

APPLICATION NO: 23/00176/FUL **CASE OFFICER:** Andrew Hunt

WARD: Prescot North **PARISH:**
Knowsley Parish
Council

LOCATION: Keepers House, School Lane, Knowsley Business Park,
Knowsley, L34 9EN

PROPOSAL: DEMOLITION OF EXISTING CAR REPAIR GARAGE, MOT
STATION AND ANCILLARY COMMERCIAL BUILDINGS
TOGETHER WITH THE ERECTION OF A SINGLE STOREY
DOG KENNEL BUILDING AND THE FORMATION OF 13 NO.
CAR PARKING SPACES COMPRISING 10 NO. VISITOR
SPACES AND 3 NO. STAFF SPACES

Site Description

The site is a rectangular site to the north of a dwelling (Keepers Cottage) and to the east of an industrial estate. The site is physically separate from the industrial estate within its own access (jointly with Keepers Cottage) off School Lane to the north. There is an existing building (Mot garage on site) with other smaller buildings on site.

Proposal

The proposal is for the demolition of existing car repair garage, mot station and ancillary commercial buildings together with the erection of a single storey dog kennel building and the formation of 13 no car parking spaces comprising 10 no visitor spaces and 3 no staff spaces.

Consultations

Environmental Health – No Objection subject to conditions in relation to contamination.

Highways – Highways have no objection to the proposed development. The visibility at the site access is substandard, however, it is considered that the proposed development would not attract a significant increase in traffic over the former and lawful use of the site. A condition is required in relation to gates.

Merseyside Fire and Rescue – No objection subject to informatives.

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Representations

This application has been publicised by letters sent to 35 neighbours. No representations have been received.

Planning History

A previous application for a change of use from repair and maintenance to Mot tests was approved (74/05471/HIST – approved 02.12.1980).

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS4 - Economy and Employment
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development

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

EC3 - Primarily Industrial Area

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

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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:

PROPOSAL

The proposal is for the demolition of existing car repair garage, mot station and ancillary commercial buildings together with the erection of a single storey dog kennel building and the formation of 13 no car parking spaces comprising 10 no visitor spaces and 3 no staff spaces.

PRINCIPLE OF DEVELOPMENT

The application site is situated within a Primarily Industrial Area. The existing use of the site is for an MOT station. This is classed as a Sui Generis use. The proposed use (Dog Kennel) is also classed as a Sui Generis use. Therefore, there would be no loss of employment land within the area, as the existing use is not employment land. The proposed use is also compatible with the surrounding uses. Therefore, the application complies with Core Strategy Policy CS4 and UDP policy EC3.

DESIGN, ACCESS AND LAYOUT

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The new building would be around twice as large as the existing building and smaller outbuildings. However, it would be much smaller than the large building to the north and other buildings in the adjacent industrial area.

In terms of the design of the building, this would be of a functional industrial appearance which is considered appropriate for the area. The building would also not be readily visible from outside the site and Keepers Cottage (due to it being obscured by the large building to the north). Overall, it is considered that the design and appearance of the kennels is acceptable.

The site would include a grassed area for exercise of the dogs. This is currently a derelict part of the site and it is considered that this will improve the visual appearance of this part of the site. The proposal overall it is considered will improve the appearance of the site.

Overall, the development is consistent with Core Strategy Policies CS19.

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.

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The building would be slightly further away from Keepers Cottage than the current building. It is considered that the proposed kennel use is no more intrusive than the previous MOT use. The dog kennel use would also be under the same ownership of Keepers Cottage and so they would be able to take measures to address any issues from noise and disturbance. It would also be in their interest to minimise the amount of noise from the building.

Conditions will be attached to prevent contamination.

Overall, it is considered that the development will not harm the amenity of neighbours. The development therefore complies with Policy CS19 of the core strategy.

HIGHWAYS

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 15 parking spaces at the property. This is an increase from the current more 8 spaces. Therefore, it is considered that there would be sufficient parking spaces to serve the building.

In relation to visibility splays it is considered that the proposed access is below standards, however this has to be considered against the existing lawful use of the site. It is considered that the proposal will not result in a significant increase in traffic compared to the previous use and therefore the visibility is considered to be acceptable.

A condition is required to prevent a gate being erected close to the access.

Overall, there would not be significant harm to highway safety. This view is supported by the councils' highways department. 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, subject to standard contamination conditions. The proposed development therefore complies with UDP Policy ENV5.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to highway safety or the amenity of neighbouring properties. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019).

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.

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

2) Plans

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

- a. Existing and Proposed Plans and Elevations (2) (Received 23/03/2023).
- b. Proposed Site Plan (3) (Received 23/03/2023).
- c. Site Location and Block Plan (1) (Received 23/03/2023).
- d. Planning Statement (Received 23/03/2023).

Reason: For the avoidance of doubt.

3) Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: In order to avoid harm to human health from contamination.

4) Access Gate

Any gate or other form of barrier across the access shall be positioned at least 8 metres back from the nearside edge of the carriageway of Knowsley Lane, and shall be constructed to open into the site only.

Reason: To permit vehicles to pull clear of the highway when entering the site, in the interests of highway and pedestrian safety and to comply with Policy CS19 of the Core Strategy, adopted January 2016

<u>Signed Case Officer¹:</u>	<u>Andrew Hunt</u>
<u>Signed Authorising Officer²:</u>	<u>K Foster</u>
<u>Date:</u>	<u>30 May 2023</u>

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

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INFORMATIVES

1) Contaminated Land Advisory Note

Based on the information available we 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 4712) 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.

The applicant should have regard to the following statement in Planning Policy Statement 23 (section 2.51) "As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990."

2) Dog Boarding Guidance

Please see guidance on applying for a licence to operate a Dog Boarding premises. Commercial-Dog-Boarding-Guidance.pdf (localgovernmentanimalwelfare.org)

3) Merseyside Fire and Rescue – See Letter

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Appendix 1 – Site Photographs



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