

APPLICATION NO:	23/00349/COU
LOCATION:	15(a)-19 Main Top Hotel, Mersey Road, Widnes, WA8 0DG
PROPOSAL:	Proposed change of use of dwelling and hotel into 6 apartments
WARD:	West Bank
APPLICANT:	MM Properties NW Ltd.
AGENT:	Robert Parle
DEVELOPMENT PLAN: Halton Delivery and Allocations Local Plan (2022) Joint Merseyside and Halton Waste Local Plan (2013)	ALLOCATIONS: Primarily Residential – RD5
DEPARTURE	No
REPRESENTATIONS:	Yes
KEY ISSUES:	Principle of development, parking, living conditions
RECOMMENDATION:	Grant full planning permission subject to conditions.
SITE MAP	



1. APPLICATION SITE

1.1 The Site

The site subject of the application on land at 15(a)-19 Main Top Hotel, Mersey Road, West Bank, Widnes.

15a is registered for Council Tax and is considered to be a dwelling house. The rest of the site is the former Main Top Hotel (and pub).

The site is surrounded by residential streets of terraced houses with the Catalyst Museum beyond to the north and Spike Island beyond to the north and east.

The site sits within the Primarily Residential area in the Halton Delivery and Allocations Local Plan.

1.2 Planning History

The site has a limited planning history. There was an application for a single storey extension at 15a in 2006 and in 2007 there was an application for a side and rear extension with internal alterations at the Main Top Hotel. There are no further relevant planning applications.

2. The Application

2.1 The Proposal

The application is for the change of use of a dwelling (No. 15a Mersey Road) and hotel into 6 apartments. The application originally proposed 7 apartments but following negotiations with the planning officer, this was reduced to 6.

The application is for individual apartments. This is not a 'House of Multiple Occupation' (HMO) application.

2.2 Documentation

The application is accompanied by the associated plans in addition to:

Design and Access Statement
TRICS Analysis 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.

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The site is designated as a Primarily Residential in the Halton Delivery and Allocations Proposals Map. The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)18 – High Quality Design
- CS(R)19 - Sustainable Development and Climate Change
- GR1 - Design of Development
- GR2 – Amenity
- C1 – Transport Network and Accessibility
- C2 - Car Parking

3.2 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

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

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout of New Development

MATERIAL CONSIDERATIONS

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

3.3 National Planning Policy Framework

3.4 The last iteration of the National Planning Policy Framework (NPPF) was published in September 2023 and sets out the Government's planning policies for England and how these should be applied. Paragraph 47 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 81 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.

Achieving Sustainable Development

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed

and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 states so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. As set out in paragraph 11 below:

The Presumption in Favour of Sustainable Development

Paragraph 11 states that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Determining Applications

Paragraph 47 states that planning law requires for planning permission to 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.

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

4.1 Highways

The applicant has worked with the Planning Officer and the Highways Officer to improve upon the proposals originally submitted. As such Highways have been consulted twice. The final consultation response is below. The previous response is appended to this report.

Highway Holding Objection removed, following submission of additional information, with suggested conditions and informatives.

Analysis was requested as part of the initial holding objection. This was undertaken and presented as part of a suite of additional information.

It was demonstrated that traffic attraction, and associated parking, of the consented use would not be significantly different to the proposed use.

It is it be noted that there is no on-site parking offered currently, nor proposed and whilst the site has not been in use for a while, meaning that it has been not attracting traffic/parking to the area, given the abovementioned it would be

unlikely that a refusal would be upheld, should approval not be forthcoming, and a subsequent appeal lodged.

To note, in an appeal regarding 61 Derby Lane, pertaining to an application for the change of use of a building from Class C2 to an HMO, parking shortfall was not considered substantiated, with the Planning Inspector stating that a compelling case would be required to indicate any insufficiency would lead to antisocial parking, or highway safety concerns.

Whilst a parking survey to demonstrate the actual amount of on-street parking capacity about the site was not undertaken, on balance, given the standards for parking of apartments (DALP Policy C2, Appendix D) and the likely number of vehicles associated, given the demographics of such units, any traffic/parking attributable to the proposed use would not likely lead to severe highway safety issues, nor significant additional inconvenience for local residents or highway users, nor would be it significantly different for the extant use should it be revitalised as hotel/bar which not differ in terms parking pressures in the vicinity of the site, with some on-street parking capacity observed.

Further, the streets about the site have parking restrictions, double yellow lines, and unlawful, indiscriminate parking, and/or obstruction, would be a police matter.

Therefore, the Highway holding Objection is removed, with the following conditions and informatives suggested.

- Suggested Conditions, in addition to any standard conditions e.g., CEMP:
- Cycle Parking Provision:

Suitable and adequate cycle parking provision is required to meet Policy C2. Long-term/resident parking should be covered, secure, accessible and for a minimum of two bikes per dwelling. Short-term/visitor parking is not required to be covered but active surveillance is fundamental (a min. of 2 spaces should be offered).

- Infilling of Redundant Dray Delivery Hatch and Chute/Void

The basement has a redundant dray delivery hatch, to the former beer cellar, on the footway adjacent to the frontage of White Street. The hatch and chute/area beneath need in-filling and the footway resurfaced, so that the cellar does not extend beyond the red line boundary at street level, for consistency, i.e., there are no structures/voids under the adopted Highway (footway). A s278/s50 or similar legal agreement will be required to be entered into prior to any development taking place.

It should be noted the two rooms of the cellar are not annotated for use e.g., bedroom, or otherwise.

- Informatives:

- Reinstatement full kerb and footway where there are redundant dropped kerbs about the frontage of Mersey Road would be required if permission is granted (this can be part of the s278/s50 agreement – see condition above).
- Naming and numbering of units will be required to avoid confusion should permission be granted.

4.2 Ward Councillors

Cllr Wallace

“As one of the ward Cllrs for the Central & West Bank Ward, I ask for permission from the Chair of the planning Committee, to attend and speak on this application.

I strongly oppose this application and others similar!

West Bank is a small geographically isolated area, its history stems from a close knit residential community.

Over the years many properties have been purchased by estate agents or businesses fronting the absent purchaser or landlord, who often live hundreds of miles away. When problems arise, it is taskous tracing who to contact, and getting any cooperation. To them its a pension pot builder, and they have no investment in communities.

These properties have escalated and turned what was once family homes into Private Rents and HMO's. Residents adjacent to these properties, have either sold up and moved at a financial loss to themselves, or had and having to endure a life style unacceptable to them and their families.

Planning regulations are spartan and need changing, as some have extended their properties up to accommodate more occupants, with no consideration for the surround properties and the residents who are over looked and affected.

The noise from these properties can at times be excruciating. There have been physical and verbal confrontations, the flytipping problems escalated becoming a drain on our struggling public amenities and finances.

This application says it will have no impact on highways, well I say it will.

I was born and bred and still chose to live in West Bank, a few hundred yards away from this property, and I have never seen the area so affected by such blights on this community. The parking is horrendous where this building is, due to parking from occupiers living in Mersey Road in Private rents/HMO's. There are times our bin vehicles can not manoeuvre because of parked vehicles, thus affecting our bin collections. Often officers have to revisit the area later in the day so the collection can take place, again a huge inconvenience and generates anger in residents.

How much household rubbish will 7 flats produce, and I don't expect they will pay extra, another resource abuse.

Mersey Road is the main route for our local bus service, a vital service for those vulnerable, elderly or disabled residents, the road is covered by a parking restriction and vehicles can only park on one side. More vehicles on these roads could jeopardise this service, this is something I have personally fought to keep and will rigorously defend.

With the greatest respect, there is a quick and quite often turn over in tenants in private renters and HMO's, they can do this because they haven't invested, often leaving ill feelings and a pile of rubbish for others to clean up and fund. Yet another abuse towards HBC.

People who purchase their own properties tend to look after them better and invest not only in their property but the wider community they live in.

Due to the impact such properties in this area, ward Cllrs and backing from the public, they approached the Environmental & Urban Renewal Policy & Performance Board to address and look into this. A sub group was formed and a ORS survey commissioned. The ward Cllrs want a blanket ban in our ward especially the West Bank area, which could be rolled out throughout Halton. I am aware of the housing shortages, but enough is enough at the cost of the quality of life for our residents.

West Bank, has one pub, a chippy, a corner shop, a chemist, Drs surgery and the Catalyst Centre.

If this company wants to invest, let them provide a public amenity. The Main Top Hotel building, was once a thriving pub, if this company want to invest, reopen the building as a top floor restaurant and below a specialist ale and wine bar, or a really good convenience store, selling much need fresh produce.

I urge the planning committee to refuse this application, taking into account the wider public feelings, the demise of this community and the impact these properties are having on everyday living. Please also seriously consider all the objections you have received."

The above was later supported by Councillor Noel Hutchinson.

5. REPRESENTATIONS

5.1 The application was advertised by site notices posted close to the site and neighbour notification letters sent on 31/08/23.

32 representation have been received from the publicity given to the application. A summary of the issues raised is tabled below:

	Don't want HMO	Parking	Antisocial behaviour	Waste disposal/ fly tipping	Ghettoisation	Inside/outside space too small
1		x	x			
2		x				
3		x				
4		X question				
5		X question				
6	x	x				
7	x	x	x	x		
8		x				
9	x	x				
10	x	x		x	x	
11	x	x		x		x
12	x	x		x		
13	x	x				
14		x				
15	x	x	x	x		
16		x		x		
17	x		x			
18		x		x		
19	x	x				
20	x	x				
21	x	x				
22		x				
23	x	x	x	x		
24	x	x				
25	x	x		x		
26	x	x		x		x
27	x	x	x			
28	x	x		x		
29	x	x				
30	x	x				
31	x					
32	x	x	x	x	x	

6 ASSESSMENT

6.1 Principle of Development

The site lies within the Primarily Residential area.

The principle of residential development on the site is therefore considered to be acceptable in accordance with Policy RD5.

6.2 Parking

The site currently provides no parking. No further parking is proposed in this application.

The Highway Officer initially responded with a holding objection requiring further information. A TRICS analysis (Trip Rate Information Computer System is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments) was submitted which demonstrated that traffic attraction and associated parking of the consented use would not be significantly different to the proposed use.

This information satisfied the Highway Officer and whilst it is noted that many representations were received concerning parking, it was considered by the Officer that *it would be unlikely that a refusal would be upheld, should approval not be forthcoming, and a subsequent appeal lodged.* He further referenced a recent appeal at 61 Derby Lane where the planning inspector stated that *a compelling case would be required to indicate any insufficiency would lead to antisocial parking, or highway safety concerns.*

According to the parking standards at Appendix D in the DALP, the proposal should in theory have 9 parking spaces (three 2 bed and 3 one bed apartments). The Highway Officer considers that *the likely number of vehicles associated, given the demographics of such units, any traffic/parking attributable to the proposed use would not likely lead to severe highway safety issues, nor significant additional inconvenience for local residents or highway users, nor would be it significantly different for the extant use should it be revitalised as hotel/bar which not differ in terms parking pressures in the vicinity of the site, with some on-street parking capacity observed. Further, the streets about the site have parking restrictions, double yellow lines, and unlawful, indiscriminate parking, and/or obstruction, would be a police matter.*

It should also be noted that West Bank is served by the 27 and 27A buses starting at 07:20 and finishing at 18:20 which provides a sustainable travel option for future residents.

With regard to cycle parking, the Highway Officer requested 2 per apartment. The applicant is exceeding this by providing 14. The cycle area will be covered and lit. This will also be secured by a condition prior to occupation.

With regard to parking, the proposals are considered to comply with Policy C1 and Policy C2 of the DALP.

6.3 **Waste Prevention/Management**

Construction waste:

In terms of waste during the conversion phase, as the site is tight, The Highway Officer has suggested a standard condition requiring a Construction Management Plan.

Domestic waste:

Following Highway comments the applicant has now shown access for all units to the bins. The bins are two shared Euro bins (1100L) and waste removal vehicle access arrangements are shown on the proposed site and location plan. They will have a newly formed ramped access with secure gates and will provide an unobstructed route out onto White Street. The proposal is considered to be compliant with policies WM8 and WM9 of the Joint Merseyside and Halton Waste Local Plan.

Fly tipping:

It is noted that some representations regarding fly tipping have been received. There is no evidence that the future occupants of the 6 apartments would cause illegal fly tipping. Other legal powers exist should such issues arise. There is no evidence that the works to convert the building would cause fly tipping. As mentioned above, a Construction Management Plan will be a condition of any forthcoming planning application.

6.4 **Amenity for surrounding neighbours**

For parking see paragraph 6.2 above.

In terms of appearance, the elevational changes will be minimal. There is the removal of a door at 15a and the creation of two roof lights (at the Planning Officer's request). In terms of the aesthetics to the streetscene it is considered that the proposal would have no adverse effect.

The area is characterised by terraced streets. The only additional windows are rooflights and it is considered that there would be no overlooking to neighbouring properties beyond what would exist if the site was brought back into its permitted use as a hotel.

It is considered that the application complies with Policies CS(R)18, GR1 and GR2 of the DALP.

6.5 **Amenity for future occupants**

For parking see paragraph 6.2 above.

The applicant has worked with the Planning Officer and has amended plans to accord with the Officer's concerns/advice. This includes the removal of habitable rooms which were afforded a poor outlook, the creation of roof lights to allow for more natural light into habitable rooms which were served by smaller windows and most importantly, the removal of a central flat due to it not allowing for adequate living conditions. This means that the remaining 6 apartments could be larger and lighter and all meet or exceed the minimum living space standards of 37sqm.

In terms of outdoor space, considering the close proximity of Spike Island, future occupants will have easy walkable access to an abundant area of outside public natural and semi natural greenspace.

It is noted that there have been a few representations made regarding insufficient indoor and outdoor space. It is considered that the above assessment satisfies those concerns.

Given the above, it is considered that the proposals accord with Policies CS(R)18, GR1 and GR2 of the DALP.

6.6 **Flood Risk and Drainage**

The site is within Flood Zone 1 and does not propose any additional building or hardstanding which would increase surface water drainage.

6.7 **Other Matters**

Other matters raised that haven't already been considered above will be dealt with in this section.

Dray Delivery Hatch

The basement has a redundant dray delivery hatch, to the former beer cellar, on the footway adjacent to the frontage of White Street. The hatch and chute/area beneath need in-filling and the footway resurfaced, so that the cellar does not extend beyond the red line boundary at street level, for consistency, i.e., there are no structures/voids under the adopted Highway (footway). It is considered these works can be secured by planning condition.

Houses of Multiple Occupation (HMO)

Most of the objections received refer to the proposal as being a HMO. It is understood that many local residents and Councillors are concerned about the number of HMO's in the town and particularly West Bank.

It should be noted that this application is not an application for a HMO. This application is for 6 self-contained apartments and must be determined on that basis.

Antisocial Behaviour

There have been a number of representations concerned that the proposal will increase antisocial behaviour. It is considered that this fear stems from the belief that the proposal is a HMO.

The proposal is not a HMO and there is no evidence to suggest that the occupants of 6 apartments will cause antisocial behaviour any more than any other resident in the area.

Ghettoisation

A small number of representations expressed fear about 'ghettoisation'. Again, this stems from the belief that this proposal is a HMO. The proposal is not a HMO and it is not appropriate to dictate the background of the people who potentially buy/rent the apartments.

It is noted that Councillor Wallace has expressed her preference for people to own their accommodation rather than rent due to home owners caring for the wider community more. However, it is not within planning powers nor is it appropriate to control the socio-economic background of potential occupiers.

Fire Safety

Following a telephone call with the Planning Officer, Councillor Wallace raised concerns about fire safety.

The Fire Service are not a statutory consultee. Whilst they have requested to be notified on all application concerning battery storage facilities, they have not requested to be notified of applications for residential development. There is a new provision relating to fire safety at planning stage but this only relates to high rise buildings.

Fire safety and means of escape are covered by Building Control and Building Regulations.

The applicant has considered fire safety at design stage and states at page 2 of the accompanying Design and Access Statement:

“Within the proposed layout, appropriate fire separation throughout the building has been carefully considered, with low travel distances along escape routes, and compartmentation together with fire doors along circulation routes.”

Lack of facilities in the locality

Councillor Wallace has drawn attention to the lack of community facilities in West Bank and has suggested that a better use of the building would be to *“reopen the building as a top floor restaurant and below a specialist ale and wine bar, or a really good convenience store, selling much need fresh produce.”*

The site is within the Primarily Residential area and as such the principle of residential use is appropriate in this location. Whilst another use may be preferable to some members of the community, the application as submitted must be determined on its merits. We therefore have to consider the application submitted in accordance with the adopted DALP.

6.8 Sustainable development and climate change

Policy CSR19 of the DALP requires all new development to be sustainable and be designed to have regard to the predicted effects of climate change. The policy recommends that developers consider national guidance to ensure development is sustainable and appropriate to the location.

DALP policies CSR24 and GR5 encourage suitable construction practices including the incorporation of low carbon energy into new developments to address carbon emissions arising from housing. It is therefore considered reasonable to attach a condition requiring the submission, agreement and implementation of measures for reducing carbon emissions and adapting to climatic conditions.

7. CONCLUSIONS

In conclusion, the proposal would bring forward residential development in a Primarily Residential area and the proposal demonstrates that a residential land use would be sympathetic to surrounding land uses and bring a vacant building back into use.

The Highway Officer is satisfied with the issues surrounding parking and waste removal.

In terms of amenity, the applicant has complied with all officer requests. The proposal is considered to accord with the Development Plan and would contribute to the achievement of sustainable development in Halton. The application is recommended for approval subject to conditions.

8. RECOMMENDATION

That the application be **APPROVED** subject to the following:

a) entering a legal agreement under Section 278 or Section 50 of the Highways Act 1980 with the Council relating to:

- in-filling and footway resurfacing of the dray delivery hatch.

b) the conditions for which headings are listed below.

(c) that if the legal agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application.

9. CONDITIONS

1. Time Limit – Full Permission.
2. Approved Plans
3. Hours of Construction – (Policy GR2)
4. Cycle Parking and Servicing – (Policy C1 and C2)
5. in-filling and footway resurfacing of the dray delivery hatch
6. Submission and Implementation of an operational energy scheme to demonstrate energy consumption/ carbon reduction.
7. Submission and agreement of a Construction Management Plan

Informatives:

1. Considerate Construction
2. Highway Advice

10. 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.

11. SUSTAINABILITY STATEMENT

As required by:

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

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