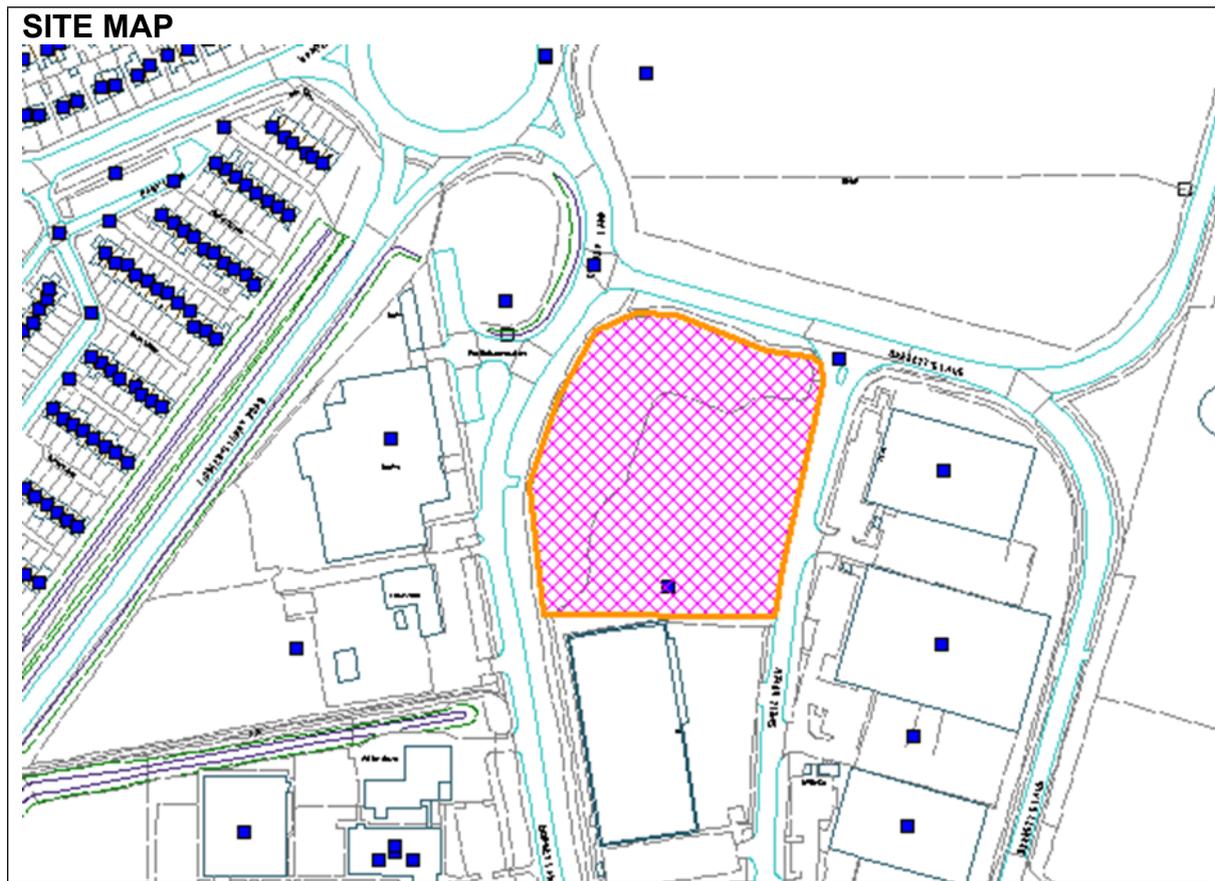


<b>APPLICATION NO:</b>	21/00356/FUL
<b>LOCATION:</b>	Shell Green, Bennetts Lane, Widnes, Cheshire, WA8 0GW
<b>PROPOSAL:</b>	Proposed industrial development comprising two warehouse buildings with B2 and B8 Use Classes and ancillary E(g)(i) office space, including service yards, car parking, landscaping and associated access infrastructure at
<b>WARD:</b>	Halton View
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Beeson Total Developments U.K. Limited
<b>AGENT:</b>	Mr Nicholas Ryder C4 Projects
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Proposed Employment Area (E1)  South Widnes key Area of Change (CS9)
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Principle of Development, Design and Layout, Highways and Access, Drainage and Ecology.
<b>RECOMMENDATION:</b>	Delegated authority to determine subject to the expiration of re-consultation in relation to the amended redline and parking layout.



## 1. APPLICATION SITE

### 1.1 The Site

The site is located in an area known as Shell Green, and is positioned at the corner of Bennetts Lane and Gorsey Lane, Widnes. The site comprises 1.2 hectares of vacant land, and is predominantly rough grass land, with shrubs and trees in the western and northern parts of the site.

The site forms part of an allocated employment area Ref: 28/0 on the UDP proposals map. The land to the south has already been partially developed with an industrial building, and the wider area surrounding the site is in either industrial or in some form of commercial use.

The closest properties are those of the existing commercial units on Shell Green, which have similar buildings to that being proposed in this application. The nearest residential properties are well separated from the site, to the north / northwest on the opposite site of Fiddlers Ferry Road.

### 1.2 Planning History

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

- 92/00282/OUT - Outline application for the construction of 22,120 sq m Class B1 (Business), 8,000 sq m Class B2 (General Industrial), 7,800 sq m Class B8 (Storage and Distribution) floorspace, and a petrol filling station and car wash (Approved 11/08/1992)
- 03/00882/OUT - Outline application for a combined B1, B2, B8 with ancillary roads, parking and landscaping (Approved 19/01/2005)
- 06/00629/S73 - Application under Section 73 of the Town and Country Planning Act to provide an extension of time for the submission of reserved matters (variation of Cond.3 of planning permission 03/00882/OUT) (Approved 18/10/2006)
- 08/00355/REM - Reserved Matters application (with all matters for consideration) for construction of light industrial/warehouse units with ancillary offices and associated forecourt/yard facilities (Approved 30/09/2008)
- 10/00221/S73 - Proposed variation of condition No.4 on planning consent 03/00882/OUT to allow for a further 2 years for the commencement of development (Approved 02/08/2010)

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application seeks planning permission for an industrial development comprising two warehouse buildings with B2 and B8 Use Classes and ancillary E (g)(i) Office space, including service yards, car parking, landscaping and associated access infrastructure

The proposal would provide a total additional 3356.8 square metres of general industrial / storage and distribution floor space (B2 and B8 Use Classes) and 521.3 square metres of associated office space, this would be split across the proposed two units.

### **2.2 Documentation**

The application is accompanied by the associated plans in addition to a Design and Access Statement, Flood Risk and Surface Drainage Strategy, Arboricultural Report, Phase 1 Site Appraisal and an Ecology Assessment Report.

## **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **THE DEVELOPMENT PLAN**

#### **3.1 Halton Unitary Development Plan 2005 (UDP)**

The site is designated as allocated as a Proposed Employment Area (Ref. 28/0) on the Halton Unitary Development Plan Proposals Map. The site also falls within the South Widnes Key Area of Change the Halton Core Strategy. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE3 Environmental Priority Area
- GE21 Species Protection
- PR14 Contaminated Land
- PR16 Development and Flood Risk
- TP6 Cycle Provision as Part of New Development
- TP12 Car Parking
- E1 Proposed Employment Area

### 3.2 Halton Core Strategy 2013 (CS)

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

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS9 South Widnes key Area of Change
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

### 3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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

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

## **MATERIAL CONSIDERATIONS**

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

### 3.4 National Planning Policy Framework

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

## Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

## **4. CONSULTATIONS**

### Highways and Transportation Development Control (Highways)

#### **PARKING**

This application seeks permission to construct two warehouses at Shell green, Widnes. The application proposes parking provision of 37 spaces. For an application of this nature, the minimum parking standard amongst the use classes stated is 1 space per 50sqm. The application advises that the unit is 3356 sq metres. In addition to this there is an additional 521sqm of B1 office space to be accommodated which provides for a maximum parking number of 14 spaces. Provision of 37 spaces amounts to a 55% shortfall from this UDP standard. Whilst the standard advised maximum numbers, it is felt that this represents a significant shortfall.

In order to find a level of commonality and consistency, the neighbouring unit on Shell Green was granted permission in 2017 for a unit which was 3158sqm. Here a scale of 1 space per 77sqm was applied as a relaxed standard. If the same standard was applied here it would require a parking standard of 43 spaces for the warehouse plus the 14 for the office space requiring 57 spaces.

The applicant has applied the old Cheshire Standard here to arrive at the appropriate parking accumulation however has not factored in the office parking requirement. Therefore to allow a level of consistency and continuing with the Cheshire Standard for B8 we would require a total parking accumulation of 51 spaces to be provided.

It is noted that EV spaces, cycle spaces and disabled are all included in the plan. We would wish to see the proposed design of both the cycle shelter and the EV chargers to be used and would wish to see the cycle shelter for Unit 2 located nearer to the unit access.

#### **ACCESS**

The application describes eight number cycle parking spaces. The design and access statement explains that - Whilst we welcome this as part of the application and commend the applicant's commitment to this, the plans

submitted do not provide any real detail of how pedestrians and cyclists would safely access the buildings to avoid conflict with heavy goods vehicles. It will be necessary to provide details of safe routes of access and exit for pedestrians and cyclists from the main distributor road to the units. Equally we would require details of the proposed cycle shelters.

Subject to approval dropped crossings with tactile paving should be installed at all appropriate desire line points (i.e. where it is safe or advised for pedestrians to cross roads or major access points). It is noted that this has been detailed within the accompanying design and access statement.

#### DRAINAGE

Any new or extended hardstanding (flags, block paving, tarmac, concrete) within the property boundary shall be constructed in such a way as to prevent surface water runoff from the hardstanding onto the highway. Any additional comments to be provided by Julia Parr.

#### CONDITIONS

- Improved parking numbers from 37 to 51 required to account for office staff.
- Details of safe pedestrian and cycle routes through the parking and serving area from Shell Green.
- Relocation of cycle shelter for unit 2
- Details of the cycle shelter and EV chargers to be proposed

#### SUMMARY

The application takes into account the location as well as the sustainable links to local facilities and public transport routes. The design and access statement is thorough in its detailing of its inclusive approach to design and layout.

Whilst the under provision of the parking is significant it is felt that there is scope within the site to increase parking. Subject to further details being provided in regards to the parking, sustainable travel and site egress being satisfied the highway authority would not object to the application.

Since the above comments were made, the applicant has provided amended drawings which satisfactorily address the above matters with regards to parking, pedestrian and cycle routes, and the location of the cycle shelter for Unit 2. Conditions are also recommended to secure the implementation of the cycle shelters and EV charging spaces.

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

No objection, subject to a conditions relating to works during bird nesting season, provision of bird boxes, reasonable avoidance measures for hedgehog, provision of a lighting scheme to protect habitat for foraging and commuting bats, and the provision of a detailed landscaping scheme to include native species.

#### Lead Local Flood Authority (LLFA)

No objection, conditions recommended for and updated drainage strategy and validation report. Detailed comments have been summarised in the report below.

#### Open space - Trees

The proposals appear to seek development on private land that does not appear to impact upon HBC managed/owned land. There are no formal tree or Nature Conservation constraints associated with the proposed development plot.

#### Open Spaces - Design and Development

A few items to raise with regard to this particular application as follows.

- As a general design observation the proposed surfaces for car parking bays could be a permeable material/reinforced grass to aid natural rainwater infiltration to all parking bays apart from DDA parking bays. Sustainable drainage does not appear to have been considered, but car parking areas could be drained to the proposed lines of European Hornbeam tree planting, which together with appropriate root zone construction could provide better conditions for new tree planting as well as improving surface water drainage in a sustainable system.

- Proposed planting as illustrated on drawing; PR/210401/GA/01 REVA and outline planting specification is acceptable.

- I note item 24 in the planting specification refers to adequate weed control and litter picking and would suggest that a 12 month landscape management/maintenance schedule should be provided by the applicant to show how they intend to establish the soft landscape elements of the proposals.

#### Contaminated Land Officer

No comments received at the time of writing the report, any comments provided will be reported to committee members via an update.

#### Major Projects

Concerned that the site is close to the entrance to the Widnes Waterfront area and therefore very visible. The road frontage particularly along Gorse Lane is important and should be of good quality and welcoming. Currently it feels like the development turns its back on Gorse Lane. The footpath/cycleway is well used and therefore improvements to security and visibility of the amenity would be welcomed rather than a blank wall.

#### Natural England

Natural England has no comments to make on this application.

## The Environment Agency

Have no objections to the proposals and would offer the following comment. The proposed development boundary is within 250m to the south of Emerald Kalama Ltd, which is an upper tier COMAH establishment. The COMAH regulations are enforced by the Competent Authority (CA). The CA comprises the Health and Safety Executive (HSE) and the relevant environmental regulator: the Environment Agency (EA) in England, acting jointly. From the EA perspective, acting as part of the COMAH Competent Authority, there is no objection to the development as proposed, based on proximity of the COMAH establishment. However, any change that could have implications for environmental major accident hazard risk being close to the site would need to be notified to us as the CA, via the HSE.

Please note that the proposed development is likely to be within the associated HSE consultation distance for the COMAH establishment and it is suggested you seek their advice accordingly.

## Health and Safety Executive (HSE)

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

## United Utilities

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

## **5. REPRESENTATIONS**

5.1 The application was advertised by way of press notice, site notice and 123 neighbour notification letters were sent out. The overall consultation period ended on 8 July 2021. No representations have been received

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The site is allocated as for employment development (Ref. 28/0) within the Halton UDP proposals map, which seeks to enable development within the borough that promotes the creation of employment.

The proposed development seeks Use Classes B2 (General Industry) and B8 (Storage and Distribution), with associated office space. These all have the potential to create employment and conform to with Policy E1 of the development plan.

### **6.2 Design and Layout**

The proposed development would comprise of two industrial buildings (B2 and B8 use with associated office space), both to be served by one new vehicle access off Shell Green. The buildings would be oriented so that they front onto Shell Green, opposite the existing units in Easter Park. Staff parking areas would be located to the front of the buildings, Unit 1 would have its servicing area to the front, whilst Unit 2 it would be to the side.

A proposed new footway is proposed across the front of the site to improve pedestrian access along Shell Green, and the plans indicate new landscaping across the frontage.

In terms of the external appearance of the industrial buildings, generally these have been designed for functionality, however the receptions and access to the associated offices would have two storey glazed feature, providing some variation to the front and side elevations. Other elevations of the building will be broken up in part by vehicle loading doors and fire exit doors.

The building will be constructed from a palette of modern metal cladding panels, coloured in contrasting shades of grey. The building and wider development is considered to be of a quality appropriate to the site and wider area. Materials and colour will be consistent with those used for this type of development and other developments in the surrounding area.

The comments from the Major Projects team in relation to the orientation of the buildings and appearance relative to Gorsey Lane have been considered. However, the site has roads on three sides, and for practical, access and security reasons the buildings need to front onto one of these. The existing adjacent development in this employment area fronts onto Shell Green, the proposal would therefore be consistent with this approach. The applicant also proposes to retain the mature trees and provide additional planting along the north western boundaries adjacent to Gorsey Lane. This will provide a good degree of screening, and soften the appearance of the development. For these reasons the proposal is considered to be acceptable in this regard.

Overall the proposed buildings would be in keeping with the existing buildings in the area, and reflect the industrial surroundings of the site, therefore would not harm the character and appearance of the area. The proposal is consistent with Policies BE2 and BE3 of the UDP and CS18 of the Halton Core Strategy. Conditions are recommended that the buildings be implemented in accordance with the approved plans and details, and for the approval of materials.

### 6.3 Highways and Access

The proposal is to access the new industrial buildings from Shell Green, providing a new vehicle access and a pedestrian footway across the front of the site. Within the site a total of 51 car parking spaces would be provided (this was increased from 45 previously shown on the plans, and amended following consultation with the Highways Officer).

These would be split 20 spaces on Unit 1, and 31 spaces on Unit 2, and each includes disabled parking. Both of the units would be provided with two electric vehicle charging spaces and secure cycle parking, these will promote choice of travel and support low carbon modes of transport.

The Highways Officer has been consulted and is now satisfied with the proposal following the increased onsite car parking, and has recommended conditions to secure the provision and of the secure cycle storage, and the electric vehicle charging points. Conditions are also recommended for the details of the access and proposed footway, and that the parking and service areas are implemented as approved. The provision of a construction management plan is also recommended.

Based on all the above, the proposed development is considered to be acceptable from a highways, transportation and accessibility perspective. It accords with Policies BE1, TP12 of the Halton Unitary Development Plan.

#### 6.4 Flood Risk and Drainage

The application has been submitted with a Flood Risk Assessment (FRA) which identifies that the site is within Flood Zone 1 and is remote from any watercourses. The FRA looks at flood risks from all other sources which have been concluded to be low. Mitigation against residual risks would include raising finished floor levels by 0.15m compared to existing ground levels.

The submitted drainage strategy identifies how the proposed use of underground attenuation would mitigate for the increase in impermeable area and limit runoff rates to a maximum of 6.1 l/s during rainfall events up to the 1% AEP + 40% increase for climate change. The strategy concludes that discharge of surface water to the ground would be unfeasible due to the underlying geology and discharge to watercourse would not be feasible due to the distance from the nearest watercourse. Therefore, discharge would be to the existing public surface water sewer.

The Lead Local Flood Authority has been consulted and they are satisfied with the Flood Risk Assessment and the proposed mitigation of raising floor levels is considered to be appropriate. The LLFA notes that the site is within critical drainage area and that this is not acknowledged within the FRA or drainage strategy. However, they are satisfied that the proposals to restrict runoff to greenfield rates would mitigate against increased risk to sewer flooding.

Whilst the applicant has presented evidence to demonstrate the proposed drainage system would ensure that the site would be safe from flooding and would reduce the risk elsewhere, detailed evidence to justify why more sustainable drainage solutions are not being considered are required as well as evidence of infiltration testing. Therefore, conditions are recommended requiring the submission of an updated drainage strategy to address these matters.

Based on the above and subject to the relevant conditions the proposal is considered to be acceptable from a flood risk and drainage perspective in compliance with Policy PR16 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

#### 6.5 Ecology

The Councils ecological consultants, Merseyside Environmental Advisory Services have commented as above. They have raised no objection to the development on the land but have recommended several conditions to ensure the proposals contained in the submitted mitigation measures are undertaken and that statutory habitat protections are adhered to.

Based on this, it is considered that the proposal is compliant with Policy GE21 of the Halton Unitary Development Plan and CS20 of the Halton Core Strategy.

#### 6.6 Contaminated Land

The application has been supported with a Phase 1 Site Assessment report. Whilst this is sufficient to determine the application, further work would be required, and conditions are recommended as per those suggested by the Environment Agency for a remediation strategy, and validation report.

#### 6.7 Waste Management

The proposal provides a suitably enclosed and accessible bin storage area within the site. The information provided is sufficient to comply with policy WM9 (Sustainable Waste Management Design and Layout for New Development) of the Merseyside and Halton Joint Waste Local Plan (WLP). The plans can be secured as an approved drawing by a suitably worded planning condition.

The proposal is major development and involves excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the WLP requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

#### 6.8 Sustainable Development and Climate Change

The submitted plans provide facilities for electric vehicle charging, the full details and implementation of which can be secure by condition. The proposal is considered to be consistent with Policy CS19 of the Halton Core Strategy Local Plan in this regard.

In terms of energy efficiency the design and access statement explains that the applicant is proposing to meet the requirements of Part L2A of the Building Regulations (Conservation of Fuel and Power in Buildings) by enhancing the thermal efficiency of the building as oppose to the use of onsite renewables.

## 6.9 Other Matters

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

The applicant has submitted an amended site boundary to encompass the necessary parts of Bennetts Lane and Shell Green required to access the site. These sections of road are not adopted, therefore the applicant has also provided a certificate B declaring that they have served notice on the relevant land owner. A re-consultation exercise is currently being carried out on the amended plan which does not end until after the date of Development Management Committee. Any subsequent decision notice would not be issued until the notification period is over.

## 7. CONCLUSIONS

7.1 The proposed development would provide employment uses and investment within an allocated employment area. The development would not have a significant impact on the highways, and any potential effects relating to contamination, drainage and ecology can be mitigated by the use of planning conditions. The proposal is considered to comply with Development Plan Policies E1, BE1, BE2, BE3, GE21, PR14, PR16 of the Unitary Development Plan, CS9, CS18, CS19 and CS20 of the Halton Core Strategy Local Plan, and is recommended for approval, subject to the expiration of the re-consultation that will expire a few days following the committee.

## 8. RECOMMENDATION

That delegated powers are given to the Operational Director – Policy, Planning & Transportation in consultation with the Chair or Vice Chair of the Development Management Committee determine the application.

If the application is approved it would be subject to the conditions below:

1. Standard time limits condition (BE1)
2. Plans condition listing approved drawings (BE1)
3. Submission and agreement of a construction management plan (BE1)
4. External facing materials (BE1 and BE2)
5. Conditions for the submission and agreement of ground investigation report, and remediation strategy and validation (PR14 and CS23)
6. Flood risk assessment and mitigation (PR16 and CS23)
7. Conditions for the submission and agreement of an updated drainage scheme and validation (PR16 and CS23)
8. Foul and surface water on a separate system (PR16 and CS23)
9. Submission, agreement and implementation of access and footway details off Shell Green (BE1).
10. Lighting details in relation to wildlife protection (GE21, CS20)
11. Protection of nesting birds (GE21, CS20)
12. Provision of bird nesting boxes (GE21, CS20)
13. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (GE21, CS20)
14. Parking, access and servicing provision (BE1)
15. Electric Vehicle Charging Points Scheme (CS19)
16. Cycle parking (TP6)
17. Site waste management (WM8)
18. Conditions to secure hard and soft landscaping schemes (BE1)
19. Condition to secure tree protection measures (BE1)
20. Existing and proposed site and finished floor levels (BE1)

## **9. BACKGROUND PAPERS**

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

## **10. SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (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.