

APPLICATION NO:	23/00272/FUL
LOCATION:	Land to the West of Shell Green Widnes WA8 0GW
PROPOSAL:	Erection of a 5,615 sqm (60,439 sq ft) GEA [5,550 sqm (59,739 sqft) GIA] Class B8 unit with ancillary offices and associated parking, servicing space and hard and soft landscaping (including means of enclosure and security lighting)
WARD:	
PARISH:	None
APPLICANT:	Avjon 3 LTD
AGENT:	Richard Gee, Roman Summer
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Site E1 Strategic Employment Location – CS(R)4, ED1 Employment Allocation – ED1
DEPARTURE	No.
REPRESENTATIONS:	No
KEY ISSUES	Principle of Development, Design, Highway Safety, Ecology
RECOMMENDATION:	Delegated Authority.
SITE MAP	

1. APPLICATION SITE

1.1 The Site

The site subject of the application consists of a parcel of land located between Gorse Lane and Shell Green.

The site is previously developed land. It can be seen from aerial photographs that there was some development on the site in the late 90's but since then it has been left green and partly covered by self-seeded trees.

The site is allocated as a as site ref E1 which is a Strategic Employment Location and an Employment Allocation on the Halton Delivery and Allocations Local Plan Policies Map.

Site ref E1 is allocated for general industrial and storage and distribution under Policy ED1.

The site is surrounded by primarily employment areas and other employment allocations.

1.2 Planning History

The site forms part of the Shell Green industrial area. Planning history of the site dates back to 1992.

There is no recent relevant planning history. The most recent consent was 10/00221/S73 which was supported by a masterplan including the site accommodating 'employment units'.

2. THE APPLICATION

2.1 The Proposal

The application is for the erection of 5615 sqm GEA (5550sqm GIA) Class B8 unit with ancillary offices and associated parking, servicing space and hard and soft landscaping (including boundary treatments and security lighting).

The development shall be accessed via Shell Green.

Parking will be provided for 58 vehicles comprising:

- 37 x standard car parking bays
- 6 x disabled car parking bays
- 15 x electric charging point spaces

- 8 x cycle spaces
- 4 x motorcycle spaces
- 23 trailer spaces

2.2 Documentation

The application is accompanied by the associated application forms in addition to:

- Planning Statement (Roman Summer Associates Ltd);
- Design and Access Statement (Martin Spencer Architecture);
- The following ecological reports (Amenity Tree Care):
 - Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) [Version 3 issued on 08.08.2023]
 - Assessment of Biodiversity (with associated Biodiversity Metric 3.1 assessment calculations) [updated 24.05.2023]
 - GCN/Amphibian Appraisal & Habitat Enhancement Measures Strategy (May 2023)
 - Letter dated 24.05.2023 in respect of Non Native invasive plants (Heracleum Mantegazzianum)

- Protected Species Appraisal - Bat Roost Assessment (BRA) - Preliminary tree inspections (Version 1 / 05.09.2023)
- Bat Activity Report Version 1 [05.09.2023]
- Preliminary Breeding Bird Appraisal / Survey (6/9/23)
- Arboricultural Survey / Assessment (Amenity Tree Care)
- Transport Statement (Focus Transport Planning)
- AT.23.1257.101 REVISION R.01 – Planting Plan (Amenity Tree Care)
- NPPF Flood Risk Assessment (ADS)
- Drainage Strategy (ADS)
- Drawing ref: 8177-ADS-XX-00-DR-C-501 P1 'Drainage Layout (ADS)
- Phase 1 Site Appraisal (Patrick Parsons)
- Phase II Site Appraisal [Revision 1 issued on 09/08/23] (Patrick Parsons)
- The following drawings (Martin Spencer Architecture):
 - SG 001 P1 – Location Plan
 - SG 004 – P3 – Proposed Site Plan – B8 Option
 - SG 010 – P6 – Proposed Ground Floor and Office Plan
 - SG 011 – P2 – Office Floor Plans
 - SG 015 – P9 – Proposed Elevations
 - SG 020 – P10 – Proposed Sections
 - SG 030 – P1 – Proposed Roof Plan
 - 251-100 – P1 – Cycle Shelter Details

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 Delivery and Allocations Local Plan (2022)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)1 Halton's Spatial Strategy
- CS(R)4 Employment Land Supply
- CS(R)15 Sustainable Transport
- CS(R)18 High Quality Design
- CS(R)19 Sustainable Development and Climate Change
- ED1 Employment Allocations
- ED2 Employment Development
- C1 Transport, Network and Accessibility
- C2 Parking Standards
- HE4 Greenspace and Green Infrastructure
- HE5 Trees and Landscaping
- HE8 Land Contamination
- GR1 Design of Development
- GR2 Amenity
- GR5 Renewable and Low Carbon

3.2 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.

MATERIAL CONSIDERATIONS

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

3.3 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.

3.4 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.

3.5 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 persons 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 SUMMARY

4.1 Highways and Transportation Development Control

The Highway Authority initially requested a transport assessment. Following site visits, further information, and collaboration with the applicant's transport representatives, the holding objection is removed as no detrimental impact on the immediate, or local highway is likely from the development nor highway safety concerns raised.

4.2 Lead Local Flood Authority

No response at the time of writing this report.

4.3 Contaminated Land Officer

The Contaminated Land Officer reviewed the documents and following the submission of a revised and updated Phase II document and is satisfied with the reporting and its conclusions.

The preliminary risk assessment and subsequent site investigation have not identified any significant land contamination risks to the project or the wider environment. No further assessment or remedial measures are required.

4.4 Merseyside Environmental Advisory Service – Ecology and Waste Advisor

At the time of writing this committee report, the Applicants and MEAS were working together to resolve a discrepancy in the bat survey and clarification on the need for further bird surveys.

MEAS has been reconsulted for updated comments. These comments are awaited at the time of writing the committee report and therefore a verbal update can be provided at a subsequent committee meeting.

4.5 United Utilities

United Utilities request a detailed drainage plan which was provided.

The consultation response can also be attached as an informative to the decision notice.

4.6 Trans Pennine Trail

TPT have not objected but made comments suggesting better facilities for pedestrians and cyclists.

5 REPRESENTATIONS

The application has been publicised by 54 neighbour notification letters sent on 06/07/23. Site notices were also posted in the vicinity of the site.

No representations have been received.

6 ASSESSMENT

6.1 Principle of Development / DALP Allocation

The site is identified as an Employment Allocation and a Strategic Employment Allocation.

The site lies within the allocation referenced as E1. E1, under Policy ED1 is allocated for General Industrial and Storage and Distribution.

The proposal accords with the DALP and the principle of development is considered to be acceptable.

6.2 Design

Policy GR 1 states:

“The design of all development must be of a high quality, and must demonstrate that it is based upon the following principles: a. A clear understanding of the characteristics of the site, its wider context and the surrounding area; b. Efficient and effective use of the site; and c. The creation of visually attractive places that are well integrated with the surrounding buildings, streets and landscapes”

Policy CS(R)18: High Quality Design states:

“The design of places and spaces can have a profound effect on the way that we live, how we understand an area, the way that we treat an area and the way that we move through it. It is crucial for development design in Halton to be of a high quality, build upon an area’s character, be adaptable to changing situations, and provide safe, healthy and accessible environments for all members of society.”

The design of the proposal responds to the local context as an employment / industrial park. The external appearance of the building has, by necessity, been driven by its function and operational requirements to serve the needs of a modern employment operation.

Its cladding is appropriate to a substantial industrial building / warehouse, split into smaller cladding divisions, to assist in reducing and breaking up its mass and appearance.

The building will have a pitched roof of 7 degrees, with profiled sheeting finished in light grey.

Its north elevation is the main loading access, the east being the office and visitor entrance, with access for cars and light vehicles.

The external walling will be a mixture of trapezoidal and low-profile cladding coloured white / light grey and black, with contrasting flat cladding around the office (including trims and details).

The site will need to be secured through the erection of boundary fencing and an access gate. This will be 2.4m colour coated Paladin fencing, which is appropriate in this location and in accordance with Policy GR3 which seeks boundary walls and fences to be appropriate to the character and appearance of the area in which they are located.

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 massing and form of the proposed building is typical of a storage and distribution facility of this type.

It is considered that the building has a functional design that is wholly in keeping with its allocation and surrounding land uses and is therefore in accordance with DALP policies CS(R)18, GR1 and GR3.

6.3 Amenity

The proposals are not considered to be significantly harmful to the amenity of surrounding land users, given the employment allocation and similar uses surrounding the site.

The proposal accords with Policy GR2 of the DALP.

6.4 Security

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

Once the building is operational, it is expected that CCTV surveillance systems would be put in place. A 2.4m high secure paladin fence is to be provided to the entire site perimeter.

Servicing and parking areas will have an access gate meaning only permitted, authorised vehicles will be granted access to the site. The main vehicular entrance is clearly visible from the office and service areas providing good levels of natural surveillance.

6.5 Highways, Transport and Accessibility

The Trans Pennine Trail suggested better facilities for cyclists and pedestrians. However, given the size and scale of the proposals it is not considered that developer contributions to improved walk / cycle arrangements on Gorse Lane would meet key tests of reasonableness.

Good standard pedestrian / cycle facilities are already available on this route.

It should also be recognised that the application scheme will provide extended pedestrian footway facilities to the site-side of Shell Green to provide a direct walking connection to the main site access and staff / visitor car parking area.

The application includes a Transport Statement. The Highway Officer has also worked proactively with the Applicant and is satisfied that the site is in an accessible and sustainable location in accordance with Policy CS(R)15 and poses no highway safety issues in accordance with Policy C1.

The scheme provides ample car parking spaces broadly in line with Policy C2:

- 37 x standard car parking bays
- 6 x disabled car parking bays
- 15 x electric charging point spaces
- 8 x cycle spaces
- 4 x motorcycle spaces
- 23 trailer spaces

The Highway Officer has no objections and it is considered that the application accords with policies CS(R)15, C1 and C2 of the DALP.

6.6 Ecology

There is a 'Greenway' designation that runs along the site's western edge.

Policy HE4 'Green Infrastructure and Greenspace' states that all development - where appropriate - will be expected to incorporate high quality green infrastructure that, inter alia, creates and/or enhances green infrastructure networks and provides links to green infrastructure assets.

Vegetation will be retained along the site boundaries in order to soften the development. The submitted planting plan shows that a considerable amount of 'greening' is proposed, indicating that 106 new native trees will be planted, plus new hedgerow, shrubs, ornamental grasses and wildflower planting.

It is considered that the application accords with Policy HE4.

The site is not a designated Ecological Area and does not contain any TPO trees.

The applicant has carried out Ecological Appraisals of the site in order to ascertain if the proposals will be harmful in terms of Ecological impacts. The applicant submitted the following ecological information in accordance with Local Plan policy CS(R)20:

- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) [Version 3 issued on 08.08.2023]
- Assessment of Biodiversity (with associated Biodiversity Metric 3.1 assessment calculations) [updated 24.05.2023]
- GCN/Amphibian Appraisal & Habitat Enhancement Measures Strategy (May 2023)
- Letter dated 24.05.2023 in respect of Non Native invasive plants (Heracleum Mantegazzianum)
- Protected Species Appraisal - Bat Roost Assessment (BRA) - Preliminary tree inspections (Version 1 / 05.09.2023)
- Bat Activity Report Version 1 [05.09.2023]
- Preliminary Breeding Bird Appraisal / Survey (6/9/23)

The Applicants have been working proactively with MEAS to overcome concerns regarding bats and birds.

At the time of writing this committee report, the Applicants and MEAS were working together to resolve a discrepancy in the bat survey and clarification on the need for further bird surveys.

MEAS has been reconsulted for updated comments. These comments are awaited at the time of writing the committee report and therefore a verbal update can be provided at a subsequent committee meeting.

The Applicants have completed Biodiversity Metric 3.1 assessment and MEAS advise that it can be accepted. The principles of appropriate compensation for the stated loss of habitat need to be agreed prior to determination. The compensation will need to ensure that a net biodiversity gain is provided in line with the NPPF.

The Applicants are in the process of sourcing a site for the compensation, but as with other schemes recently approved we are willing to accept a commitment from the Applicant which can be secured by a prior to commencement of development condition to have a submitted and approved scheme and timetable together with the suggested MEAS condition seeking a full and detailed Landscape and Ecological Management Plan which covers the management of the site for a minimum of 30 years.

6.7 Drainage and Flood Risk

The site is located in Flood Zone 1 which is the lowest risk. The application includes:

- NPPF Flood Risk Assessment (ADS)
- Drainage Strategy (ADS)
- Drawing ref: 8177-ADS-XX-00-DR-C-501 P1 'Drainage Layout (ADS)

The submissions above only provide an outline drainage strategy rather than a full and final solution. Therefore it is reasonable to condition the submission of a full SuDS and verification report.

The LLFA have not provided a consultation response at the time of writing this report, but it can be noted for the adjacent site in the same flood zone and for a similar development, there was no objection.

6.8 Ground Contamination

The application is supported by;

- Phase 1 site appraisal 11565 Shell Green Widnes for Avjon Ltd, ref SGW-PPC-00-XX-RP-G-0001, Patrick Parsons, May 2023
- Phase II site appraisal 11565 Shell Green Widnes for Avjon Ltd, ref SGW-PPC-00-XX-RP-G-0002, Patrick Parsons, July 2023.10

The preliminary risk assessment and subsequent site investigation have not identified any significant land contamination risks to the project or the wider environment. No further assessment or remedial measures are required by the Contaminated Land Officer and it is considered that the application is in accordance with Policy HE8 of the DALP.

6.8 Ground Contamination

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application. In terms of waste prevention, the developer would be required to produce a Site Waste Management Plan which can be secured by condition.

In terms of on-going waste management, there is sufficient space within the site to allow for this.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

6.11 Climate Change

Policy CS(R)19 recognises that the deployment of renewable and low carbon energy and the design and construction of future development has a central role in delivering sustainable growth, contributing to the mitigation and adaptation of climate change and ensuring energy security.

In response to Policy CS(R)19, the applicant states that the orientation of the building is designed to suit the site and allows the majority of the units to maximise its use of windows to provide enough natural light into the spaces whilst reducing the potential overheating in the units. Whilst the exact type of heating system is not known at this point, the intention is to use a combination of a well-sealed external fabric of the building coupled with some form of mechanically driven air exchanger (MVE or MVHR) to regulate the temperature within the units and reduce heat loss. The system will be explained to the residents giving them easy access to adjust their units to suit their needs via a Home User Guide to educate on how to best use the technology. Space on the roof also makes use of the scheme orientation to maximise production through PV panels to help offset the costs for the building. Final details of the measures to be employed can be secured by planning condition.

7. **CONCLUSIONS**

The proposed development is considered acceptable and is compliant with the Halton DALP allocation of the site for residential development.

8. **RECOMMENDATION**

That authority be delegated to the Operational Director – Planning, Policy and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to MEAS.

Recommended conditions as follows with any additional conditions recommended through the resolution of the MEAS comments to be added to the list below:

9. CONDITIONS

1. Time Limit
2. Plans
3. Materials to be implemented as detailed on submission (Policy RD3 and GR1)
4. Submission of Existing and Proposed Site Levels (Policy GR1)
5. Tree Protection Measures – (Policy HE5)
6. No tree works between April and June (Policies CS(R)20 and HE1)
7. RAMS for reptiles and hedgehog (CS(R)20 and HE1)
8. Full method statement for the removal of invasive species – Giant Hogweed
9. Validation report confirming remediation treatment carried out in relation to invasive species – Giant Hogweed
10. Submission of a Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
11. Verification of the Sustainable Urban Drainage Scheme – (Policies CS23 and HE9)
12. Sewage disposal (Policy HE9)
13. Energy efficiency (Policy CS(R)19)
14. BNG Metric 3.1 scheme, timetable and maintenance.
15. Waste Management Plan (WM8)
16. MEAS – Potential conditions - lighting scheme, bird/bat boxes

Informative – United Utilities advice

The conditions above have been agreed with the applicant.

10. 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

5. 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.