

# Prior Approval Planning Statement

## Class MA Prior Approval at 55 and 57 Liverpool Road North, Maghull.

On behalf of AK Building Contractors (Merseyside) Ltd.

Date: October 2023 | Pegasus Ref: P23-0733\_R002v2\_PL\_LIV\_NL\_DM

Author: Niamh Lyon BSc (Hons) MCD

---



## Document Management.

| Version | Date         | Author | Checked/<br>Approved by: | Reason for<br>revision             |
|---------|--------------|--------|--------------------------|------------------------------------|
| 1       | July 2023    | NL     | DM                       |                                    |
| 2       | October 2023 | NL     | DM                       | Updated<br>supporting<br>documents |



# Contents.

|                                                   |                                     |
|---------------------------------------------------|-------------------------------------|
| 1. Introduction.....                              | 2                                   |
| 2. The Site and Surroundings .....                | <b>Error! Bookmark not defined.</b> |
| 3. Planning History.....                          | <b>Error! Bookmark not defined.</b> |
| 4. The Proposed Development .....                 | <b>Error! Bookmark not defined.</b> |
| 5. Planning Regulations, Policy and Guidance..... | <b>Error! Bookmark not defined.</b> |
| 6. Planning Assessment.....                       | <b>Error! Bookmark not defined.</b> |
| 7. Summary.....                                   | <b>Error! Bookmark not defined.</b> |

## Appendices

1. Evidence of use ceasing September 2021
2. Evidence of continuous Class E use for over 2 years



# 1. Introduction

- 1.1. This Planning Statement has been prepared by Pegasus Group on behalf of AK Building Contractors Merseyside Ltd in support of an application for Prior Approval from Sefton Council for the conversion from Class E office use to C3 residential use via Class MA at 55-57 Liverpool Road North, Maghull.
- 1.2. When considering Prior Approval for the change of use from office to residential, consideration must be made to Part 3, Class MA of Schedule 2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.
- 1.3. As part of this application, the following documents have been submitted:
  - Planning Statement prepared by Pegasus Group (this Statement)
  - Proposed floor plans produced by Archiphonic.
    - Ref. 1207-02-03-007
    - Ref. 1207-02-03-008
  - Proposed elevations produced by Archiphonic.
    - Ref. 1207-02-05-005
    - Ref. 1207-02-05-006
    - Ref. 1207-02-05-007
    - Ref. 1207-02-05-008
  - Noise Impact Assessment prepared by E3P
  - Transport Note prepared by Vectos

## Planning History –

- 1.4. The site has undergone a number of planning applications in its recent history according to Sefton Council's interactive planning portal.
  - DC/2023/00886 – Change of use from office building (E) to 6 self-contained flats (C3), a Café to the ground floor (E) and conversion of the detached garage to the side to a Salon (Sui Generis) (Resubmission of DC/2022/01717) – Refused (July 2023)
  - DC/2022/01717 – Change of use from office building (E) to 8 self-contained flats (C3), a Café to the ground floor (E) and conversion of the detached garage to the side to a Salon (Sui Generis) – Refused (November 2022)
  - DC/2021/01380 – Application under Prior Notification Procedure for the installation of a 15-metre telecommunications pole and associated cabinet equipment – Prior Approval Required and Granted (July 2021).



- S/2004/0475 – Provision of a disabled access ramp – Approved Conditionally (May 2004).
- S/1998/0084 – Change of use of the basement and ground floor of the existing residential premises into Class A2 office use – Approved (February 1988).
- S/1991/0550 – Change of use of the first and second floors of the premises from residential to office – Approved Conditionally.

## 2. Site and Surroundings

- 2.1. The site is situated on a prominent street corner fronting Liverpool Road North, as can be seen in Figure 1, and is occupied by an existing vacant commercial building, formerly used as a solicitor's office. The former use as a solicitor's office (Class E) ceased on the 30th of September 2021 (Appendix 1) and has been vacant since the applicant purchased it in June 2022.
- 2.2. The existing building on site currently adjoins garages to the rear of the property which are to be unchanged as part of the proposed scheme.



*Figure 1 – Aerial view of the site.*

- 2.3. The existing building is four storeys tall, including a lower ground floor level which extends to the rear at a single storey height. Access for the building is gained from the left and right-side elevations at lower ground floor level, and front elevation at ground floor level.
- 2.4. A street view of the property viewed from Liverpool Road North can be seen within Figure 2.



*Figure 2 – Street view of the property from Liverpool Road North.*

- 2.5. The site is well connected by public transport, benefiting from excellent regional and subregional transport links. It is located within a 5-minute walk of several bus stops. There are also two train stations equidistant from the site in Maghull, with bus links to both stations within 15-minutes, or alternatively both are accessible via a 5-minute drive or a 25-minute walk.
- 2.6. The site is located within Flood Zone 1, as shown in Figure 3.

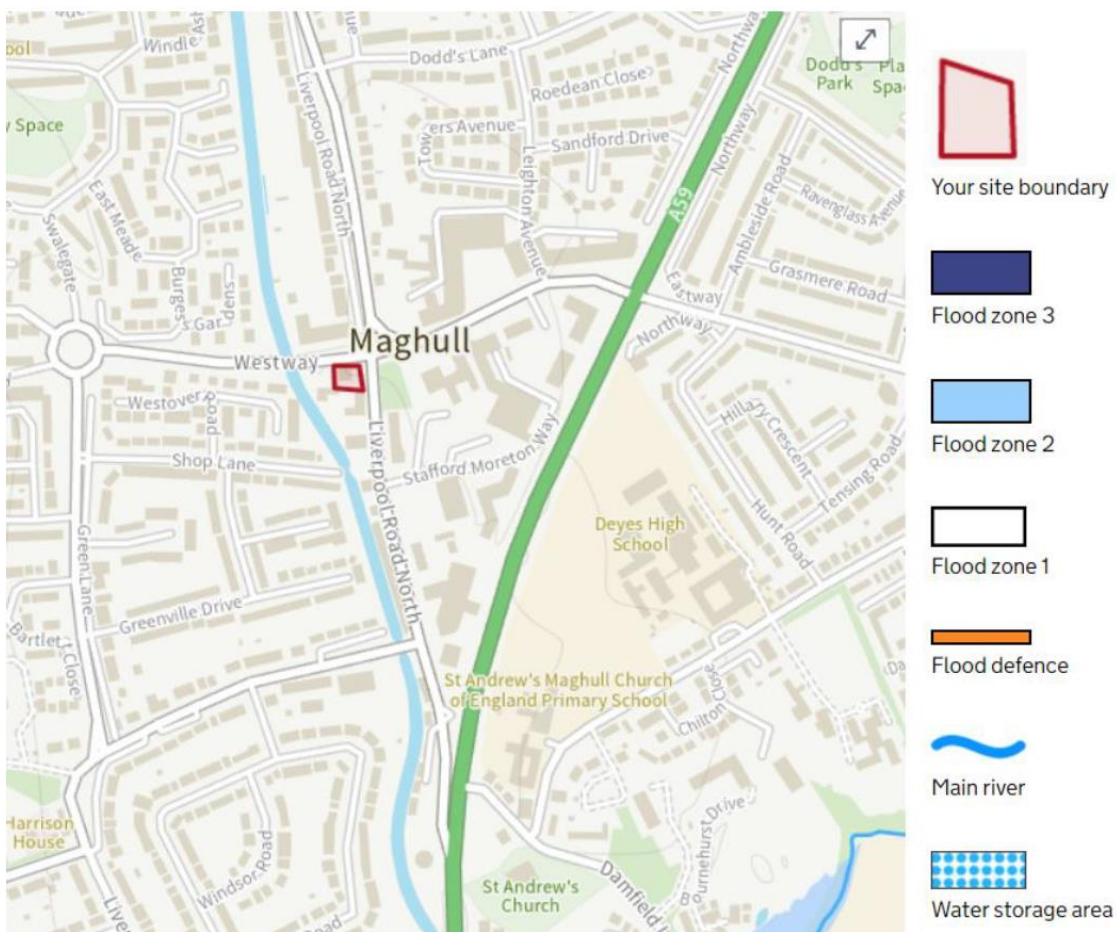


Figure 3 – Flood Risk Map.





### **3. Development Proposal**

- 3.1. The proposed development is for the conversion of upper floors of the property at 55 and 57 Liverpool Road North to residential use via Class MA Prior Approval.
- 3.2. The property previously operated as a Class E office across all 4 storeys.
- 3.3. The proposed development looks to convert the upper two floors to residential, with 2 flats to the first floor and 2 flats to the second floor.
- 3.4. The basement and ground floor levels are to remain within Class E use.
- 3.5. There are no proposed physical alterations to the exterior of the building.

## 4. Planning Policy

- 4.1. Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 defines the requirements of Class MA as development consisting of a change of use of a building and any land within its curtilage from a use falling with Class E (Commercial, business and service) of Schedule 2 to the Use Class Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

### ***Class MA – Permitted Development***

- 4.2. (1) Development is not permitted by Class MA –
- (a) Unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
  - (b) Unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
  - (c) If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
  - (d) If land covered by, or within the curtilage of, the building –
    - (i) Is or forms part of a site of special scientific interest;
    - (ii) Is or forms part of a listed building or land within its curtilage;
    - (iii) Is or forms part of a scheduled monument or land within its curtilage;
    - (iv) Is or forms part of a safety hazard area; or
    - (v) Is or forms part of a military explosive storage area.
  - (e) If the building is within –
    - (i) An area of outstanding natural beauty;
    - (ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);
    - (iii) The Broads;
    - (iv) A National Park; or
    - (v) A World Heritage Site;
  - (f) If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
  - (g) Before 1 August 2022, if –

(i) The proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1<sup>st</sup> August 2021; and

(ii) The development would not have been permitted under Class O immediately before 1<sup>st</sup> August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

4.3. (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order –

(a) The following classes of the Schedule as it had effect before 1<sup>st</sup> September 2020 –

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – creche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) On or after 1<sup>st</sup> September 2020, Class E (Commercial, business and service) of Schedule 2.

**Conditions –**

4.4. MA.2 – (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must 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 impacts of the development, particularly to ensure safe site access;

(b) Contamination risks in relation to the building;

(c) Flooding risks in relation to the building;

(d) Impact of noise from commercial premises on the intended occupiers of the development;

(e) Where –

(i) The building is located in a conservation area; and



(ii) The development involves a change of use of the whole or part of the ground floor.

The impact of that change of use on the character or sustainability of the conservation area

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) Where the development involves the loss of services provided by –

(i) A registered nursery, or

(ii) A health centre maintained under Section 2 or 3 of the National Health Service Act 2006

The impact on the local provision of the type of services lost.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for and highways impacts of the development there were substituted impacts of the development, particularly to ensure safe site access.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

## 5. Compliance with Regulations

- 5.1. This section of the report assesses the proposal against the requirements of the regulations.
- 5.2. Criteria MA of the Permitted Development Order 2021 sets out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Class Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order. The proposal looks to convert the first and second floor of the property from office use (Use Class E) to residential (Use Class C3).
- 5.3. In line with paragraph MA (1) (a) the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval, as the building has been vacant since the applicant purchased it in June 2022
- 5.4. The building is currently within Use Class E, in line with paragraph MA (1) (b) which sets out that the building must fall within one of the use classes listed within sub-paragraph (2) of Criteria MA of the Permitted Development Order 2021 for a continuous period of at least 2 years prior to the date of the application for prior approval. The property was previously occupied by Hal Emmett and Co solicitors for a continuous period in excess of 2 years prior to the date of this application. This is evidence by Google Street View images shown in Appendix 2. In line with paragraph MA (1) (c) the cumulative floor space of the existing building which is being changed under Class MA does not exceed 1,500 square metres. The total floor area for the change of use is 220sqm.
- 5.5. Paragraph MA (1) (d) sets out that development is not permitted if land covered by, or within the curtilage of, the building –
- (i) *Is or forms part of a site of special scientific interest* – The site is not a site of special scientific interest.
  - (ii) *Is or forms part of a listed building or land within its curtilage* – The building is not a listed building and is not within the curtilage of a listed building.
  - (iii) *Is or forms part of a scheduled monument or land within its curtilage* – The building does not form part of a scheduled monument, and is not land within the curtilage of a scheduled monument.
  - (iv) *Is or forms part of a safety hazard area* – The building is not located on land which forms part of a safety hazard area.
  - (v) *Is or forms part of a military explosives area* – The building is not located on land which is, or forms part of, a military explosives area.
- 5.6. In line with paragraph MA (1) (e) the building is also not within any of the following areas:
- (i) An area of outstanding natural beauty
  - (ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981



- (iii) The Broads
- (iv) A National Park; or
- (v) A World Heritage Site.

5.7. In line with paragraph MA (1) (f) the site is not occupied under an agricultural tenancy.

5.8. Paragraph MA (1) (g) sets out that development is not permitted by Class MA before 1<sup>st</sup> August 2022, if –

- (i) *The proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1<sup>st</sup> August 2021 – The proposed development does not fall within Class O of this Part and did not fall within Class O before 1<sup>st</sup> August 2021. The proposed development falls within Class E.*
- (ii) *The development would not have been permitted under Class O immediately before 1<sup>st</sup> August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3 –*

#### **Conditions –**

5.9. MA.2 – (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must 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 impacts of the development, particularly to ensure safe site access – A Transport Note has been produced by Vectos which sets out that there are no highways safety concerns or transport impacts associated with the proposed conversion.*

(b) *Contamination risks in relation to the building – There is no contamination risk in relation to the building.*

(c) *Flooding risks in relation to the building – The site is located within Flood Zone 1 where there is no flooding risk in relation to the site.*

(d) *Impact of noise from commercial premises on the intended occupiers of the development – A noise impact assessment has been conducted by E3P, which concludes that, subject to mitigation which can be secured by a standard condition, there are no noise-related reasons for withholding permission. Furthermore, the mitigation relates to traffic noise, and not "noise from commercial premises".*

(e) *Where –*

(i) *The building is located in a conservation area – The site is not located within a Conservation Area.*

*(ii) The development involves a change of use of the whole or part of the ground floor. – The whole of the ground floor of the building will remain within Class E use. The conversion only relates to the first and second floor of the building.*

*The impact of that change of use on the character or sustainability of the conservation area*

*(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses; – All habitable rooms will be provided within adequate natural light.*

*(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and*

*(h) Where the development involves the loss of services provided by –*

*(i) A registered nursery, or*

*(ii) A health centre maintained under Section 2 or 3 of the National Health Service Act 2006*

*The impact on the local provision of the type of services lost.*

*(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.*

*(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for and highways impacts of the development there were substituted impacts of the development, particularly to ensure safe site access.*

*(5) Development must be completed within a period of 3 years starting with the prior approval date.*

*(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.*



## 6. Conclusion

- 6.1. This statement demonstrates that the proposed change of use complies with the relevant regulations and therefore satisfies the Prior Approval process under Class MA allowing for the conversion of the Class E use to the first and second floor of the property to Use Class C3 residential.
- 6.2. The proposal complies with the requirements and conditions of the regulations and is in line with the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, Schedule 2, Part 3, Class MA.
- 6.3. It is considered that the information provided is sufficient to allow Sefton Council to grant prior approval without delay.





## Appendix 1: Evidence of use ceasing September 2021

[← Back to results](#)

# HAL EMMETT & CO

Firm has closed

|                     |                                                                               |
|---------------------|-------------------------------------------------------------------------------|
| Head office address | LIVERPOOL <a href="#">View contact details</a>                                |
| Type of firm        | Closed on 30/09/2021                                                          |
| Regulator           | Solicitors Regulation Authority                                               |
| SRA number          | 49387                                                                         |
| Regulatory record   | No decisions published. <a href="#">Read our decision publication policy.</a> |

This firm has closed. If you have a query about this firm, you can [contact us](#).

## Offices (1)

### HAL EMMETT & CO | LIVERPOOL | Head office

 57 Liverpool Road North, LIVERPOOL, MERSEYSIDE, L31 2HF, England

 01515317666

 [hal@halemmett.co.uk](mailto:hal@halemmett.co.uk)

## This firm's regulatory record



TOP



## Appendix 2: Evidence of continuous Class E use for over 2 years



Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

# Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT  
We are ISO certified 9001, 14001, 45001



[Pegasus\\_Group](#)



[pegasusgroup](#)



[Pegasus\\_Group](#)

**PEGASUSGROUP.CO.UK**