

26th August 2022

Planning Department
Knowsley Metropolitan Borough Council
Municipal Buildings
Huyton
L36 9UX

Jones Lang LaSalle Ltd

Landmark, Oxford Street, Manchester M1 4BH
+44 (0)161 828 6440

jll.co.uk

Dear Sir/Madam

**Application for Certificate of Lawfulness of Proposed Use
Occupation of 2 Overbrook Lane as Film Production Facility
2 Overbrook Lane, Knowsley**

Summary

We write on behalf of our client, Eric Wright Group ('ERG' or 'the Applicant'), to apply for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) in respect of the proposed occupation of 2 Overbrook Lane for the purposes of a film production facility as set out below. An application has been submitted via the Planning Portal today (ref: PP-11500510).

ERG is the owner of the site, a modern purpose built commercial building located within the Knowsley Business Park, Kirkby. The site is currently being marketed having been recently vacated by the previous tenant. ERG has entered discussions with a film production company and wishes to establish that the proposed occupier its proposed operations may lawfully occupy the site under existing planning permissions for the site.

In support of this application, the following documents are submitted via the Planning Portal:

- Application Form; and
- Location Plan

The statutory application fee of £231.00 has been paid via the Planning Portal today.

Background

Eric Wright Group is the owner of 2 Overbrook Lane, Knowsley Business Park. The building comprises of a large purpose built commercial building extending to over 2,300sqm of floorspace.

An application for '*Erection of 2320 sqm Building to Provide Office Accommodation*' was submitted by ERG and approved by Knowsley Council 15th May 1996 ref: 96/00150/APP.

A lease between the freeholder of the site, Knowsley Council, and as leaseholder ERG was signed in May 1997 and permitted the use of the building for uses falling within Use Classes B1 and B8 of the Use Class Order and for Use Class B2 with the freeholder's prior written consent.

ERG subsequently developed the site as purpose-built office with ancillary storage for a specific occupier. The occupier and its operations fell within the definitions of Use Classes B1. The site was subsequently occupied until the past 12 months at which time the site was vacated and has been actively marketed by JLL throughout 2022¹.

¹ [Marketing Brochure](#)

The original planning permission is not available on the Council's online planning register however it is understood based on the description of development and other sources that the permission allowed the development of an office building along with storage/warehouse space to meet the needs of the previous occupier.

Legal Context

Section 192(1) of the Act states that *'If any person wishes to ascertain whether any proposed use of buildings or other land...would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question'.*

Section 192(2) of the Act adds that *'If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application'.*

The Act goes on to outline the necessary supporting information required in order for an application for a CLOPUD to be considered by a Local Planning Authority, including submission of an appropriate plan, supporting information and an application form.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("Order") sets out further procedural steps relating to a CLOPUD application. Article 39 of the Order requires that an application should be determined within eight weeks unless an extension is agreed in writing by the applicant.

Guidance on Lawful Development Certificates is provided in the online Planning Practice Guidance ("the PPG") at www.gov.uk/guidance/lawful-development-certificates. The guidance outlines the key issues to be considered by Local Planning Authorities as follows:

'A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"

The PPG also provides useful information on the 'lawfulness' of a proposal and summarises that *'lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required'.*

Proposed Use and Planning Assessment

ERG has entered into discussions with a prospective occupier; a film and media production company. The proposed occupier proposes undertaking the following operations at the site:]

- Use of the warehouse area for filming and construction of a 'green screen' area;
- Use of the first floor offices for IT and back of house activities; and
- Use of the ground floor offices as production rooms, changing rooms, a photography studio, staff canteen and general office space.

While much of the above works, particularly those associated with the existing office space, clearly relate to typical office operations which fall within the lawful use of the site as an office building.

Film production operations are not specifically included within the Use Class Order however various recent applications across England have found film production uses to fall within Use Class B1, now falling within Use Class E. A summary of recent relevant permissions is included below.

- 1 Mollison Avenue, Location Collective was granted planning permission (Ref: 19/03721/FUL) in February 2020 for the temporary use the building and land for the purposes of film-making for 9 years. The existing premises comprised a former storage and distribution warehouse and light industrial unit (Use Classes B8 and B1c) and permission was granted for B1(c).
- Ashford International Film Studios was granted planning permission (Ref: 19/01476/AS) in April 2020 for a mixed-use development which included film/TV Studios, associated workshops and media village, with the decision notice listing these uses as falling within Use Class B1.
- Elstree Film Studios planning permission was granted (Ref: 20/0315/FULEI) for the construction of 9 buildings which would comprise sound stages, production support, offices and set workshops all of which fell within the B1 Use Class.
- Arborfield Garrison Film Studio was granted planning permission (Ref: 162881) in February 2017 for the temporary change of use of the Site from Sui Generis for the use of the land for filming Use Class B1.
- Tetris A40, Ealing was granted permission (Ref: PP/2013/3404) in November 2013 for similar activities and operations associated with film production involving office based, storage and distribution, filming, set production, wardrobe and make up. The application was approved with the B1, B2 and B8 uses with film production included in Use Class B1

As set out above, although the original 1996 planning permission is not available, the applicant believes the original permission to allow for the site to be used for office and ancillary uses and that the site was occupied lawfully on this basis in the intervening time.

During the examination of the Knowsley Local Plan Core Strategy, an Employment Position Statement (Submission Version July 2013)² was submitted which assessed the site as being developed for Use Class B1 (row one, document page 43, PDF page 50), confirming that the Council consider the site to benefit from planning permission for uses falling within Use Class B1 (now Class E).

As such, it is considered that the proposed use falls within Use Class E (previously Use Class B1) and that the proposed operations fall within the approved lawful use of the site as an office, formerly falling within Use Class B1, now Use Class E.

I trust the above information is sufficient to determine this application however should you require any further information, please do not hesitate to contact me.

Yours faithfully,



Tom Robinson
Associate

Direct line 0161 828 6437
Mobile 07841 860930
tom.robinson@eu.jll.com

² [Employment Position Statement 2013](#)