

# Public Document Pack



**\*Please note the venue\***

## **Development Management Committee**

**Monday, 1 November 2021 6.30 p.m.  
Bridge Suite - Halton Stadium, Widnes**



**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](mailto:ann.jones@halton.gov.uk) for further information.  
The next meeting of the Committee is on Tuesday, 7 December 2021*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 5</b>
<b>2. DECLARATIONS OF INTEREST</b>	
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.	
<b>3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE</b>	
(A) <b>21/00408/FUL</b> - Proposed change of use from care home (C2) to 3 no. Self contained HMOS (Sui Generis) with associated infill extension, lay out of car park and landscaping at 61 Derby Road, Widnes, WA8 9LG	<b>6 - 15</b>
(B) <b>21/00448/S73</b> - Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of permission 18/00567/FULEIA, in order to make amendments to the location of the air management system and subsequent alterations to drawings 183131/WTS/PL/004, 183131/WTS/FP/005A and 183131/WTS/PL/005B at Widnes Skip and Reclaim, Ditton Road (west), Widnes, WA8 0PA	<b>16 - 30</b>
(C) <b>21/00529/FUL</b> - Proposed two storey side extension and single storey rear extension at 1 Sandiway Avenue, Widnes, WA8 8LS (This application is before the Committee as the applicant is an employee of the Council)	<b>31 - 37</b>
(D) <b>PLANS</b>	<b>38 - 61</b>

***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 Monday, 6 September 2021 in the Council Chamber - Town Hall, Runcorn*

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

Apologies for Absence: Councillors Abbott, J. Bradshaw and Philbin

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, J. Eaton, G. Henry, P. Peak and L. Wilson-Lagan

Also in attendance: One member of the press

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

DEV15 MINUTES

The Minutes of the meeting held on 9 August 2021, having been circulated, were taken as read and signed as a correct record.

DEV16 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE

The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.

*To avoid any allegation of bias, Councillor Polhill declared that he had expressed concerns over parking in the area, when the application was first submitted. He confirmed that he would be determining this application on the basis of the report and the information provided to the Committee. He was advised that this would not affect his voting rights on the item.*

DEV17 21/00001/FUL - PROPOSED ERECTION OF THREE STOREY 20 BED SPECIALIST UNIT AND 2 NO. TWO STOREY 4 BED STEP DOWN HOUSES WITH ASSOCIATED PARKING AND SITE IMPROVEMENTS AT FORMER GREENOAKS FARM INDUSTRIAL ESTATE,

*Action*

WARRINGTON ROAD, WIDNES, WA8 0SY

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

The Committee was advised that since the publication of the Committee Report, one additional representation had been received which queried the location of the development. Further, an email had been received from a person who has not previously made a representation, stating that they wished to voice their opinion at the Committee but did not elaborate on their position with the proposal and did not respond further.

The Committee was addressed by Mr Challinor, who spoke on behalf of the applicant. He provided some background information on the Applicant's 30 years experience in working with local authorities and supporting people with special needs, in particular autism and learning disabilities. He advised that the development would provide independent living opportunities in the form of self-contained flats for people with a high dependency for specialist services, who were transferring from children's to adult services. He described the services that would be available to residents throughout the day in a safe environment that were compliant with the National Autistic Society, who also assessed the services on a regular basis. He also praised the location of the site as it was close to local services, which would be important for future residents.

In response to Members' questions over parking standards for the site, it was confirmed that the Unitary Development Plan (UDP) sets out the maximum standards and in this case it was 3 below that. On balance, this was considered to be acceptable for the development and that parking had been maximised taking into account all other provisions.

The application was approved by the Committee subject to the conditions stated.

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

1. Time limit – full permission;
2. Approved plans;
3. Restriction on 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. Submission of tree protection measures (BE1 and GE27);
9. Breeding birds protection (GE21 and CS20);
10. Submission of bird boxes scheme (GE21 and CS20);
11. Reasonable avoidance measures – amphibians (GE21 and CS20);
12. Reasonable avoidance measures – terrestrial mammals (GE21 and CS20);
13. Lighting scheme to protect ecology (GE21 CS20);
14. Submission of method statement – invasive species (GE21 and CS20);
15. Submission of validation – invasive species (GE21 and CS20);
16. Hours of construction (BE21);
17. Electric vehicle charging point scheme (CS19);
18. Submission of an acoustic assessment (PR8);
19. Implementation of remediation strategy and submission of validation report (PR14 and CS23);
20. Submission of off-site highway works (BE1);
21. Provision and retention of parking and servicing (BE1 and TP12);
22. Submission of a cycle parking scheme (BE1 and TP6);
23. Implementation of framework travel plan (TP16);
24. Submission of a drainage strategy (PR16 and CS23);
25. Foul and surface water on a separate system (PR16 and CS23); and
26. Waste audit (WM8).

DEV18 21/00356/FUL - 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 SHELL GREEN, BENNETTS LANE, WIDNES, WA8 0GW

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

Since publication of the report, officers advised the Committee that parking had been increased to 51 spaces to satisfy concerns raised by the Highway Authority; the cycle store for unit two would be relocated; a new footway was proposed across the frontage of the site; and each of the

units would be provided with two Electric Vehicle (EV) charging points.

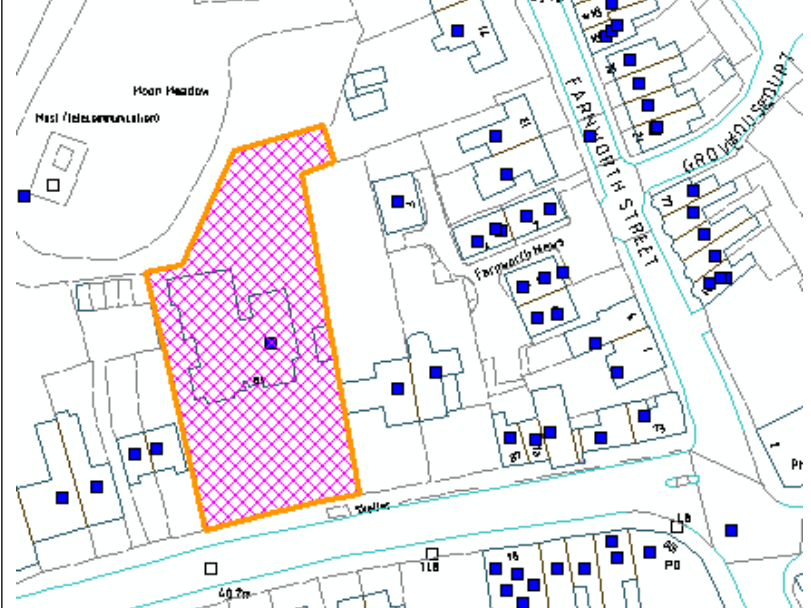
The Committee agreed with the request for delegation to the Operational Director following completion of the consultation period and that if approved, it be subject to the conditions listed.

RESOLVED: That

- a) delegated powers be given to the Operational Director – Policy, Planning and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Development Management Committee; and
- b) if approved, the application would be subject to the following conditions:
  1. Standard time limits condition (BE1);
  2. Plans condition listing approved drawings (BE1);
  3. Submission and agreement of a construction 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 and CS20);
  11. Protection of nesting birds (GE21 and CS20);
  12. Provision of bird nesting boxes (GE21 and CS20);
  13. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (GE21 and 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); and  
20. Existing and proposed site and finished floor  
levels (BE1).

*Meeting ended at 7.00 p.m.*

<b>APPLICATION NO:</b>	21/00408/FUL
<b>LOCATION:</b>	61 Derby Road, Widnes, WA8 9LG
<b>PROPOSAL:</b>	Proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with associated infill extension, lay out of car park and landscaping
<b>WARD:</b>	Farnworth
<b>PARISH:</b>	N/A
<b>AGENT(S)/ APPLICANT(S):</b>	Greyside Planning / Crosshill Property Partners
<b>DEVELOPMENT PLAN ALLOCATION:</b>	Halton Unitary Development Plan (2005)  Primarily Residential Area  Halton Core Strategy Local Plan (2013)
<b>DEPARTURE:</b>	No
<b>REPRESENTATIONS:</b>	256 representations have been received from 235 addresses: 4 No. in support 252 No. objections/ representations 2 petitions have also been received
<b>KEY ISSUES:</b>	Principle of development, traffic and highway safety, unsuitable location, fear of crime, impact on character of village and trees
<b>RECOMMENDATION:</b>	Approve with conditions
<b>SITE MAP:</b>	

## **APPLICATION SITE**

### **The Site and Surroundings**

The site subject of the application is the former Cartref House Nursing Home located at 61 Derby Road in Farnworth, Widnes. The site is a sizeable plot that encompasses a large, detached building. There is vehicular access from the highway and a high boundary wall and mature trees that borders the site fronting



Derby Road, where a bus stop is located directly outside. The building is setback from the highway allowing an area of car parking to the front. There are residential properties surrounding the application site and the Farnworth Neighbourhood Centre is located approximately 50m to the east of the site.

## Planning History

Planning permission (ref. 18/00275/FUL) for the proposed conversion of the existing care home to 9 no. apartments, approved on 19/12/2018, remains extant albeit due to expire in December 2021 unless it can be demonstrated that development has commenced.

## **THE APPLICATION**

### Proposal Description

The application seeks permission for a proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with an associated infill extension, the layout of a car park and landscaping.

### Documentation

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

## **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.

### 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.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

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.

### Halton Unitary Development Plan 2005 (UDP)

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

BE1 General Requirements for Development  
BE2 Quality of Design  
GE27 Protection of Trees and Woodlands  
H8 Non Dwelling House Uses  
PR2 Noise Nuisance  
TP6 Cycling Provision as Part of New Development  
TP7 Pedestrian Provision as Part of New Development  
TP12 Car Parking  
TP17 Safe Travel for All

### Halton Core Strategy 2013 (CS)

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

CS2 Presumption in Favour of Sustainable Development  
CS12 Housing Mix  
CS15 Sustainable Transport  
CS18 High Quality Design  
CS19 Sustainable Development and Climate Change

### Supplementary Planning Documents (SPD)

None of direct relevance

## **CONSULTATIONS**

- **HBC Highways**  
No objection
- **HBC Contaminated Land**  
No comments received
- **HBC Open Spaces**  
No objection
- **HBC Environmental Protection**  
No comments received
- **Cheshire Police**  
No Objection

## **REPRESENTATIONS**

The application has been advertised by way of a site notice and neighbour notification letters sent on the 15<sup>th</sup> July 2021. The overall consultation period ended on the 5<sup>th</sup> August 2021.

A total of 256 representations have been received from 235 addresses as a result of the consultations undertaken. Of these, four letters were received in support of the application, highlighting the following:

- Proposal would bring an economic boost to the village
- Providing needed affordable homes
- The development would bring the vacant building back into use
- The community would benefit from revenue for local businesses

A summary of the issues raised in the 252 letters of representation/ objection which includes one from a planning consultant “instructed by local residents and business owners” are listed below:

- Increase in traffic and congestion
- Highway and pedestrian safety
- Emergency vehicle access
- Lack of parking
- No bin and cycle storage
- Noise
- Odour
- Air pollution
- Increase demand on drainage for the building
- Crime and Anti-Social Behaviour
- Overlooking
- Type of tenants
- Child safety
- Impact on character of village
- Unsuitable location and inappropriate development
- Loss of a historic building
- Building should be granted conservation status
- Loss of green space
- Over development of the site
- Local amenities are at capacity – schools and doctors
- Need for care homes in the area
- No demand for HMOs in the area
- Some rooms are smaller than the technical requirements within the Nationally Described Space Standards
- Incorrect ownership certificate issued
- Impact on house prices
- Impact on local businesses

- Unsafe boundary wall
- Don't want a HMO

**In addition 2 resident's petitions as follows:**

**37 signatures – Objecting based on traffic, drainage, too many hmo's, over crowding, pressure on local amenities**

**512 signatures – Objecting that the change of use would cause serious traffic congestion and change the character of Farnworth.**

Material considerations have been addressed in the assessment section of this report.

### **ASSESSMENT**

The application seeks permission to change use from a care home to 3 no. Houses in Multiple Occupation (HMOs). The development would result in three self-contained HMOs each providing at least one living room and shared kitchen/dining areas alongside communal bathrooms and private bedrooms.

The layout would be achieved via the following:

- 8-bedroom HMO to the ground floor west annexe accessed via the front door and comprising a living area, kitchen, 2 no. communal bathrooms and 1 no. communal shower. Bedroom 8 has an en-suite.
- 9-bedroom HMO to the first floor west annexe accessed via a side door and comprising a living area, kitchen, 2 no. communal bathrooms and 1 no. communal shower
- 12-bedroom HMO to the ground floor, first floor and second floor east annexe accessed via a side door and comprising 6 en-suite apartments, 2 communal bathrooms and a single kitchen/living area.

### **Principle of Development**

The application site is designated as within a Primarily Residential Area on the Halton Unitary Development Plan Proposals Map and as such, proposals for residential development are considered acceptable in principle.

Conversion of the building to residential use in the form of apartments has been previously established through the approval of planning permission (ref. 18/00275/FUL).

Policy BE1 of the Halton Unitary Development Plan states that development must be compatible with existing and proposed surrounding uses. Policy H8 of the Halton

Unitary Development Plan states that within Primarily Residential Areas, proposals for development other than Class C3 will be considered with regard to their effect on residential amenity. In such cases, development will be permitted where the development itself would not detract from the character of the area.

It is considered that given the HMO's would be residential in their nature, the proposed development is in accordance with the criteria set out in Policy BE1 and H8 of the Halton Unitary Development Plan.

The development also proposes an associated infill extension which will be located on the left hand side of the building. The proposed extension would replace the existing conservatory structure and would consist of a two storey structure built within the same footprint as the existing conservatory. Two new windows would be included at first floor level to serve a new kitchen area. The extension would be built using materials to match the original dwelling. Given the orientation of the application property in relation to neighbouring dwellings, the proposed extension would not result in any significant additional direct over looking into any neighbouring windows. There would be minimal over looking into the rear garden of No.59 Derby Road however this would be mitigated by the existing mature trees surrounding the application property. The proposed extension is considered to be acceptable.

With regards to residential amenity enjoyed by the surrounding neighbouring properties including to the opposite side at 63 Derby Road, each bedroom within the proposed HMO's would achieve an outlook and degree of overlooking that is existing to the original property and not significantly different from the lawful use as a care home or as previously approved under planning permission 18/00275/FUL The proposal includes only a relatively small extension within the context of the site and existing building and having taken into account other factors such as potential vehicle movements etc it is not considered that the proposals amount to over-development of the site. The proposed development has incorporated suitable design principles to comply with Policy BE1 of the Halton Unitary Development Plan whereby there would not be an unacceptable loss of amenity to occupiers of adjacent buildings by virtue of overlooking.

It should also be noted that the HMO property will need to be licensed by the Council's Environmental Health Team with respect to maintaining minimum standards of accommodation, facilities provision and fire safety.

Issues of crime and disorder are dealt with elsewhere within this report. The proposed development is not considered to have a detrimental impact on the amenity of the area or the amenity of surrounding residents and is considered to comply with Policy BE1 and H8 of the Halton Unitary Development Plan.

### Trees

The trees located to the frontage of Derby Road and trees to the rear are protected by Tree Preservation Orders (TPO 69). The submitted Planning Statement and planning drawings indicate that all existing trees would be retained to ensure the

green character of the area is maintained. The Council's Open Spaces Officer has requested the submission of a tree constraints plan that would show root protection areas for the purpose of protecting the trees covered by Tree Protection Orders from plant machinery and storage of materials during the construction phase. It is considered that this tree constraints and protection plan by suitably worded planning condition(s) . Subject to the proposed condition, the proposal is considered to be compliant with Policy GE27 of the Halton Unitary Development Plan.

#### Highways, Parking and Accessibility

The proposed access to the HMO's would be achieved directly via Derby Road with the existing vehicular access provided to the car park via a dropped kerb. The proposed development would re-configure the existing car park and would provide 13 car parking spaces. Secure cycle storage would also be provided with a capacity of 20 spaces.

The Council's Highways Officer has been consulted on the application and has provided the following comments:

*The development site is considered to be in a sustainable location with good access to local amenities and bus/ train services.*

*In terms of car parking provision, the layout plans show 13 spaces for the proposed 29 rooms with an additional 3 spaces for motorcycles. The recommended parking ratio for HMO's is 0.5 spaces per apartment which would equate to 14.5 spaces in this situation. On balance however, and giving consideration to the good links to sustainable modes of travel, the Highway Authority considers parking provision to be adequate for the proposed use.*

*The application originally offered 8 cycle storage spaces which we would consider to be below the desirable standard for the 29 units and the shelter specification put forward was not considered suitable for the potential long dwell times associated with a residential use. Amended plans have now been submitted to demonstrate secure cycle parking with a capacity of 20 spaces which is considered to be acceptable.*

Initial concerns were raised by the Council's Highways Officer concerning the lack of improvement to the pedestrian access as part of the development, however amended plans have been received to address these concerns and the pedestrian access is now considered to be acceptable. It is considered reasonable to request details of how the new pedestrian access will be formed within the existing attractive boundary wall together with any gates or other details. It is considered that this can be secured by appropriately worded planning condition.

Many of the representations received as a result of the publicity given to the application, raised concerns regarding additional congestion on Derby Road as a result of illegal parking. It is the responsibility of the Police to enforce and resolve issues surrounding this and a refusal of the application due to potential for illegal parking not within the application site and resulting congestion could not be justified.

It is considered that the development is within a sustainable location with good access to local amenities and public transport provision. The proposal is considered to be compliant with Policies TP6, TP7, TP12 and TP17 of the Halton Unitary Development Plan.

### Crime and Anti-Social Behaviour

The applicant states through their submitted supporting statement that the proposed development would aim to promote a safe and secure environment with the inclusion of measures to address crime, fear of crime and anti-social behaviour including glazing features to promote natural surveillance, lighting and CCTV. Objections have been received from local residents in relation to fears based on safety concerns over housing individuals with no background security checks, the proximity of the site to vulnerable people and schools, concerns that men congregating in groups would be intimidating to local residents and passers-by and concerns that there is not enough policing in the area. Whilst such concerns are capable of being a material planning consideration, no evidence has been provided that such problems would arise or as to the characteristics of future occupiers which may give rise to them. HMOs are a residential use providing accommodation for predominantly single adults and couples as a cheaper alternative to renting or buying a house or flat in the borough. On that basis it is considered that little or no weight can be attributed to such fears. The Designing Out Crime Officer at Cheshire Police has been consulted on the application. Whilst suggestions are made with respect to specific detailed crime prevention measures which can be relayed to the applicant by way of informative, no objection is raised to the proposed development.

### Other Matters

Concerns have been raised during the public consultation by members of the public regarding noise levels of the new tenants and the impact that might have on the existing residential properties. It is advised that any allegations of nuisance would need to be investigated, and there is currently no evidence to justify an objection to the proposed development on the basis of potential noise complaints. On this basis the proposal is considered capable of demonstrating compliance with the development plan having particular regard to Policy PR2 of the Halton Unitary Development Plan.

Objections have been received raising concerns that the proposed development would impact on already stressed local services such as doctors, dentists and other health services, schools and education provision. Statistics for the 2020/2021 academic year demonstrated that Halton had an overall surplus capacity in both primary and secondary sectors. As part of the Delivery and Allocations Local Plan which has been submitted to the Secretary of State (DALP), sites for educational purposes have been identified and based on the latest 2016 based population projections do not predict significant increases in the number of school age residents over the Plan period to 2037.

In terms of availability of health provision, provision of health care locations is a matter for other organisations and the Council looks to allocate sites through the development plan process where such a need has been identified. Such concerns must also be balanced against the likely demand resulting from the lawful use of the site as a care home. It is considered that given the number of potential new residents to the area is relatively low, and the application site is well connected in terms of transport links, it is not considered that the proposed development would exacerbate availability of healthcare provision within Halton and refusal on this basis could not be justified.

With respect to need for HMOs within the Borough there is no evidence to justify a policy restriction on such properties nor is it considered that an argument that there exists an over-supply or over-concentration locally could be sustained. It should also be noted that the site is currently vacant and has been for some time. Bringing the building back into beneficial use would secure the future of the building and bringing more people into the area with potential benefits to the area and local economy.

### Summary and Conclusions

The application seeks permission for a proposed change of use from care home (C2) to 3 no. self-contained HMOs (Sui Generis) with an associated infill extension, the layout of a car park and landscaping.

The proposed development of 3 no. HMO's in this location would be an acceptable use for the land given the application site is designated as a Primarily Residential Area on the Halton Unitary Development Plan Proposals Map and as such, proposals for residential development are considered acceptable in principle.

Conversion of the building to residential use in the form of apartments has been previously established through the approval of planning permission (ref. 18/00275/FUL). The principle of a residential use in a primarily residential area is considered to be acceptable and compatible with existing and proposed surrounding uses.

The means of access to the proposed development are acceptable and a sufficient amount of parking would be provided as advised by the Council's Highways Officer. The proposal complies with interface standards and would bring back into use the vacant property that is in a prominent location and in a state of disrepair. It would also provide much needed residential accommodation in the Borough and is therefore recommended for approval.

### **RECOMMENDATIONS**

Approve subject to conditions.

### **CONDITIONS**

1. Standard 3 year permission
2. Condition specifying plans



3. Materials condition
4. Construction and delivery hours to be adhered to throughout the course of the development
5. Vehicle access and parking to be constructed prior to occupation of 1<sup>st</sup> property
6. Implementation of bin and cycle parking provision
7. Tree constraints/protection plan and tree protection during construction
8. Submission and agreement of boundary wall/ pedestrian access construction detail

### **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

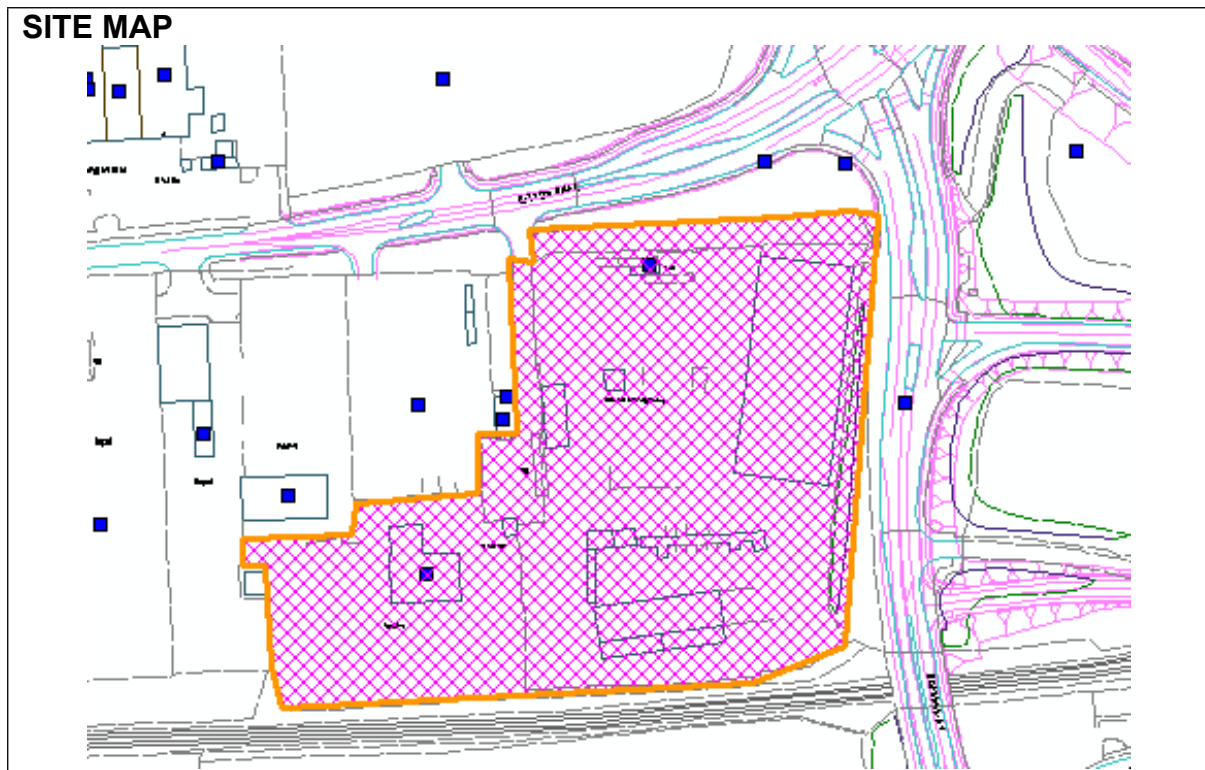
### **SUSTAINABILITY STATEMENT**

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.

<b>APPLICATION NO:</b>	21/00448/S73
<b>LOCATION:</b>	Widnes Skip And Reclaim, Ditton Road (west), Widnes, Cheshire, WA8 0PA
<b>PROPOSAL:</b>	Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of permission 18/00567/FULEIA (Proposed demolition of existing workshop, lean-to shed and picking line enclosure, and the erection of 2 no. buildings to provide for the storage and sorting of waste together with external storage bays and ancillary infrastructure including substation, water tanks and weighbridge to provide operational improvements, environmental control and an increase in waste accepted from an existing 300,000 tonnes to 450,000 tonnes per annum) in order to make amendments to the location of the air management system and subsequent alterations to Drawings 183131/WTS/PL/004, 183131/WTS/PL/005A and 183131/WTS/PL/005B accommodating minor revision to site layout and elevations at
<b>WARD:</b>	Central and West Bank
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Robert Waters, WSR Recycling Limited
<b>AGENT:</b>	Mr Matthew Lawman, AA Environmental Limited
<b>DEVELOPMENT PLAN:</b>  Halton Unitary Development Plan (2005)  Halton Core Strategy (2013)  Joint Merseyside and Halton Waste Local Plan (2013)	<b>ALLOCATIONS:</b>  Primarily Employment Area (E1); Priority Employment Redevelopment Area (E2); and Environment Priority Area (BE3)
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	14 objections
<b>KEY ISSUES:</b>	Whether the proposal constitutes a minor material amendment, visual appearance, and odour.
<b>RECOMMENDATION:</b>	Grant planning permission subject to conditions.



## 1. APPLICATION SITE

### The Site

The application site will be familiar to members as an existing waste transfer station, located on the corner of Ditton Road and Queensway with a land area of 3.26 hectares and an existing gross internal floor space of buildings on site of 5,189sqm. It is accessed directly from Ditton Road and is located in an industrial and commercial area in the west of Widnes.

The land to the south and west are well developed industrial areas. The land to the north has previously been granted planning permission for a lorry park and service area together with a hotel proposed in the north eastern area of this site. The predominant use in this area is industry. The nearest residential and sensitive land use to the site is the residential development, some 400 m to the north.

### Planning History

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

00/00422/WST- (Permitted 28/11/2000) - Proposed erection of waste transfer building, office building and use of site as waste recycling centre

04/01072/COU- (Permitted 19/04/2005) -Retrospective application for continuation of use of land as waste recycling and transfer centre, erection of

three storey office building, retention of waste reception and workshop buildings, car parking and landscaping

07/00845/ADV- (Permitted 28/12/2007) -Proposal for non-illuminated free standing pole mounted sign

11/00119/S73- (Permitted 19/07/2011) -Application to vary/remove conditions 9 &13 of planning permission 04/01072/COU to allow 24hour receipt, sorting and processing of waste and boundary noise limits

11/00386/FUL (Permitted 13/01/2012) Proposed installation of additional enclosed conveyors and sorting system

12/00387/FUL- (Permitted 27/02/2013) -Proposed construction of a new waste transfer station and materials recovery facility. Re-cladding of existing material recovery facility and transfer building. Use of area to south west of site for the storage of waste in open bays. Associated plant and infrastructure including two new weighbridges and re-alignment of existing internal roads. Annual throughput of 200,000 tonnes

16/00124/FULEIA- (Permitted 01/07/2016) -Proposed amendments to existing Waste Transfer Station approved by permission 12/00387/FUL encompassing; the increase of tonnage accepted from 200,000tpa (tonnes per annum) to 300,000tpa; proposed construction of an inert crusher line in the South-West corner of the site, retrospective relocation of weighbridge in the North of the site, construction of a new weighbridge office and changes to external storage areas; and retrospective changes to the site boundary and associated change of use

16/00237/ADV- (Permitted 20/07/2016) -Proposed display of 1 no. non-illuminated fascia sign

18/00567/FULEIA- (Permitted 23/05/2019) -Proposed demolition of existing workshop, lean-to shed and picking line enclosure, and the erection of 2 no. buildings to provide for the storage and sorting of waste together with external storage bays and ancillary infrastructure including substation, water tanks and weighbridge to provide operational improvements, environmental control and an increase in waste accepted from an existing 300,000 tonnes to 450,000 tonnes per annum

## **2. THE APPLICATION**

### The Proposal

The application before members deals with a site which is already operating as a permitted large waste transfer and processing facility. Members will no doubt be conscious of issues raised locally from the site's current operations particularly with regard to odour and the prevalence of seagulls in and around the site.

Several years ago change of site ownership took place and the new owners set out their aspirations to invest in the site and to modernise and improve their operations, this included the provision of two new buildings, and to increase the amount of waste material that could be accepted from 300,000 tonnes to 450,000 tonnes per annum. These proposals were submitted to the Council in November 2018 under planning application 18/00567/FULEIA, they were presented to Committee members and granted permission in May 2019.

The planning approval permitted two new buildings to be used for different types of waste. One for construction demolition and commercial waste (identified as TFS1A on the approved plans), and the other to be used for malodorous commercial and municipal wastes (identified as TFS4 on the approved plans).

This application seeks to make a minor material amendment to the above planning permission to allow for the uses of buildings TFS1A and TFS4 to be swapped around. This would assist in overcoming constraints that arise from keeping the site operational whilst also constructing the new buildings, and allow for a building specifically designed to process malodorous materials to be put in place sooner.

#### Documentation

The application is accompanied by the necessary plans and covering letter outlining the proposed amendments. 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.

#### **THE DEVELOPMENT PLAN**

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

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

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE3 Environment Priority Areas
- BE22 Boundary Walls and Fences
- PR1 Air Quality
- PR2 Noise Nuisance
- PR3 Odour Nuisance
- PR4 Light Pollution and Nuisance
- PR14 Contaminated Land
- PR16 Development and Flood Risk

MW1 All Minerals and Waste Management Developments  
MW2 Requirements for All Applications  
TP6 Cycling Provision as Part of New Development  
TP7 Pedestrian Provision as Part of New Development  
TP12 Car Parking  
TP15 Accessibility to New Development  
TP17 Safe Travel for All  
E1 Primarily Employment Area  
E2 Priority Employment Redevelopment Area  
E5 New Industrial and Commercial Development

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  
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

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:

WM0 Presumption in Favour of Sustainable Development  
WM8 Waste Prevention and Resource Management  
WM10 High Quality Design and Operation  
WM11 Sustainable Waste Transport  
WM12 Criteria for Waste Management Development

Supplementary Planning Documents (SPD)

Design of New Industrial and Commercial Development SPD

**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 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.

Paragraph 11 and paragraph 38 state that plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas."

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.

### National Planning Policy for Waste

The National Planning Policy for Waste sets ambitious aims to work towards a more sustainable and efficient approach to resource use and management through positive planning in delivering sustainable development and resource efficiency including through the provision of modern infrastructure and by driving waste management up the waste hierarchy and by securing the re-use, recovery or disposal of waste without endangering human health or harming the environment.

### 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)

The Highway Authority would have no objections to this amended application. The submission proposed does not alter nor affect the highway matters dealt with and considered as part of application 18/00567/FULEIA.

As such the Highway Authority have nothing further to add.

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

After reviewing the 21/00448/S73 planning application the LLFA has found the following:

- No specific information on drainage or flood risk has been presented.
- However, based on drawings PLAN\_183131-WTS-PL-004 REVB.pdf, and the proposed changes in OTH\_WSR Supporting Statement.pdf, the proposed changes to the proposed development would not alter the vulnerability of the development to flooding, or the risk of flooding elsewhere.
- Therefore, no additional conditions are required but it is noted that condition 12 detailed within the decision notice for 18/00567/FULEIA would remain in place.

##### 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.

##### Environmental Protection

Have reviewed the original odour assessment and the non-technical summary and it refers to the following:

- An air quality management system (s3.23 of the non-technical summary refers to the building being under negative pressure)
- 20m stack (the building is 15m and so I assume the stack above the roof is 5m to give the 20m so this is comparable)
- Granulated Activate Carbon filter
- There having been no complaints regarding the site in the 2 years prior to the original application.

The final statement is no longer true, as we had a large number of complaints this summer regarding odours from the site. However based on the information provided below and taking into account the above odour management strategy together I am satisfied that the change in processing shed for household waste from TFS4 to TFS1A will not in itself be detrimental to air quality in the area from an odour perspective. In fact the processing of material within a properly designed and controlled building should significantly improve the odour



conditions residents have reported this summer, and has the potential to do so in a timelier manner than waiting for TFS4 to be constructed.

Environmental Health would therefore have no objections to the proposed development in principle.

#### Major Projects

No objection, improvements to odour and seagull control should be made as part of these improvement works and conditioned.

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

This application is a variation of condition 2 in relation to treatment of malodorous wastes and air management system. I have reviewed our previous comments, and the proposed changes do not affect them. As long as Environmental Health colleagues are satisfied with the proposed changes then compliance with policy WM12 of the Merseyside and Halton Joint Waste Local Plan should still be demonstrated.

#### Natural England

Natural England has no comments to make on this application.

#### Liverpool John Lennon Airport

Have assessed the above proposal in line with Aerodrome Safeguarding. We have found that the proposed works as stated above will have no impact on operations at LJLA; therefore we have No Objections to this application; However, after careful assessment and consideration, Liverpool Airport request two informatives be imposed, the first relating to the use of cranes or lifting equipment above 10m in height. The second relates to bird strike risk management, this matter is already to be addressed by way of planning condition.

#### The Environment Agency

No objection in principle to the proposed application

#### Network Rail

Network Rail have said that part of the application includes their land and has asked for the land to be removed. Standard advice has been provided with regards to works and storage of materials within the vicinity of the railway line and network rail land, and the need for a Risk Assessment and Method Statement (RAMS). Whilst they have requested these matters be controlled by the LPA by planning conditions, these are matters to be addressed between the applicant and Network Rail separately. They have provided the forms and asset protection contact details to be sent to the applicant for auctioning.

The applicant has stated that the boundary has not altered from the existing planning permission, and has provided land ownership details to confirm that they own the land. These have been sent to Network Rail.

An informative is recommended on the decision notice directing the applicant to Network Rails requirements.

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.

**5. PUBLICATION AND REPRESENTATIONS**

The original application 18/00567/FULEIA was accompanied by an Environmental Impact Assessment, therefore this application has been advertised as EIA development by way of press notice, site notice and 35 neighbour notification letters were sent out. The overall consultation period ended on 8 September 2021.

In response to the consultation 14 representations have been received from local residents raising the concerns summarised below:

- Odour from the site;
- Health and wellbeing of residents;
- Waste should be reduced on site;
- Should be more air monitoring in Borough; and
- Extra capacity will have an increase in traffic and associated emissions

A representation has also been received from a Ward Councillor outlining concerns as follows:-

*"I previously contacted Planning via email to request I can attend the Planning meeting which would consider the application WSR 21/00448/537, and be allowed to speak as Ward Cllr, Central & West Bank and also as a local resident.*

*I have serious concerns regarding this company's operation and effects it is having on residents in Halton.*

*I have received high volumes of complaints from all over this borough about the Malodorous smells and effects it is having on health and wellbeing. I am also aware residents and local businesses have contacted HBC Environmental Health as well as the Environmental Agency.*

*Due to the complaints I have received and made myself, I have requested information from the EA under the freedom of information Act.*

*I believe before any variations or future applications are considered for this company, I urge that the Planning Committee visit this site to determine the layout first hand.*

*WSR was granted planning on 25/05/2019, over 27 months ago, they have made no attempt what's so ever to start to make the changes applied for, knowing the putrid smells this business has knowingly imposed on people, however I am sure the tonnage has increased!*

*I do not believe this company should be in Halton, at present it is the wrong location, and I am opposed to Warrington's waste coming here.*

*The company's health & safety conditions for employees are to be questioned if the picture I have attached below are anything to go by.*

*This company is situated on the peripheral of the Silver Jubilee Bridge, one of our main entrances to Widnes town, what impressions are we giving to visitors, residents and possible investors when this is what greets them. The smell hits you long before you reach the site, and then you can swerve to miss a seagull.*

*I can send my full concerns for the committee or express at the Committee meeting."*

## **6. ASSESSMENT**

### Proposed amendments

Planning permission 18/00567/FULEIA was granted in May 2019 for the proposed demolition of an existing workshop, lean-to shed and picking line enclosure, and the erection of 2 no. buildings to provide for the storage and sorting of waste together with external storage bays and ancillary infrastructure including substation, water tanks and weighbridge to provide operational improvements, environmental control and an increase in waste accepted from an existing 300,000 tonnes to 450,000 tonnes per annum.

The proposed 2 no. new buildings, are identified on the approved plans as TFS1A and TFS4, and are intended to be used for processing different types of waste. TFS1A has a footprint of 70 m long and 40 m wide, an apex height of 15 m and an eaves height of 11 m. It was originally intended to process construction and demolition wastes and commercial industrial wastes in this building and no malodorous waste. Inside it would have a picking line, trommel and a shredder and is anticipated to treat up to 100,000tpa.

TFS4 would be 65 m long by 40 m, and would also have an apex height of 15m and eaves height of 11m. Initially this building was proposed to process malodorous wastes, those which currently processed within the existing building adjacent to the Queens Way (Identified as TFS2 on the approved plans). Inside this would have a segregation line for plastics, paper and metals, a trommel and shredder for size reduction, and sorting and packaging using balers and wrapping machines. The design of the building would reduce dust

and noise and include an odour management system. It was anticipated that the building would be able to process up to 150,000tpa.

This application seeks to make revisions to the above which essentially would comprise of switching the type of materials processed in the two buildings, so that TFS4 would instead be used for construction demolition and commercial waste, and TFS1A would be used for the malodorous commercial and municipal wastes.

This does not involve any changes the overall size or appearance of the buildings themselves, and all the necessary design features and the proposed air management system and associated 20m high stack would be moved from TFS4 to TFS1A. Other than that, the proposal remains the same and the anticipated types and amount of materials to be processed would not be altered to that approved under 18/00567/FULEIA. In this context it is considered appropriate to deal with this matter as a minor material amendment.

### Visual Appearance

The proposed stack is 20m in height, therefore would project 5m above the adjacent buildings. Immediately outside of the boundaries of the site the main visible change would be the relocation of the stack from a central location at the southern elevation of TFS4, to a point 60m away on to the eastern elevation of TFS1A. This would move it further away from vantage points along Ditton Road, making it less visible to passers-by and the proposed hotel site opposite.

Whilst it would be closer to Queensway (A533), the existing building, wall, raised embankment and landscaping already provides a degree of screening, overall the relocation of the stack would be potentially less visible in this regard. From further afield the change in location of the stack would be relatively unnoticeable in the context of the surrounding area which comprises of industrial uses and the freight yard to the south.

Therefore in terms of appearance the change would be a minor material amendment that would not have any great effect on the visual appearance of the area than that already approved.

### Odour

The application has resulted in a number of objections on the grounds of odour, in the main these relate to the existing site and the current operations. One of the main benefits of the scheme approved under application 18/00567/OUTEIA was that the buildings would be specifically designed for the processing of the waste, and would provide significant benefits in reducing odours, dust and reduce noise. In particular the building would be specifically designed to process malodorous waste by incorporating an air tight enclosure with air emissions controlled through a stack and carbon filter, as well as rapid opening and shutting doors should further minimise odours.

In this regard nothing would change, instead these design measures would be incorporated into TFS1A, and the benefits of improved odour control would still be in place. All of the previous planning conditions (including the time limit on commencement which would still be 22 May 2022) would be attached to any subsequent decision notice, these include the two conditions relating to odour control which would read as follows:

*19. The design of enclosure TFS1A - as shown on Drawing No. 183131/WTS/PL/004 Rev B - will incorporate an air management system to ensure it can be operated in negative pressure when storing and processing malodorous waste. This negative air system is to include the following measures: one-way air intakes, air tight enclosure, rapid open and closing doors, air extraction system (sufficient to extract a minimum of two air changes per hour) and dust and carbon filters. Prior to operation an assessment of the measures will be undertaken and a report issued to the Council for approval detailing the measures incorporated and demonstrating that the building can operate in negative pressure.*

*Reason:- In order to satisfy the Council that the system used will minimise odour escape from the building and to comply with Policy BE1 of the Halton UDP.*

*20. Once TFS1A - as shown on Drawing No. 183131/WTS/PL/004 Rev B - has been constructed and commissioned, malodorous waste will only be permitted to be stored and processed in TFS1A under negative pressure conditions.*

*Reason:- To minimise odour escape from the site and to comply with Policy BE1 of the Halton UDP.*

Therefore, in terms of odour, the proposal would not be different from that previously approved, it would be a minor material amendment and subject to the provisions contained in the conditions above would remain acceptable in planning terms.

Furthermore, as outlined in the previous committee report the site is subject to an environmental permit issued by the Environment Agency, complete with their own conditions to control odour emissions that the operator will be required to adhere to.

#### Other Matters Raised

Representations also have raised concerns with regards to the health and wellbeing of residents that the waste processed on the site should be reduced on site, and that the extra capacity will have an increase in traffic and associated emissions, and that more air monitoring is required.

These matters, amongst others were fully considered before planning permission 18/00567/FULEIA was granted by the Local Planning Authority. Matters raised relating to the management of and health and safety at the site

are covered by other legislation. This application does not propose to increase the amount of waste, or the number of associated vehicles that were considered when 18/00567/FULEIA was granted permission. This proposal constitutes a minor material amendment, the proposed measures in terms of odour, dust emission and noise remain the same, and all the necessary measure in the planning conditions previously imposed would still apply.

## **7. CONCLUSIONS**

In the context of the approved scheme the proposed changes are considered to be minor material amendments, the effects of which would be indiscernible from the development that has already been approved. The proposed relocation of the stack and associated plant would not significantly alter the appearance of the site from that which has already approved, and it would not lessen the environmental benefits that would be gained from better containing the operations and odour management.

The proposal will still result in considerable improvements to the existing waste site, emanating mainly from internalising the vast majority of the waste processing in new and modernised buildings and processes with additional environmental improvements resulting from improved boundary treatments, containment of malodorous wastes and better site operations. The proposal remains compliant with the Council's development plan and the NPPF, and members are requested to support the recommendation of approval.

## **8. RECOMMENDATION**

That the application is approved subject to conditions relating to the following:

1. Timescale for commencement of development by 23 May 2022
2. Specifying approved plans
3. Condition requiring submission and agreement of a Construction Environmental Management Plan as outlined in the submitted ES (BE1 and MW1)
4. Condition requiring a construction phasing plan – with works to be enabled to be carried out in any order (BE1)
5. Grampian style condition relating to off-site highway works to facilitate parking provision and curb re-alignment (TP12)
6. Submission and agreement of Site Waste Management Plan (WM8)
7. A condition requiring a site investigation scheme, remediation and verification plan (PR14)
8. Materials condition(s), requiring submission and agreement of building external finishing materials (BE2)
9. Condition requiring boundary treatments for north and south of the site (BE22)
10. Condition requiring treatment of the ground level enclosure to stack; fan; and carbon absorber; adjacent to building TFS1A as shown on drawing 183131/WTS/PL/004 Rev B (BE2)

11. Submission and agreement of site and finished floor levels (BE1)
12. Condition relating to/ requiring submission and agreement of a sustainable drainage scheme (BE1 and PR5)
13. Condition requiring landscaping scheme (BE1, BE3`and MW1).
14. Condition requiring submission and agreement of cycle parking details (TP6)
15. Submission of a Bird Hazard Management Plan (MW1)
16. Condition requiring vehicle access, parking, servicing etc to be constructed prior to occupation of properties/ commencement of use. (BE1)
17. Submission and agreement of a lighting scheme (BE1)
18. No piling or other foundation design using penetrative methods unless demonstrated that there is no resultant unacceptable risk to groundwater (PR14)
19. Conditions relating to the air management system for building TFS1A.
20. Waste stored and processed in TFS1A under negative pressure conditions.
21. Condition restricting surface water run-off onto the adopted highway (TP17)
22. Condition restricting waste throughput to 450,000 tonnes per annum (BE1 and MW1)
23. There shall be no external storage other than that as approved on drawing no. 183131/WTS/PL/004 Rev B
24. Condition(s) restricting external storage locations, height, processing (BE1, PR16 and MW1)
25. The materials stored in the external storage bays and area as shown on drawing no. 183131/WTS/PL/004 Rev B shall be stacked no higher than 4m (BE1 and MW1)
26. No materials, waste or otherwise shall be burnt on site (BE1 and MW1)

## **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**

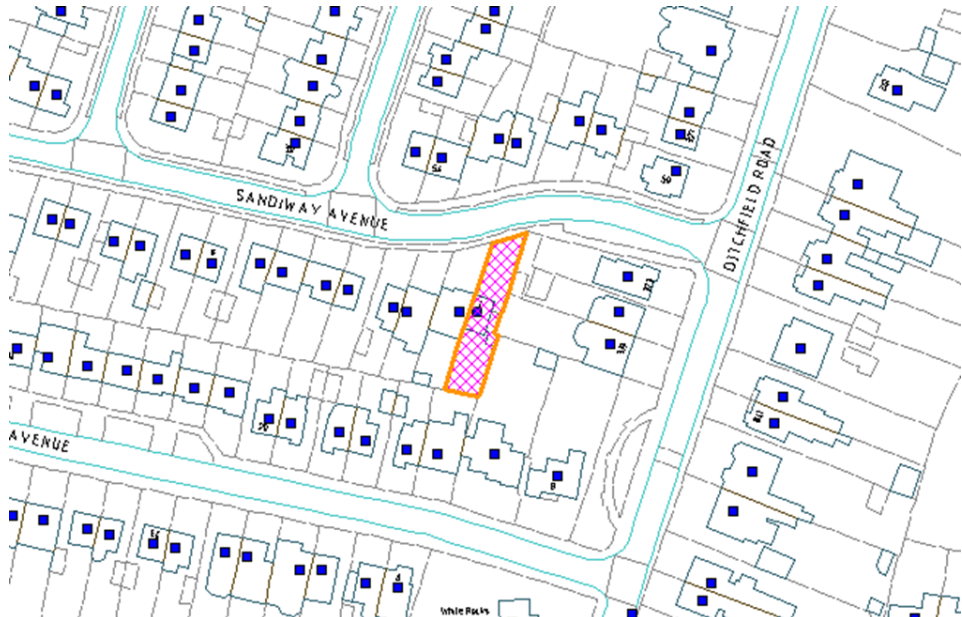
As required by:

- The National Planning Policy Framework (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.





<b>APPLICATION NO:</b>	21/00529/FUL
<b>LOCATION:</b>	1 Sandiway Avenue Widnes Cheshire WA8 8LE
<b>PROPOSAL:</b>	Proposed two storey side extension and single storey rear extension
<b>WARD:</b>	Bankfield
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mrs Jenny Smith
<b>AGENT:</b>	Mr Lee Rowley
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATION:</b>
National Planning Policy Framework (2021)	Primarily Residential Area (UDP)
Halton Unitary Development Plan (2005)	
Halton Core Strategy (2013)	
House Extensions SPD (2006)	
<b>DEPARTURE</b>	No
<b>REPRESENTATIONS:</b>	No objections
<b>KEY ISSUES:</b>	Design and visual amenity Impact on neighbours Access to rear Parking provision
<b>RECOMMENDATION:</b>	Approve subject to conditions.
<b>SITE MAP</b>	
 <p>The site map displays a residential street layout. Sandiway Avenue runs horizontally across the middle. Ditchfield Road runs vertically on the right side. White Park Avenue is partially visible at the bottom left. A specific plot on Sandiway Avenue is highlighted with a pink hatched pattern, indicating the location of the proposed development. Numerous other residential plots are shown with blue square markers.</p>	

## 1. APPLICATION SITE

### The Site

The site subject of the application relates to the two storey semi-detached dwelling at 1 Sandiway Avenue within the Bankfield ward in Widnes. The dwelling is positioned at the beginning of the residential street but behind properties which front Ditchfield Road. The area is generally characterised by two storey semi-detached dwellings. The property is brick-built with cladding to the frontage at first floor level, and white upvc fenestration. The site benefits from a generous rear garden and off-street parking.

### Planning History

There is no relevant planning history associated with this application.

## 2. THE APPLICATION

### The Proposal

The proposed development is the erection of a two storey side extension and single storey rear extension. The proposed development would require the demolition of an existing attached single storey garage to the side of the dwelling.

### Documentation

The application has been submitted with the requisite planning application form and a complete set of plans.

## 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**

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

The following Unitary Development Plan policies are relevant to this application: -

- *Policy H6*
- *Policy BE1*
- *Policy BE2*

The primary planning policy for the determination of this planning application is policy H6 'House Extensions' of the Halton UDP.

#### Halton Core Strategy (2013)

There are no considerations generated as a result of the Core Strategy.

### Supplementary Planning Documents (SPD)

Household Extensions SPD –

Policy H6 of the UDP is supported by the Halton House Extensions Supplementary Planning Document. This document sets out further guidance as to the design, scale and appearance of residential extensions.

## **4. MATERIAL CONSIDERATIONS**

### 4.1 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 applications should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

## **5. CONSULTATIONS**

No consultations were required for this application.

## **6. PUBLICATION AND REPRESENTATIONS**

The application has been advertised by way of 8 neighbour notification letters sent on 09.09.2021. No representations have been received as a result of this publicity period which expired on 30.09.2021.

## **7. ASSESSMENT**

### **Supplementary Planning Guidance – Two storey side extensions**

Part 5 of the House Extensions Supplementary Planning Document, which relates to side extensions states that to avoid terracing and / or an unbalanced effect, two storey side extensions to a semi-detached dwelling should incorporate the following principles:

- The extension should not exceed more than 50% of the width of the frontage of the original dwelling.

- A minimum of 800mm shall be retained between the sidewall of the extension and the inside of the plot boundary to allow for access to the rear for bin and cycle storage.
- A minimum gap of 800mm shall be retained between the sidewall of the first floor and the plot boundary.
- The extension shall be set back a minimum of 1 metre from the main front elevation of the existing dwelling.
- The roof of the extension shall have a lower ridge height, than the existing house.
- A minimum of two off-road car parking spaces shall be provided.

### **Supplementary Planning Guidance – Single storey rear extensions**

Part 6 of the House Extensions Supplementary Planning Document, which relates to rear extensions states that:

- An extension will not normally be allowed if it projects more than a 45 degree line from the middle of the nearest affected neighbouring window or exceeds a maximum of 4 metres.
- To comply with the 45-degree code, extensions should be designed so as not to cross the 45-degree line from the neighbour's nearest habitable room (living, dining, conservatory or bedroom) window. The 45-degree line shall be drawn in the horizontal plane, and taken from the middle of the neighbour's window. The line will show the maximum width and / or depth that a proposed extension can build up to avoiding obstruction of light or views.
- The council when assessing single storey rear extensions will consider the impact on the neighbouring property and take into account differences in land levels.
- The council will also take into consideration the height of a proposed extension when assessing an application.

#### **7.1 Design and Character**

##### Two storey side extension

The two storey side extension as proposed would cover the full depth of the house and would maintain the roof slope, ridge height and eaves height of the host property.

As detailed above the Council's House Extensions SPD suggests that in order to avoid a terracing effect and unbalancing the pair of semi-detached dwellings extensions should be set back a minimum of 1 metre from the main front elevation of the existing dwelling and that the roof of the extension should have a lower ridge height, than the existing house.

The extension as proposed would not be set back from the front elevation of the house or feature a roof line lower than the original dwelling. Nor would it provide a minimum gap of 800mm between the sidewall of the first floor and the plot boundary to allow front to rear access.

The applicant has been approached to suggest that the application be amended to provide a degree of set back and that the ridge height be reduced. They have responded however that this would impact on internal room configuration not suited to their needs to warrant the cost.

Whilst the character of the area comprises predominantly two storey semi-detached dwellings, the area does include a varied mix of property styles. A number of properties have also been extended in differing ways including some where setbacks have been provided and others, including those opposite the application property, with no set-back. The property extension is not viewed within a particularly prominent position appearing within a varied and staggered building line and behind the properties fronting Ditchfield Road.

The attached property within this pair of semis (at 2 Sandiway Avenue) has an existing two storey side extension. Whilst this extension is set back from the main front elevation at first floor level, the location of the application property at the end of the row and staggered building line would reduce the effect of any unbalancing effect on this pair of semi-detached dwellings. Together with the separation to properties fronting Ditchfield Road this would also minimise any potential terracing effect. The set back to number 2 Sandiway also performs an added function of reducing impacts on the next property at number 3 Sandiway which is set further back within the staggered building line. Such an issue is not considered to arise with the application property.

The proposed side extension would restrict access between the rear garden and kerbside. The House Extensions SPD indicates that a minimum of 800mm should be retained to allow for access to the rear for bin storage. Bin storage is proposed to the front of the proposed side extension within a timber-constructed bin store. The proposed bin storage solution would accommodate the Council's 3-bin system and would be screened by soft landscaping thus avoiding significant harm to the visual amenity of the street scene. Such an approach has previously been accepted where sufficient set back means such storage would not impact unduly on the street scene in line with previous appeal decisions. As such, it is considered that a relaxation of the 800mm wide side access requirement would not be harmful in this case.

It is considered that the extension would be of good quality design which is in keeping with the design of the host dwelling (through the use of matching external materials and straight gable-end roof). The extension would not disrupt a uniform building line given the application dwelling's positioning at the end of a row of semis within a street where the building line is staggered; the extension would not exceed 50% of the width of the frontage of the existing dwelling in accordance with other provisions within the SPD guidance; and would be sufficiently distanced from the highway (approximately 15.2m at the nearest point) such that the bulk and scale of the extension is not considered to have an unduly dominant or prominent appearance within the street scene.

The side extension would be sited adjacent to the rear garden boundary of the nearest neighbouring dwelling east of the site at 319 Ditchfield Road. The extension would retain a separation distance of at least 16.75m from this dwelling and therefore would be sufficiently separated from this dwelling so as to reduce any potential terracing effect.

Given the above considerations, it is considered that the extension would not have a significant detrimental impact on the appearance and character of the area in this instance. Therefore it is not considered that a refusal of planning permission could be justified in this regard.

### Rear extension

The proposed rear extension would be single storey only and would span the full width of the existing dwelling and proposed side extension. It would comply with the Council's maximum 4m depth guidance and is deemed to be of a size which is subordinate and acceptable to the application property. The materials to be used will need to match or closely harmonise with the existing and can be conditioned as such. The extension features a pitched roof, 2 no. roof lights and full-height windows and glazed doors to the rear elevation. The design of the extension and style of proposed openings is typical of domestic rear extensions, and deemed to complement the existing dwelling. As such, the proposed extension is deemed acceptable in its design.

Overall, in terms of the external appearance of the proposed side and rear extensions, these are considered to be of good quality. The extensions utilise matching roof tiles and brickwork construction and complementary pitched roof forms. Proposed windows and doors would also harmonise well with existing openings in terms of their style, proportions and fenestration. The proposed extensions would not overwhelm the site and ample garden amenity space would be retained at the rear for the use and enjoyment of the occupiers of the extended dwelling.

### **7.2 Amenity of Neighbours**

The proposed side and rear extensions would comply with the Council's spacing standards such that levels of light and outlook at neighbouring residential properties would not be restricted to the detriment of residential amenity, and any undue overbearing impacts would also be avoided. The adjoining neighbour at 2 Sandiway Avenue benefits from a single storey rear extension sited along the shared boundary. Due to this extension at the neighbouring property, the single storey rear extension proposed within this application complies with the Council's 45 degree rule used to avoid undue loss of light and dominance, and thus the impact on this neighbour is negligible.

In terms of privacy, proposed windows to the front and rear elevations of the proposed side extension are sufficiently distanced from neighbouring

dwellings such that the extension would not detrimentally compromise the privacy of these dwellings and private gardens. The proposed rear extension would have ground level glazed doors and windows within its rear elevation facing out into the rear garden. The proposed windows on ground floor level are not deemed to impact the privacy of surrounding residents given the presence of appropriate boundary treatments at the site.

### **7.3 Parking Provision and Highways Safety**

The proposed development would increase the number of bedrooms at the property from 3 to 4, thus requiring the provision of 2 off-street car parking spaces to accord with the Council's guidance with respect to parking provision. Whilst the proposal involves the demolition of an existing attached garage at the property, sufficient hardstanding would be retained to the front of the dwelling for 2 off-street parking spaces. The proposed development is therefore considered to be acceptable with regard to parking provision. It is also considered that no other highway safety issues are raised by the proposed development.

## **8. CONCLUSIONS**

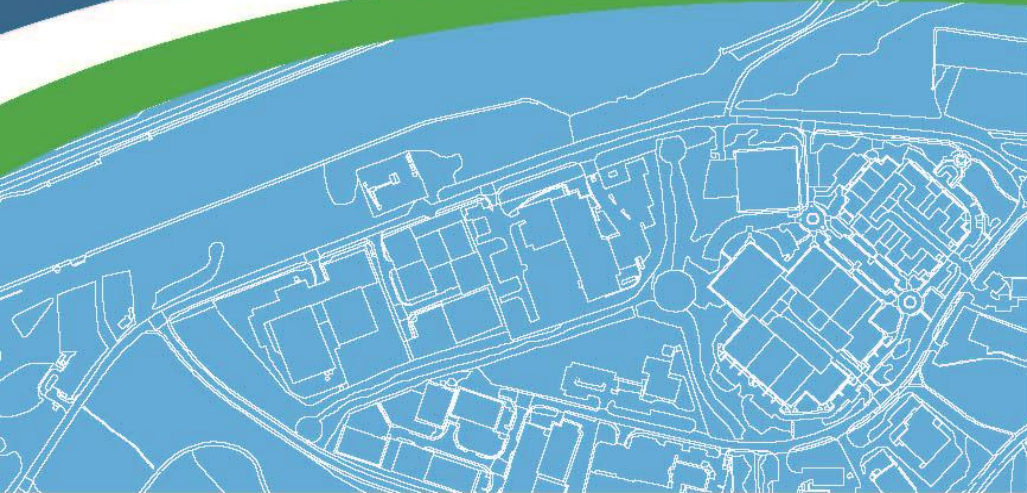
Overall, the design of the development is deemed to be of good quality such that it does not have a detrimental effect on the character or appearance of area; the extensions do not compromise highway safety, nor residential amenity due to their siting in relation to neighbouring properties. Whilst the proposals do not strictly accord with the Council's adopted supplementary planning document this is guidance only and it is not considered that refusal of planning permission could be justified for the reasons outlined above. The proposal would therefore accord with the provisions of Policies BE1, BE2 and H6 of the Unitary Development Plan (2005) and is deemed acceptable.

## **9. RECOMMENDATION**

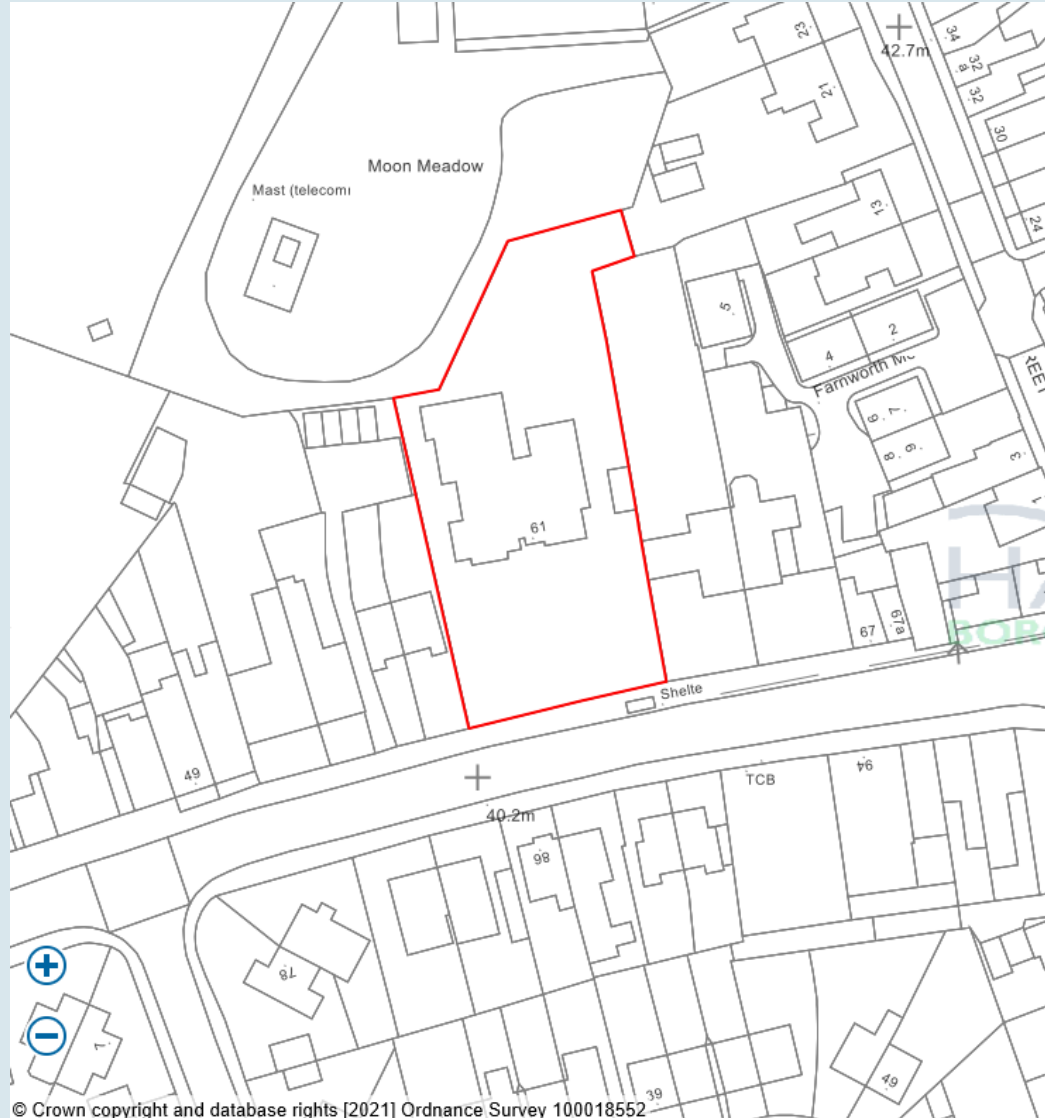
That the application is approved subject to conditions relating to the following:

1. Standard 3 year expiry
2. Approved plans
3. Materials to match existing -BE1







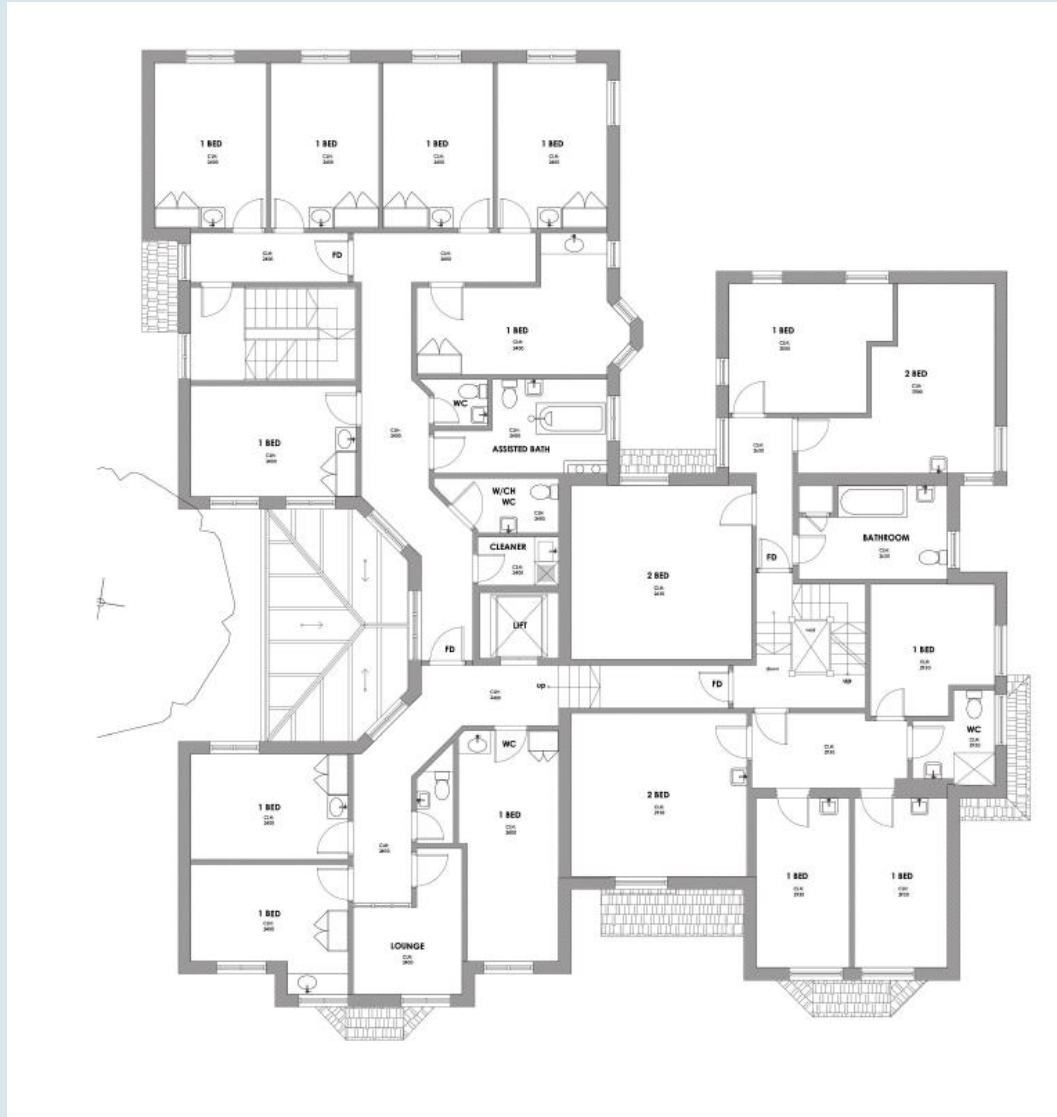


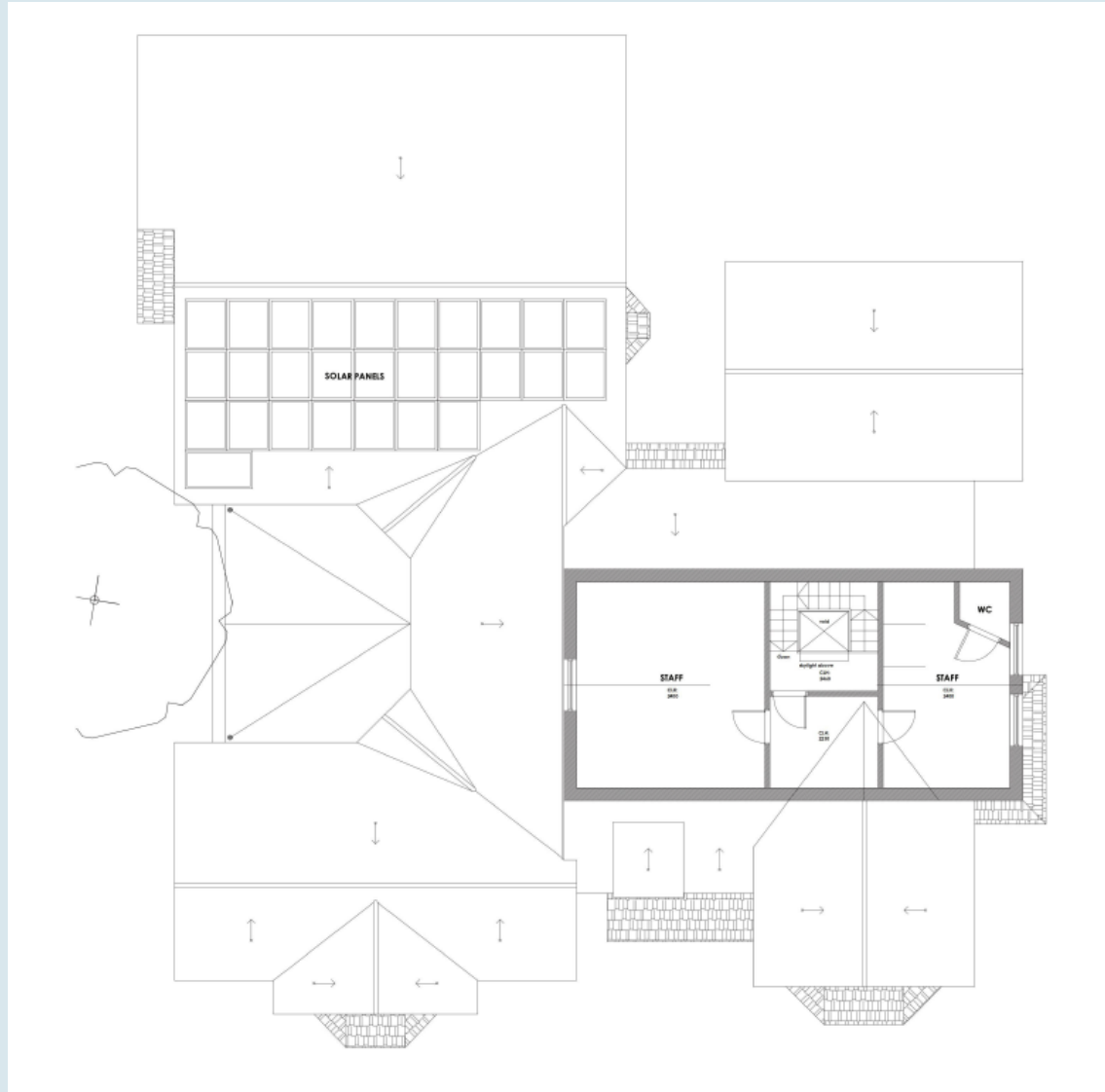
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EXISTING SITE LOCATION PLAN  
1:1500









EXISTING LHS ELEVATION  
1:100



EXISTING FRONT ELEVATION  
1:100



EXISTING REAR ELEVATION  
1:100



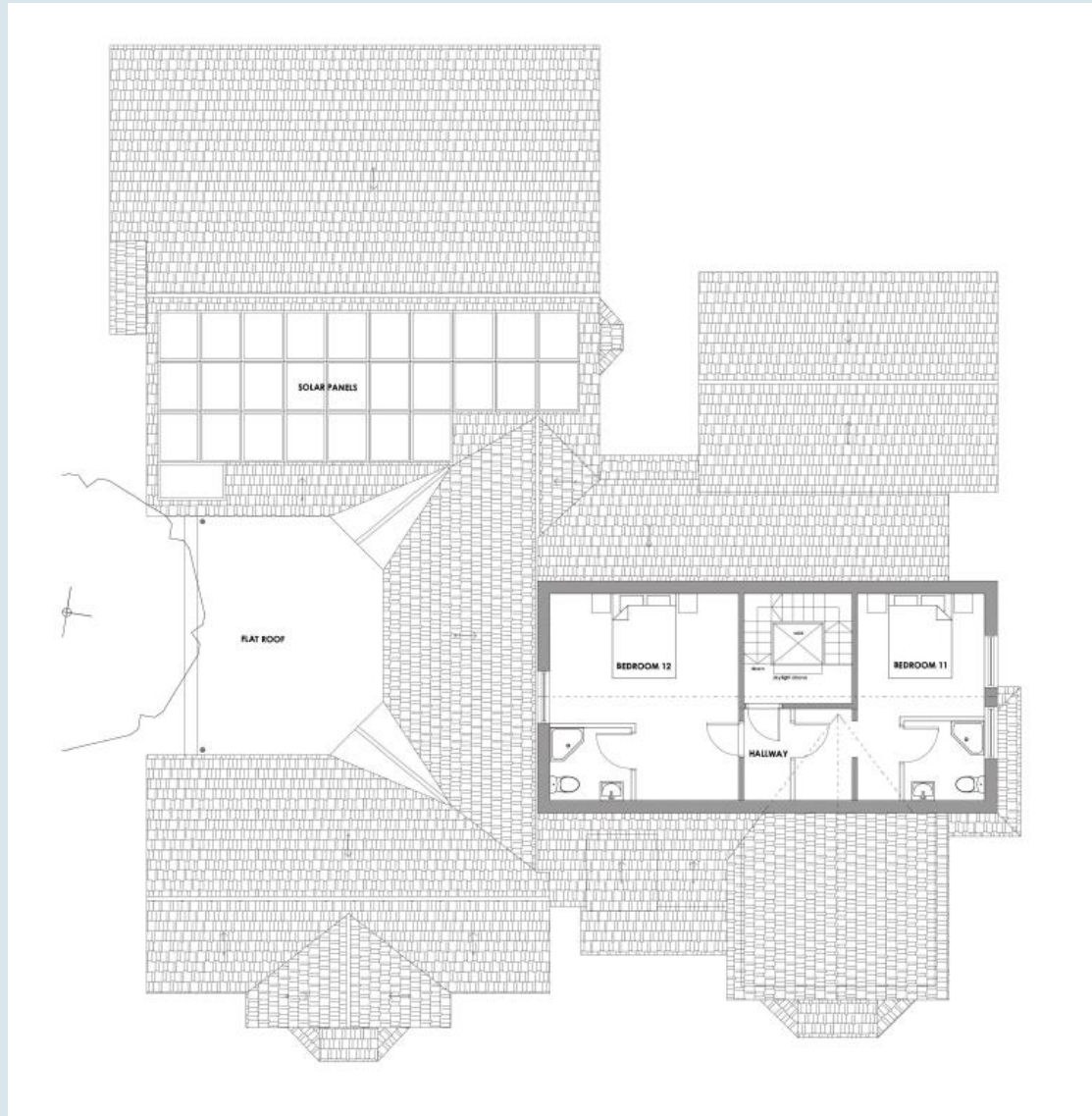
EXISTING RHS ELEVATION  
1:100







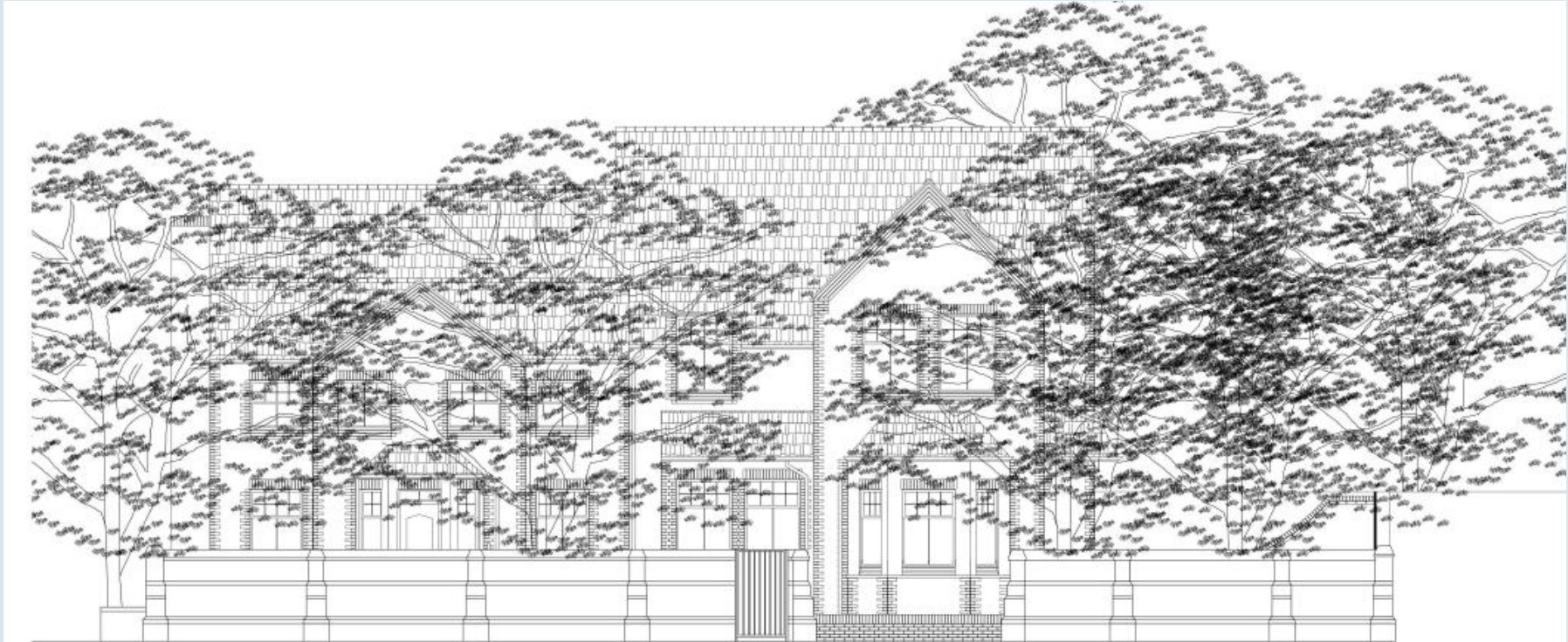






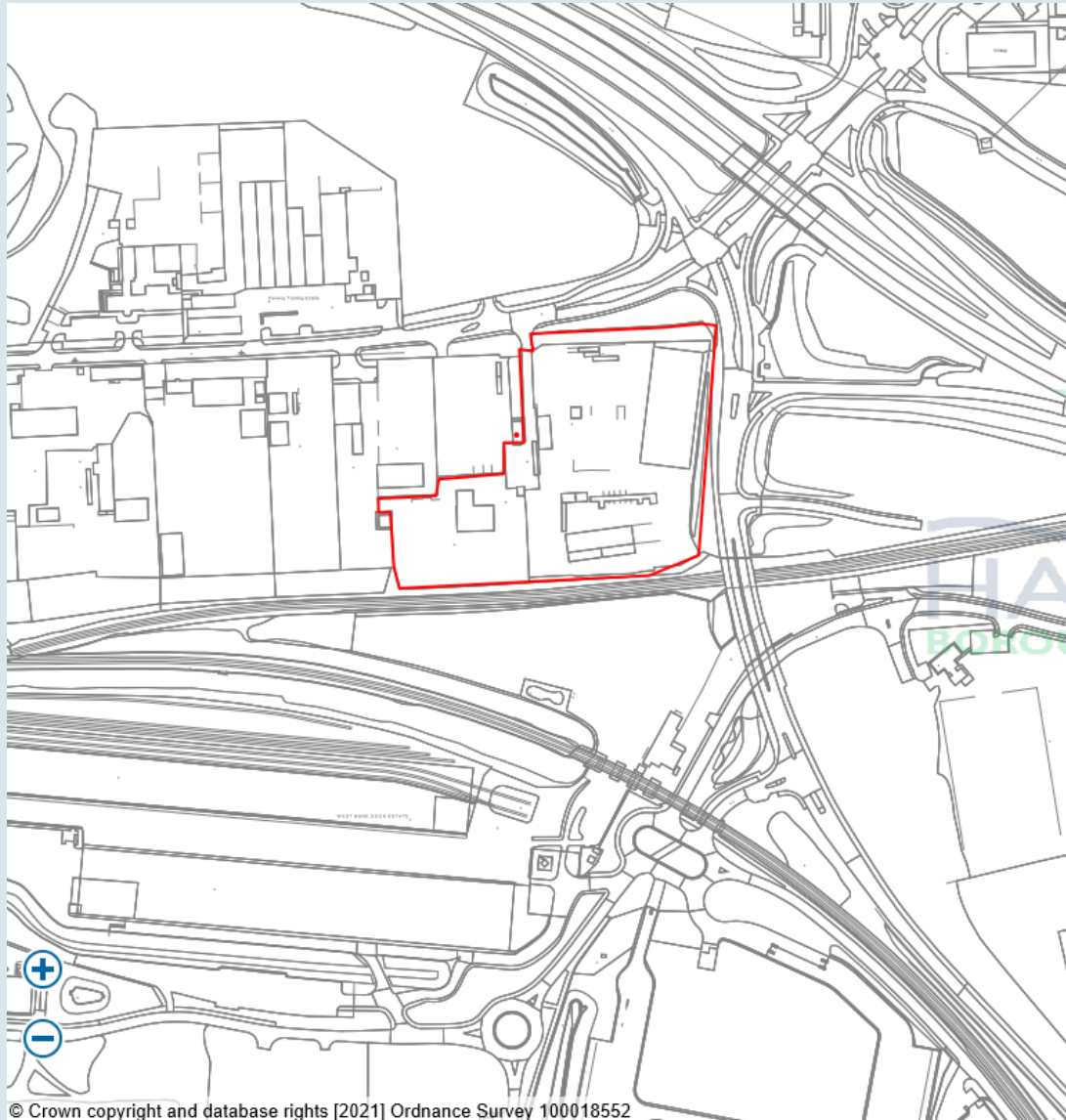






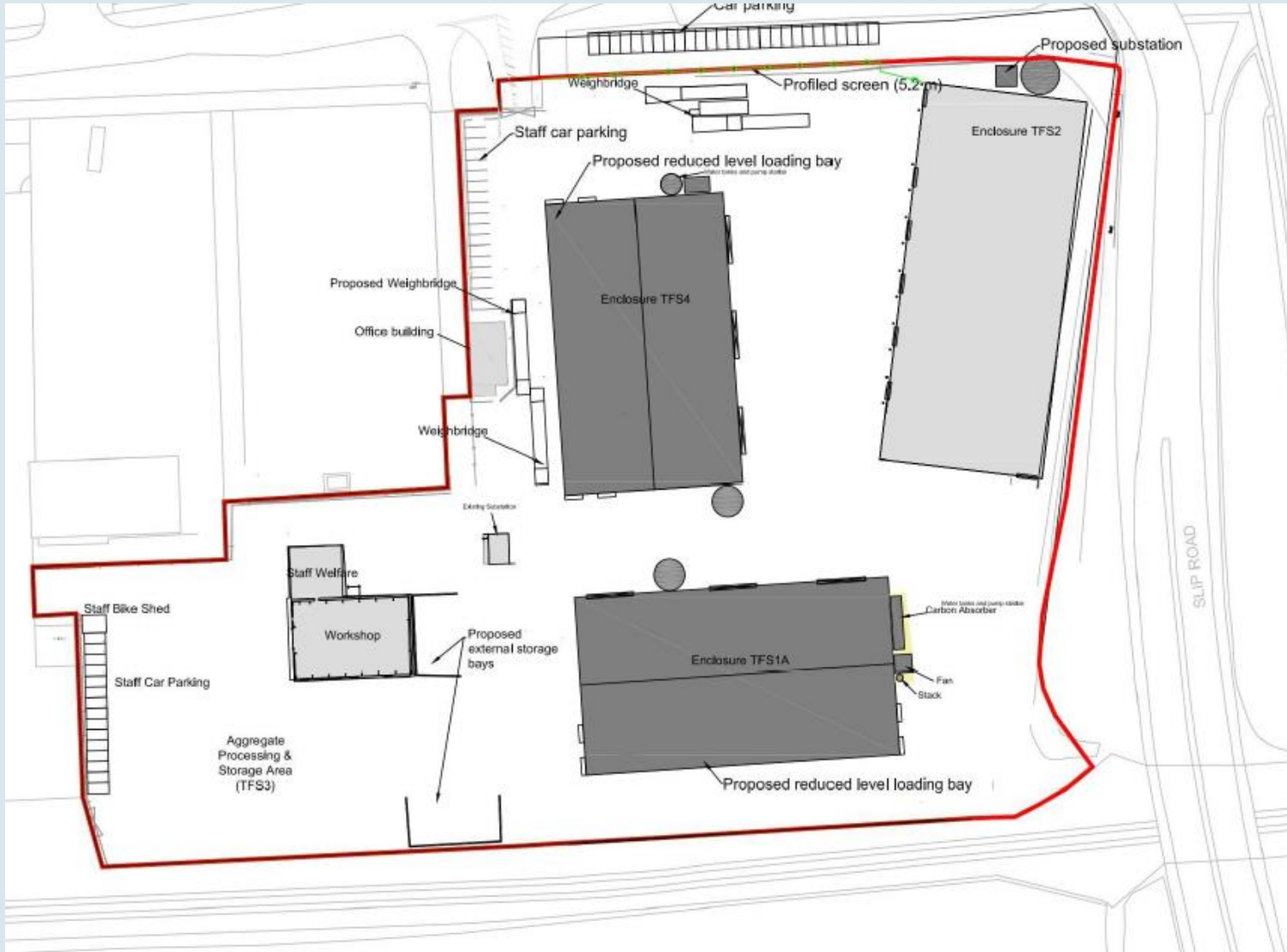
PROPOSED STREETSCENE  
3/1/20

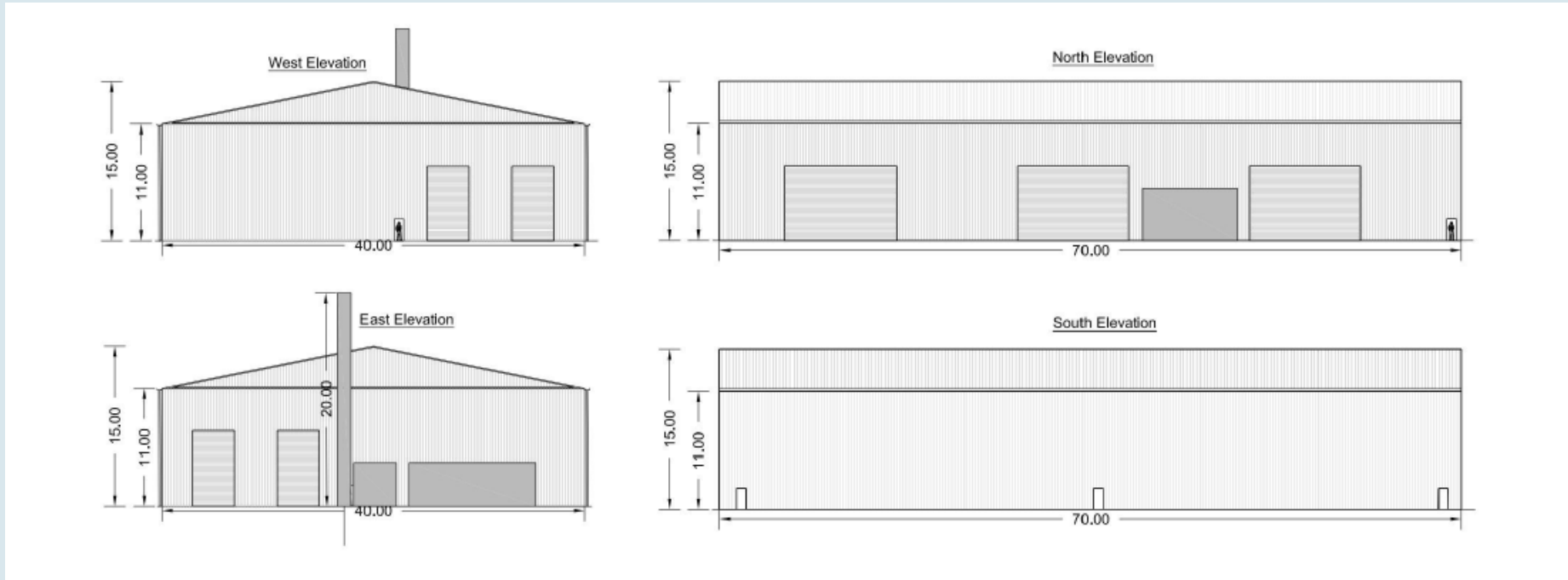




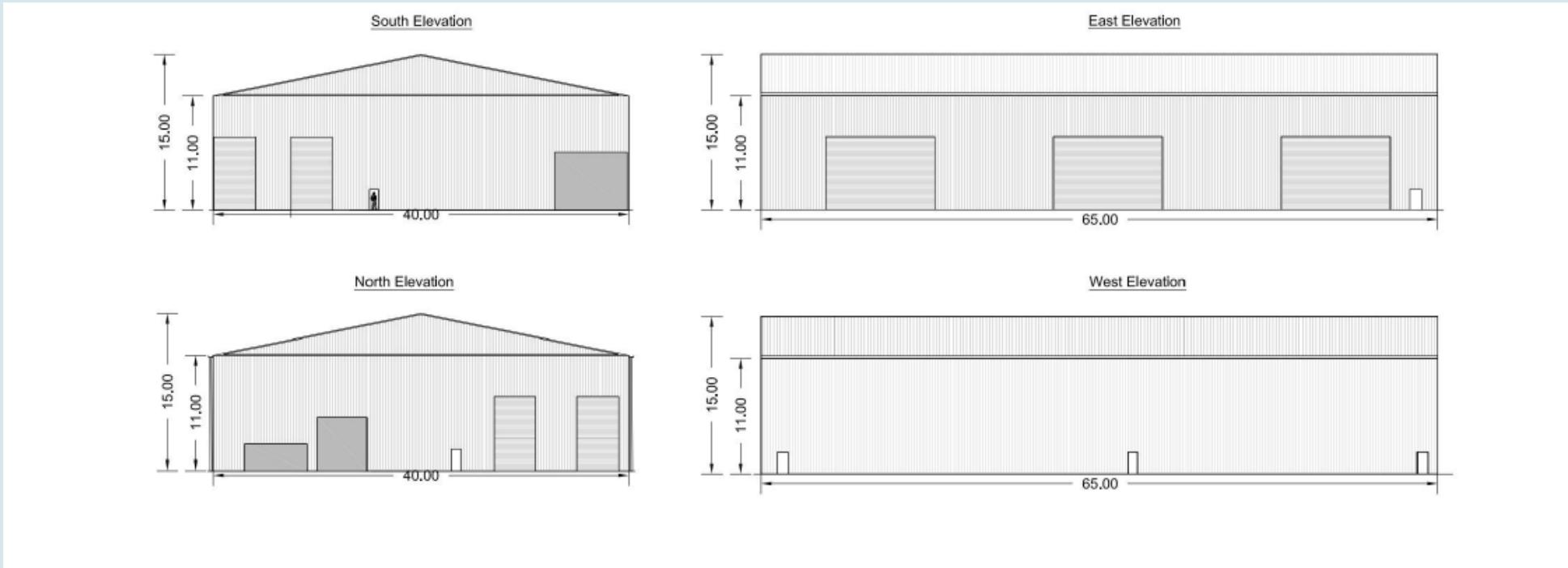
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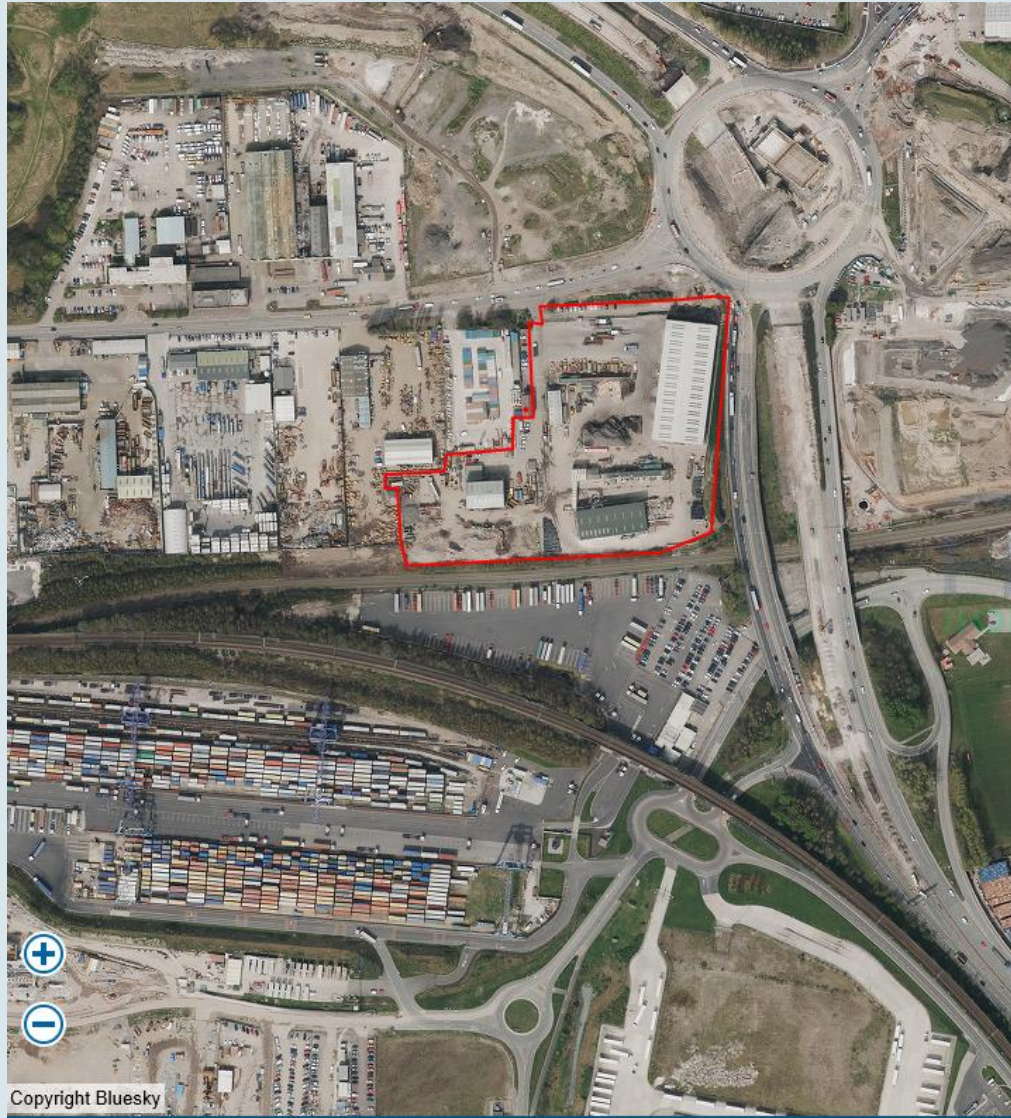


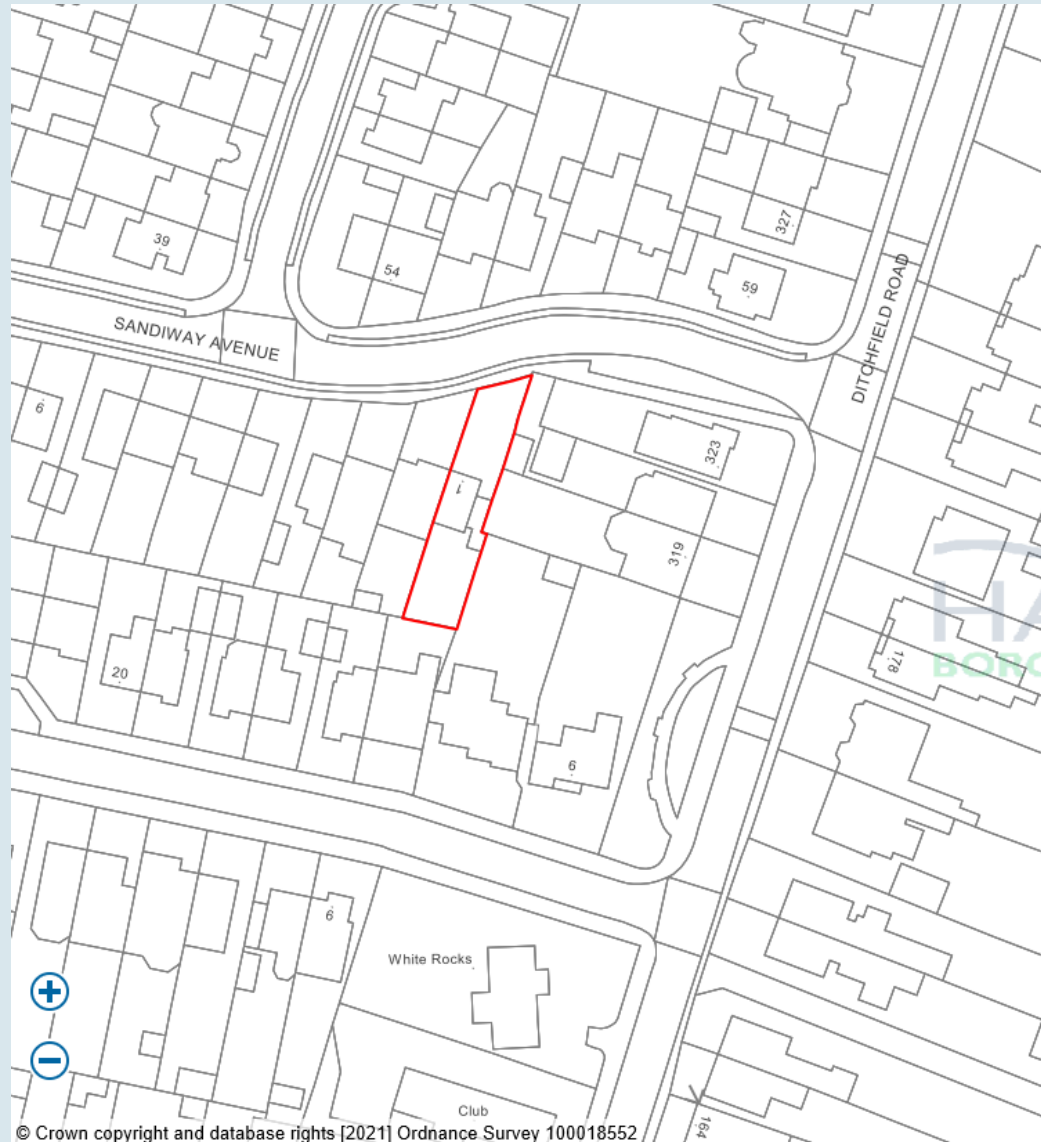






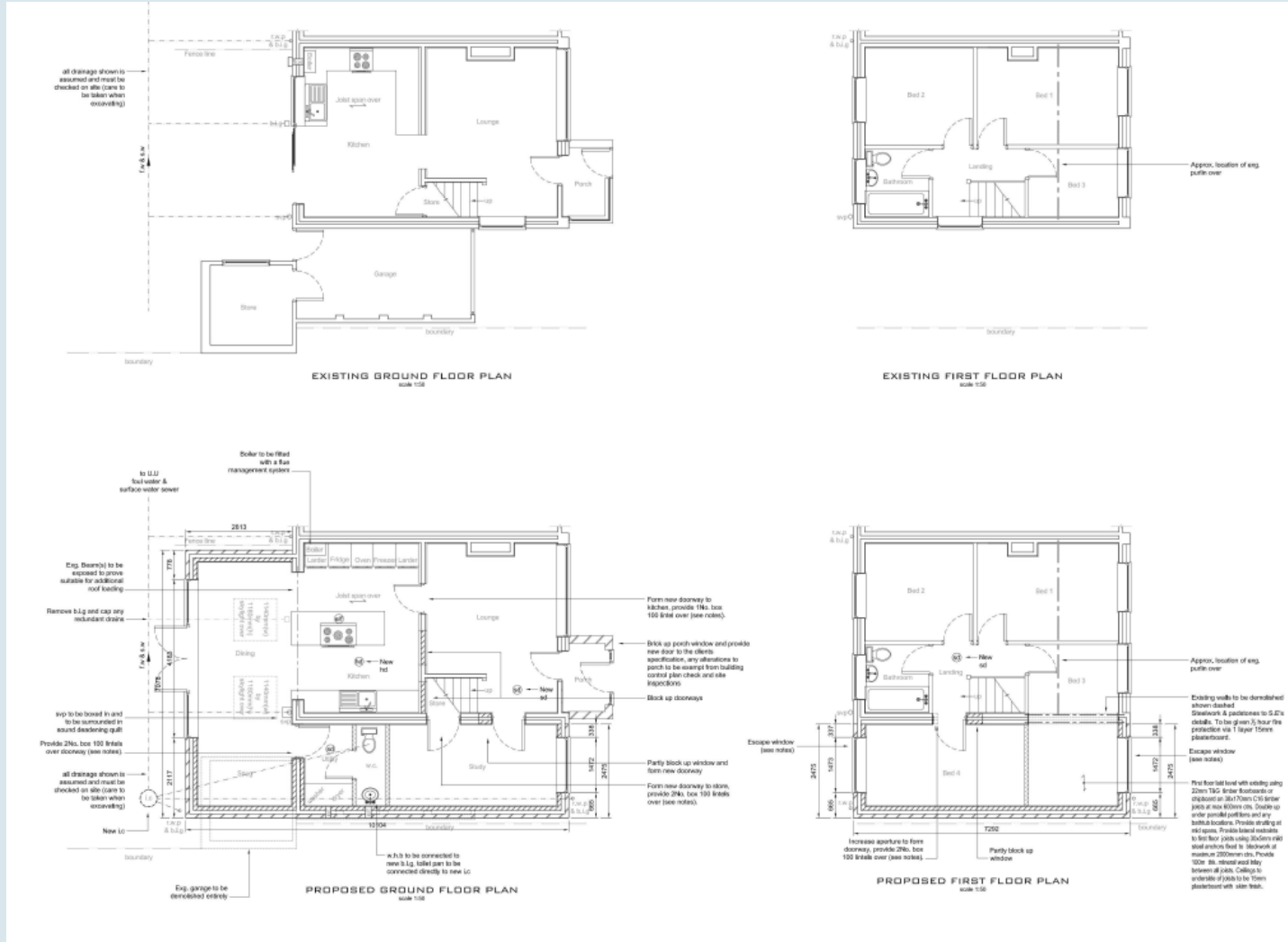


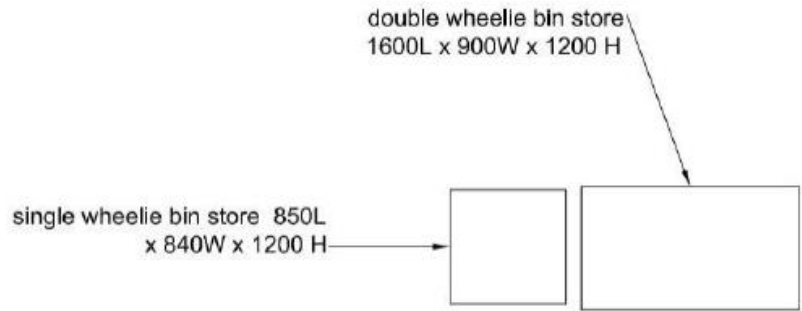




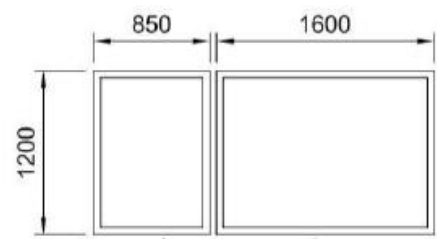








**PLAN**  
scale 1:50



single wheelie bin store 850L  
x 840W x 1200 H

double wheelie bin store  
1600L x 900W x 1200 H

**ELEVATION**  
scale 1:50

typical example of  
a double bin store  
Materials : Timber



typical example of  
a single bin store  
Materials : Timber



