

REPORT TO: Development Control Committee

DATE: 12 January 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Miscellaneous Items

1) An appeal was lodged following the Council's refusal of the following application:

08/00219/FUL Proposed detached garage at Land to the West of 54 Lunts
Heath Road Widnes

2) An appeal was lodged following the Council's refusal of the following application:

A decision has been received as follows: -

07/00510/ELD Application for a Certificate of Lawfulness for proposed use of
site as a secure residential care and treatment facility at
Bennetts Lane Widnes Cheshire

This appeal was allowed

The application for the Certificate of Lawfulness was refused in August 2007. The application was submitted following the Council's conclusion that the original application for the site did not allow for the facility to be used as a secure residential care and treatment facility. The Council asserted that the proposed use was a new proposed use for the development, that the new proposed use is a Class C2A use and that the proposed Class C2A use would be a change of use from the permitted Class C2 use. The Inspector considered that it is reasonable that C2 uses would include elements of security that would not make them secure institutions under C2A. The Inspector concluded that the development at Bennetts Lane is significantly less than that which would be required for it to become, for instance, a prison or detention centre. The Inspector found as a matter of fact and degree the proposed use is not a Class C2A use but a Class C2 use for the provision of residential accommodation and care to people in need of care. Therefore the proposed use, given the approved planning permission, is lawful.

3) The following application has been withdrawn: -

08/00519/FUL Retrospective application for retention of 2 No. first floor
balconies to rear elevation at 7 Cannonbury Close Runcorn
Cheshire