

<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>	

**This item was deferred by Development Management Committee Members at the November 2021 Development Management Committee Meeting, to allow for site meeting to be carried out by Committee Members which took place on the 29<sup>th</sup> November 2021.**

## **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 border 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.

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

#### 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.

## Equality Duty

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## 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.

It was stated in the November 2021 committee report, discussed at the November Development Management Committee Meeting, that details of boundary treatments would be conditioned to ensure acceptable levels of privacy are secured, in the interest of protecting the residential amenity enjoyed by Neighbouring properties No.59 and No.57 Derby Road. Amended plans have been received detailing the proposed boundary treatment. Close board fencing would be affixed to the top of the existing brick walls close to the boundary shared with No.59 Derby Road. The new fencing would have a total height of 2m, including the height of the existing walls they will sit upon. The proposed boundary treatments would be conditioned to ensure the approved details are implemented prior to the first use of the building. 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 and the new boundary fencing. 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. In response to the representations received as a result of the publicity given to the application, obscure glazing would be installed to both the ground floor and first floor kitchen windows located within the proposed extension on the west elevation of the building. The implementation of obscure glazing would be conditioned to ensure the acceptable levels of privacy are achieved for No.59 Derby Road prior to the first use of the building. 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 can be secured by a 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. The Council's external consultee, Designing Out Crime Officer from Cheshire Police, has provided updated comments as follows:



*While my role as Designing out Crime Officer is to comment on issues that may affect crime and disorder, I am aware that Derby Road can be very busy. There have been historic issues with vehicle congestion which could cause potential danger and inconvenience to local residents. The local police officers are regularly on duty in the area and do issue enforcement notices where appropriate.*

It is the responsibility of the Police to enforce and resolve issues surrounding improper and illegal parking 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 including obscure glazing and implantation of the boundary treatment
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.