

<b>APPLICATION NO:</b>	22/00602/COU
<b>LOCATION:</b>	Bridge View Sports Bar 78 High Street Runcorn Cheshire WA7 1JH
<b>PROPOSAL:</b>	Proposed change of use from Bar/Bed and Breakfast to a 17-bedroom house in multiple occupation, including external alterations
<b>WARD:</b>	Mersey and Weston
<b>PARISH:</b>	None
<b>APPLICANT:</b>	Mr Sunder Kripalani, Penn Investments Limited, Suite 11, Boundary House , Boston Road, London , W7 2QE
<b>AGENT:</b>	Mr James O Rourke, O'Rourke-Designs 9 Swansea Close, Liverpool, L19 2HF
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Delivery and Allocations Local Plan (2022)	The site is allocated as a Community Facility within the developed area to the West of Runcorn Old Town Centre.
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE</b>	No.
<b>REPRESENTATIONS:</b>	4 contributors have made representations from the publicity given to the application.
<b>KEY ISSUES:</b>	Highways, Amenity, Principle of Development.
<b>RECOMMENDATION:</b>	Approve with conditions

**SITE MAP**



## **1. APPLICATION SITE**

### 1.1 The Site

The application site consists of a 3 storey brick built building with a newer single storey rear extension.

The building is currently used a function room / restaurant / bar at ground floor level with Bed and Breakfast accommodation on the upper floors.

The site has no dedicated car parking and contains a small beer garden area on the Eastern elevation.

The site is located to the West of Runcorn Old Town Centre. A public car park is located to the West of the application site.

The surrounding buildings are largely commercial in character and are mixed in terms of design and age.

### 1.2 Planning History

13/00408/COU

Proposed change of use of part of premises (on first and second floors) to bed and breakfast accommodation, refurbishment of members bar to public sports bar and formation of new kitchen on ground floor – Granted 2013

## **2. THE APPLICATION**

### 2.1 The Proposal

Permission is sought to convert the building into a 17 bedroom House of Multiple occupation (HMO)

It should be noted that following discussions with officers regarding the internal layout the number of bedrooms has been reduced from 20 to 17.

In addition to the 17 bedrooms the building will contain 2 kitchens a TV room an internal bike store and a communal dining / seating / kitchen room.

All bedrooms have a private en suite and an external windows. The rooms vary in size between 15 and 23 m<sup>2</sup>.

The external changes proposed are minor and involve the alteration to some windows and doors and the insertion of high level roof lights.

Amenity space is proposed in the former beer garden .An external bin store is also proposed in this area.

## 2.2 Documentation

The application contains

- Existing and proposed plans and elevations
- Design and access statement
- Planning statement including documentation regarding viability

## 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)

The following policies contained within the Halton Delivery and Allocations Local Plan are of relevance:

- CS(R)18 High Quality Design;
- C1 Transport Network and Accessibility;
- C2 Parking Standards;
- GR1 Design of Development;
- GR2 Amenity
- CS(N) 26 Unallocated Land in Urban Areas
- HC5 Community Facilities and Services

### **Supplementary Planning Documents (SPD)**

Design of Residential Development SPD

#### 3.2 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.

### 3.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 to set out the Government's planning policies for England and how these should be applied.

### 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.

### 3.5 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 persons 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.

## **4. CONSULTATIONS SUMMARY**

### 4.1 Highways and Transportation Development Control

Whilst no on-site car parking is offered, the same position as the former use, it is directly adjacent a HBC public car park, one of several about the Runcorn Town Centre. There is also limited on-street parking about the area. This "Top Locks" parking area was surveyed as part of the Runcorn Old Town Parking Study, 2014.

The results demonstrated that this parking area operates at a maximum of 65% of capacity – of the total 78 spaces - with an average of 51% use. The general under-utilisation of this parking area offers capacity for vehicles associated with the development site.

Significant parking pressures in the vicinity of the site, or vehicular congestion, which could cause potential danger and/or inconvenience, to residents and town centre users, should therefore not ensue as a result of the development.

As mitigation for the use of this Council parking asset by residents a S106 sum for enhancements to the parking area will be requested, see below.

Highways expressed concerns regarding bin and cycle storage although these issues have now been addressed with the submission of amended plans

#### 4.2 Regeneration (Town Centre)

Regeneration (Town centres) would like to object to the application on the following grounds:-

We believe that an open to market 20 HMO property cannot be managed properly and leads to anti-social behaviour.

The landlord cannot operate a HMO without a licence and therefore management arrangements need to evidence the landlord is fit and proper, however the plans submitted gives the impression the landlord is not fit and proper, as the proposed layout points to management issues, anti-social behaviour, which would eventually come back to HBC to deal with.

- 15sqm per person studio is simply too small for people's health and wellbeing, and possibly does not meet housing standards. With such a large number in one building sharing facilities, it 'invites' issues between tenants. It looks more like the proposal for a 'publicly funded private run short stay centre' and surely such use would require a management plan.
- the 15sqm is intended for single persons only, and the units would not be suitable for family units, restricting the use of the HMO severely.
- There is no management facility space in the plan to deal with any tenant issues, and with so many mostly likely single, male tenants, this raises alarm bells in relation to security / welfare of any female person that would reside there. If there is an all-male residency, it will 'invite' more frequent, different issues and this should be addressed in the design and layout.
- This is overdevelopment, if these were independent flats they would require at least 37sqm units.
- With 20 units shouldn't there be a management office on site taking responsibility for tenant's security and wellbeing on behalf of the landlord.
- There does not seem to be any proposed parking facility, no outdoor space, no bin storage, no bike storage – Has a fire safety consultant been commissioned to advise on the design; the layout looks dangerous, with only

one exit door (with a shared kitchen adjacent where fires in theory are known to start).

It should be noted that the above responses relate to the original submission for 20 bedrooms. The amended plans have been forwarded to both with a request for updated comments and Members will be updated with respect to any response received.

#### 4.3 Elected Members

##### Cllr Norman Plumpton Walsh has stated

From an assessment of this planning application today, I find it to be full of shortcomings, together with being short-sighted.

From a personal point of view, I sometimes use this building as a customer, as only residing around the corner.

Despite 3.3 of planning statement, this building is not “currently vacant”. I’m actually attending a charity event on 3 December there.

The design and access statement is 1/3 of a page long, and woefully lacking in detail for the proposed volume of bedsits to be situated in the building. And here as an occasional building user, (as with upstairs in former years), I cannot envisage how so many bedsits will cram inside the space available, more so also on first and second floors.

The ground floor has already been compared to today by a constituent as reminiscent of “chicken coups”.

And as for the building fitting with other local residential accommodation, there is evidence that ASB is taking place in the flats (triangular floor plans to fit more in) directly opposite this proposed site.

From previous plans (from memory), although applied for as flats look strangely like a HMO. The flats seem to be neglected, and smashed window on the canal side, as well as often overflowing bins.

Most important of all, within the plans and statement, there is no mention at all of fire safety, as required by the Housing Act 2004 to be submitted with application.

In my rudimentary judgement, this is further proof of hastily prepared documents with no real consideration for the people who would live there.

I cannot condone this development anyway as a HMO (reasons below), but especially not owing to the application thrown together with no consideration for residents safety.

There is also an assumption throughout the planning statements that there is access to nearby public car parks, so no real need for parking provision within the application. This, makes an assertion that residents may not have access to their own vehicular transport, and makes inference to public transport available locally.

With my own academic background, (previously studying town centres and regeneration) at postgraduate level, you do not regenerate by potentially saturating an area with the maximum amount of accommodation possible. Although perversely, Runcorn needs more residential accommodation to in turn, boost population figures to merit any potential future developments.

You do it by providing small family homes within and around town centres mainly via 1 or preferably 2 bed houses or flats, with the captive spend that could potentially generate.

As much as I understand that people need housing, the answer is not Demi-Victorian era mass housing with demographic problems that could create, or perpetuate.

And it is not the answer within a town centre we are working hard to regenerate.

I would urge you to reconsider, or revert to the applicant.

ClIr Victoria Begg has stated

I wish to raise my concerns below for Planning Application 22/00602/COU.

A proposed change of use to the building will have an unacceptable detrimental impact on the character of the area.

My concerns relate to:

Inadequate garden space.

Residents should have outdoor amenity space for sitting out and drying clothes. People cannot be locked away in small confined areas they need to breathe fresh air.

People who may be neurodivergent do not want to sit in a park with other people, they want peace and solitude within a safe space. I feel if a large garden space is not provided then this is impacting on people's human rights.

Unduly prominent bin storage areas.

Will these be located in the small outdoor amenity space or scattered around the adjacent car park which would result in a health and safety issue for Halton Borough Council who own the carpark.

Increased comings and goings on a quiet road will have a detrimental impact on the character of the area.

Significant alteration of the external appearance of the building.

If fire escapes are to be installed this will harm the existing character of the building. Does the building have space to install fire escapes or will they be built on adjacent land which is not owned by the developer.

The number of coming and goings (people and vehicles) from the proposed development and general activity around it will greatly increase, causing noise and disturbance for neighbours. Wat Phra Singh, 88 High Street will be impacted by the noise, as a place of worship I find this totally unacceptable.

Paragraphs 91 and 127 of the National Planning Policy Framework recommend that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Planning Application 22/00602/COU will not provide a safe environment for certain members of our community, such as lone females, disabled people and LGBTQ+ people. The building is not designed to accommodate a diverse group of people who may have additional needs due to its unsafe rabbit warren layout. On this note will video cameras be installed to ease residents' concerns.

The building does have good access to public transport, within easy walking and cycling distances of local services and places of education and community facilities. This is the one and only positive in the planning application.

My concerns are in regards to parking.

Will an allocation of 0.5 parking spaces per bedroom be a request by Development Control. If NO then please advise why.

Will provision of secure cycle parking be taken into account, if so at what location and for how many cycles.

I am opposed to this planning application on the grounds that Runcorn Old Town will become a Rachmanism if this or future developments are approved. Careful judgement is required on this planning application.



#### 4.4 Environmental Health

No comments received

### **5 REPRESENTATIONS**

5.1 The application was publicised by 41 neighbour notification letters sent on 24/11/2022 and again on 16/05/2023 following the submission of amended plans which reduced the number of bedrooms from 20 to 17. The consultation period expired on 30/5/2023.

5 objections have been received from 4 authors. The Grounds of objection can be summarised as follows.

- “No to illegal immigrants – need to look after what we have”
- Residents will place additional strain on NHS
- Increase demand for scarce local parking
- Loss of community facility
- Harmful to prospects of redeveloping canal area
- Layout will provide residents with low levels of amenity
- Will be used by migrants
- Contrary to Local Plan
- Potential to increase anti-social behaviour – Town Centre will be over run
- Loss of employment
- Inaccuracies in application form
- Problems with access

### **6 ASSESSMENT**

#### 6.1 Principle of development / DALP Allocation / Impact upon nearby Runcorn Old Town Centre

The provision of residential accommodation in a sustainable location is considered acceptable in principle provided that other criteria such as the loss of the community use which is discussed below are met.

The provision of residential accommodation has the potential to bring about a number of benefits to the nearby Runcorn Old Town Centre in terms of increasing footfall and animating the Town Centre.

The provision of housing in a sustainable location is also considered beneficial as is the reuse of a building that might otherwise become vacant.

## 6.2 Amenity of future occupants and neighbours

The applicant has following discussions with officers reduced the proposed number of bedrooms from 20 to 17. The reduction in bedroom numbers has resulted in increased amenity space being provided within the building in the form of improved kitchen provision and a shared TV room. This improvement will result in increased levels of amenity for future occupiers.

The bedrooms themselves all feature integral en-suite bathrooms and external windows and are a minimum of 15 m<sup>2</sup> in area. The size conforms to The National Space Standards for HMO's.

Following the submission of amended plans external private amenity space is now provided at the side and rear of the property giving residents access to outside space.

In terms of the impact upon the amenity of neighbouring occupiers the replacement of the Pub with residential accommodation is likely to result in reduced disturbance to neighbours.

Proposed windows are on the same plane as existing windows and will not lead to an increase in over and inter looking.

It is not considered that refusal of planning permission could be justified with respect to amenity levels of future occupiers and/ or impact upon the amenity of neighbouring and future occupiers.

## 6.3 Highways, Transport and Accessibility

The Council's Highways Officer states "that significant parking pressures in the vicinity of the site, or vehicular congestion, which could cause potential danger and/or inconvenience, to residents and town centre users, should therefore not ensue as a result of the development."

The Highways Officer also states that "it is considered a Highway Objection on the ground of a lack of onsite car parking spaces would similarly not be upheld by the Planning Inspectorate."

Given the sustainable location and available parking in the local area it is not considered that refusal of planning permission could be justified on the grounds of parking provision.

Whilst the Council's Highways Officer has suggested that mitigation for use of the public car park could be secured by s106, it is not considered that any policy harm can be demonstrated or to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

as required by statutory tests within the Regulations and as policy tests in the National Planning Policy Framework.

The Highways Officer stated in relation to the application as originally submitted that "it is considered that the site is overdeveloped and a reduction in the number of bedsit units will allow for the improved and inclusive access to all areas of the site as necessary and the inclusion of sufficient accessible cycle and bin storage as abovementioned"

Following discussions with the developer the number of bedrooms has been reduced from 20 to 17, access has been improved to an enlarged amenity space with an external bin store and secure cycle parking is now proposed within the building in response to issues raised by the Council's Highways Officer.

Whilst updated comments are awaited and members will be updated accordingly it is not considered that refusal of planning permission could be sustained on Highways grounds.

#### 6.4 Design / Impact upon Street Scene

The proposed external changes are minimal and will have no negative impact upon the character of the building or the wider street scene.

Investment in the property and the removal of the existing signage has the potential to bring about visual gains.

#### 6.5 Flood Risk and Drainage

The application site is located within Flood Zone 1 (lowest risk) and as such raises no concerns regarding flooding.

#### 6.6 Infrastructure requirements

Reference has been made to residents of the proposed accommodation placing additional strain on local infrastructure. While the number of new residents is unlikely to significantly increase demand. It should be noted that no requests or

evidence has been submitted that would justify a refusal or weigh against the development.

The development is not of a scale requiring financial contributions to be made toward infrastructure provision.

#### 6.7 Anti-Social Behavior / Crime

Concerns have been raised regarding the potential of the proposed use to give rise to Anti-Social Behavior/ increase in crime.

Anti Social Behavior is defined as

*“The Anti-Social Behaviour, Crime and Policing Act, 2014 defines ASB as (a)conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, (b)conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or (c)conduct capable of causing housing-related nuisance or annoyance to any person. “*

However, due to the subjective nature of human behaviours it can be difficult to define ASB in practical terms. What is acceptable for one person is not always acceptable for another. Therefore, while it is possible users of the unit may behave in ways that neighbours find unacceptable this can be said of any proposed use in any location.

The Planning system cannot make assumptions regarding the behaviour of future occupants and cannot base decisions upon the ethnicity, nationality, marital status, economic status or gender of potential occupants. Nor can assumptions be made about the likelihood of occupants to commit crimes. No evidence has been provided to indicate that this development would result in significant harm in this regard.

#### 6.12 Loss of Community Facility

It is not considered that the loss of the pub / function room / restaurant will cause significant harm to the provision of Community Facilities locally. The locale is well served in terms of alternative provision of such facilities with a number of Public Houses being located nearby.

The applicant has stated that the unit has become economically unviable and has been provided limited evidence in this regard and, by way of example that no tickets were sold for 3 Christmas Events organised in December 2022.

Given the viability information submitted and the existence of alternative facilities nearby it is not considered that the loss of the Community Facility would constitute sustainable grounds to withhold Planning Permission.

### 6.13 Licensing of HMO / Fire Safety

The process of licensing the HMO should Planning Permission be granted is a separate process to the Planning Application and is not material to this application.

Issues relating to security and Fire Safety are not considered to be material planning considerations and will be dealt with by separate means outside of planning legislation.

## **6 CONCLUSIONS**

The proposed development will provide residential accommodation in a sustainable location. It also has the potential for securing use of what may otherwise become a vacant building. The applicant has amended the scheme resulting in a reduction in units, improved accommodation provision for future residents and addressing issues relating to amenity space provision, cycle and bin storage and accessibility arrangements. It is considered acceptable and is compliant with the Halton DALP.

## **7 RECOMMENDATION**

Approve subject to condition.

## **8 CONDITIONS**

It is recommended that the following conditions are appended to any Planning Permission

- 1 Reason for decision
- 2 Standard Time Conditions
- 3 Specifying Approved Plans
- 4 External materials to match existing
- 5 Details of refuse store to be agreed
- 6 Implementation and retention of cycle storage area

## **9 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.

## **10 SUSTAINABILITY STATEMENT**

As required by:

- The National Planning Policy Framework (2021);
- 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.