from other sources including groundwater, sewers and reservoirs is assessed as being low or not significant.*
- *Mitigation against the residual risk of flooding from surface water or sewers comprises raising the finished floor level to approximately 150mm above ground levels to 13.95m AOD.*
- *Surface water runoff would be routed into Stewards Brook. Based on the potential for contamination on the site, this discharge location is considered to be the most appropriate discharge option.*

The LLFAs comments on the FRA and drainage strategy information provided are:

- *The LLFA notes that the development would be classified as 'Less Vulnerable and that the location of the development within Flood Zone 1 is considered to be appropriate.*
- *The FRA has assessed the impact of climate change on Tidal flooding using climate change uplifts within the Halton SFRA. Whilst these have been superseded by more recent Environment Agency Guidance, the risk would remain low.*
- *The proposed finished floor level of 13.95m AOD appears to be sufficient to manage the residual risk of flooding.*
- *The LLFA accepts that the discharge of surface water runoff to stewards Brook is the most sustainable option available based on the potential for contamination of the site. However no other information is available on surface water drainage and how this would be managed to keep the site safe from flooding and prevent an increase in flood risk elsewhere.*

As the development is considered to be appropriate in terms of flood risk the LLFA would recommend a number of suitably worded conditions should the planning authority be minded to approve the application.

Additional information has been provided by the applicant and the Lead Local Flood Authority have provided the following updated comments:

The applicant has provided a drainage strategy and the LFFAs comments are as follows:

- *The strategy identifies that there is a watercourse adjacent to the site. However, without providing any justification for why this is not proposed as the discharge location, the report states that runoff will be discharged to sewer.*
- *There is no discussion of using more sustainable methods of attenuating flow and the use of below ground tanks is not justified.*

- *Section 5.3 is poorly written and does not make any sense.*
- *300l/s is stated to be the proposed runoff rate but no justification for this is provided. A reference is made to a previous design, but this design is not included so without any context this does not help the reader.*
- *There is no explanation for how exceedance flows would be managed. The exceedance flow drawing is simply a series of arrows. Given that a micro drainage model has been developed for the site, this simplistic approach is considered to be insufficient to demonstrate that flooding would flow away from buildings.*
- *The maintenance management plan identifies routine activities and the responsible party and is considered to be sufficient.*

The development is considered to be appropriate in terms of flood risk. However, the drainage strategy is considered to be insufficient to demonstrate that the SuDS hierarchy has been appropriately implemented and there is insufficient evidence presented to demonstrate that flow rates from the site would not increase. Therefore, the LLFA would recommend a number of suitably worded conditions should the planning authority be minded to approve the application.

On this basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy PR16.

7.13 Archaeology and Cultural Heritage

Cheshire's Archaeology Planning Advisory Service has reviewed the application and has provided the following comments:

Having reviewed the application, the supporting documentation and the information held on the Cheshire Historic Environment Records, this development is situated in an area which may hold archaeological potential.

The archaeological potential of this area was outlined sufficiently in the supporting document provided by The Environmental Partnership. The Desk Based Assessment (DBA) outlines the historical background to the proposed development area, as well as more recent events such as the remediation works which were undertaken on the site. The DBA does outline that while there is a low-level potential for archaeological remains, are likely to have been disrupted or destroyed by these remediation works.

The Desk Based Assessment suggests recommendations in section 6.0. These recommendations suggest that the remediation's works where

significant and therefore the potential for significant below ground remains are extremely limited.

To this extent, there will be no requirements for a programme of archaeological observations during groundworks.

On this basis the proposals are considered capable of demonstrating compliance with the development plan having particular regard to UDP Policy BE6.

7.14 Waste Prevention/Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application.

The proposal is a major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require 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.

With regards to onsite waste collection and storage, the applicant has provided sufficient information on the *proposed site plan* and in Appendix B of the Transport Assessment to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP) and the National Planning Policy for Waste.

7.15 Sustainable Development and Climate Change

The submitted Design and Access Statement covers sustainability and indicates that the proposals will be built to a BREEAM 'Very Good' Rating. A number of sustainability measures are proposed for the development:

- Promotion of alternative means of transportation to the site – cycle, pedestrian, car sharing;
- External service yard and parking areas have been designed to maximise flexibility should the building's use or occupier change during the building's lifecycle;

- Orientation of offices and office glazing to limit and help manage solar gains;
- Utilisation of natural light to office area;
- Suitable levels of thermal insulation to heated spaces within the building to minimise heat loss;
- Efficient heating and cooling system;
- Implementation of appropriate building Management Systems (BMS) to closely monitor building energy use and limit wasted energy heating, lighting and ventilation of unoccupied spaces;
- Installation of water-efficient sanitary goods to staff areas;
- Allocation of photovoltaic panels to roof area.

This demonstrates compliance with Halton Local Plan policy CS19 (Sustainable Development and Climate Change).

8. CONCLUSION

The proposal seeks to bring forward the development of an existing area of cleared, brownfield land to erect a storage and distribution building (Use Class B8) including ancillary integral offices, creation of a service yard and parking areas for cars and HGVs, with associated access and servicing including a new vehicle access point from Mathieson Road, new landscaping and other works.

The application site is identified as a Regional Investment Site within the Halton Unitary Development Plan, however the adopted Halton Core Strategy Local Plan has updated the allocation to a Key Area Of Change: 3MG.

It is noted that on the emerging Delivery and Allocations Local Plan Policies Map the application site is identified as an Employment Allocation.

Policy CS8 of the Halton Core Strategy Local plan highlights that the existing Mersey Multimodal Gateway (3MG) makes a huge contribution to the economy of Halton and the wider region, and the site is a key employment generator. The Core Strategy identifies the site as a potential to deliver a large quantum of employment development. One of the key elements of the future of 3MG is the availability of land for B8 employment development and the provision of jobs for the people of Halton.

Guidance from the Homes & Communities Agency Employment Density Guide provides indicative job densities for various use classes. The development proposes 19,105sqm of new employment floorspace. Dependent on the final occupier, the proposed development has the potential to generate between 201 and 273 full time jobs.

Given that the application is associated with industry and employment, in accordance with Policy CS8 of the Halton Core Strategy Local Plan, the principle of the proposed development is considered to be acceptable.

The proposed development is in keeping with the character of the surrounding area. The wider context is heavily dominated by other industrial and employment uses including a distribution centre for Warburtons, a large Tesco Distribution Centre to the east, Eddie Stobart Container Logistics and various industrial uses along Foundry Lane to the west.

The site is accessed off Mathieson Road which is a purpose built service road running east to west, which forms the site's northern boundary and provides all vehicular and pedestrian access to the site.

Policy CS2 of the Core Strategy Local Plan and National Planning Policy Framework set out the presumption in favour of sustainable development whereby applications that are consistent with national and up-to-date local policy should be approved without delay. The proposals are considered to be consistent with the aims of the policies relative to this site.

Therefore the application is recommended for approval subject to conditions.

9. RECOMMENDATION

Approve subject to conditions

10. CONDITIONS

1. Standard 3 year permission
2. Approved plans
3. Site Levels
4. Materials
5. Landscape scheme
6. Boundary details
7. EV Charging provision
8. Cycle storage
9. Highways Off-site connection works
10. Travel plan
11. Contaminated Land Remediation strategy
12. Contaminated Land Verification report
13. Pilling risk assessment
14. Environment Agency unidentified contamination
15. Drainage strategy
16. SUDS Verification report
17. waste audit or a similar mechanism (e.g. a site waste management plan)
18. MEAS – CEMP to include RAMs
19. Mitigation of habitat loss and enhancement as in approved report (section 6)
20. Ecology lighting scheme
21. Breeding birds

- 22. Hours of construction
- 23. Access, service and parking areas

11. BACKGROUND PAPERS

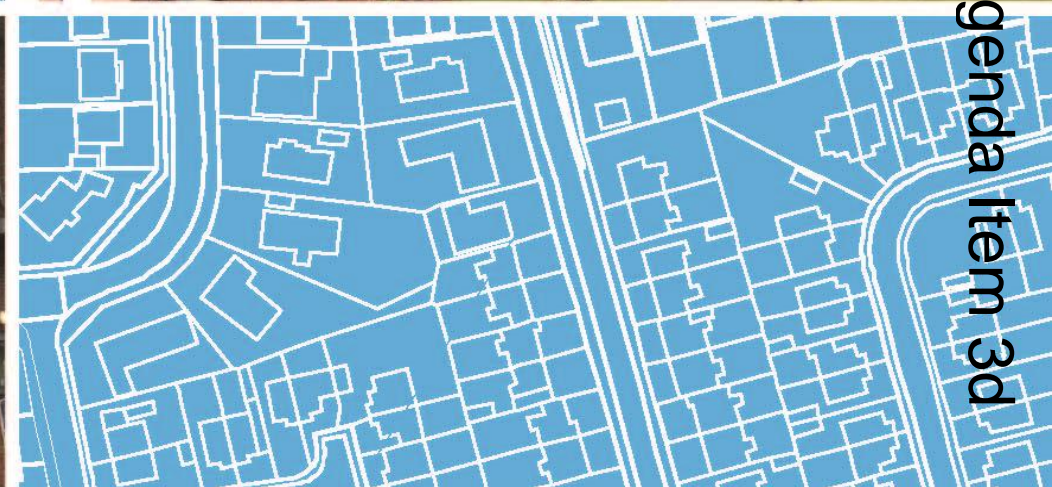
The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

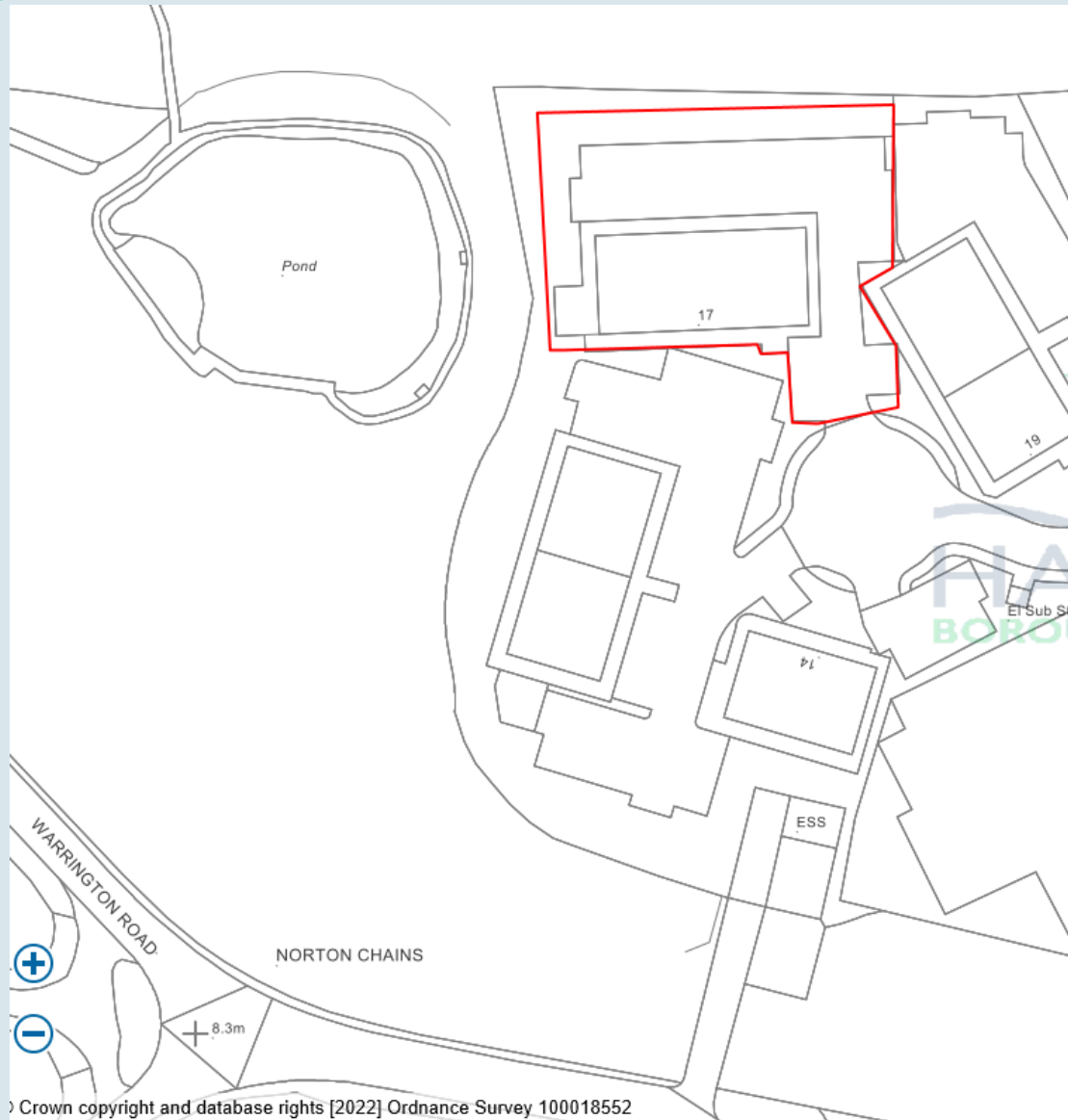
12. SUSTAINABILITY STATEMENT

As required by:

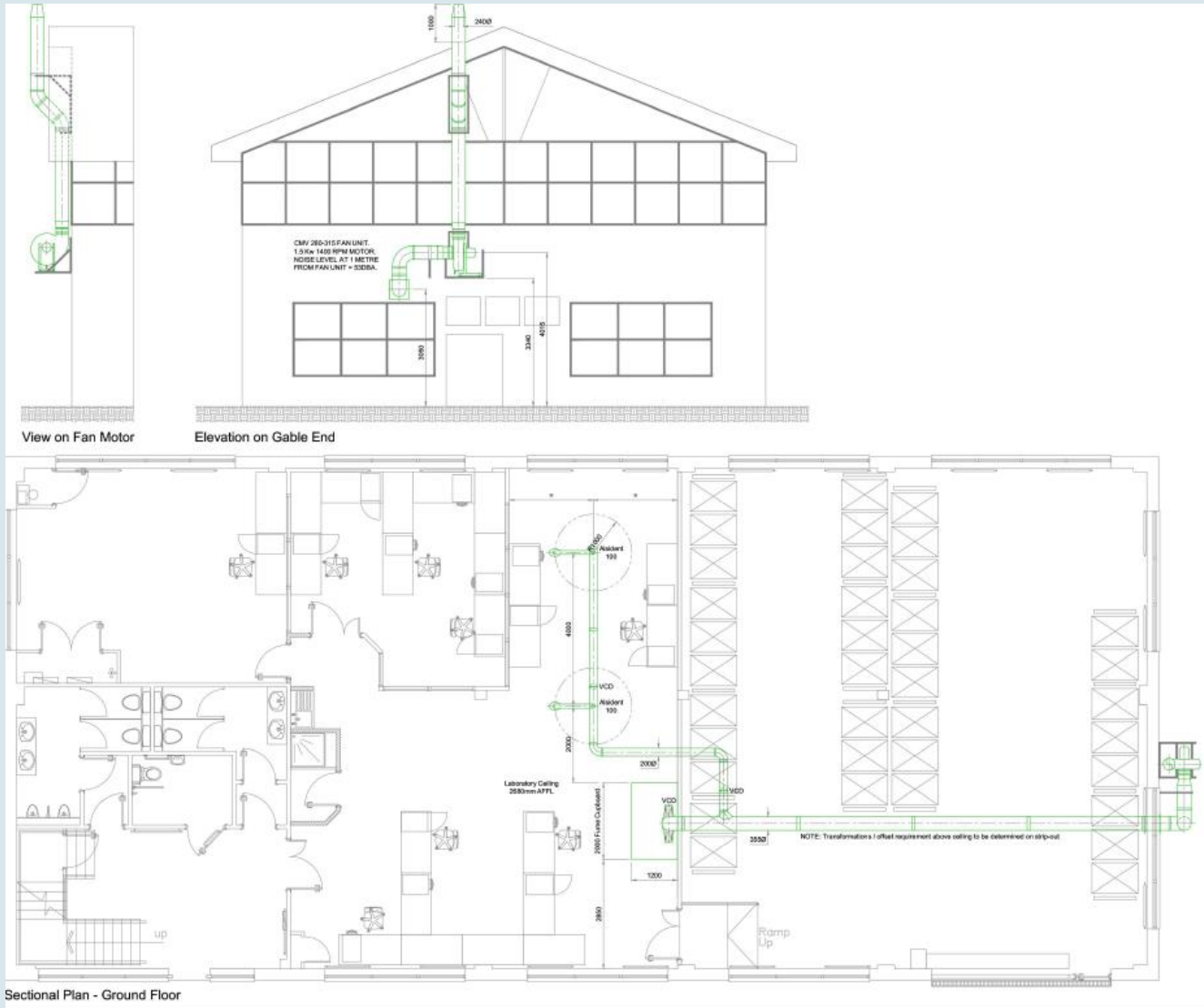
- The National Planning Policy Framework (2021);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.





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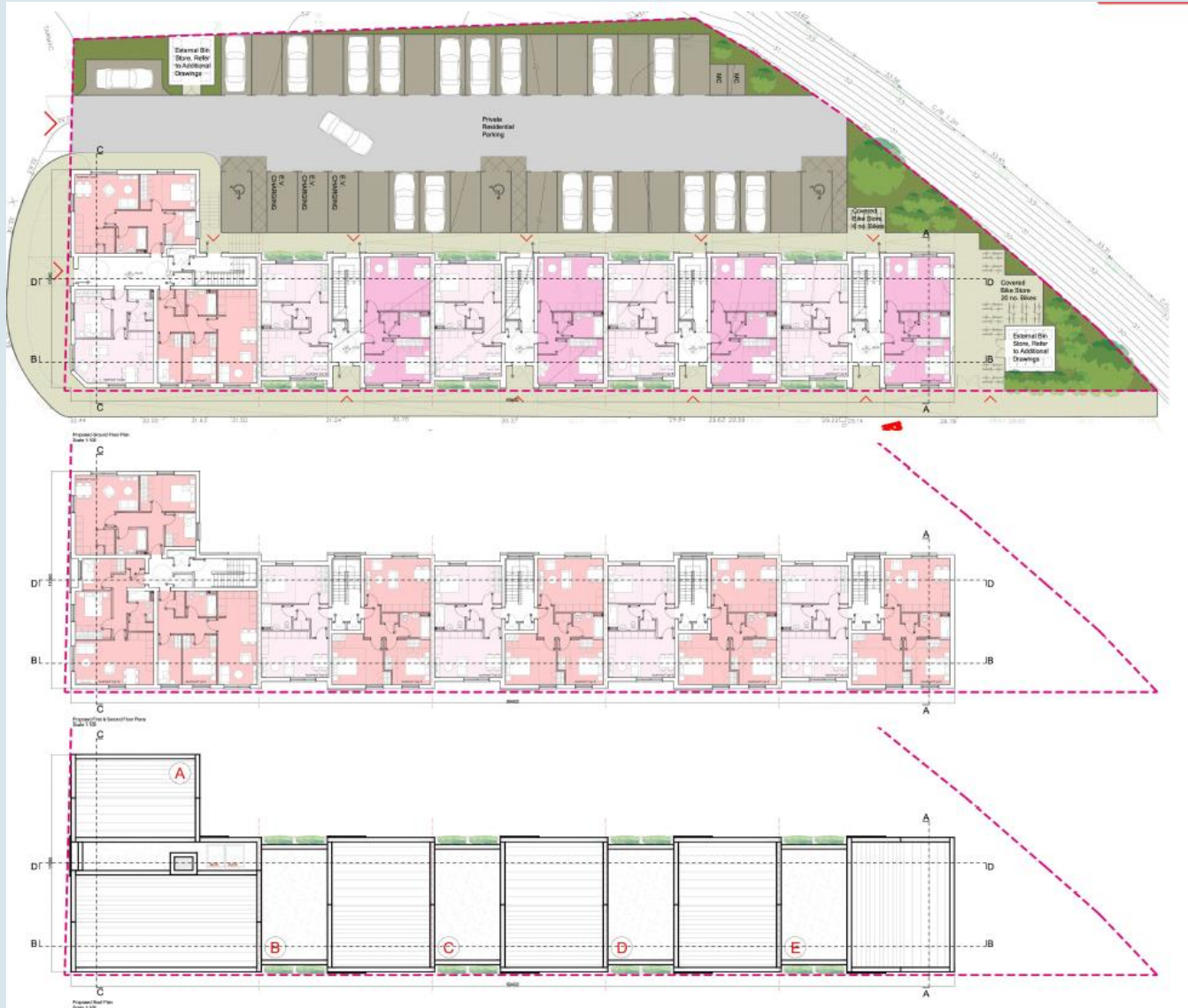


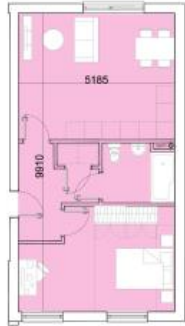




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Apartment Type A
1 Bed 2 Persons - 614sq'



Apartment Type B
1 Bed 2 Persons - 489sq'



Apartment Type C
2 Bed 3 Persons - 874sq'



Apartment Type D
1 Bed 2 Persons - 489sq'



Apartment Type E
2 Bed 3 Persons - 874sq'



Apartment Type F
2 Bed 3 Persons - 874sq'



Apartment Type G
1 Bed 2 Persons - 489sq'



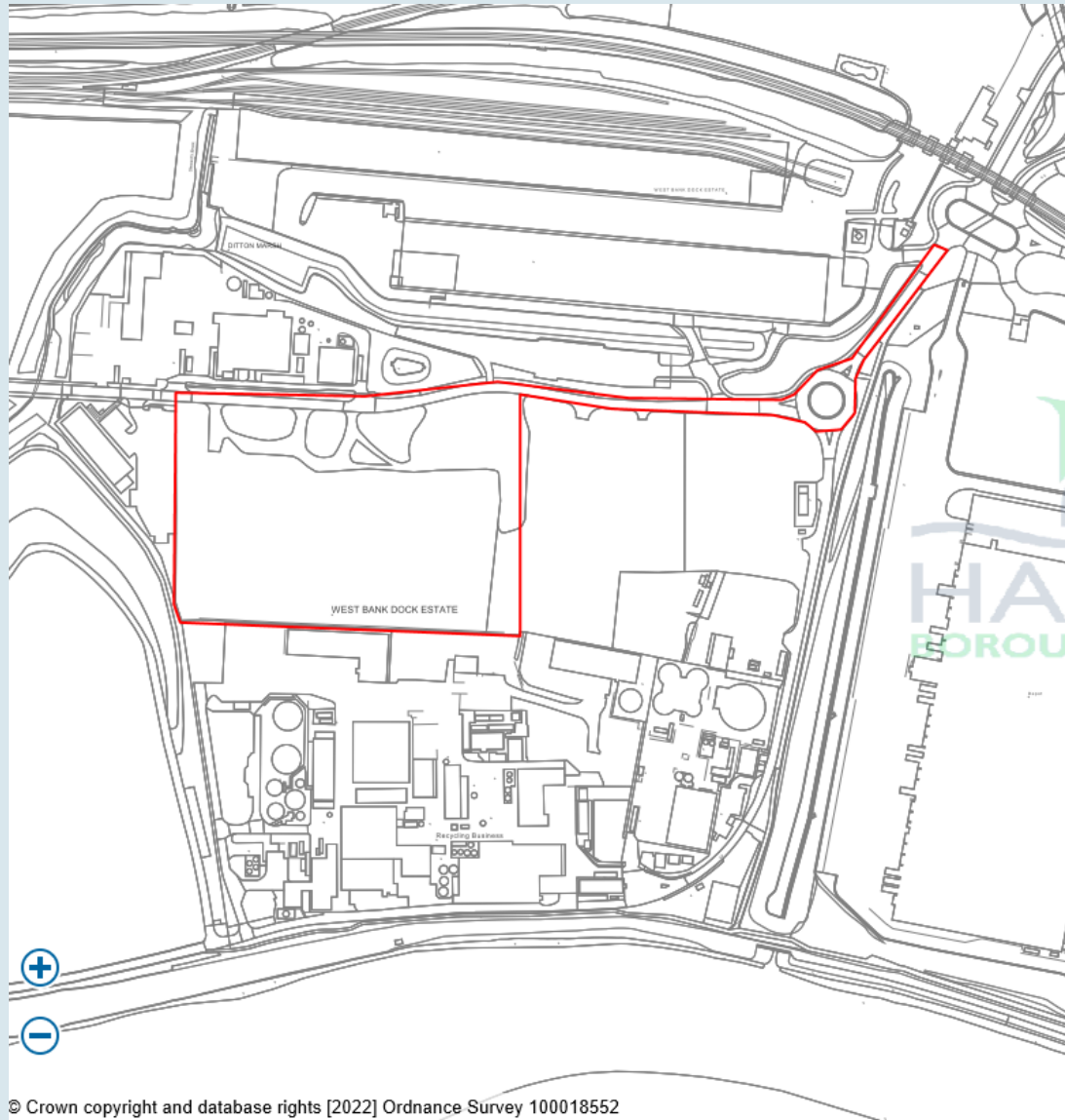
Apartment Type H
2 Bed 3 Persons - 874sq'

Proposed Apartment Types
Scale 1:50

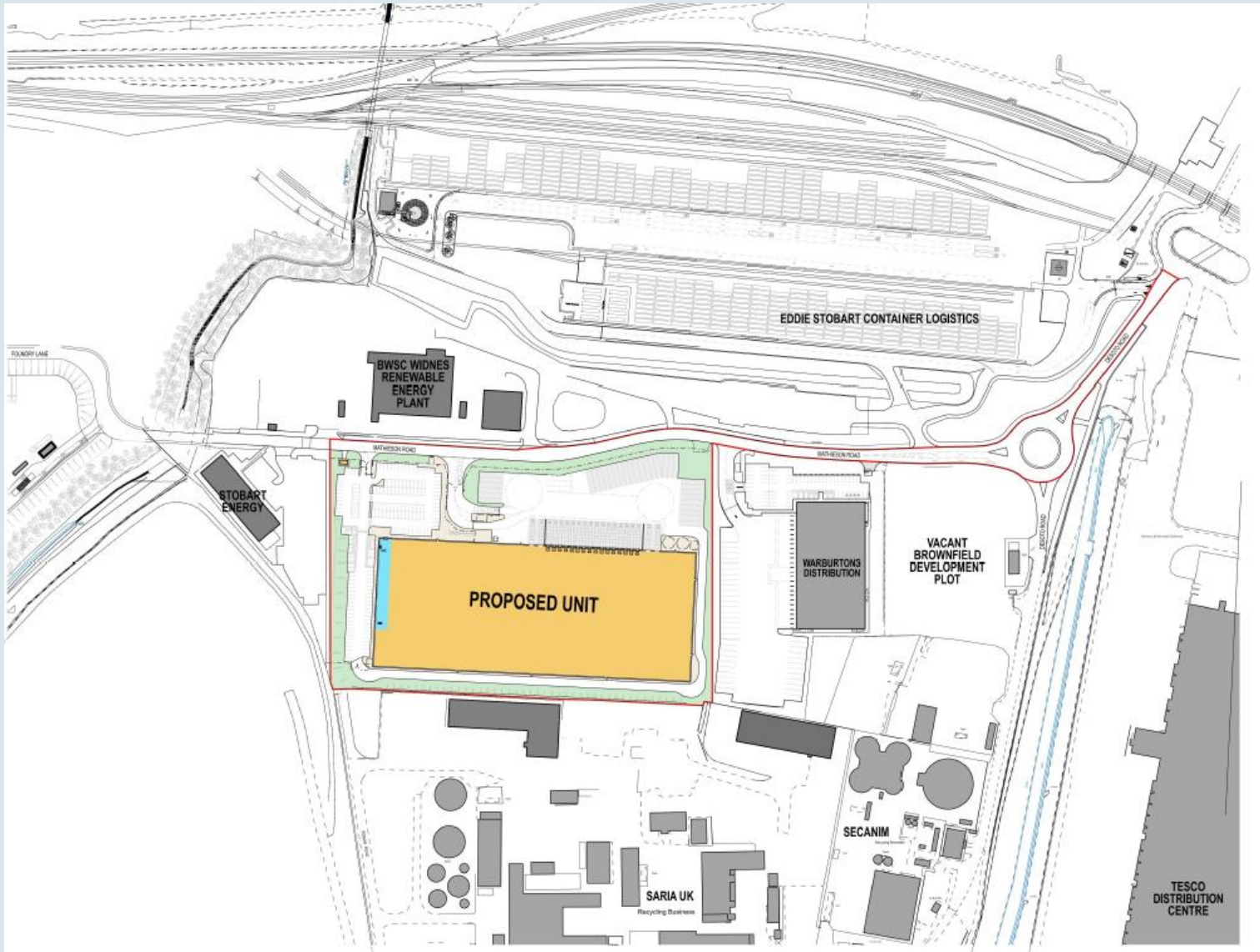




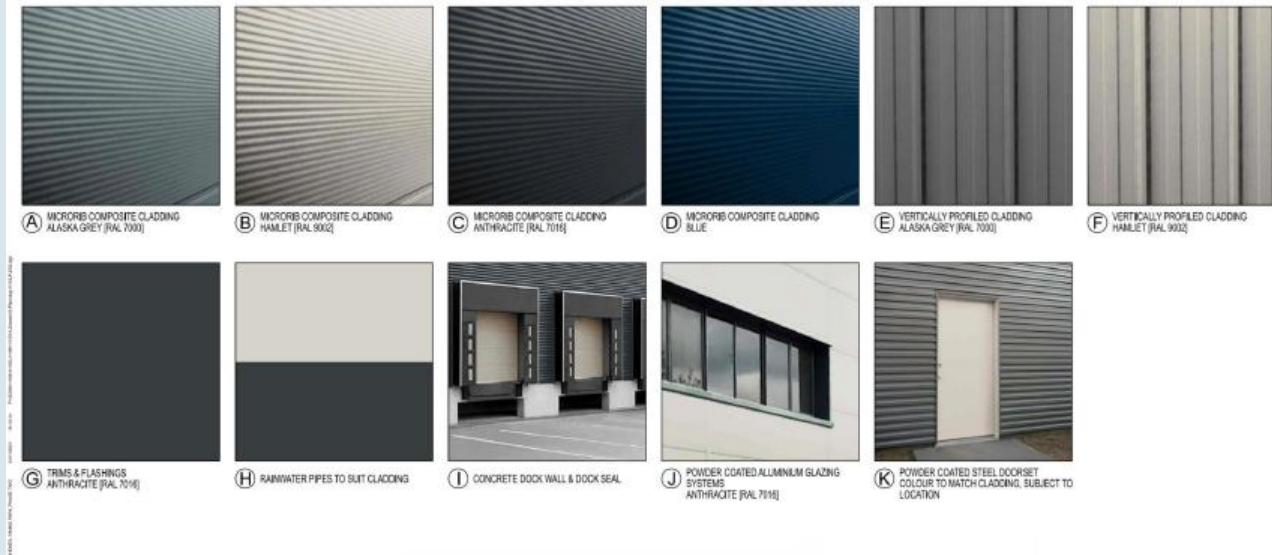


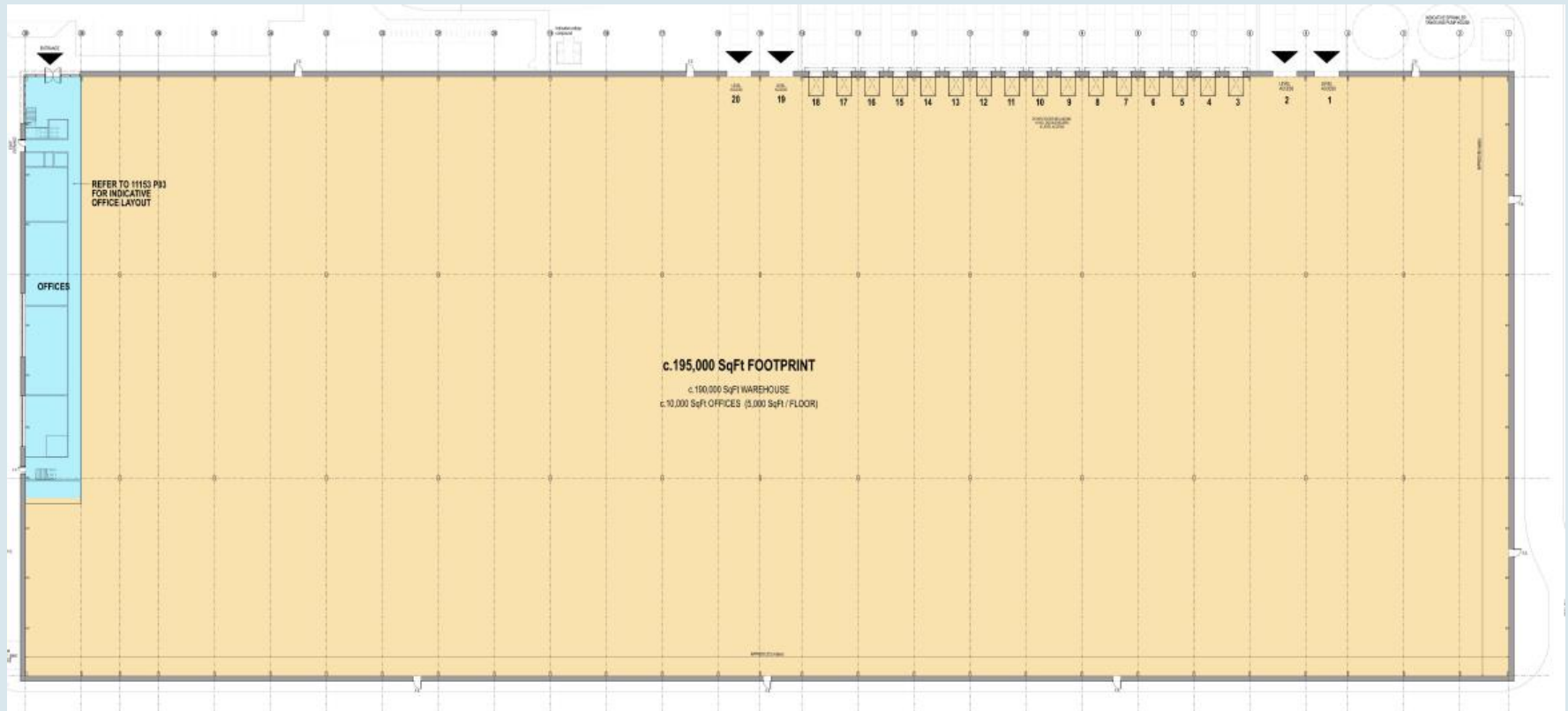


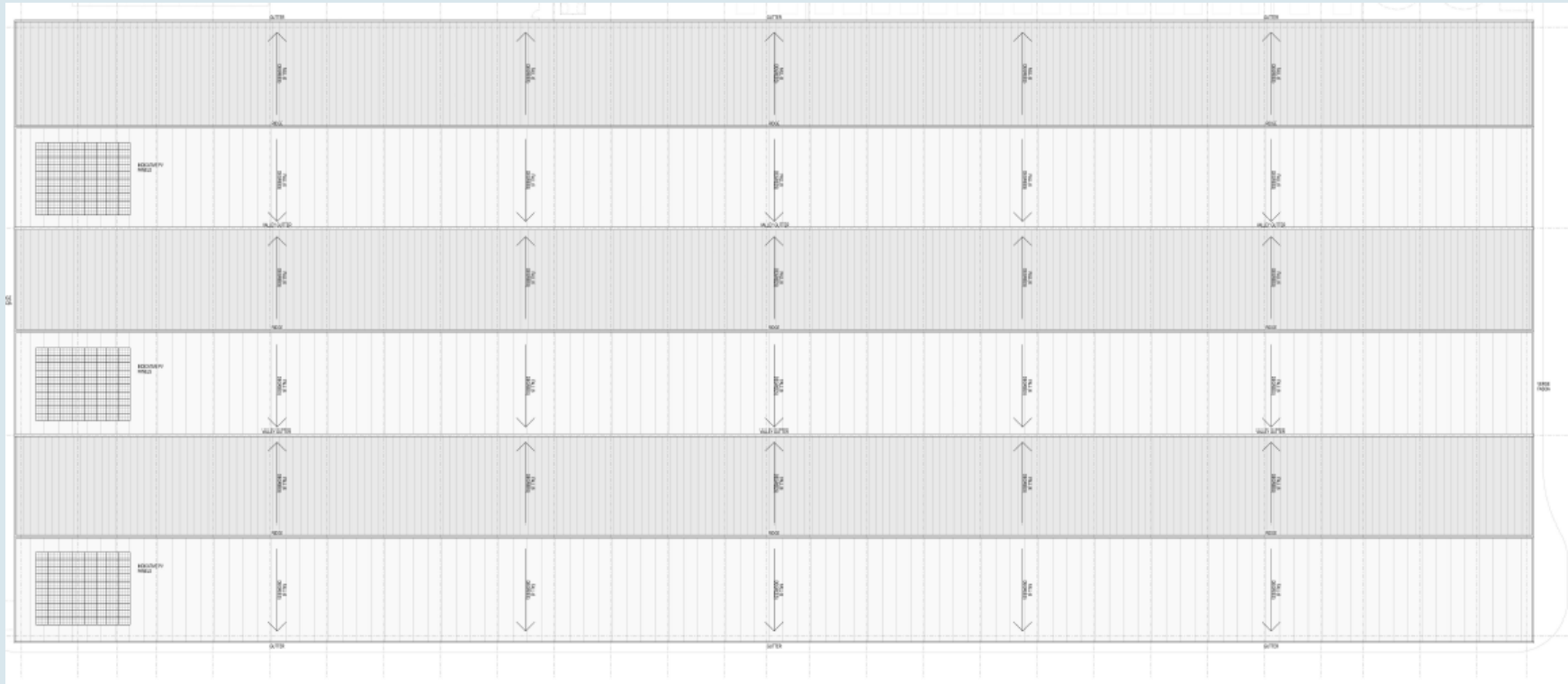
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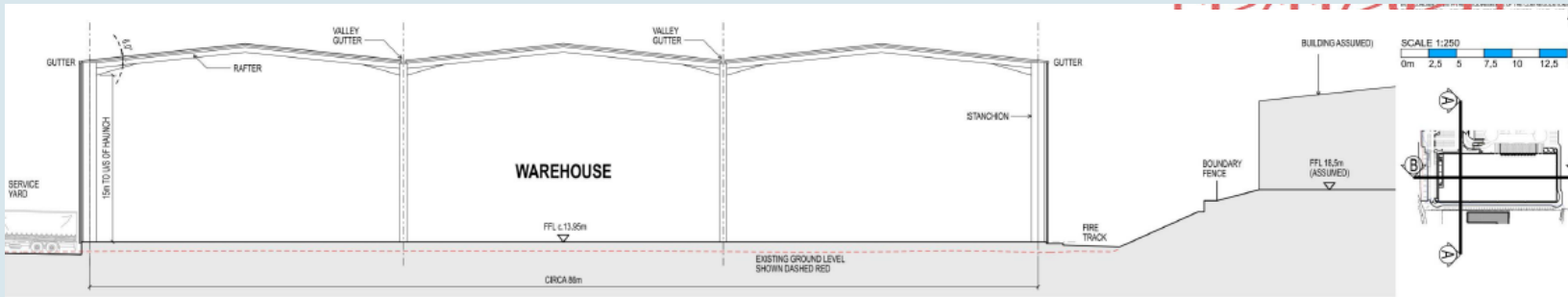




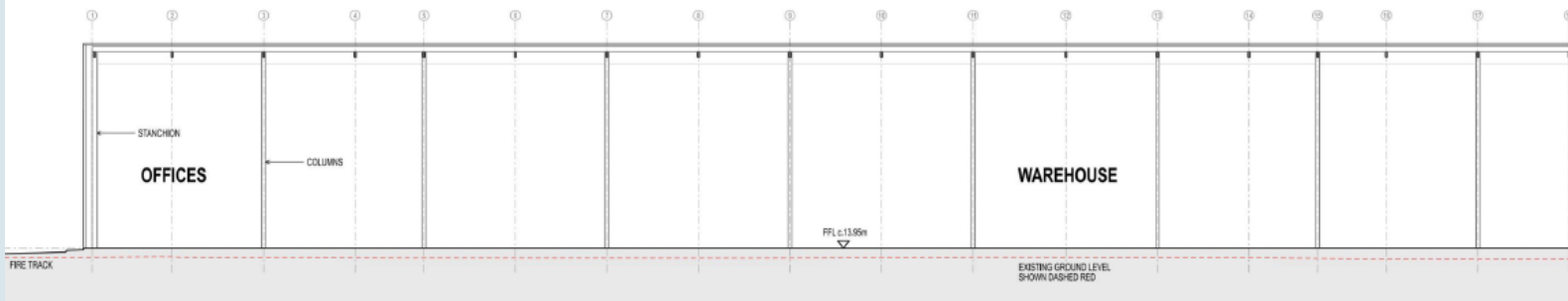




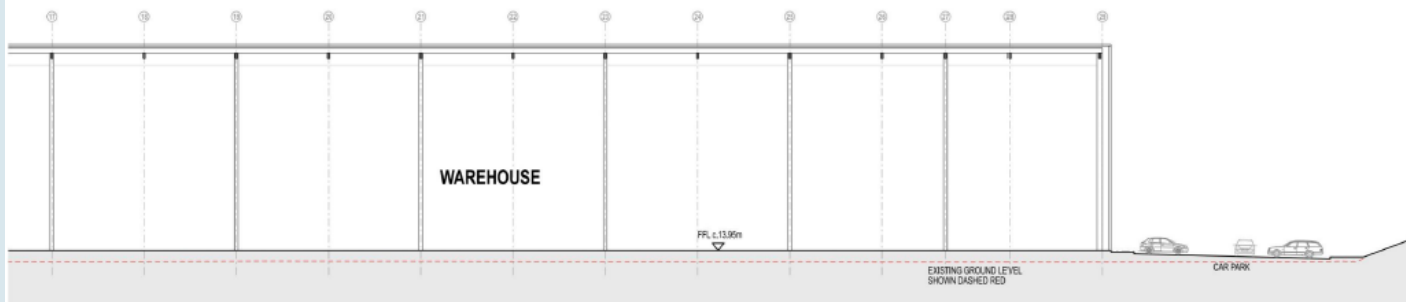




SECTION A-A



SECTION B-B



SECTION B-B continued

