

<u>APPLICATION NO:</u>	22/00430/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Fleet Factors , Stretton Way, Huyton		
<u>PROPOSAL:</u>	VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION 21/00732/FUL (ERECTION OF EXTENSION TO EXISTING INDUSTRIAL UNIT COMPRISING OF 2 NO .ADDITIONAL UNITS (USE CLASS B8) TOGETHER WITH THE CONSTRUCTION OF HARDSTANDING TO FORM VEHICULAR PARKING AND OTHER ASSOCIATED WORKS) TO ALLOW FOR AMENDMENTS TO THE APPROVED PLANS INCLUDING CHANGES TO INTERNAL LAYOUT AND ELEVATIONS TO FORM 1 NO. ADDITIONAL UNIT		

Site Description

The site comprises the Fleet Factors building and associated parking together with a vacant grassed area to the south of the building with some trees within. The site is bounded to the south and west by Logwood Mill Brook with Stretton Way to the east, and also south of the brook. The site is at the southern end of the Huyton Industrial Estate.

Proposal

In April 2022 planning permission was granted to erect an extension to the existing unit to form two Storage and Distribution (Use Class B8) units together with the construction of hardstanding to form vehicular parking and ther associated works (21/007323/FUL). The approved extension is to project further west than the existing building by 6m with the existing building having an angled west elevation. The approved extension is to be set back from the east elevation approximately 20m with the approved units modestly sized at 271 sq.m and 281 sq.m in area. The extension as approved would be taller than the existing by approximately 2.7m. The extension approved was proposed at 21.3m and 27.6m deep. The extension was approved with a service yard to the front, and to the south of the existing unit with parking on the south side of the unit and north of the site access with a total of 18 spaces. To the rear of the units (existing and proposed) hard surfacing was approved to provide a rear yard area. Existing fencing would be retained. The approved extension was to be clad with grey profiled cladding, with a roller shutter door on the front of each unit. The current proposal is to revise the approved plans including the floor plans and elevations of the approved extension to form one unit instead of the two units approved. As such there would be one roller shutter door located on one side of the extension with a double storey glazed area on the other side where the entrance door would be.

Consultations

Whiston Town Council - No comments received.
Highway Authority - No objections.

Representations

This application has been publicised by letters sent to 7 neighbours. No representations have been received.

Planning History

21/00732/FUL - ERECTION OF EXTENSION TO EXISTING INDUSTRIAL UNIT COMPRISING OF 2NO ADDITIONAL UNITS (USE CLASS B8) TOGETHER WITH THE CONSTRUCTION OF HARDSTANDING TO FORM VEHICULAR PARKING AND OTHER ASSOCIATED WORKS. Approved: 04.04.2022.

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 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

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

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

EC1 - Strategy for Provision of Employment Land

EC3 - Primarily Industrial Areas

DQ4 - Trees and Development

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.

Assessment

Design and Visual Considerations

The proposal would result in minor changes to the approved extension and the amended extension would be acceptable in terms of appearance and visual amenity so it complies with Policies CS2 and CS19.

Highway and Parking Considerations

The approved scheme provided satisfactory access / egress arrangements with acceptable levels of parking and servicing arrangements. These approved details are not proposed to be amended and therefore no further highways or parking issues are raised the proposal therefore complies with Policy CS7.

Amenity Considerations

The site is on Stretton Way within the Huyton Industrial Estate and backs onto the M57 motorway. The nearest houses are on Bridgewater Way at the back of the west side of Wilson Road and Halewood International, and there is Chapel Brook hotel at the southern end. No residential amenity concerns were raised with regards the approved scheme and none are raised with regard the amended proposal. The proposal therefore complies with Policies CS2 and CS19.

Tree Issues

The approved scheme would have resulted in the loss of trees located within the site. Taking into account the location of the site within the industrial estate it was considered that the loss of the trees to provide two commercial units was acceptable balanced against the loss of amenity and habitat provided that mitigating planting occurred. The Council Arboriculturalist did not object to the tree loss but requested replacement planting on a 1:1 basis and size 20-24cms diameter basis, and as such a landscape condition was attached to the permission requiring replacement planting to mitigate the tree loss. Such a condition would therefore be required on any approval for the revised scheme to ensure satisfactory replacement planting and subject to the condition the development complies with Policy CS20.

Conclusion

The proposed revision to provide one larger unit rather than the two small units approved, due to market interest, would be acceptable in appearance and does not raise additional highway concerns. The amended scheme complies with planning policies and is therefore recommended for approval subject to the same conditions as the previous approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The development hereby permitted shall not be brought into use until the areas indicated on the Proposed Site Plan referenced 5801_105 Rev 2 approved by virtue of planning permission 21/00732/FUL for parking, servicing, vehicular manoeuvring (including provision for pedestrians / cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 4) The unit hereby permitted shall not be brought into use until precise scheme details of proposed cycle storage (such as highlighted on the Proposed Site Plan 5801_105 Rev 2 approved under planning permission 21/00732/FUL) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed before the unit is first occupied. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: In the interests of sustainable travel and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 5) The unit hereby shall not be first occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks.
- b) Hard surfaced areas and materials.
- c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
- d) Existing plants / trees to be retained.
- e) Detailed regime for the establishment ongoing and longer-term maintenance of all soft landscaping is also required to be submitted for approval.

To ensure satisfactory mitigating tree planting to account for the trees to be felled the scheme must include tree planting on a 1:1 replacement basis with each replacement tree to be of minimum girth 20-24 cm and of native species.

The approved landscaping works shall be implemented and completed prior to the first use of the proposed unit or within the first available planting season if the unit is first occupied between the months of March and September.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure acceptable replacement tree planting, to ensure that the site is satisfactorily landscaped having regard to its location and to comply with Policies CS2, CS19 and CS21 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/07/2022	P5801_100	1	Location Plan
13/07/2022	P5801-106 Rev 2	2	Proposed Floor Plan
13/07/2022	P5801-108	3	Proposed Elevations
13/09/2021	C14086	B	Flood Risk Assessment
01.11.2021	D9155.001		Arboricultural Impact Assessment (TEP - October 2021)

Signed Case Officer: Lee Osborne

Signed Authorising Officer: Alan Kilroe

Date: 1/11/22

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:
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- 2 Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. If possible, no tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds. In the event that such works do occur within the stated time period a qualified ecologist should be on site during the site clearance works to check the planted environment before works occur and in the event that nesting birds, eggs, young birds and/or nests are discovered works should cease and the ecologist advise of procedures to be undertaken to protect the birds and nest. Once such protective

works have been undertaken and on the advice of the ecologist site development works can proceed.

- 3 The applicant, their advisers and contractors should be aware that if any European Protected Species are found, then as a legal requirement, work must cease, and advice must be sought from an ecologist.
- 4 Based on the information available to Environmental Health they are not aware of any contamination on this site. However, the responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4713) as soon as is practicable should contamination be encountered during the development of the site.

If contaminated material is encountered the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.

- 5 Merseyside Fire Authority attached to planning permission 21/00732/APP.
- 6 EA comments attached to 21/00732/FUL
- 7 UU comments attached to 21/00732/FUL

Appendix 1 – Site Photographs