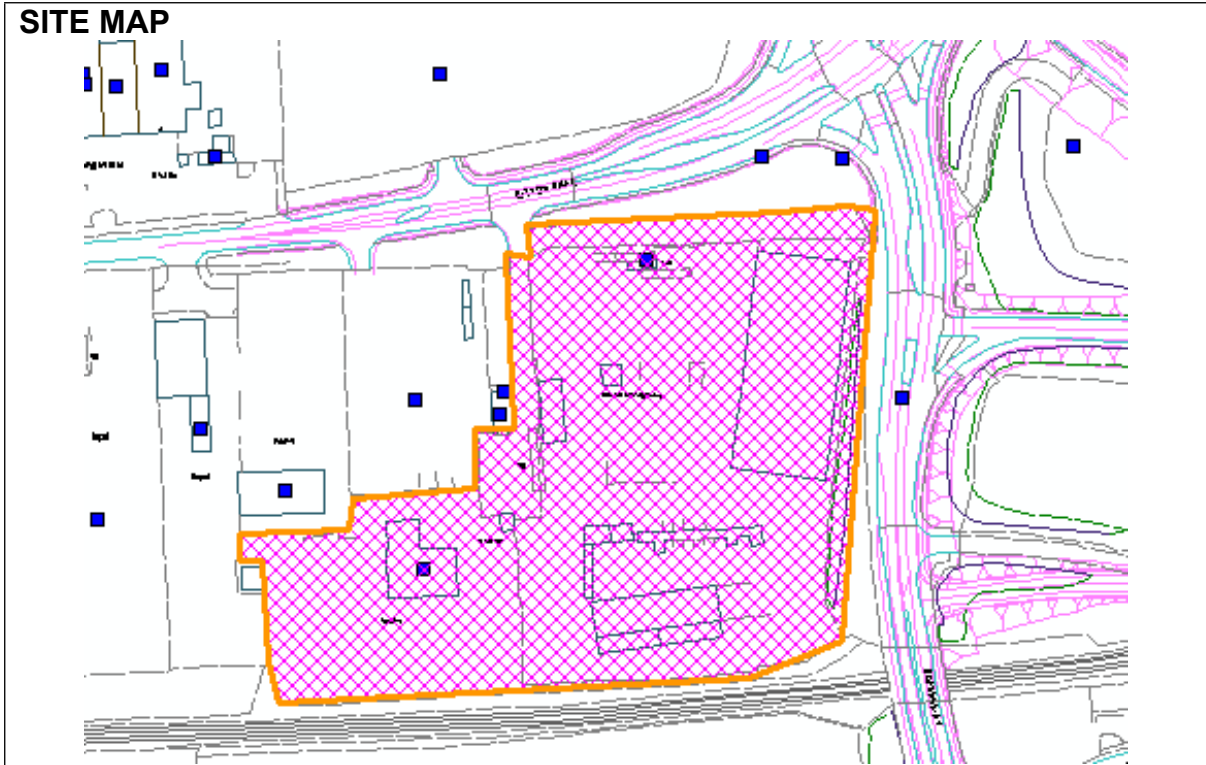


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| APPLICATION NO: | 21/00448/S73 |
| LOCATION: | Widnes Skip And Reclaim, Ditton Road (west), Widnes, Cheshire, WA8 0PA |
| PROPOSAL: | Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of permission 18/00567/FULEIA (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 |
| WARD: | Central and West Bank |
| PARISH: | None |
| APPLICANT: | Robert Waters, WSR Recycling Limited |
| AGENT: | Mr Matthew Lawman, AA Environmental Limited |
| DEVELOPMENT PLAN: Halton Unitary Development Plan (2005) Halton Core Strategy (2013) Joint Merseyside and Halton Waste Local Plan (2013) | ALLOCATIONS: Primarily Employment Area (E1); Priority Employment Redevelopment Area (E2); and Environment Priority Area (BE3) |
| DEPARTURE | No |
| REPRESENTATIONS: | 14 objections |
| KEY ISSUES: | Whether the proposal constitutes a minor material amendment, visual appearance, and odour. |
| RECOMMENDATION: | Grant planning permission subject to conditions. |

SITE MAP



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.

