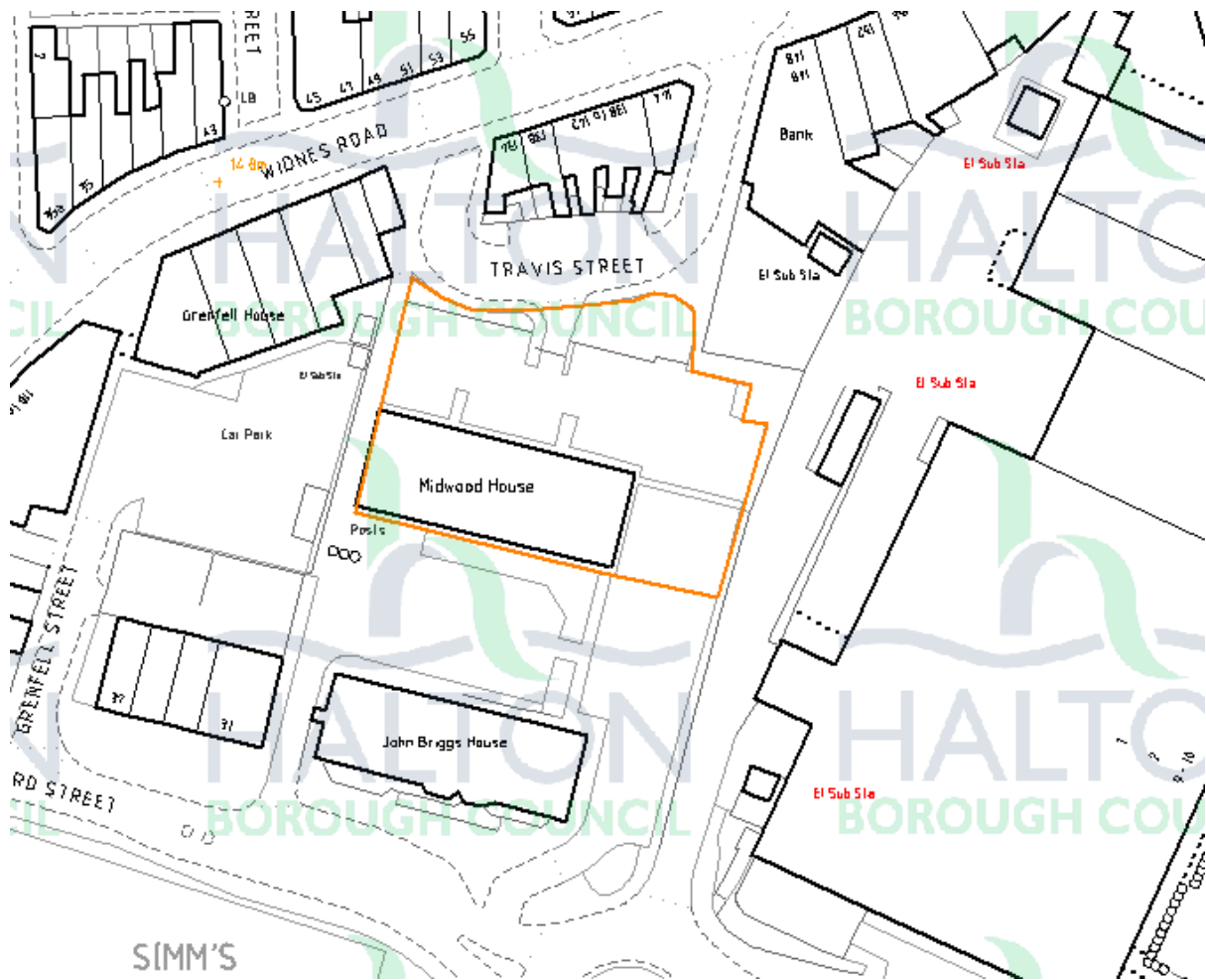


APPLICATION NO:	16/00369/P3JPA
LOCATION:	Midwood House, Travis Street, Widnes, Cheshire.
PROPOSAL:	Proposed change of use from B1 offices to 34 residential studio flats.
WARD:	Appleton
PARISH:	None
AGENT(S) / APPLICANT(S):	Osborne House Ltd.



The above application is **NOT** a full planning application. A change of use from Class B1(a) offices to Class C3 (dwellinghouses) is permitted development under 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—

- the building is on article 2(5) land; THIS IS LAND WHICH IS EXCLUDED FROM PERMITTED DEVELOPMENT RIGHTS ALLOWING CHANGE OF USE OF A PROPERTY FROM CLASS B1(A) OFFICE USE TO CLASS C3 RESIDENTIAL. **THIS DOES NOT APPLY HERE**
- the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use; **THIS DOES NOT APPLY HERE**
- 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. **THIS DOES NOT APPLY HERE**
- the site is or forms part of a military explosives storage area; **THIS DOES NOT APPLY HERE**
- the building is a listed building or a scheduled monument. **THIS DOES NOT APPLY HERE**

None of the above instances apply to this proposal.

This proposal is, 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,** and the provisions of paragraph W of Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) shall apply in relation to any such application.

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 **four considerations** set out in (a) to (d) above.

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”.

It is noted that the site is located in a sustainable location in the centre of Widnes adjacent to Primary and Secondary Shopping Areas which provide a range of amenities and is also well located for bus services.

There would be 52 parking spaces available for the proposed 34 residential studio flats. Given the site’s sustainable location, proposed parking arrangement and the likely parking demand in this location, it is not considered that the proposal would have a severe transport and highway impact.

The proposal is therefore considered acceptable in this regard.

Contamination risks on the site

The Contaminated Land Officer has reviewed the proposal in respect of contamination risks and whilst the development is for new residential units, the nature of the conversion with no new construction 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 risks on the site

The site subject of the application is located within Flood Zone 1 and has a low probability of river or sea flooding (less than 1 in 1000 annual probability). The proposal is therefore considered acceptable in this regard.

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

The site is located in the centre of Widnes adjacent to uses which are predominantly retail in nature. 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.

Conclusion

Based on the four considerations with this prior approval application, the proposal is acceptable and prior approval is not required.

Recommendation

It is recommended that prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) is not required.

Condition:

Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.