

This application proposes a change of use from offices to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended).

There are a number of instances set out below where this change of use is not permitted development.

Development is not permitted by Class O where—

- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use **DOES NOT APPLY**
- (d) the site is or forms part of a safety hazard area; THIS LAND IS NOT WITHIN THE CONSULTATION ZONE OF A MAJOR HAZARD SITE OR PIPELINE. **DOES NOT APPLY**
- (e) the site is or forms part of a military explosives storage area; **DOES NOT APPLY**
- (f) the building is a listed building or is within the curtilage of a listed building; **DOES NOT APPLY**
- (g) the site is, or contains, a scheduled monument. **DOES NOT APPLY**

None of the above instances apply to these proposals.

These proposals are therefore permitted by Class O 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) **transport and highways impacts of the development;**
- (b) **contamination risks on the site;**
- (c) **flooding risks on the site;**
- (d) **impacts of noise from commercial premises on the intended occupiers of the development;**
- (e) **the provision of adequate natural light in all habitable rooms of the dwellinghouses,**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application (the procedure for dealing with applications for prior approval).

Publicity undertaken

The prior approval application has been publicised by two site notices posted at the junction of Emily Street and opposite junction with Alforde Street on 11th March, ninety-one neighbour notification letters sent on 11th March and a Press Advert in the Widnes

and Runcorn Weekly News published on 18th March. Two representations have been received from members of the public on this application and are summarised below:

- Parking arrangements in the area are already horrendous for existing residents/businesses at best;
- The only legal parking is located on Alforde Street which would then affect parking for existing restaurants;
- The building should remain as offices or storage space and not be allowed to be converted into flats.

Members should note that the publicity on this application is due to expire on 8th April 2020 and the representation reported are those which had been received at the time of writing the report. Members will be advised of any further representations that are received.

Representations received from Ward Councillors

Cllr Stan Hill - *There are some outstanding features on the building frontage, in particular the first floor windows which, although outstanding, are not suited to flat dwelling. Anyone living with those would be frozen during the winter.*

Car parking as the building presently stands is inadequate with vehicles parking on pavements. Along with the existing uses there is a total lack of sufficient parking for any future residents.

Cllr Pamela Wallace - *I am aware there is a need for change of use, and that the developer may have permitted development rights under UK planning law and will not require full planning permission. Also that grounds for opposing such as parking concerns will be limited.*

The building is positioned on a road that gets quite busy, so much so I requested Traffic speed monitoring, with a view to installing a crossing or traffic calming measures nearby at the request of concerned pedestrians using that road.

We have to, when considering any planning application, take into account the effects it will have on neighbouring businesses and built up communities.

I have studied the area over a full week, and I am concerned about the amount of vehicles that could be attached to this development and the lack of parking spaces and highways impact.

It is ok this government changing planning laws to suit, but we must seriously take into account the wider community impact and the problems it will bring with it.

Parking in neighbouring streets behind is always bumper to bumper, extra vehicles parking in that area will cause mayhem and there is anecdotal evidence where lack of parking spaces causes increased disputes as does increased pollution created when looking for a space.

We must also take into account vehicles parking for visitors or carers, plus the environmental impact on safety in that area.

I am correct in stating the building is occupied at present, has this developer taken into account where these businesses will go?

I suggest not only do we get views from Highways, but Cheshire Police.

I object to this development as there is not enough parking spaces within the curtilage of the building footprint, and the impact on the surrounding area.

Cllr Eddie Jones - *As you will remember, I have already been in touch with you expressing similar concerns to those of Cllr Wallace, about lack of parking provision for this proposal. On top of already identifiable parking issues and general traffic congestion on old established and tightly packed surrounding roads. As well as being a potentially unexpected difficulty for new residents it will certainly be an unwelcome and surprising knock on irritation to existing residents. There would too be an expected economic impact on surrounding businesses which rely on travel to them customers. This is of course of particular concern in the current climate of attempted post pandemic business reset. Local employment is dependent on a successful return of businesses such as in this area and must not be hampered. Thank you.*

Cllr Ged Philbin - *I think my Ward colleagues have expressed a number of potential problems that will have an impact on the area and I agree with their comments.*

Cllr Angela Teeling - *I too have been down there, with the citizen's advice, a shop and a restaurant being located on the ground floor, across the road is a pub, a chip shop, a fireplace sales shop and news agents so there is a lot of foot fall. The pavement isn't the widest and added traffic and parking will be a factor as we have all pointed out, plus it's all on a bend. as Cllr Wallace states parking is already bumper to bumper in all the streets.*

I have also witnessed lorries getting stuck on that corner when they are trying to deliver to the premises listed above, I have seen them try and do a U turn and on occasion reverse into Alforde Street.

Also, having not seen the exact plans, what will be the disabled access to these flats with the car parking so tight round there, is there a lift so anyone who has difficulties climbing stairs could live in these flats. I feel that these are things we should be pushing when builders approach us with applications.

I suppose in a nutshell, I have the same concerns as everyone else.

CONSIDERATIONS WITH THIS APPLICATION

As the proposals are 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 earlier in the report.

Transport and highway impacts of the development

The procedure for dealing with prior approval applications makes clear that the National Planning Policy Framework is relevant to the subject matter of the prior approval. In respect of transport impacts, it states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

The Highway Officer has acknowledged there is limited scope for comment associated with a prior notification application and that Development Plan policies, knowledge of the local highway network, current design standards and relevant legislation cannot be fully applied.

The Highway Officer notes that the area is subject to high demand for parking and witnessed examples of anti-social parking and contravention of parking restrictions. These observations suggest that bringing the space back into use will add to the strain already felt in the area and may well lead to road safety issues relating to anti-social car parking.

That said, the Highway Officer recognises that there is an existing lawful use associated with the unit and this must be considered. If maximum car parking standards (as set out at Appendix 1 in the Halton Unitary Development Plan) were applied to the proposal, the requirement would be 22 spaces where as for an office use 30+ spaces would be required based on the available floor space.

Given that the existing office space could again become operational, with the potential higher demand for parking referenced above, the proposed change of use to residential is considered to be acceptable.

The Highway Officer has requested that the applicant consider cycle storage within the development to encourage residents to choose this sustainable mode of active travel. This request has been made to the applicant. A suitable cycle parking scheme can be secured by condition.

In conclusion, the Highway Officer raises no objection and it is not considered that the proposal would have a severe transport and highway impact.

Contamination risks on the site

Considering the proposal in respect of contamination risks and whilst the development is for new residential units, the nature of the conversion 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 risks on the site

The site subject of the application is located within Flood Zone 3 and is therefore at a 1% or greater probability of flooding from rivers or 0.5% or greater probability of flooding from the sea. Based on the site being in Flood Zone 3, the application should have been accompanied by a Flood Risk Assessment. This has been requested from the applicant so that the observations in respect of flooding risks on the site can be sought from both the Lead Local Flood Authority and the Environment Agency.

Delegated authority is sought to determine this prior approval application following the receipt of the necessary observations in respect of flooding risks.

Impacts of noise from commercial premises on the intended occupiers of the development

The site is located close to the town centre of Widnes which includes a wide range of uses. The proposed residential use is considered to be compatible with the adjacent land uses and it is not considered that the impacts of noise from commercial premises would have a significantly detrimental impact on residential amenity.

The provision of adequate natural light in all habitable rooms of the dwellinghouses.

In terms of definitions, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) states that a habitable room means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. Adequate natural light is not defined.

The separation distances contained within the Council's Design of New Residential Development Supplementary Planning Document would usually be a determining factor when considering a planning application. As this is a prior approval application, the Council cannot apply all its policies and guidelines in this instance, however must still consider whether there is provision of adequate natural light in all habitable rooms of the dwellinghouses.

Officers noted that a large number of the resultant relationships of habitable room windows in this scheme ensure sufficient separation for light. There are however some relationships (habitable room windows in flats 6,7,8,9 & 10) which do not provide the level of separation usually expected as part of a planning application, however this does not imply adequate natural light would not be available. Each duplex apartment would be served by two habitable room windows which would be adjacent to the roof of the adjacent outbuilding whilst being sufficiently elevated to allow in adequate natural light in. The lack of outlook from these units is noted, however this is not a consideration with this prior approval application. Based on the proposed location of

habitable room windows it is not considered that a refusal on the basis of the provision of adequate natural light could be sustained.

It is considered that the proposal demonstrates the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Representations received from members of the public and Ward Councillors

It is noted that the majority of the issues raised relate to parking issues in the locality. Whilst noting the high demand for parking in the locality, the Highway Officer raises no objection and it is not considered that the proposal would have a severe transport and highway impact which would warrant the refusal of the application. The enforcement of parking restrictions is a matter for Cheshire Constabulary.

Cheshire Constabulary have not been consulted directly on this application as crime and disorder is not a consideration with this application.

The energy efficiency of the existing windows is not a consideration with this application.

The requirement for a lift within the building is not something which is a consideration with this application and would be dealt with by the Building Regulations.

Conclusion

The proposal is considered acceptable in respect of four of the five considerations and delegated authority is sought to determine this prior approval application following the outcome of the flooding risks consideration.

Recommendation

Given that consultations are not yet concluded and the outstanding issue under consideration, Officers are unable to provide a recommendation at this stage and to do so could leave the Council open to criticism of pre-determination. Given the restrictions imposed by the prior approval process it is not possible to defer this application to a future Committee to allow full and proper resolution. Members will be updated in relation to flood risk and any additional representation received at the Committee meeting.

DELEGATED AUTHORITY FOR THE OPERATIONAL DIRECTOR – PLANNING, POLICY AND TRANSPORTATION TO DETERMINE THIS PRIOR APPROVAL APPLICATION IN CONSULTATION WITH THE CHAIR FOLLOWING THE SATISFACTORY CONSIDERATION OF FLOODING RISKS ON THE SITE IS SOUGHT.

BACKGROUND PAPERS

The submitted applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection by contacting dev.control@halton.gov.uk

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.