

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 23/02818/PDC **CASE OFFICER:** Andrew Hunt

WARD: St Gabriels **PARISH:** N/A

LOCATION: 25 Derby Road, Huyton, Knowsley, L36 9UG

PROPOSAL: APPLICATION FOR PRIOR APPROVAL FOR THE CONVERSION OF
THE WHOLE OF SECOND FLOOR INTO 5NOS SELF-CONTAINED
FLATS

Site Description

The site is a row of shops set within Huyton Town Centre. The site is located north of the underpass between Sherborne Square and Derby Road at 25 Derby Road. It is surrounded by other town centre units to the north, west south and east. The proposed development would relate primarily to the second floor of the buildings which is currently unused.

Proposal

The proposal is a prior approval for the conversion of the whole of the second floor into 5no self-contained flats.

Consultations

Environmental Health – No objection subject to a condition to require a noise assessment to be undertaken prior to occupation.

Merseyside Fire and Rescue – No objection subject to informatives.

Representations

This application has been publicised by letters sent to 57 neighbours. No representations have been received.

Planning History

None Relevant

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS6 - Town Centres and Retail Strategy
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

N/A

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PRIOR APPROVAL CLASS MA

The application is a prior approval application under Class MA of the 2015 General Permitted Development Order (As Amended).

“MA.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 Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order”.

Part MA 2 sets out the prior approval criteria which any proposal will be judged against.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

*“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) impacts 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; F2...
(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 Act2006, the impact on the local provision of the type of services lost [F3; and
2 (i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”*

PRINCIPLE OF DEVELOPMENT

The application site has been vacant for a minimum of 3 months and was previously used as a solicitors (within Class E) for over two years. The floorspace also is less than 1500 sq metres, therefore the proposal complies with Class MA and is acceptable in principle.

RESIDENTIAL AMENITY

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

Part M.A 2 f) enables the local planning authority to consider *“the provision of adequate natural light in all habitable rooms of the dwellinghouses”*;

All of the proposed habitable rooms would be served by at least one window which would ensure sufficient light and outlook for the properties. Therefore, there would be adequate natural light in all habitable rooms.

Part 2 9A states that Schedule 2 Does not grant permission for any development that would not comply with the national space standards.

“(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

*(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015”.*

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The proposal would result in all dwellings complying with the national minimum space standards.

In relation to noise impacts from commercial premises on the future occupiers of the building, there is potential for noise to impact on the amenity of future occupiers, however it is considered that this can be mitigated via a planning condition.

TRANSPORT

NPPF para 109 states that a development should only be refused on highways grounds if *“there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

There would be 5 cycle parking spaces (one for each property) which provides adequate transport facilities. Due to its town centre location there would be no need for car parking and no impact on the highway network.

A condition will be attached to secure cycle parking Overall, the application complies with Core Strategy Policy CS7.

CONTAMINATION

It is considered that the application will not cause unacceptable contamination risks. This is supported by the views of Environmental Health who have no objection. There would be no new building works undertaken or building over undeveloped land which would require a new assessment of risks. The proposed development therefore would not cause harm in relation to contamination.

OTHER CONSIDERATIONS

The application site is not within a high flood risk area and there is no built development proposed. Therefore, there are no flooding issues associated with the development.

CONCLUSION

The applicant be informed that under the terms of Class MA (Schedule 2 Part 3) of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) prior approval is required and approved subject to the following conditions.

1) Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents :-

- a. Proposed East and West Elevations (received 05/12/2023).
- b. Proposed Front and Rear Elevations (received 05/12/2023).
- c. Existing and Proposed Ground Floor Plans (received 05/12/2023).
- d. Proposed Second Floor Plan - (received 05/12/2023).
- e. Design and Access Statement - (received 05/12/2023).
- f. Location Plan - (received 05/12/2023).

Reason: For the avoidance of doubt.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

2) Cycle Parking

No dwelling shall be occupied until the cycle parking shown on plan W.23/62/01 has been implemented in full. This parking shall be retained as long as the dwellings are in use.

Reason: In the interests of promoting sustainable transport.

3) Noise

No part of the development hereby permitted shall be occupied until a scheme for the protection of the dwellings from noise from the commercial properties situated within Huyton Town Centre, and in particular Derby Road has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the findings of an approved noise survey. All works which form part of the scheme shall be completed before any of the relevant dwellings are occupied and retained at all times thereafter. Evidence of the agreed measures shall be submitted to the local planning authority prior to occupation of the properties.

The scheme shall ensure that noise exposure within living rooms and bedrooms does not exceed the relevant standards. (BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings and BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound). Where windows are required to be kept closed to meet the indoor noise levels then an alternative means of ventilation shall be provided.

Reason: In order to protect future residents from harmful noise levels.

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>K Foster</u>
<u>Date:</u>	<u>23 January 2024</u>

INFORMATIVES

N/A

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

2 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

c:\users\bidej\appdata\local\microsoft\windows\inetcache\content.outlook\1u8myzek\23-02818 - pdc 25 derby road hutyon l36 9ug.docx