

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 21/00254/FUL

APPLICANT: N Nadarajah

WARD AFFECTED: St Michael's

DEVELOPMENT: ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION AND PART CHANGE OF USE OF DWELLING TO FORM NEWSAGENTS

LOCATION OF SITE: 10 Nyland Road, Huyton, L36 3TG

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area

RELEVANT POLICIES

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)

H5 - Development within Primarily Residential Areas

ENV2 - Noise and Vibration

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

PLANNING HISTORY

A previous planning application for a garage, kitchen and lounge extension was approved at the property, (74/07707/HIST – approved 14/07/1983).

TECHNICAL CONSULTATIONS:

Environmental Health – Objection –The information submitted is not sufficient and the location of the proposed shop is not ideal. We are concerned about the potential for noise emitted by the proposed use having a detrimental impact on the amenity of the residents of nearby properties.

Noise issues could arise from customers using the newsagents (from cars coming and going and from the customers themselves), delivery wagons at early hours of the mornings, potentially delivery service

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vehicles (e.g. collect+, amazon etc) and waste collection vehicles. The newsagents may attract antisocial behaviour (ASB) from youths gathering outside.

Highways – No Objection - 10 Nyland Road is served by a cul de sac road off the through road also named Nyland Road. It is expected that it will be mainly local people utilising the proposed business however, on occasion passing trade can be expected to stop/park on the through road, as local people currently do. The through road is not subject to parking restrictions. Plan P326_103 sets out the proposed site layout to the satisfaction of the highway development team.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 28 neighbours.

Cllr Kearns has objected on the grounds that the change to a shop might cause an unnecessary traffic and nuisance problems in a residential road.

12 Individual objections have been received from neighbours consisting of the following main points:

- The development could attract anti-social behaviour.
- The development would cause traffic impacts from deliveries and visitors and would harm road safety.
- The traffic will create an unsafe area for children.
- The use will attract noise to a residential area.
- The area is not suitable for a business, there are empty shops at Longview which would be a better location.
- Risk of Burglary for surrounding properties.
- The shop will cause littering.

A petition has also been received of 98 signatures objecting to the application on the grounds that the application will cause disruption to a quiet neighbourhood and we have no need for a newsagents due to other shops in the vicinity.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for the erection of a single storey side and rear extension and part change of use of dwelling to form newsagents.

PRINCIPLE OF DEVELOPMENT

The application would be for a main town centre use (Formerly A1 Shops – now part of Class E).

NPPF Para 86 requires that Local Planning Authorities take a sequential approach to main town centre uses with these uses being directed towards town centres.

“86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if

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suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered”.

NPPF para 90 states that where an application fails to satisfy the sequential test it should be refused.

“90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused”.

Policy CS1 in the Core Strategy states that one of the priorities for the development of Knowsley to 2028 is to maintain and enhance the borough’s town, district and local centres.

Policy CS4 in the Core Strategy states that new retail and other town centre uses will be primarily located in town centres in accordance with Policy CS6. A sequential approach to site selection should then be applied with locations in existing town, district and local centres of an appropriate scale being considered first, then edge of centre locations and then only if suitable sites are not available should out of centre sites be considered.

Policy CS6 in the Core Strategy states that proposals for retail and other main town centre uses outside of town, district and local centres will only be permitted if they compliment regeneration opportunities, avoid significant impact on the vitality and viability of the centre and comply with the sequential test.

The proposal is for a main town centre use (a shop), however, no assessment has been produced to demonstrate that alternative town centre or edge of centre sites including Hillside Road and Kingsway/Gentwood Parades local centres (amongst others) have been considered and are not feasible. These are all more appropriate locations for the proposed use than an out of centre residential area.

Therefore, the application fails to comply with the sequential test. As a result, the proposal is contrary to NPPF paras 86 and 90 and Core Strategy Policies CS1, CS4 and CS6.

DESIGN AND CHARACTER OF AREA

The application site lies in a Primarily Residential Area and therefore it must accord with Saved Policy H5 which requires that development which is for uses appropriate to a residential area will be permitted provided that the development would not have unacceptable impacts on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes, or adversely affect the street scene.

Policy CS19 requires that development respond to and integrate positive characteristics of the immediate surrounding.

NPPF Para 127 requires that developments add to the overall quality of the area and are visually attractive and are sympathetic to local character and history and create attractive places to live, work and visit.

”a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”..

NPPF para 130 states that permission should be refused for development of poor design that fails to improve the character and quality of an area.

“130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”,

The extension would result in an irregular, incongruous and unbalanced addition to the existing dwelling. The extension would be wider than the existing dwelling at around 7.38 metres compared to the 6.55 metre width of the existing building and would increase its width by around 112%. The width of the extension would therefore appear as a disproportionate and uneven addition and would break up the natural symmetry and proportions of the existing terrace.

The long glass windows would also be an alien feature in the street scene and would be a discordant and jarring addition to the existing terrace. This would be exacerbated by the likely use of advertisements in the shop, lighting and the hard standing proposed in front of the building.

The extension would also be inconsistent with the building lines of the dwellings on Nyland Road and would project significantly further forward than the houses to the south. This would have a significant visual impact due to its prominent corner position.

Overall, the extension would have a detrimental impact on the character and appearance of the local area be contrary to Core Strategy policy CS19 and NPPF paras 127 and 130.

AMENITY

As set out above Saved Policy H5 states that developments in residential areas will only be permitted where they do not have an adverse effect on amenity.

Core Strategy Policy CS19 requires that development proposals avoid unacceptable impacts on existing residents and future occupiers.

“development proposals will be required to: a) Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers”;

NPPF para 127 requires that development creates places with a high standard of amenity for existing and future users.

“f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”;

NPPF para 180 also requires that development should be appropriate for its location when taking into account noise impact, and avoid noise giving rise to significant adverse impact on health and quality of life.

“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living

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conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”;

UDP Policy ENV2 states that development that would cause an unacceptable increase in noise levels will not be permitted.

“Development that will either cause an unacceptable increase in noise or vibration levels or itself be subject to unacceptable noise or vibration from an existing source will not be permitted”.

The extension would not impact on the light outlook or privacy or neighbouring dwellings.

However, due to the extension's location in the middle of a residential area and position at the end of a terrace, there is significant potential for adverse noise impacts.

The development would result in additional customer cars and delivery lorries delivering to the store throughout the day, including early evening and at night. This would result, in noises such as the slamming of car doors and the beeping of reversing lorries. The noise from the premises would be readily audible from the nearby dwellings and other properties to the south and north west.

The shop would disturb the tranquillity and quietness of an area that is characterised by residential properties and open space. In particular any residents that are working from home or retired would be subject to constant noise throughout the day. This view is also supported by the views of Environmental Health who object to the application. Overall, the application is contrary to NPPF paras 127 and 180 Core Strategy Policy C19 and UDP policies H5 and ENV2.

HIGHWAYS

NPPF para 109 states that development should only be refused where it would have an unacceptable impact on highway safety.

“109. Development should only be prevented or 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”.

The proposal would include two parking additional spaces, this would result in vehicles having to reverse back onto the main road close to the corner, which is not optimal for safety. There is also additional parking opposite the site. The development would also result in additional traffic close to an open space play area which is used by children. Whilst there would be some degree of harm to highway safety, it is considered that the level of harm in relation to highways would not be significantly adverse. This is supported by the views of the council's highways department who have no objection to the development. Overall, the development complies with Core Strategy Policy CS7.

OTHER MATTERS

In relation to crime and anti-social behaviour, it is considered that there would not be significant harm in relation to these matters from the proposal due to its small scale.

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In relation to littering it is considered this would not be a significant issue and could be addressed by the provision of a bin store.

CONCLUSION

The proposal is unacceptable in principle and would cause significant harm in relation to design and the character of the area and noise impacts on neighbouring properties. The development is therefore contrary to Policies CS2, CS4, CS6 and CS19 of the Core Strategy (2016), UDP (2006) Saved policies H5, and ENV2. and NPPF paras 86, 90, 127, 130 and 180.

RECOMMENDATION:

Refusal

That Planning Permission be refused for the following reasons:

- 1) The proposal fails to meet the requirements of the sequential test as it has not been demonstrated that there are no alternative sequentially preferable sites within town, district or local centres that could accommodate the development. The development is therefore contrary to Core Strategy Policies Cs1, CS2, CS4, CS6 and NPPF paras 86 and 90.
- 2) The development would cause unacceptable noise and disturbance impact to the detriment of the living conditions of neighbours. The development is therefore contrary to Core Strategy Policy C19, Saved policies H5 and ENV2 in the Replacement UDP, and NPPF paras 127 and 180.
- 3) The development would constitute poor design that would fail to cause harm and fail to improve the character of the area. The development is therefore contrary to Core Strategy policy CS19, Saved Policy H5 in the Replacement UDP and NPPF paras 127 and 130.

Andrew Hunt

13 May 2021

Alan Kilroe

13 May 2021

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