

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.