

<b>APPLICATION NUMBERS &amp; PROPSALS:</b>	<p><b>18/00129/P3JPA</b> – Prior notification for proposed change of use of first and second floor from offices (Use Class B1) to 16no. studio apartments (Use Class C3) (<b>PRIOR APPROVAL APPLICATION</b>);</p> <p><b>18/00130/P3MPA</b> – Prior notification for proposed change of use of part of ground floor from former bank (Use Class A2) to 4no. studio apartments (Use Class C3) (<b>PRIOR APPROVAL APPLICATION</b>);</p> <p><b>18/00131/P3PPA</b> – Prior notification for proposed change of use of basement from storage and distribution (Use Class B8) to 5no. studio apartments (Use Class C3) (<b>PRIOR APPROVAL APPLICATION</b>);</p> <p><b>18/00132/FUL</b> – Proposed external alterations to insert new windows and entrance doors (<b>PLANNING APPLICATION</b>);</p> <p><b>18/00133/P3JPA</b> – Prior notification for proposed change of use of ground floor from offices (Use Class B1) to 4no. studio apartments (Use Class C3) (<b>PRIOR APPROVAL APPLICATION</b>).</p>
<b>LOCATION:</b>	Victoria Buildings, High Street, Runcorn, Cheshire.
<b>WARD:</b>	Mersey
<b>PARISH:</b>	None
<b>AGENT(S) / APPLICANT(S):</b>	Titan Property Investments Ltd.



Members should note that all five applications relate to the same building and are to be determined by the Development Control Committee due to the cumulative number of residential units being proposed. Four of the five applications are prior approval applications under Schedule 2, Part 3, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended). The fifth application is a full planning application for the external changes required to facilitate the changes of use proposed. Due to the interrelated nature of the applications, they are presented as one report.

### **CONSIDERATION OF APPLICATIONS 18/00129/P3JPA AND 18/00133/P3JPA.**

These applications both propose a change of use from Class B1(a) 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—

- (a) 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. **DOES NOT APPLY**
- (b) 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; **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,**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that 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 **four considerations** set out 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”.

The property is in a town centre location and adequate local parking is available. It is also noted that there is a bus stop within easy access of the site.

It is not considered that the proposal would have a severe transport and highway impact.

The proposals are 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 Runcorn in a mixed use area which includes residential properties. This part of High Street is becoming more residential in nature and there have been a number of similar proposals changing the use to residential. 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 these prior approval applications, the proposals are acceptable and prior approval is not required.

<b>RECOMMENDATION - (18/00129/P3JPA – 16NO. STUDIO APARTMENTS &amp; 18/00133/P3JPA – 4NO. STUDIO APARTMENTS)</b>
<b>It is recommended that prior approval for the change of use from Class B1(a) offices to Class C3 (dwellinghouses) is not required.</b>
<b>Condition:</b>
<b>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.</b>

## CONSIDERATION OF APPLICATION 18/00130/P3MPA

This application proposes a change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class M 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 M if—

- (a) the building was not used for one of the uses referred to in Class M(a)—
  - (i) on 20th March 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**
- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part; **DOES NOT APPLY**
- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres; **DOES NOT APPLY**
- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M; **DOES NOT APPLY**
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point; **DOES NOT APPLY**

- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or **DOES NOT APPLY**
- (g) the building is—
  - (i) on article 2(3) land; **DOES NOT APPLY**
  - (ii) in a site of special scientific interest; **DOES NOT APPLY**
  - (iii) in a safety hazard area; **DOES NOT APPLY**
  - (iv) in a military explosives storage area; **DOES NOT APPLY**
  - (v) a listed building; or **DOES NOT APPLY**
  - (vi) a scheduled monument. **DOES NOT APPLY**

None of the above instances apply to this proposal. The requirement for the development to be completed within 3 years of the prior approval date should be conditioned.

This proposal is therefore permitted by Class M 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 in relation to the building,**
- (c) flooding risks in relation to the building,**
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—**
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or**
  - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and**
- (e) the design or external appearance of the building,**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that 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 considerations set out 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”.

The property is in a town centre location and adequate local parking is available. It is also noted that there is a bus stop within easy access of the site.

It is not considered that the proposal would have a severe transport and highway impact.

The proposals are 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.

### **Desirability of the building to change to a use falling within Class C3 (dwellinghouses)**

There is considered to be adequate provision of services in respect of Class A2 (financial and professional services) in the locality. The site is located the Runcorn Town Mixed Use Area and the relevant policy relating to this indicates the suitability of a Class C3 use in this area. It is concluded that the proposal would not compromise the sustainability of the Runcorn Old Town shopping area. The proposal is therefore considered acceptable in this regard.

### **Design or external appearance of the building**

The current proposal involves the conversion of some of the existing windows into entrance doors. It is noted that there is provision in this particular class to undertake building operations necessary to convert the building. These alterations are not considered to respect the character of the building which has strong design features

in its outward facing elevations. The resultant external appearance is not considered to be acceptable, however a solution could be achieved through designing a layout which only utilises existing access points to the building.

## **Conclusion**

Based on the considerations with this prior approval application, the proposal is not currently acceptable due to the resultant external appearance of the building.

<b>RECOMMENDATION - 18/00130/P3MPA – 4NO. STUDIO APARTMENTS.</b>
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<b>Prior approval is required and refused because based on the plans provided to accompany the application, the proposed external alterations would result in the conversion of an existing window into an entrance door which would not respect the character of this attractive building which contains strong design features and detailing.</b>
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The applicant has been given the opportunity to change the scheme to ensure that the character of the building is not compromised. Should suitable amendments be made to the scheme in advance of the determination of the application, delegated authority is sought to determine the application in line with the following recommendation:

It is recommended that prior approval for the change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouses) is not required.

Conditions:

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

A building which has changed under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

## **CONSIDERATION OF APPLICATION 18/00131/P3PPA**

This application proposes a change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses) which is permitted development under Schedule 2, Part 3, Class P 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 P if—

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or 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**
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins; **DOES NOT APPLY**
- (c) the prior approval date falls on or after 10<sup>th</sup> June 2019; **DOES NOT APPLY**
- (d) the gross floor space of the existing building exceeds 500 square metres; **DOES NOT APPLY**
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; **DOES NOT APPLY**
- (f) less than 1 year before the date the development begins—
- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes; **DOES NOT APPLY**
- (g) the building is within—
- (i) an area of outstanding natural beauty; **DOES NOT APPLY**
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; **DOES NOT APPLY**
- (iii) the Broads; or **DOES NOT APPLY**
- (iv) a National Park; **DOES NOT APPLY**
- (v) a World Heritage Site; **DOES NOT APPLY**
- (h) the site is, or forms part of—
- (i) a site of special scientific interest; **DOES NOT APPLY**
- (ii) a safety hazard area; **DOES NOT APPLY**
- (iii) a military explosives storage area; **DOES NOT APPLY**
- (i) the building is a listed building or is within the curtilage of a listed building; **DOES NOT APPLY**
- (j) the site is, or contains, a scheduled monument; or **DOES NOT APPLY**
- (k) the development is not completed within a period of 3 years starting with the prior approval date. **CONDITION SHOULD BE ATTACHED STATING THIS**

None of the above instances apply to this proposal. The requirement for the development to be completed within 3 years of the prior approval date should be conditioned.

This proposal is therefore permitted by Class P 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—

- i. **impacts of air quality on the intended occupiers of the development;**
- ii. **transport and highways impacts of the development,**
- iii. **contamination risks in relation to the building,**
- iv. **flooding risks in relation to the building,**
- v. **noise impacts of the development, and**
- vi. **where the authority considers the building to which the development relates is located in an area that is important for providing storage or**



**distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that 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 considerations set out above.

### **Impact of air quality on the intended occupiers of the development**

The site subject of the application is not located in an air quality management area. It is not considered that impact of air quality on the intended occupiers of the development would be seriously detrimental.

The proposal is considered acceptable in this regard.

### **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 property is in a town centre location and adequate local parking is available. It is also noted that there is a bus stop within easy access of the site.

It is not considered that the proposal would have a severe transport and highway impact.

The proposals are 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.

### **Noise impacts of the development**

The site is located in the centre of Runcorn in a mixed use area which includes residential properties. This part of High Street is becoming more residential in nature and there have been a number of similar proposals changing the use to residential. The proposed residential use is considered to be compatible with the adjacent land uses and it is not considered that the impacts of noise would have a significantly detrimental impact on residential amenity.

### **Sustainability of key areas for storage and distribution / industrial services**

The site is not located in one of the borough's key locations for storage and distribution / industrial services and therefore not detrimental in this regard.

### **Conclusion**

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

<b>RECOMMENDATION - 18/00131/P3PPA – 5NO. STUDIO APARTMENTS.</b>
<b>It is recommended that prior approval for the change of use from Class B8 (storage or distribution centre) to Class C3 (dwellinghouses) is not required.</b>
<b>Condition:</b>
<b>Development under Class P is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.</b>

### **CONSIDERATION OF APPLICATION 18/00132/FUL**

This application proposes external alterations to insert new windows and entrance doors in connection with the proposed change of use of the building.

### **Design**

The current proposal involves the conversion of some of the existing windows into entrance doors. These alterations are not considered to respect the character of the building which has strong design features in its outward facing elevations. The resultant external appearance is not considered to be acceptable; however a solution could be achieved through designing a layout which only utilises existing access points to the building. Alterations in the other elevations which do not face High Street or Devonshire Place are considered to be acceptable.

## **Amenity**

Given the location of the proposals in relation to neighbouring properties, it is considered that light would not be significantly restricted to the detriment of amenity. Given the location of the proposed openings in relation to neighbouring properties, it is considered that they would not significantly compromise privacy to the detriment of amenity.

## **Highway Considerations**

It is not considered that any significant highway implications result from the proposed external alterations to the building.

## **Conclusion**

The proposal is not currently acceptable due to the resultant external appearance of the building.

**RECOMMENDATION - 18/00132/FUL – PROPOSED EXTERNAL ALTERATIONS TO INSERT NEW WINDOWS AND ENTRANCE DOORS – REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON:**

**The proposed external alterations would result in the conversion of existing windows into entrance doors in the main outward facing elevations to both High Street and Devonshire Place which would not respect the character of this attractive building which contains strong design features and detailing. To allow the proposal would be contrary to the provisions of Policy BE2 of the Halton Unitary Development Plan.**

The applicant has been given the opportunity to change the scheme to ensure that the character of the building is not compromised. Should suitable amendments be made to the scheme in advance of the determination of the application, delegated authority is sought to determine the application in line with the following recommendation:

Grant planning permission subject to the following conditions:

1. Time Limit
2. Approved Plans
3. External Facing Materials

## **SUSTAINABILITY STATEMENT**

As required by:

Paragraph 186 – 187 of the National Planning Policy Framework;

The Town and Country Planning (Development Management Procedure) (England) Order

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.

**DELEGATED AUTHORITY SOUGHT**

**DUE TO NEED TO ISSUE A DECISION WITHIN A 56 DAY PERIOD ON PRIOR APPROVAL APPLICATIONS, DELEGATED AUTHORITY FOR THE OPERATIONAL DIRECTOR – PLANNING, POLICY AND TRANSPORTATION TO DETERMINE THE APPLICATIONS FOLLOWING THE EXPIRY OF THE PUBLICITY, THE CONSIDERATION OF ANY REPRESENTATIONS RECEIVED WHICH ARE RELEVANT TO THE CONSIDERATIONS OF THE APPLICATIONS AS SET OUT IN THE REPORT AND CONSIDERATION OF ANY AMENDED PLANS RECEIVED WHICH ATTEMPT TO ADDRESS THE ISSUES RAISED IN THIS REPORT IS SOUGHT.**