



Appeal Decision

Site visit made on 8 March 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/A0665/W/20/3261820

1 Heritage Court, Lower Bridge Street, Chester, CH1 1RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Pecoda Properties LLP against the decision of Cheshire West & Chester Council.
 - The application Ref 20/02587/PDO, dated 21 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is a change of use from offices to C3 residential.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from offices to C3 residential at 1 Heritage Court, Lower Bridge Street, Chester, CH1 1RD in accordance with the terms of the application Ref 20/02587/PDO, dated 21 July 2020, and the plans submitted with it subject to the following additional condition
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 830.-Loc; - 01B; - 04C; - 05.

Main Issue

2. The transport and highways impacts of the development.

Reasons

3. A prior approval appeal should not be determined, expressly or otherwise, upon the basis of s38(6) of the Planning and Compulsory Purchase Act 2004, or as though the development plan must be applied. This is because the principle of development is established through the grant of permission by the Order. However, development plan policies and Supplementary Planning Documents (SPDs) may be material considerations and I have treated them as such, in particular, STRAT10 of the Cheshire West and Chester Local Plan (Part One) and the Council's Car Parking SPD.
4. The site is within Chester City Centre which the Council acknowledges to be a highly sustainable location which is accessible by a range of transport modes. The Council's Car Parking SPD indicates that 13 parking spaces would normally be required for the proposed 11 dwellings but only three are proposed, along with 14 cycle spaces.

5. The Local Highway Authority says that there is little scope in the surrounding area to accommodate the shortfall in spaces and I have no reason to doubt that there is a lack of on street parking opportunities given that parking is highly controlled or prohibited in the vicinity.
6. I note the Council's concern that parking would occur on roads further away from the site which, in its view, might either be detrimental to existing residents, particularly during non-office hours, or have operational impacts on the highway. However, the Council has not been specific about where the parking might occur or explained in any detail what harm might arise as a result. The Council is also concerned about the proposal resulting in illegal parking but I have no reason to believe that a driver would rather risk a parking fine than use a nearby paid car park. Therefore, I consider it unlikely that future residents would park illegally and if they did, this would be a matter than can be enforced.
7. The Council has also expressed concern that drivers may circle the surrounding areas looking for spaces, leading to disruption and highway safety issues. However, on street parking is very limited near to the site and the Council has also said that drivers might park further afield. Therefore, I consider that it is highly unlikely that the amount of traffic generated by the development would create a noticeable or dangerous increase in traffic near the site or within the wider environs.
8. The site is located in the "inner zone" for office parking as defined in the Car Parking SPD which suggests 1 parking space for 250 square metres of floorspace which would suggest an SPD requirement of about 3 spaces for the office use. Given that fewer residents than office staff are likely to occupy the building as a result of its proposed conversion, I do not consider that it would generate more parking demand than the existing use. I note the Council's comments that office workers have various options in terms of walking, cycling and public transport usage. However, these options would be equally available to residents should they choose not to own a vehicle. Even if they did own a car, the nearby paid parking facilities are available for about £100 a month or £30 per week. Residents could use these in the same way as an office worker travelling to the city centre by car every day.
9. I note interested parties' concerns about car parking within Heritage Court but that is private land and therefore a management issue. I also note their concerns that the apartments might be used as Air B&B but if a material change of use were to take place, this would be a matter for the Council. In any event, such a use is residential and likely to have similar transport and highways impacts.
10. I conclude that the proposal would have no adverse transport and highways impacts.
11. The appeal is in the Chester City Centre Conservation Area. The Council has not raised any concerns in this respect and I consider that the proposal would preserve the character and appearance of the conservation area.
12. Any planning permission granted under Article 3(1) and Schedule 2, Part 3, Class O of the GPDO is subject to the condition that it must be completed within a period of 3 years of the prior approval date. I have also imposed an additional condition in respect of the amended plans in the interest of precision.

13. For the above reasons I allow the appeal.

Siobhan Watson

INSPECTOR