

Public Document Pack



Development Management Committee

Monday, 7 April 2025 6.30 p.m.
Civic Suite, Town Hall, Runcorn

S. Young

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Stan Hill (Chair)
Councillor Rosie Leck (Vice-Chair)
Councillor Laura Bevan
Councillor Chris Carlin
Councillor Chris Loftus
Councillor Ged Philbin
Councillor Carol Plumpton Walsh
Councillor Rob Polhill
Councillor Christopher Rowe
Councillor Dave Thompson
Councillor Bill Woolfall

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The next meeting of the Committee is on Tuesday, 6 May 2025*

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

Part I

Item No.		Page No.
1. MINUTES		1 - 8
2. DECLARATIONS OF INTEREST		
	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.	
3. PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE		
(A) 24/00458/FUL	- Proposed erection of 10 no. one bedroom apartments and 3 no. two bedroom bungalows to be used solely as supported living/extra care units including ancillary facilities, provision of access, parking and landscaping on land on the East side of Crow Wood Lane, Widnes, WA8 3PN	9 - 34
(B) 25/00088/PRIOR	- Application to determine if prior approval is required for a change of use of a building falling under Use Class E into a mixed use, Class E at ground floor, and two flats (Class C3) at first floors at 1-4 Salisbury Street, Widnes	35 - 49
4. MISCELLANEOUS ITEMS		50

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 Tuesday, 4 March 2025 at the Civic Suite, Town Hall, Runcorn

Present: Councillors S. Hill (Chair), Leck (Vice-Chair), Carlin, Polhill, Rowe, Thompson and Woolfall

Apologies for Absence: Councillors Bevan, C. Loftus and Philbin

Absence declared on Council business: None

Officers present: A. Jones, T. Gibbs, A. Plant, A. Evans, A. Strickland, G. Henry and A. Blackburn

Also in attendance: 7 Members of the public

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

	<i>Action</i>
DEV74 MINUTES	
<p>The Minutes of the meeting held on 28 January 2025, having been circulated, were taken as read and signed as a correct record.</p>	
DEV75 PLANNING APPLICATIONS TO BE DETERMINED BY THE COMMITTEE	
<p>The Committee considered the following applications for planning permission and, in accordance with its powers and duties, made the decisions described below.</p>	
DEV76 24/00086/FUL & 24/00087/LBC - PROPOSED RESTORATION OF DARESBURY HALL AND COACH HOUSE TO ENABLE CONVERSION TO RESIDENTIAL USE, THE DEMOLITION OF VARIOUS BUILDINGS AND EXTENSIONS, AND THE CONSTRUCTION OF NEW BUILD DWELLINGS IN THE HALL'S GROUNDS TO SUPPORT THE CONSERVATION OF THE DESIGNATED HERITAGE ASSETS AT DARESBURY HALL, DARESBURY LANE, DARESBURY, WA4 4AG	
<p>The consultation procedure undertaken was outlined in the report together with background information in respect of the site.</p>	

Prior to the presentation of the item, Officers provided the Committee with the following updates:

- In the summary table of page 8 of the printed agenda next to recommendation, the words grant 'outline' planning permission should read, grant 'full' planning permission;
- Page 18 – 33 no. additional market dwellings should read 31 no. additional market dwellings;
- The NPPF paragraph numbers set out in the report have been superseded by the December republication of the NPPF. The report referenced paragraph numbers of the previous version of the NPPF consistent with the objection from the Georgian Group. Assessments of the relevant paragraphs of the NPPF are set out in the policy assessment section of the report at pages 30-33 of the printed agenda, and in the assessment Georgian Group objection set out at pages 37-48 of the printed agenda, and in full at appendix 2 of the report. The renumbered paragraphs are not considered to affect the overall assessment of Green Belt policy; and
- Both applications are required to be referred to Secretary of State. In the case of the FUL application, this is to be referred for Green Belt protection reasons. In the case of the LBC this is to be referred for heritage protection reasons. As a result the recommendations will need to be amended to account for the delegated authority necessary to undertake this exercise.

Two applications were presented, a full planning application concerning new operational development at the Daresbury Estate and a Listed Building Consent application that sought changes to the appearance of the listed buildings on site.

The applications concerned an enabling development, a term used that sets out a justification for non-policy compliant development to achieve an aspirational aim, which in this case involved the restoration and preservation of a grade II* listed heritage asset that has been featured on the Historic England heritage at risk register since 2010.

It was noted that this Council had previously approved a similar scheme in 2009 but unfortunately, that scheme did not come forward. Since that time the Daresbury Hall estate has fallen into a significant form of disrepair and has been victim to a number of fires. The

property today is in a serious state of decay and is being propped by specialist scaffolding. Members were referred to the drone imagery set out on pages 19-22 of the printed agenda, which showed its current state of disrepair.

Officers advised that notwithstanding the objection of the Georgian Society, the scheme had been assessed by the Council's retained heritage advisor, Historic England and Daresbury Parish Council, who raise no objection to the development proposal.

The Committee was addressed by Mr Muir, a representative of the Applicant, who summarised the benefits of the proposal:

- The restoration of Daresbury Hall and coach house would enable the Grade II* listed heritage asset to be converted to residential, ensuring its longevity for future generations;
- A robust and comprehensive assessment of the site was undertaken;
- A sensitive approach to redevelopment would apply, as per the Green Belt policies;
- A comprehensive ecological survey had been undertaken;
- The site would include naturalistic planting and new habitats;
- Sustainable construction practices would be adhered to;
- The local community would benefit from the enhancement of the site; and
- A landscaping and ecological management plan would be followed.

The Committee agreed that the proposals presented an opportunity for the redevelopment of this Grade II* listed building that has laid derelict for a number of years. Each application was moved and seconded and the Committee voted unanimously to approve them.

24/00086/FUL

RESOLVED: That delegated authority be given to the Director of Planning and Transportation, to refer the matter to the Secretary of State and upon satisfactory resolution of the referral (for Green Belt protection reasons), that the application be approved subject to the following:

- a) S106 Agreement that secures the terms set out in the Legal Agreement section of this report;

b) Schedule of condition set out below; and

1. Time limit;
2. Clarification of proposed development;
3. Approved plans;
4. Materials to be agree (RD3 and GR1);
5. Submission of existing and proposed site levels (GR1);
6. Tree protection measures (HE5);
7. Natural England bat licence (CS(R)20 and HE1);
8. Development to be undertaken in accordance with Bat mitigation plan Arbtech, 18 January 2025, Issue 0.3 (CR(R)20 and HE1);
9. Submission of Bird Box Scheme – (CS(R)20 and HE1);
10. Nocturnal species sensitive external lighting scheme (CS(R)20 and HE1);
11. Reasonable avoidance strategy, construction phase ecological impacts (CS(R)20 and HE1);
12. Statutory biodiversity metric assessment to secure: a conditions assessments and a habitat management plan (CS(R)20 and HE1);
13. Development to be undertaken with landscape and ecological management plan (CS(R)20 and HE1);
14. No tree felling or hedge removal in period 1 March to 31 August (CS(R)20 and HE1);
15. Hedgehog highway scheme (CS(R)20 and HE1);
16. Invasive species method statement (CS(R)20 and HE1);
17. Site investigation study and site remediation plan (CS23 and HE8);
18. Site investigation unforeseen contamination condition (CS23 and HE8);
19. Site investigation verification submission (CS23 and HE8);
20. Daresbury Lane pedestrian link scheme details (C1 and C2);
21. Electric vehicle charging points scheme (C2);
22. Visibility splays (C1 and C2);
23. Submission of a cycle parking scheme (C2);
24. Verification of the sustainable urban drainage scheme (CS23 and HE9);
25. Surface water drainage verification submission (CS23 and HE9);
26. Dust management plan (construction phase (HE7);
27. Working hours condition (HE7);
28. waste management plan (WM8);
29. Post development future resident recycling plan

(WM8);

30. Post development and climate change strategy;
31. Sewage disposal (HE9);
32. Construction Management Plan (C1);
33. Limited construction hours (GR2);
34. Detail hard standing agreed (C2 and HE9);
35. Access constructed prior to occupation (C1);
36. Landscaping (GR1, GR3 and HE5);
37. Hedgerows retained or mitigation (CS(R)20 and HE1);
38. Acoustic mitigation (GR2);
39. Update structural report (HE1);
40. Soft tree felling technique for all trees to be removed (CS(R)20 and HE1); and
41. Tree retention root protection strategy (HE5).

- c) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Director – Planning and Transportation, in consultation with the Chair or Vice Chair of the committee to refuse the application.

24/00087/LBC

RESOLVED: That delegated authority be given to the Director of Planning and Transportation, to refer the matter to the Secretary of State and upon satisfactory resolution of the referral (for reasons of heritage protection), that the application be approved subject to the conditions set out below:

1. Time limit;
2. Approved plans (GR1);
3. Stone repair details (HE1);
4. Repair methodology (HE1);
5. Joinery and plasterwork details (HE1);
6. Fire protection details and strategy (HE1);
7. Schedule of materials (HE1);
8. Schedule of works (HE100);
9. Brick sample panel (HE1);
10. Acoustic separation details (HE1);
11. Aperture details (HE1);
12. Rainwater goods details; and
13. Damp proof course treatment prevention.

DEV77 24/00438/REM - APPLICATION FOR THE APPROVAL OF RESERVED MATTERS (SCALE, APPEARANCE, LAYOUT AND LANDSCAPING) FOR THE ERECTION OF 199 RESIDENTIAL DWELLINGS PURSUANT TO OUTLINE APPLICATION 22/00543/OUTEIA AT SANDYMOOR SOUTH PHASE 2, WINDMILL HILL AVENUE EAST, RUNCORN

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

The Committee was advised of the following updates since the publication of the agenda:

- The red line plans in the report pack had been updated, resulting in a slightly smaller site boundary to reflect to original outline boundary and remove the isolated area of land to the east of the rail line. This was a correction and is not considered to affect the determination;
- An updated affordable housing strategy had been received which indicates provision of 50% affordable rent and 50% intermediate home ownership. The applicant had stated however, that they are still in discussion with the providers and the final split is yet to be agreed. An additional condition was therefore recommended to allow this to be resolved;
- The updated noise report had been received. The proposal for upgraded glazing and ventilation to be installed in bedrooms facing the railway line at certain properties is confirmed as acceptable;
- With respect to open space, the only deficiency identified within the neighbourhood was for children and young people and not the other deficiencies listed at page125 of the printed agenda. The scheme is considered to offer sufficient provision in this regard; and
- Condition number two in in the recommendation should read *Detailing external finishing materials*.

It was noted that discussions were still ongoing with Highways officers and the LLFA to finalise the detailed layout and the confirm the final drainage strategy, hence the request for delegation.

One Member requested that the Committee is advised of the final split in relation to affordable housing, once this was agreed.

Following a vote, the Committee agreed that the application be approved, subject to the conditions below.

RESOLVED: That authority be delegated to the Director of Planning and Transportation, to determine the application in consultation with the Chair or Vice Chair of the Committee, following the satisfactory resolution of the outstanding issues relating to drainage and highways.

Upon satisfactory resolution, that the application be approved subject to the conditions below and any additional conditions recommended through the resolution of the issues relating to drainage and highways:

1. Approved plans;
2. Detailing external finishing materials (GR1);
3. Site levels (GR1);
4. Submission and agreement of an updated LHMP (HE1);
5. Tree protection / arboricultural method statement (CS(R)21 and HE1);
6. Securing landscaping / detailed planting plan (GR1, GR2 and HE5);
7. Parking and servicing (C1 and C2);
8. Detailing play equipment/street furniture (RD4/GR1);
9. Detailing boundary treatment (GR3);
10. Permitted development removal – garages (GR1 and GR2);
11. Permitted development removal – Fences (GR1 and GR2); and
12. Securing an updated affordable housing strategy (CS(R)13).

DEV78 MISCELLANEOUS ITEMS

The following appeals had been received/were in progress:

23/00194/FUL

Proposed internal reconfiguration of existing dwelling and part double, part single storey extension at 62 Church Road, Hale.

24/00125/FUL

Proposed two storey pitched roof extensions to front and side, single storey flat roof rear extension and new roof over existing side extension and detached garage at Tileacres, 29 Hale Road, L24 5RB.

24/00097/FUL

Erection of two drive-thru units with 'drive-thru' facilities together with associated car parking, servicing and landscaped areas at Green Oaks Centre, Widnes.

22/00569/OUT

The Secretary of State has called in the planning application for the Heath Business and Technical Park, Runcorn. This would be considered at a Public Inquiry.

The following appeals had been determined:

23/00200/FUL

Proposed removal of existing conservatory and construction of single storey rear extension at Sexton Cottage, Daresbury **(DISMISSED)**.

21/00711/FUL

Proposed division of one flat into two flats on ground floor at Unit 5 Salisbury Street, Widnes **(DISMISSED)**.

Meeting ended at 6.50 p.m.

APPLICATION NO:	24/00458/FUL
LOCATION:	Land On The East Side Of Crow Wood Lane, Widnes, WA8 3PN.
PROPOSAL:	Proposed erection of 10no. one-bedroom apartments and 3no. two-bedroom bungalows to be used solely as supported living/extra care units including ancillary facilities, provision of access, parking and landscaping.
WARD:	Halton View
APPLICANT:	Halton Housing
AGENT:	SMYO Architecture Ltd
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Community Facilities – HC5
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No
REPRESENTATIONS:	YES
KEY ISSUES:	Biodiversity Net Gain, ecology, design, residential amenity, open space provision, specialist housing, highways, contaminated land, noise, drainage and flood risk.
RECOMMENDATION:	Approve subject to conditions

SITE MAP**1. APPLICATION SITE****1.1 The Site**

The application site is a vacant parcel of brownfield land located off of Crow Wood Lane, Widnes, Cheshire, WA8 3PN.

The site is identified as community facilities on the Halton Delivery and Allocations Local Plan (DALP) Policies Map. The site is nestled within a cluster of Class F1 & C2 buildings along the western boundary, which provide a hub of support facilities for individuals with complex needs in the local community. A tall brick retaining wall separates the site from Crow Wood Lane and a wider residential housing estate (Class C3) to the east.

The site has a rectilinear shape, with only the Western edge presenting a curved edge along Crow Wood Lane, and overall, the site approximately 2261 sqm in area.

The site contains a number of bushes and small trees albeit largely hidden from view behind a large brick retaining wall.

Planning permission is sought for the erection of 10no. one-bedroom apartments and 3no. two-bedroom bungalows with a proposed C3(a) Residential use class to be used solely as supported living/extra care units including ancillary facilities, provision of access, parking and landscaping.

1.2 Planning History

In regard to the development site and relevant adjacent sites, a planning history search has found that there is evidence of proposed developments on the application site, as well as relevant applications on immediately adjacent sites:

23/00213/HBCFUL saw the approval of a proposed single storey extension to an existing care home to provide 16 additional bedrooms with ancillary care facilities at St Patricks Nursing Home, Crow Wood Land (Land Adjacent) on 12.02.2024.

00/00015/FUL saw the approval of a proposed single storey side extension for offices, storage and disabled café room at Beech House on Crow Wood Health Park, Crow Wood Land (Land Adjacent) on 15.02.2000.

98/00579 saw the approval of a proposed single storey side extension at the Bridges Learning Centre, Crow Wood Lane (Land Adjacent) on 02.12.1998.

95/00150/OUT saw the approval of a proposed 10-bed residential unit and 25 place day centre at Crow Wood Health Park at Crow Wood Lane on 27.04.1995.

94/00244/FUL saw the approval of refurbishment and conversion of existing 21 bed nursing home to child development at Beech House on Crow Wood Health Park, Crow Wood Lane (Land Adjacent) on 14.07.1994.

92/00306/FUL saw the approval of a single storey domestic constructed – 40 bedded nursing home for the elderly mentally ill at Crow Wood Health park at Crow Wood Lane on 28.07.1992.

The applicant also sought pre-application advise under ref 24/08036/PREAPP for the proposed sheltered housing accommodation for disabled residents (class C3A), comprising a total of 13no. units (10no.1 bedroom apartments and 3 no.2 bedroom bungalows), alongside associated infrastructure at the Land to the East of Crow Wood Lane, Widnes, Cheshire.

2. THE APPLICATION

2.1 The Proposal

The application proposes the erection of 10no. one-bedroom apartments and 3no. two-bedroom bungalows to be used solely as supported living/extra care units including ancillary facilities, provision of access, parking and landscaping.

2.2 Documentation

The application is accompanied by the associated plans in addition to a Design & Access Statement, Arboricultural Impact Assessment, BNG Metric Assessment, Drainage Strategy, Construction (Environmental) Management Plan, Highways technical Note, Invasive Species Report, Phase 1 & 2 Site Investigations, Phase 3 Remediation Strategy, and a Site Ecological Survey.

3. POLICY CONTEXT

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The following policies are considered to be applicable:

- CS(R)1 Halton's Spatial Strategy;
- CS(R)3 Housing Supply and Locational Priorities;
- CS(R)7 Infrastructure Provision;
- CS(R)12 Housing Mix and Specialist Housing;
- CS(R)13 Affordable Homes;
- CS(R)15 Sustainable Transport;
- CS(R)18 High Quality Design;
- CS(R)19 Sustainable Development and Climate Change;
- CS(R)20 Natural and Historic Environment;
- CS(R)21 Green Infrastructure;
- CS(R)22 Health and Well-Being;
- CS23 Managing Pollution and Risk;
- CS(R)24 Waste;
- RD1 Residential Development Allocations;
- RD4 Greenspace Provision for Residential Development;
- RD5 Primarily Residential Areas;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- HC5 Community Facilities and Services;
- HE1 Natural Environment and Nature Conservation;
- HE4 Greenspace and Green Infrastructure;
- HE5 Trees and Landscaping;
- HE7 Pollution and Nuisance;
- HE9 Water Management and Flood Risk;
- GR1 Design of Development;
- GR2 Amenity;
- GR3 Boundary Fences and Walls;

3.2 Supplementary Planning Documents

- Design of Residential Development – SPD (2012)
- Designing for Community Safety - SPD (2005)

3.3 Joint Merseyside and Halton Waste Local Plan (2013)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management;
- WM9 Sustainable Waste Management Design and Layout for New Development.

MATERIAL CONSIDERATIONS

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

3.4 National Planning Policy Framework

The last iteration of the National Planning Policy Framework (NPPF) was published in December 2024 (updated February 2025) and sets out the Government's planning policies for England and how these should be applied. Paragraph 48 states that planning law requires planning applications to 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 timescales unless a longer period has been agreed by the applicant in writing. Paragraph 85 states that 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.

3.5 National Planning Practice Guidance (NPPG)

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

3.6 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.

4. CONSULTATIONS

Halton View Councillors

No response.

HBC Highways Officer

No objection, subject to conditions.

Lead Local Flood Authority

No objection, subject to conditions.

Environmental Health

No objection.

Contaminated Land

No objection, subject to conditions.

Open Spaces

No objection.

Environmental Services

No Objection.

MEAS – Ecology and Waste Advisor

No objection, subject to conditions.

Major Projects

No objection.

5. REPRESENTATIONS

The application was publicised by 28 neighbour notification letters, a general site notice, and a web advertisement all issued on 12.12.2024 to the

surrounding properties. A press notice was also published in the Widnes Weekly News on 19.12.2024. One representation has been received within this publicity, which expired on 24.11.22. The concerns raised are summarised below:

- Problems with parking facilities and additional traffic generation
- Proposed entrance on a blind bend with lack of visibility
- Property value loss due to overlooking
- Concerns over wildlife disturbance

6. **ASSESSMENT**

Principle of Development

The proposal site is located within the community facilities as shown in the Policies Map and Policy HC5 is of relevance. Policy HC5 states that the Council in partnership with service providers will plan for the following community facilities up to 2037:

b. Health and Social Care Facilities

Policy HC5 further states that outside of the town and district and local centres the Council will support the development of new Community Facilities, provided that:

- a. The proposal is accompanied by a supporting statement which demonstrates the sustainability of the proposed location.
- b. A sequential approach has been applied in selecting the location of the site in accordance with Policy HC1.
- c. The facility is accessible by walking, cycling and public transport.
- d. The proposal would not give rise to significant traffic congestion or road safety problems.
- e. Any new buildings or structures are well designed and appropriately landscaped.
- f. The proposal is of a design, character, type, size, scale and appearance appropriate to the location.

The application is supported by a Design and Access Statement, which demonstrates the sustainability of the proposed location within a cluster of similar uses, which provide a hub of support facilities for individuals with complex needs in the local community.

The proposed development site is located between St Patrick's care home to the North (a 40-bedroom care home for residents with dementia), Brookfields school to the West (a primary special academy for pupils with severe and complex learning difficulties), the Bridges Learning Centre to the South (home to Halton's NHS Learning Disability Community Team), and Crow Wood Lane

to the West. The proposal is considered to comply with points a and b of Policy HC5.

The proposed site is accessible by walking, cycling and public transport, and had adequate access that would not create a traffic hazard or road safety problems, as agreed by Halton Borough Council's Highways Officer and discussed further within the 'Highways. Transport and Accessibility' section of the report. The proposal is therefore considered to be compliant with c and d of Policy HC5.

The proposed buildings are considered to be well design and appropriately landscaped, and of an appropriate type, size, scale and appearance appropriate to the location. This is discussed further within the report, and therefore considered to comply with e and f of the Policy HC5.

However, in reference to point b of Policy HC5 a sequential approach has not been applied in selecting the location of the site.

The proposed typologies within this application seek to address the needs of people with various disabilities and requirements. The 3no. two-bedroom bungalows would provide opportunities for less able residents, who prefer/require more independent living, whilst the 10no. one-bedroom apartments and their associated facilities would operate as a staffed/partially staffed sheltered housing unit, where residents have access to independence and amenities, but equally assistance from staff if needed.

The application seeks to propose the erection of 10no. one-bedroom apartments and 3no. two-bedroom bungalows to be used solely as supported living/extra care units, to bring a currently under used and poorly maintained piece of land into positive use, that supports local people with complex needs and meets the terms of planning policy with regards to designated site community facilities use (Policy HC5). Through this, whilst the units are classified as housing under planning use class (C3a), they are not for general sale, will constitute a 100% affordable housing provision, and will fulfil a service to the community by providing supported housing provisions for local people with complex needs in immediate proximity to adjacent community facilities that these individuals may utilise.

It is considered that a residential development of this nature would be sympathetic to surrounding land uses and is therefore acceptable in accordance with policies HC5, CS(R)3, RD1, RD5 and HC5 of the DALP, subject to suitable detail which is discussed in the sections below.

Specialist Housing and Locational Priorities

Policy CS(R)12 of the DALP relates to Housing Mix. It states that proposals for new specialist housing for the elderly, including extra-care and supported accommodation will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities. The policy also goes on to state that there will be a presumption against further Residential Care Accommodation resulting in or exacerbating an oversupply.

The application is supported by a Design and Access Statement prepared by SMYO Architecture Ltd, whom have consulted with HBC's Adult Social Care Services Team throughout the design process. Comments have been received by Halton's Regeneration Team, and in consultation with and on behalf of colleagues from Adult Social Care Commissioning. Such comments in reference to the 'Need for the provision of specialist housing as proposed' are summarised below:

The proposal outlined would support delivery of DALP Policy CS(R)12: Housing Mix and Specialist Housing. In particular, it would help meet a need (and demand) within the Borough for supported accommodation for single 'own front door' properties and accessible single tenancies for people with more complex needs and/or physical disabilities. The delivery of this scheme would have the following positive impacts:

- *Support reducing the need for out of borough placements and bring people back into borough;*
- *Meet a need not currently available within the Borough, as identified by Housing Panel process;*
- *Provide good quality purpose built accessible accommodation with a 'own front door' model, allowing people to live more independently and with dignity;*
- *Support implementation of the Cheshire and Merseyside 'Housing Strategy: People with learning disabilities and/or Autism to 2032/33';*

In parallel with the Planning process, the Council have been working with Halton Housing to develop the service to be provided within the proposed accommodation to meet the Borough's identified needs.

The Design and Access Statement and above consultation comments confirm there is a demand for supported living provisions where care and support services are delivered on-site. It is therefore considered that the proposed development would not result in or exacerbate an oversupply of specialist housing and the development is acceptable in accordance with Policy

CR(R)12 of the DALP. The site is in a sustainable location in relative close proximity to Widnes Town Centre and is accessible to local services and facilities.

Affordable Housing

100% of the dwellings proposed are social, affordable or intermediate rent.

Policy CS(R)13 of the DALP states that all residential schemes including ten or more dwellings (net gain), or 0.5 ha or more in size, with the exception of brownfield sites are to provide affordable housing.

The application site is classed as a brownfield site (see available aerial imagery of site dating back to 1971).



The proposed development is therefore considered to be subject to the exception test within Policy CS(R)19 and affordable housing is not required to be secured by condition or legal agreement. .

Open space, Greenspace and Green Infrastructure

Policy CS(R)21 of the DALP highlights that Halton's green infrastructure network will be protected, enhanced and expanded, where appropriate, and sets out how the delivery and maintenance of green infrastructure will be achieved. The policy states this will be achieved by ensuring that new development maximises opportunities to make provision for high quality and multifunctional green infrastructure taking account of deficiencies and the standards for green space provision.

Policies RD4, HE4 and HE5 of the Halton DALP set out the Council's expectations for the provision of open space and green infrastructure in new developments. Policy RD4 underlines the importance at para 9.18 of the DALP where it states:

The provision of greenspace underpins people's quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities.

Paragraph 9.23 of the DALP goes on to say:

The provision of attractive and functional open space has an important role to play in ensuring a satisfactory housing estate design. It is vital that it should be considered as an integral element of the overall residential layout. The type, location and amount of areas of open space must be one of the starting points in drawing up the design of a new development. However, it should be noted that not all residential development will create a need for all types of open space and the type and amount will be guided by site specific circumstances.

Policy RD4 'Greenspace provision for residential development', states; all residential development of 10 or more dwellings that create or exacerbate a projected quantitative shortfall of greenspace or are not served by existing accessible greenspace will be expected to make appropriate provision for the needs arising from the development, having regard to the standards detailed in table RD4.1 The Halton Open Space Study 2020 (OSS) forms the evidence base for this policy.

The application site lies within Neighborhood 3, which is identified as having deficiencies in the provision of parks & gardens, natural & semi natural open space, amenity green space, provision for children and young people, allotments and outdoor sports facilities. The proposal includes no on-site provision and falls short of the requirements of Policy RD4.

In order to overcome these shortfalls the Applicant has agreed to pay a financial contribution to deliver off site open space provision.

The agreed financial contribution is necessary for the planning application proposal to comply with DALP policy RD4. Having assessed the merits of the proposal against the Local Plan requirements set out above, it is considered that offsite open space payments are acceptable and are therefore held to be in compliance with Policies RD4, HE4 and HE5 of the Halton DALP. The terms of how those will be secured are currently under discussion and members will be updated orally.

Residential Amenity

The proposed site layout is considered to provide active frontages as far as appropriate given the retained boundary wall, appropriate relationships with existing dwellings in the locality and sufficient parking provision.

The layout provides separation in accordance with the privacy distances for residential development set out in the Design of Residential Development Supplementary Planning Document and so the proposed development would not result in a detrimental impact on the residential amenity or privacy enjoyed by existing surrounding properties.

A representation has been received from the publicity given to the application in regard of overlooking onto the row of residential properties adjacent to the site, which is to result in property value loss. It is noted that circa 18.7m is

maintained between the elevation of the proposed development and the closest neighbour at No. 67 Crow Wood Lane. A window serving a bathroom sits along this elevation, which is a non-habitable room. The proposal is therefore compliant with the House Extensions SPD guidance, which states that 13m must be maintained between blank elevations and principal windows. It is also of note that impact on house prices and potential issues with future sales is not a reason of which the refusal of a planning application can be sustained. The planning system does not exist to protect the private interests of one individual against another.

Given the location of the proposal in relation to neighbouring properties, it is considered that light is not restricted to the detriment of residential amenity.

Given the location of the proposed openings in relation to neighbouring properties, it is considered that they would not compromise privacy to the detriment of residential amenity.

There is considered to be no significant changes in level across the site. A condition to secure the implementation of the proposed site and finished floor levels in accordance with the submitted details can be attached accordingly.

With regard to private outdoor space, the Design of Residential Development Supplementary Planning Document states that in calculating the required size of usable private outdoor space for houses the following minimum standards should be used as a guide:

- Houses having 1-2 bedrooms shall have a minimum private outdoor space of 50sqm per unit.

The proposed 3no. two-bedroom bungalows each have a private outdoor space of 60sqm, which is compliant with the SPD.

In calculating the required size of usable private outdoor space for flats/apartments, applicants are required to ensure that this is appropriate to the size of the development scheme. As a guide, 50sqm per residential unit should be used. The proposed apartment block housing no.10 one-bedroom flats has a shared terraced area measuring 110sqm, whilst this falls short of the SPD guide, it is considered that reasonable garden space for use by the residents is provided for the specialist accommodation proposed.

It is considered necessary to attach a planning condition to restrict the hours of construction in the interest of protecting amenity of the occupants of nearby residential properties.

The layout of the proposed development is considered to be acceptable and

compliant with Policies CS(R)18, RD5, GR1, GR2 and GR3 of the Halton DALP.

Scale

The apartment block proposed to the East of the site is two-storey (with a total height of circa 6.75m), whilst the 3no. bungalows proposed to the South are single-storey (with a total height of circa 6.026m). The principle of this height and massing is considered to be in-keeping with the local context. Crow Wood Lane is made up of primarily two-storey dwellings and a variety of taller single-storey institutional buildings with overall heights in line with the adjacent two-storey dwellings. There is also a three-storey apartment block at Willow Tree Court towards the end of Crow Wood Lane, circa 105m from the development, which is larger in total height than the proposed development. Having regard for the scale of the buildings in the surrounding area the proposed development is considered to be acceptable in respect of scale.

The proposal is considered to be acceptable in terms of scale and compliant with Policy RD5 and GR1 of the DALP.

Appearance

The submitted elevations show that the proposed building would be of an appropriate appearance with some variety in materials to add interest to the overall external appearance. The submission of precise external facing materials should be secured by condition along with implementation in accordance with the approved details. This would ensure compliance with Policies CS(R)18, RD5, GR1 and GR2 of the DALP.

Highways, Transport and Accessibility

The site currently has no direct vehicular access. Vehicular access to the site is proposed by forming a new access junction into the site from Crow Wood Lane, via partial demolition of the site's retaining/boundary wall where necessary.

The 3no. proposed bungalows each have a covered car port housing a disabled space, and a visitor space. The 10no. one-bedroom apartment block has 10 parking spaces, including a disabled space and 2no. EV charging spaces. There is also an ambulance bay outside of the block of flats, and separate covered areas for bin and cycle store.

There is a comprehensive range of public services available that serve the site and the area. Bus travel is facilitated off nearby main roads, whilst train travel is available within a 1.5-mile radius of the site.

The application is accompanied by a Highways Technical Note and a Construction (Environmental) Management Plan. The Highways Officer raised no objection on 18.12.2024, subject to conditions and informatives.

The recommended conditions refer to demonstration of visibility splays, no gate installation at the proposed access, and details of cycle parking. Recommended informatives refer to S278/184 or similar agreement to cover provision of a vehicle crossover and access, and confirmation that any installation and/or re-location of any existing signs/columns, or statutory undertakers equipment as a result of the proposed development is of the financial responsibility of the developer. Such recommended conditions and informatives can be attached to any planning permission.

It is not considered necessary to attach a planning condition securing EV details, as this would be covered via a Building Control application.

Based on the above, the proposed development is considered to be acceptable from a highways perspective in compliance with Policies CS(R)15, CS(R)19, C1 and C2 of the DALP.

Flood Risk and Drainage

The application site is situated within Flood Zone 1 (low probability of flooding), therefore a Flood Risk Assessment is not required.

A Drainage Strategy has been submitted alongside the application and the Local Lead Flood Authority (LLFA) raised comments on 11.03.2025 that flood risk on site has been assessed adequately and that there is a clear drainage strategy suitable for the development. The LLFA recommend a pre-commencement planning condition for implementation, maintenance and management of the SUDS scheme. The LLFA has requested relatively minor changes to the information submitted and members will be updated orally.

A pre-occupancy condition is also recommended for a verification report is submitted confirming the SuDS system has been constructed in accordance with approved plans (including off site alterations).

Based on the above, the proposal is considered to be acceptable in terms of flood risk and considered to comply with Policy HE9 of the DALP.

Ground Contamination

The application is supported by a Phase 1 & 2 Site Investigations, Phase 3 Remediation Strategy prepared by Earth Environmental & Geotechnical.

Halton Borough Council's Contaminated Land Officer has been consulted on the application and raised no objection on 07.01.2025, subject to a condition securing validation of the agreed remediation strategy in accordance with agreed details, and contact must be sought with the local planning authority in the event that previously unidentified contamination is found at any time when carrying out the development.

Based on the above, the proposal is therefore considered to be acceptable in terms of contaminated land and compliant with Policies HE8 and CS23 of the DALP.

Environmental Health

No supporting documents have been submitted in relation to noise or air pollution as advised at the pre-application stage.

The Environmental Officer have stated that "*Environmental Health has assessed this application and has no formal comments to make. We would however request that the application adhere to the construction hours of work specified within their Construction & Environmental Management Plan*".

Standard construction hours can be attached as a planning condition.

It is considered that the development site is a suitable location for human habitation and therefore the development complies with Policies CS23, GR2 and HE7 of the Halton DALP insofar as it is relevant to sound and air pollution.

Ecology and Biodiversity

The application is supported by a Preliminary Ecological Appraisal (PEA), Biodiversity Impact Assessment (BIA), Statutory Biodiversity Metric (SBM), Baseline Condition Assessment sheets, and Pre-commencement Construction and Environmental Management Plan (CEMP). These have been reviewed by the Council's retained ecology advisor. The comments provided by the Council's ecology advisor are summarised below:

The submitted PEA is acceptable and compliant with DALP Policies CS(R)20 and HE1.

Bird Breeding

Photographs within the Design and Access Statement show that vegetation clearance has already been undertaken on site. If any trees, shrubs or scrub are remaining, they may provide opportunities for breeding birds, which are protected and DALP Policies CS(R)20 and HE1 apply.

Measures to avoid harm to breeding birds have been included in the submitted Pre-commencement Construction and Environmental Management Plan (AKM Homes, 29 June 2024), which is considered acceptable.

The proposed development will result in the loss of bird breeding habitat and DALP Policies CS(R)20 and HE1 apply. To mitigate for this loss, details of bird nesting boxes (e.g. number, type and location on an appropriately scaled plan) that will be erected on the site should be provided to the Local Planning Authority for agreement.

During the undertaking of the PEA in March 2024, three trees were considered to be of low suitability for bats, due to the presence of ivy on the trunks. The location of these trees are shown on the habitat map within the PEA (Appendix 1) and they form part of tree group G2 in the Arboricultural Impact Assessment report. If these trees have not been felled, they should be soft-felled in line with the recommendations within section 5.2 of the PEA report in order to avoid harm to bats. This can be secured by a suitably worded planning condition.

Reasonable Avoidance Measures (RAMs), including for hedgehog, are recommended in the PEA report. However, given the extent of vegetation clearance undertaken, the Council's ecological advisor no longer considers these RAMs to be necessary.

In line with the recommendations of the PEA report, the new biodiversity duty and NPPF (paragraph 187), it is advised that the applicant should provide biodiversity enhancements such as bat roosting boxes on the site. This can be secured by a suitably worded planning condition.

Biodiversity Net Gain

The proposed development will be required to provide a 10% biodiversity net gain (BNG). In summary, the SBM found that the proposals will result in a net biodiversity loss of -0.87 habitat units, which equates to a -72.9% loss.

Compensation equivalent to 0.99 habitat units will be required to ensure that the necessary 10% net gain is provided.

The submitted BIA report indicates that, to ensure that the appropriate level of compensation is provided, the applicant will seek to secure offsetting units via a habitat bank. It is advised that sequential approach should be taken to off-site compensation as illustrated in Figure 3.2 of the MEAS BNG Information

Note. In the first instance, off-site options within the Halton Council area should be sought.

The applicant must also ensure that trading rules are met when selecting the type of units to be purchased from a habitat bank.

Considering that only 0.99 habitat units are required, the Council's ecological advisor states that the proposed off-site compensation approach is acceptable on this occasion and consider that the applicant has provided sufficient information to demonstrate that a 10% biodiversity net gain can be achieved.

The development will be subject to the pre-commencement biodiversity gain condition, which includes the submission of a Biodiversity Gain Plan (BGP).

Habitat Regulations Assessment

The proposed 10no. one-bedroom apartments and 3no. two-bedroom bungalows are to be used solely as supported living/extra care units. The proposed development is therefore exempt from the Council's adopted Recreational Management Interim Approach.

Based on the above, the proposal is considered to be acceptable in terms of ecology and biodiversity, and considered to comply with Policies HE1 and CS(R)20 of the DALP.

Waste Management

Policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan are applicable to this application along with Policy CS24 of the DALP.

In terms of waste prevention, construction management by the applicant will deal with issues of this nature and the developer would be required to produce a Site Waste Management Plan. The submission of a waste audit should be secured by condition. In terms of on-going waste management, there is sufficient space within the development to deal with this as demonstrated by the proposed site layout.

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

Sustainable Development and Climate Change

Policy CS(R)19 of the DALP outlines some principles which will be used to guide future development.

The supporting text for Policy CS(R)19 states that new development will be encouraged to incorporate current best practice in sustainable design and construction. In achieving this, development proposals must offer an integrated approach to sustainable development incorporating climate change resilience and carbon management measures.

Policy GR1 also states that all major development proposals involving the construction of new buildings must demonstrate how sustainable design and construction methods will be incorporated to achieve resource efficiency and resilience to climate change in accordance with policy CS(R)19 taking into account the site specific viability of the development, where appropriate. The attachment of a condition securing the submission of a scheme detailing such matters along with their subsequent implementation will ensure compliance with Policy CS(R)19 and GR1 of the DALP.

Trees

The application is supported by an Arboricultural Impact Assessment prepared by Ascerta.

There are no Tree Preservation Orders in force on this site and the location does not fall within a designated Conservation Area.

The Council's Environmental Services Team has commented on the application on 05.03.2025. Comments are summarised below:

The development will result in removal of G1 and G2 and partial removal of G3, permitted tree work shall be carried out strictly in accordance with British Standard 3998:1989 "Recommendations for Tree Work" to safeguard the health and visual amenity of the tree. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use.

There are also trees on the northern boundary that have been deemed low bat roost potential, details of the soft felling techniques will be needed before any works take place. There is also no planting plan submitted, which should outline details like proposed species to be planted and in what density.

As long as tree protection measures are implemented in advance of commencement and remain in place the entire development phases, an Arboricultural Method Statement isn't deemed necessary. Works

carried out sensitively when they are in close proximity to retained trees to ensure no particular adverse impact on retained trees from the proposed development.

Planning conditions have been attached securing soft felling techniques as per the submitted Ecological Appraisal; a standard landscaping condition; and tree protection measures in accordance with the submitted Arboricultural Impact Assessment and such measures in accordance with the British Standard BS5837 (2012).

Based on the above, the proposal is considered acceptable from a tree perspective in compliance with Policy HE5 of the DALP.

CONCLUSIONS

Based on the above assessment, it is considered that the proposed scheme would not have an adverse impact that would outweigh its benefits through the delivery of residential accommodation on this vacant site in a manner which would be sympathetic to surrounding land uses. The proposed development would also create employment opportunities with the peak full time staffing number being 6.

The applicant has demonstrated the need for this type of development and this is considered to be acceptable in accordance with Policy CS(R)12 of the DALP.

The proposed site layout is considered to provide active frontages, appropriate relationships with existing dwellings in the locality. A reasonable private garden space for use by the residents would be provided and it is considered that an appropriate soft landscaping scheme including replacement tree planting can be achieved.

The proposal is considered to be acceptable and the application is recommended for approval subject to conditions.

7. RECOMMENDATION

That the applications are approved subject to the following conditions (all pre-commencement condition(s) have been agreed with the applicant:

1. Reason for Decision
2. PTC Condition Justification (Policy GR1)
3. Standard Full Permission 1 (Policy GR1)
4. Approved Plans (Policy GR1)
5. External Facing Materials (Policy GR1)
6. Standard Hours Condition (Policy GR2)
7. Site levels (Policy GR1)

8. Visibility Splays (Policy C1)
9. Access Road Development (Policy C1)
10. Details of cycle parking (Policy C2)
11. Ground Contamination (Policy CS23 and HE8)
12. Unidentified Contaminated Land (Policy CS23 and HE8)
13. Tree protection measures (Policy HE5)
14. CEMP (Policy CS(R)20 and HE1)
15. SUDS (Policy HE9)
16. SUDS Verification (Policy HE9)
17. Bird and Bat Boxes (Policy HE1)
18. Breeding Birds (Policy HE1)
19. Soft Felling Techniques (Policies CS(R)20 and HE1)
20. Site Waste Management Plan (Policy WM8)
21. Energy and Sustainability (Policy CS(R)19)
22. Landscaping (Policies GR1, GR3 and HE5)
23. PD Removal (Policies GR1 and GR2)

8. BACKGROUND PAPERS

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

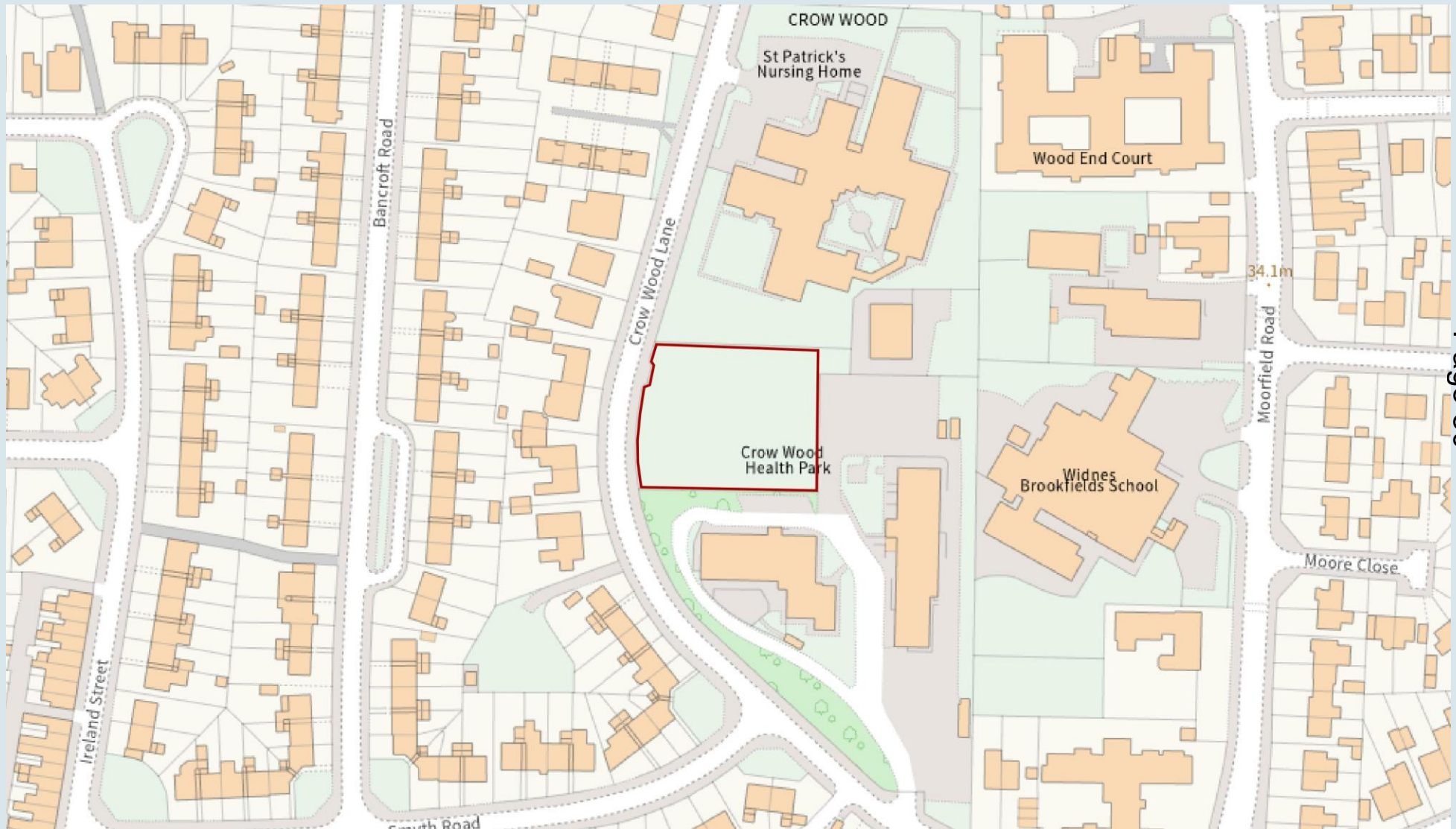
9. SUSTAINABILITY STATEMENT

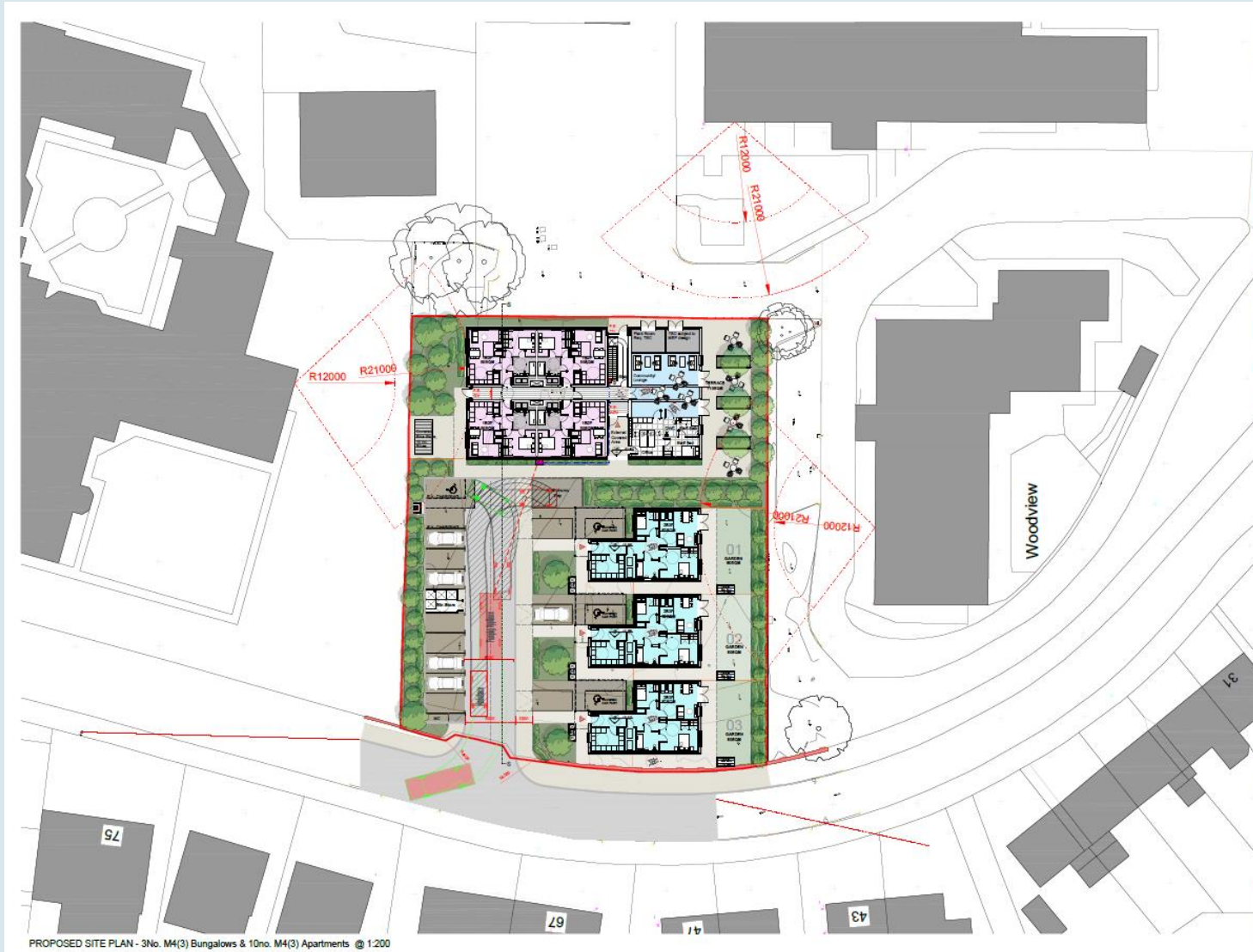
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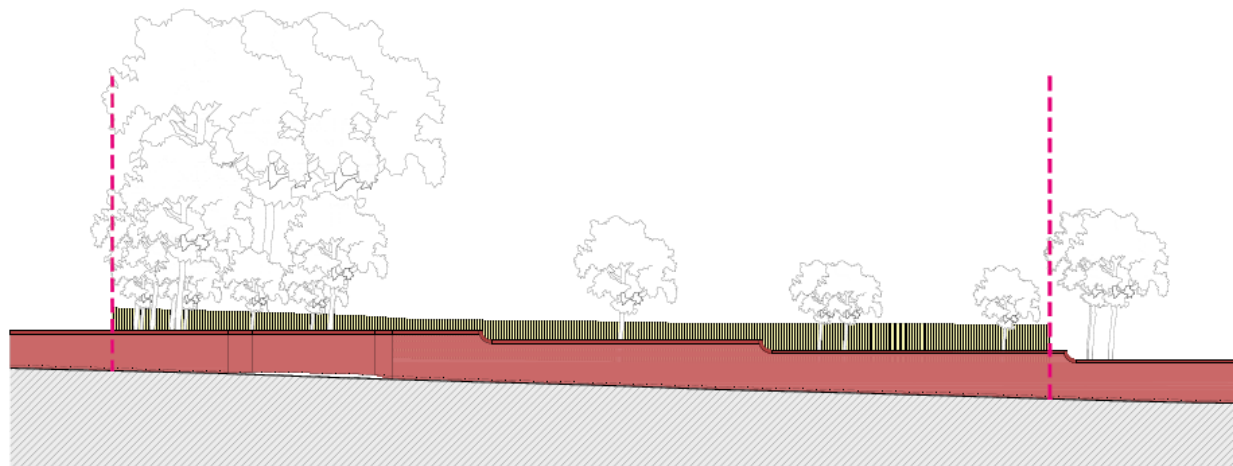
- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.







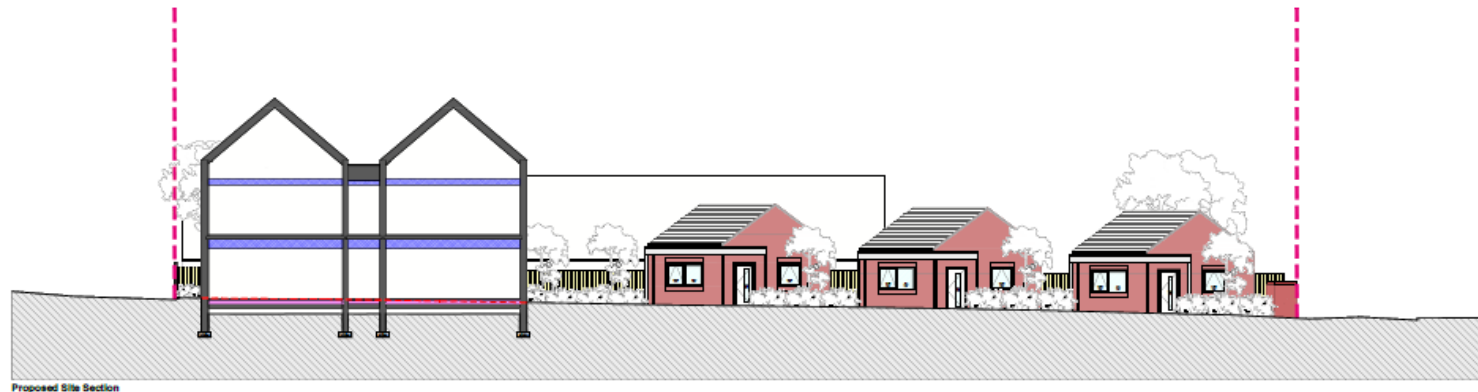
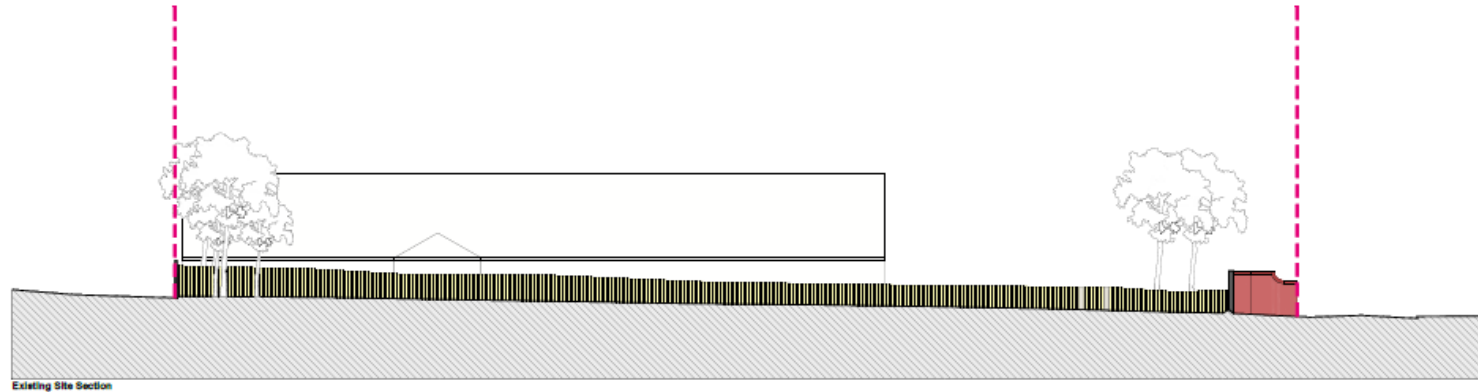


Existing Street Elevation - Crow Wood Lane



Proposed Street Elevation - Crow Wood Lane

EXISTING / PROPOSED STREET ELEVATIONS - 3No. M4(3) Bungalows & 10no. M4(3) Apartments @ 1:100



EXISTING / PROPOSED SITE SECTIONS - 3No. M4(3) Bungalows & 10No. M4(3) Apartments © 1:100



APPLICATION NO:	25/00088/PRIOR
LOCATION:	1-4 Salisbury Street, Widnes
PROPOSAL:	Application to determine if prior approval is required for a change of use of a building falling under Use Class E into a mixed use, Class E at ground floor, and 2 flats (Class C3) at first floors at
WARD:	Appleton
PARISH:	None
APPLICANT:	Salisbury Property Partners Ltd
AGENT:	Mr James Clark
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Town Centre Boundary
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
DEPARTURE	No
REPRESENTATIONS:	4
RECOMMENDATION:	Prior approval is required and is given

SITE MAP

1. APPLICATION SITE

1.1 The Site

The site subject to this application is Units 1-4 Salisbury Street, Widnes, WA8 6PJ. The units are currently used as commercial under Use Class E.

The site is unallocated on the Halton Delivery and Allocations Local Plan Policies Map whilst being located on the Town Centre Boundary.

1.2 Planning History

23/00502/COU- Proposed part change of use to twelve (12) sui generis single occupancy HMO rooms, retention of E-class use on ground floor, external changes to elevations and provision of four on-site parking spaces with drop kerbs. (Refused)

24/00118/FUL- Proposed insertion of fifteen (15) first floor windows. (Approved)

24/00463/PRIOR- Application to determine if prior approval is required for a proposed change of use of a building falling under Use Class E into a mixed use, Class E at ground floor and 2 flats (2 x 6 bed) Class C3 at first floor. (Appeal in progress)

2. THE APPLICATION

2.1 The Proposal

Application to determine if prior approval is required for a change of use of a building falling under Use Class E into a mixed use, Class E at ground floor, and 2 flats (Class C3) at first floors.

2.2 Documentation

The application is accompanied with plans, elevations and a Noise Impact Assessment Report

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.

MATERIAL CONSIDERATIONS

The local planning authority must, when determining this application:

- a) Take into account any representations made to them as a result of any consultation undertaken.
- b) Have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval.

3.1 National Planning Policy Framework

The last iteration of the National Planning Policy Framework (NPPF) was published in February 2025 and sets out the Government's planning policies for England and how these should be applied.

3.2 National Planning Practice Guidance (NPPG)

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

3.3 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

3.4 Equality Duty

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

Section 149 states:-

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

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

4. REPRESENTATIONS

The application was publicised by 23 neighbour notification letters and a site notice posted on 27th February 2025.

Four representations were received. They raise concerns regarding the following points:

- No parking on the property, this proposal will exacerbate this.
- Potential impact onto businesses and local residents.
- No communal area or bin storage.
- Antisocial activity.
- Ongoing waste issues with existing flats causing rats and vermin.
- Noise issues.

5. ASSESSMENT

This Application has been submitted parallel to a similar application that is currently at appeal with the planning inspectorate on the grounds of non-determination. The previous application is for 2x 6 bed flats and it was called to the Planning Committee by a Ward Councillor. As the application passed over the 8 week target date, the applicant has appealed the application so that it can no longer be determined by the Council. This current application, which is for a 1no.6 bed flat and 1no. 5 bed flat, has been similarly called into the Planning Committee by the Ward Councillor.

This application proposes for a change of use from commercial within Class E into mixed use, with Class E to the ground floor and Class C3 on the first floor. This is not a full planning application. Part 3 of the General Permitted Development Order 2015 relates to the changes of use. Class G, in particular, relates to the change of use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats.

Class G sets out the following:

Developments permitted by Class G are subject to the following conditions –

- a) Some or all of the parts of the building used [for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to,] the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

- b) Where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat.
- c) A flat must not be used otherwise as a dwelling (whether or not as a sole or main residence)—
 - By a single person or by people living together as a family, or
 - By not more than 6 residents living together as a single household (including a household where care is provided for residents)

Part a and b from the above are complied with as per the submitted plans and elevations for this application. The applicant should ensure that part c is complied with by the end users of the flats and that the flats are occupied by single households as defined in the Housing Act 2004. The Housing Act states that persons are not to be regarded as a single household unless:

- a) They are all members of the same family or;
- b) Their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

A person is a member of the same family as another person if those persons are married or civil partners, one of them is a relative of the other or one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple. Non-compliance with part c will make the use unlawful.

Under the terms of part 3, this proposal is therefore permitted by Class G subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to --

- a) Contamination risks in relation to the building
- b) Flooding risks in relation to the building
- c) Impacts of noise from commercial premises on the intended occupiers of the development
- d) The provisions of natural light in all habitable rooms of the dwellinghouse.
- e) Arrangements required for the storage and management of domestic waste.

As the proposal is permitted development, the principle of development is accepted and the only considerations relevant to the determination of this prior approval application are the five considerations set out above. See below an assessment of each point:

Contamination risks in relation to the building

Due to the nature of the conversion with limited construction activity or external space and a lack of historical potentially contaminative land uses mean that

there is no requirement for detailed land contamination assessment for the site. Based on the above, it is not considered that as a result of the proposed change of use, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 and the proposal is acceptable in this regard.

Flooding risk in relation to the existing building

The site subject of the application is located within Flood Zone 1. The proposal is therefore considered to be at low risk of flooding and is therefore considered acceptable in this regard.

Impacts of noise from commercial premises onto occupiers

The application site is in the Town Centre Boundary of Widnes, in a mixed use area which is directly adjacent to a Primarily Residential Area. This includes residential properties, such as the end unit which was converted into 2 flats. There is an existing precedent in the area that residential properties are in close proximity to commercial properties, it is also common in the borough to see commercial properties within residential areas. The differing use classes of the ground and first floor means that the noise transmission between floors has been considered and assessed with this application to ensure the amenity of future occupiers of the residential use is protected.

The applicant submitted a Noise Impact Assessment Report to determine the level of noise between floors. The report concluded that the acoustic attenuation between the two floors is inadequate. The report recommends this flooring is upgraded to ensure the amount of noise transferred through the flooring is mitigated and reduced. The Council's Environmental Health Officer is in agreement with the conclusions submitted within the report.

The Council's Environmental Health Officer has also identified the potential for noise disturbance in the future if external plant equipment is to be installed ancillary to the Class E use on the ground floor. Planning permission is likely needed for any plant equipment of sorts, however where planning permission isn't required it is considered that other legal powers exist within the Council to mitigate noise nuisance if required.

Storage and management of domestic waste

The application has made provision on the plans for the storage and management of domestic waste. This provision is indoors on the ground floor and provides space for an acceptable number of bins based on the number of flats that are proposed. The applicant has a requirement to comply with building regulations with regards to storage of domestic waste following the approval of this change of use in order to receive building regulation approval.

HBC waste services have confirmed that they will liaise with the applicant following this approval to discuss arrangements for waste collection and disposal.

Therefore, the provision with regards to the storage and management of domestic waste is considered acceptable.

Provisions of natural light in all habitable rooms

The site has recently been granted permission for fifteen first floor windows under application 24/00118/FUL. These windows will serve the proposed bedrooms in the flats that are approved under this prior approval application. Each habitable area (bedroom and living room) has a window that provides the room with a reasonable provision of natural light, and it is therefore acceptable in this regard.

6. CONCLUSIONS

This is classed as permitted development under Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

Based on the five considerations of this prior approval application, the proposal is acceptable and it is recommended that prior approval is required and is given subject to the development being carried out in accordance with the details submitted, including the Noise Impact Assessment Report.

7. SUSTAINABILITY STATEMENT

As required by:

The National Planning Policy Framework (2024);

The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

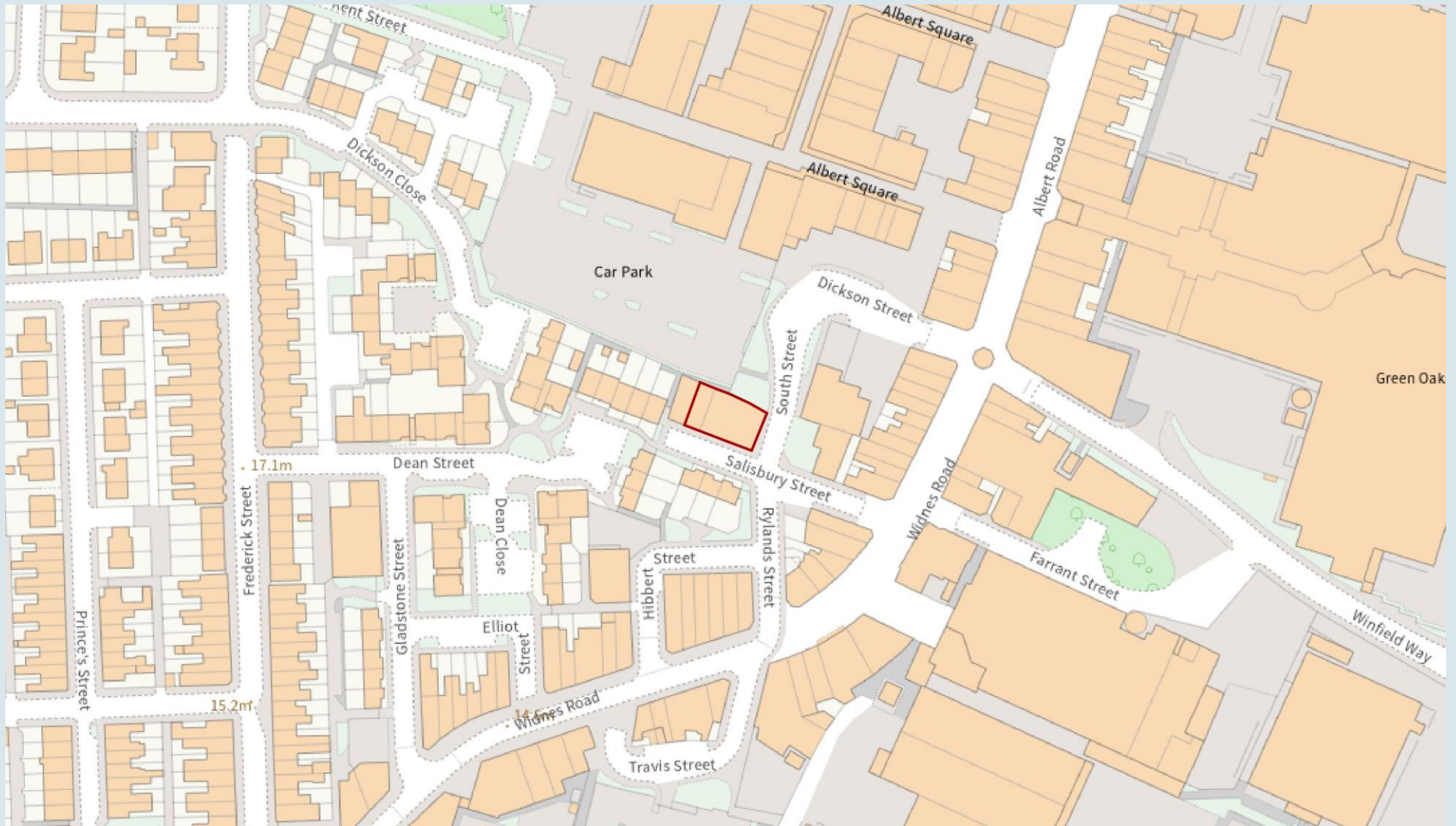
The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

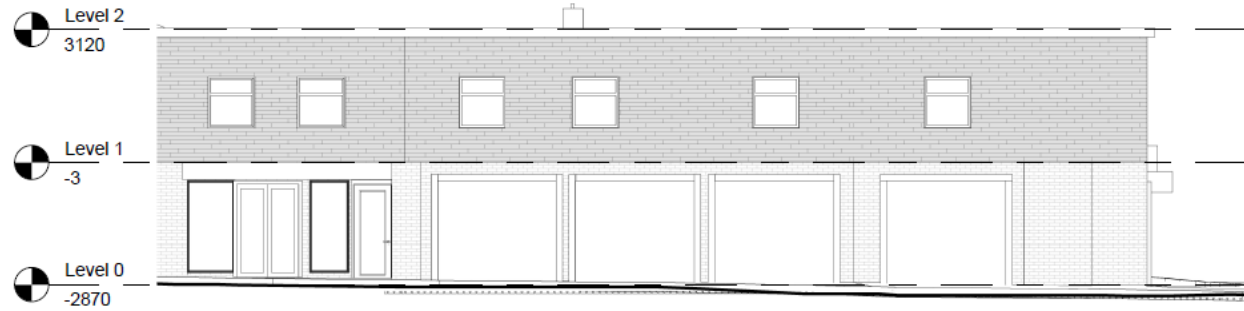
This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.

8. RECOMMENDATION

Prior approval is required and is given subject to the development being carried out in accordance with the details submitted, including the Noise Impact Assessment Report.







FRONT ELEVATION



REAR ELEVATION











REPORT TO: Development Management Committee

DATE: 7 April 2025

SUBJECT: Miscellaneous Information

REPORTING OFFICER: Executive Director – Environment & Regeneration

WARD(S): Boroughwide

The following Appeals have been received / are in progress:

24/00125/FUL

Proposed two storey pitched roof extensions to front and side, single storey flat roof rear extension and new roof over existing side extension and detached garage at Tileacres, 29 Hale Road, Hale, L24 5RB.

24/00097/FUL

Erection of two drive-thru units with 'drive-thru' facilities together with associated car parking, servicing and landscaped areas at Green Oaks Centre, Widnes.

22/00569/OUT

The Secretary of State has called in the planning application for the Heath Business and Technical Park, Runcorn. This will be considered at a Public Inquiry.

The following appeals have been determined:

23/00194/FUL

Proposed internal reconfiguration of existing dwelling and part double, part single storey extension at 62 Church Road, Hale. **(DISMISSED)**