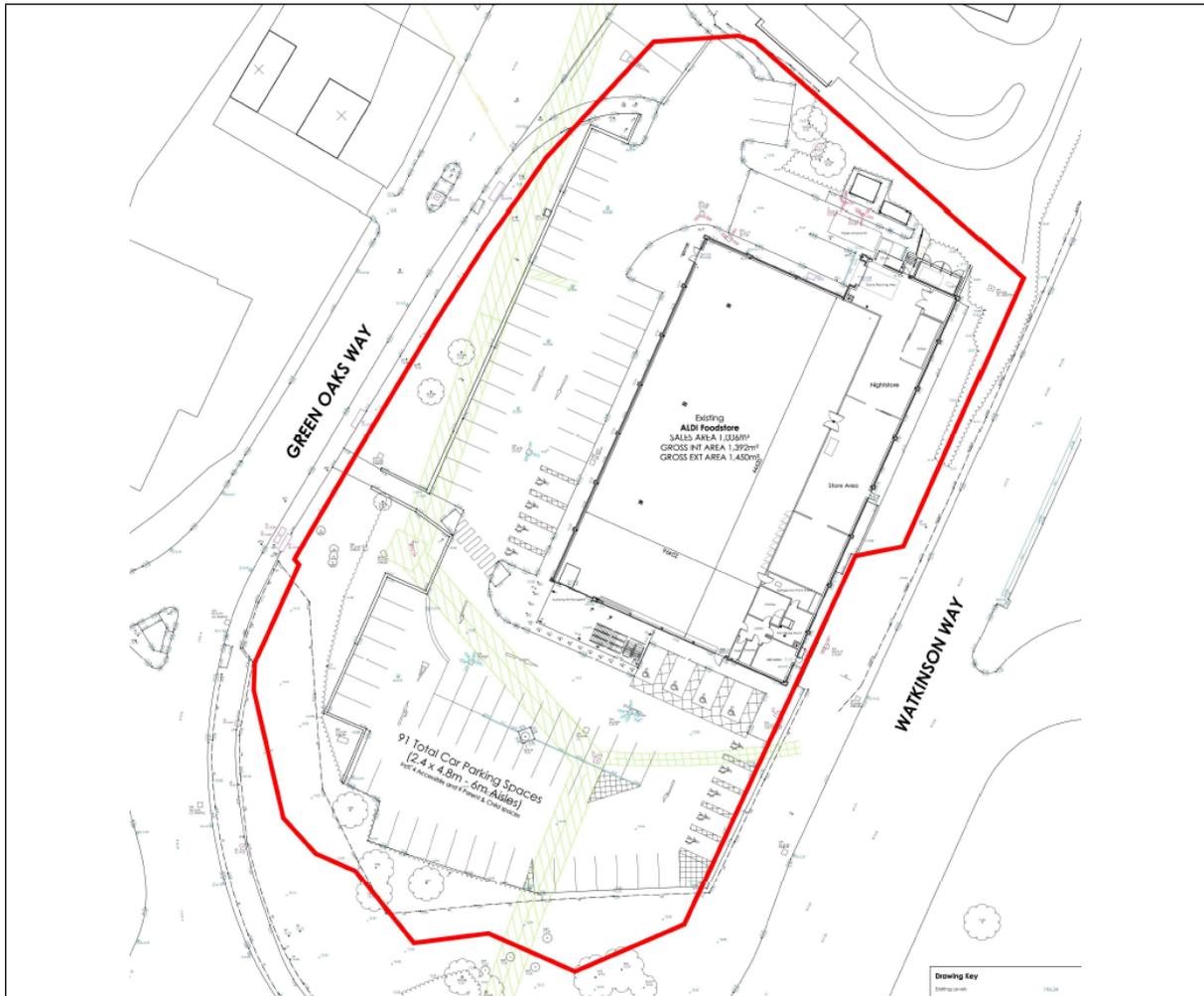


<b>APPLICATION NO:</b>	21/00278/FUL
<b>LOCATION:</b>	Aldi Foodstore Ltd, Green Oaks Way' Widnes, Cheshire, WA8 6UF
<b>PROPOSAL:</b>	Proposed demolition of existing store and replacement by new food store with associated car parking, access, external plant and landscaping.
<b>WARD:</b>	Appleton
<b>PARISH:</b>	N/A
<b>APPLICANT:</b>	Mr George Brown, Aldi Foodstores Ltd
<b>AGENT:</b>	Mr Luis Perez, JLL
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Unitary Development Plan (2005)	Primarily Employment Area (E3)
Halton Core Strategy (2013)	South Widnes Key Area of Change (CS9)
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	Yes
<b>REPRESENTATIONS:</b>	None
<b>KEY ISSUES:</b>	Principle of Development; Highways, Flood Risk and Drainage; Contaminated Land; and Ecology.
<b>RECOMMENDATION:</b>	That the application is approved subject to satisfactory land ownership notification and resolution of flood risk issues.
<b>SITE MAP</b>	



## 1. APPLICATION SITE

### 1.1 The Site

The application site comprises of an existing food store with associated parking and service areas covering approximately 0.61 hectares. It is located on the south eastern edge of Widnes town centre. The site is bound by Watkinson Way to the east and Green Oaks Way to the west. To the north of the site is Morrison's Petrol Filling Station, Tesco extra is to the south and Widnes Shopping Park to the west.

### 1.2 Planning History

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

- 95/00493/FUL - Erection of class A1 food store with associated access services and parking (Permitted 16 November 1995)
- 96/00576/ADV - for Proposed 1 No. post sign and 3 No. wall signs (Permitted 15 November 1996)
- 06/00242/FUL - Proposed extension (203 sq.m) to existing store (Permitted 25 May 2006)

- 14/00023/FUL - Proposed extension to existing car park (Permitted 10 March 2014)
- 14/00585/FUL - Proposed construction of a substation (Permitted 22 December 2014)

## **THE APPLICATION**

### **1.3 The Proposal**

Proposed demolition of existing store and replacement by new food store with associated car parking, access, external plant and landscaping.

### **1.4 Documentation**

The application is accompanied by the associated plans in addition to a Planning Statement, Design and Access Statement, Flood Risk Assessment, Drainage Philosophy Report, Arboricultural Impact Assessment, Ecological Survey, Bat Survey, Phase 1 Geotechnical Report, Site Investigation Report, Asbestos Management Plan, Soil Management Plan, Transport Statement, Construction Management Plan, Details of Bird and Bat Boxes, Lighting Scheme, Invasive Species Method Statement, and a Construction Environmental Management Plan.

## **2. 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.

### **2.1 THE DEVELOPMENT PLAN**

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

The application site is designated as Greenspace on the Halton Unitary Development Plan Proposals Map. A Potential Greenway also runs through the application site along the western boundary.

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
- E3 Primarily Employment Area
- GE21 Species Protection
- PR5 Water Quality
- 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
- TP14 Transport Assessments
- TP17 Safe Travel for All
- TC2 Retail Development to the Edge of Designated Shopping Centres
- TC5 Design of Retail Development

#### 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
- CS5 A Network of Centres
- CS15 Sustainable Transport
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk

#### 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.

## **2.2 MATERIAL CONSIDERATIONS**

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

#### National Planning Policy Framework

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

#### Supplementary Planning Documents (SPD)

Shop Fronts, Signage and Advertising SPD (November 2005); and Designing for Community Safety SPD (September 2005).

### 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. CONSULTATIONS SUMMARY**

#### Highways and Transportation Development Control

No objection to the proposed development subject to conditions.

#### Contaminated Land Officer

No comments received.

#### Lead Local Flood Authority

Currently object to the application until further information has been submitted with regards to the Flood Risk Assessment.

#### Environmental Protection

No comments received.

#### Open Spaces – Trees/Design & Development

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.

#### Major Projects

No comments.

#### Merseyside Environmental Advisory Service – Ecology and Waste Advisor

No objections subject to conditions.

#### Cheshire Police - Designing Out Crime Officer

No objection, advice provided to the applicant with regards to internal access controls for staff, cameras to cover fire escapes, security shutters.

Environment Agency

No objection to the proposed development subject to conditions.

Natural England

Have no comments to make on the application.

United Utilities

No objection to the proposed development subject to conditions.

**4. REPRESENTATIONS**

The application was advertised by press advert in the Widnes and Runcorn Weekly News on 20/05/2021, site notices were posted and neighbour notification letters were sent out on 13/05/2021.

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

**5. ASSESSMENT**

**5.1 Principle of Development**

The application site is an existing Aldi food store located in between Watkinson Way and Green Oaks Way, adjacent to Widnes town centre primary shopping area. The site falls within an area designated as Primarily Employment (Policy E3) in the Halton Unitary Development Plan, however the site has benefited from planning permission (95/00493/FUL) for a food store since September 1995, and operates as such, therefore the use is now well established and the principle of development accepted.

Based on the information provided the existing food store has a gross external area of 1,450m<sup>2</sup>, and the proposed replacement food store would have a floor space of 1,880m<sup>2</sup>. Therefore the proposal would provide for a net increase of 430m<sup>2</sup> of gross external area.

Policy CS5 of the Core Strategy states that new retail or other town centre uses should be located within or on the edge of a defined Primary Shopping Area or Local Centre, appropriate to the scale of the proposal. And that retail and leisure proposals in excess of 2,000 sq.m (gross) floor space not located within a defined Primary Shopping Area, or allocated in a Local Plan will be subject to sequential and impact assessments. The proposed development is less than 2,000 sq.m, therefore not be subject to an impact assessment.

Retail and leisure proposals in excess of 200 sq.m (gross) not within or adjacent to a defined centre, or allocated in a Local Plan will be subject to sequential assessment. The applicant has provided a sequential assessment, following a

survey of 16 sites they have concluded that there are no suitable alternative sites within the town centre that meet the applicant's requirements, particularly with regard to floor space. The largest available site identified was 21-23 Widnes Road, which was just over half the floor space required. DW Sports on Cross Street, was also identified, however this falls outside of the primary and secondary shopping areas and is similarly edge of centre, it is also understood that the site is no longer available. Consequently, the existing site is considered to be sequentially preferable as there are no other suitable sites available. The proposal is acceptable in principle and is consistent with Policy TC2 of the UDP and Policy CS5 of the Halton Core Strategy.

## 5.2 Highways, Transportation and Accessibility

The applicant has submitted a comprehensive Transport Statement which meets the requirements of Policy TP14 demonstrating that the proposed redevelopment and expansion of the site will not detrimentally impact on the adjacent highway network in terms of road safety and operational capacity.

The car parking layout is considered to optimise the available space providing a safe and legible layout for users. The number of bays shown on the proposed plan does fall short of the maximum standard but when factoring in that the scheme is a redevelopment of an existing site and the sites town centre location the provision is considered to be acceptable. Suitable levels for accessible/disabled provision are made and parking for motorcycles has been included.

Submitted plans show that ten customer cycle parking would be provided below the external canopy of the new building. Whilst the number and location is considered to be acceptable details of the actual stands should be conditioned for approval and implementation.

The plans show 4 bays marked for Electric Vehicle charging, these are welcomed by the Highways, a condition is recommended for the detailed specification and implementation.

The site is considered to be in a sustainable location with good links to the town centre and public transport. Improvements are proposed to widen the footway to the west of the site adjacent to Green Oaks Way, allowing for the provision to be shared use. A condition is recommended for the submission and approval of the details to meet the Highway Authorities standards, and its implementation.

A small area within the eastern part of the application site is adopted Highway verge, the Highways Authority has no objection to its inclusion, but it will require stopping up. The applicant is aware of this issue and the due process involved. The Highway Authority has recommended further conditions in relation to landscaping, boundary treatments and visibility splays.

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.

### 5.3 Layout, design and appearance

The application site has roads on three sides, and is therefore visible from multiple vantage points along Watkinson Way, Green Oaks Way, the Junction with Lugsdale Road and surrounding areas. The foot print of the replacement food store and car park would be broadly in the same location as the existing, albeit with some slight increase to accommodate additional parking and service areas.

The proposed new building would be of a modern design and appearance, and would have a mono-pitched roof designed to slope up away from Watkinson Way. The proposed elevations would respond well to the sites context by providing a glazed frontage that would wrap around the south western corner of the building providing a dual frontage taking account of the site location at the junction of Green Oaks Way and Lugsdale Road.

The facing materials would predominantly comprise of grey/silver cladding and horizontal timber cladding. The southern elevation would be have full height glazing, wrapping around the south western corner, creating a prominent entrance feature fronting onto the car park.

The layout, design and appearance is acceptable and would not harm the character and appearance of the area. The proposal is consistent with policies BE1, BE2 and E5 of the UDP and CS18 of the Core Strategy. Conditions are recommended that the development be implemented in accordance with the approved plans and details of external materials.

### 5.4 Flood Risk and Drainage

The application site is less than 1ha in area, and located in Flood Zone 2, and partially in Flood Zone 3, therefore the application has been supported with a drainage philosophy report and flood risk assessment (FRA). The Lead Local Flood Authority has been consulted, and whilst they are satisfied that the drainage philosophy report is acceptable in principle, they consider the FRA to be deficient in various areas.

Further technical details are required before they can be satisfied that the development would be safe from flooding throughout its design life, and that it would not increase the risk of flooding elsewhere, in summary the following information is required:

- Information is required on the design life of the development as well as details of the flood response plan;
- Quantification of the volume of flood storage that would be lost or how any displacement would be mitigated;

- The need to take into account nearby flooding identified on the Environment Agency mapping, the critical drainage area, and risk of sewer flooding;
- The assessment of groundwater flood risk is based on published geology only and does not draw upon the ground investigation undertaken to inform the development proposals.

The above are considered to be technical matters which are not insurmountable, however it is necessary to address them before an approval could be recommended.

Therefore, given the proposal is acceptable in all other regards, delegated authority is sought to allow officers to approve the application once these matters have been satisfactorily addressed with the applicant and the LLFA.

### 5.5 Ground Contamination

The application is accompanied by a site investigation report and a remediation strategy. Conditions are recommended to secure the implementation of the required remediation, and verification reporting to ensure that any ground contamination is dealt with appropriately. The attachment of the conditions above will ensure compliance with Policy PR14 of the Halton Unitary Development Plan and Policy CS23 of the Halton Core Strategy Local Plan.

### 5.6 Ecology

The applicant has submitted a Bat Survey report (Cheshire Ecological Services, May 2021) in line with Core Strategy policy CS20. The report states that no evidence of bat use or presence was found. MEAS are satisfied that the report can be accepted and that the Council does not need to consider the proposals against the three tests of the Habitats Regulations.

The survey identified a small number of common pipistrelle bats foraging and commuting over the site. Lighting for the development may affect the use of surrounding habitats. Conditions securing a suitable lighting scheme is recommended to protect excessive light spill onto these areas, as well as the provision of bat boxes.

The site has potential to be used by nesting birds, and will result in the loss of bird breeding habitat. Therefore, conditions are recommended to ensure their protection during nesting season, and to secure the provision of bird nesting boxes.

Further conditions are recommended relating to Reasonable Avoidance Measures (RAMs) for hedgehogs, and the provision of an invasive species

method statement. These details could be submitted individually or combined within a construction environmental management plan (CEMP).

The securing of the above details would ensure that the proposal does not cause harm to habitats or protected species, and that it is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

### 5.7 Trees and Landscaping

The application is accompanied by an Arboricultural Impact Assessment. There are no Tree Preservation Orders in force at this site and the area does not fall within a designated Conservation Area. It is acknowledged that some trees would need to be removed to implement the proposed development. The application has been supported with an acceptable landscaping scheme that would adequately compensate for the loss.

In respect of the trees to be retained, a tree protection method statement in accordance with the British Standard has been provided, its implementation can be secured by condition.

Based on the above, the proposal is considered acceptable with regards to trees, and complies with Policies BE1 and GE27 of the Halton Unitary Development Plan and Policy CS21 of the Halton Core Strategy Local Plan.

### 5.8 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 to ensure sustainable development and help to reduce carbon emissions.

NPPF is supportive of the enhancement of opportunities for sustainable development and it is considered that any future developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. The application includes the provision of four electric vehicle charging points, a condition is recommended securing their implementation.

Section 4.11 of the planning statement summarises the applicants approach to reducing energy consumption. In summary, they will recover energy from the waste heat generated from the refrigeration units, this would be harnessed to provide 100% of the heating needs of the building. The applicant notes that heating can constitute 40% of a buildings energy demand, therefore this method of energy recovery provides substantial reduction in energy consumption.

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

#### 5.9 Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with policy CS24 of the Halton Core Strategy Local Plan. In terms of on-going waste management during the operation of the food store, there is sufficient provision on site to deal with this.

A Site Waste Audit for during construction has also been provided. This details the use and storage of materials, waste management procedures, hazardous and controlled waste removal, and the duty of care of contractors.

The submitted information is appropriate and can be accepted, their implementation can be secured by a suitably worded planning conditions.

The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan and policy CS24 of the Halton Core Strategy Local Plan.

#### 5.10 Other Matters

The applicant has submitted a minor amendment to the application site boundary to encompass all existing landscaped areas. This includes the strip adjacent to Green Oaks Way which is necessary for the widening of the footway. Whilst on the ground this land appears to have been managed as part of the site since the construction of the existing store, land registry details indicate a narrow unregistered strip. Therefore the applicant is required to carry out the necessary notification and provided the relevant ownership certificate with the application. Any subsequent decision notice would not be issued until the notification period is over.

### 6. CONCLUSIONS

The proposed food store would replace an existing one, providing a more modern energy efficient building, with a net increase of 430m<sup>2</sup> of gross external area. The existing site is considered to be sequentially preferable as there are no other suitable sites available within or on the edge of the town centre. The development is considered to be acceptable in principle.

The layout, design and appearance of the building is acceptable and would not harm the character and appearance of the area. The proposal would not have a significant impact on the highways, and any potential effects relating to contamination and species and habitat protection can be mitigated by the use of planning conditions.

There are outstanding matters to be addressed relating to land ownership notification and technical matters with regards to flood risk. The proposal is acceptable in all other regards and Members will be updated orally.

## **7. RECOMMENDATION**

That the application is approved subject to satisfactory land ownership notification and resolution of the outstanding flood risk issues and conditions relating to the following:

1. Time Limits
2. Approved Plans
3. Construction Management Plan (Policy BE1)
4. Existing and Proposed Site Levels (Policy BE1)
5. External Facing Materials (Policies BE1 and BE2)
6. Landscaping and Boundary Treatments Scheme (Policies BE1 and BE22)
7. Tree Protection Measures – (Policy GE27)
8. Breeding Birds Protection – (Policy GE21 and Policy CS20)
9. Bird and Bat Boxes Scheme (Policy GE21 and Policy CS20)
10. Electric Vehicle Charging Points Scheme (Policy CS19)
11. Off Site Highway Works – (Policies BE1, TP6, TP7, TP12, TP15 and TP17)
12. Parking, Access and Servicing Provision (Policies BE1, TP12, TP15)
13. Ground Contamination - (Policy PR14 and Policy CS23)
14. Flood Risk and Drainage Strategy – (Policy PR16 and Policy CS23)
15. Foul and Surface Water on a separate system – (Policy PR16 and Policy CS23)
16. Cycle parking (TP6)
17. Reasonable Avoidance Measures (RAMs) for hedgehogs (BE1, GE21, and CS20)
18. External lighting scheme (BE1, GE21, and CS20)
19. Invasive species method statement (BE1, GE21, and CS20)
20. Waste Audit – (Policy WM8)
21. Use restriction (BE1)

## **8. 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

## **9. 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.