

<u>APPLICATION NO:</u>	24/00456/FUL	<u>CASE OFFICER:</u>	Kim Vo
<u>WARD:</u>	Shevington	<u>PARISH:</u>	
<u>LOCATION:</u>	Stretford News, 1 Stretford Close, Tower Hill		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY SHOP EXTENSION		

Site Description

The application relates to a single storey detached building in current use as a convenience shop under Class E(a). The shop is sited within the residential curtilage of a two-storey end terrace dwelling at no.1 Stretford Close, which features an existing rear conservatory. Condition 2 of the original permission ref: 74/15118/HIST requires that the shop shall only be occupied in conjunction with the dwelling and not as a separate unit.

The application site is located within a Primarily Residential Area as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006). The site is also within the Tower Hill Action Area as defined by Policy CS1 and CS12 of the Knowsley Local Plan: Core Strategy (January 2016).

Proposal

The proposal seeks consent for the erection of a single storey extension to the convenience shop. It would project 3.265m from the rear wall of the shop and measure 7.18m wide overall. It would increase the internal retail floorspace from 25sq.m. to 48.8sq.m and result in a reduced floorspace of the existing rear conservatory. A flat GRP roof is proposed and would have a maximum height of 2.518m. A window is proposed to the front elevation (facing Stretford Close) with a personnel door proposed to the rear elevation. It would be finished in matching brick to the exterior and uPVC to the openings. The existing external fan unit will be relocated to the rear of the proposed extension.

The proposed openings hours are 07:00am to 20:00pm from Mondays to Sundays and Bank Holidays. The proposal will have 1no. full-time employee and 2no. part-time employees.

Consultations

Highway Authority: No comments received.

Environmental Health: No comments received.

Representations

This application has been publicised by letters sent to 12no. neighbours. It has also been advertised by Site Notice. No representations have been received.

Planning History

20/00404/FUL - Erection of a single storey rear extension to shop. Granted, 13.01.2021.

98/00221/APP - Erection of single storey extension to rear of existing shop. Granted, 12.06.1998.

74/15118/HIST - Erection of building in rear garden of dwelling providing single storey lock up shop. Granted, 26.08.1993.

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 UDP, 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 (January 2016)

Policy CS1: Spatial Strategy for Knowsley
Policy CS2: Development Principles
Policy CS4: Economy and Employment
Policy CS6: Town Centres and Retail Strategy
Policy CS7: Transport Networks
Policy CS12: Principal Regeneration Area – Tower Hill
Policy CS19: Design Quality and Accessibility in New Development
Policy CS26: Waste Management

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas
Policy S9: Shop Fronts and Security Shutters
Policy ENV2: Noise and Vibration

Merseyside and Halton Joint Waste Local Plan

Policy WM 9: Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents (SPDs)

Tower Hill (Kirkby) Action Area (April 2007)
Ensuring a Choice of Travel (September 2010)
Design Quality in New Development (January 2016)
Shopfronts and Signage Design (June 2023)

National Policies

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The main considerations for this application are:

- Principle of Development - Spatial Development;
- Principle of Development - Retail Sequential Test / Retail Impact;
- Design and Visual Amenity;
- Neighbouring Amenities;
- Parking and Highway Safety;
- Waste Management;
- Biodiversity Net Gain.

Principle of Development

Principle of Development - Spatial Development Policy Context

Policy CS1 of the Local Plan Core Strategy states that the spatial development for Knowsley will be achieved by, amongst others, focussing development within existing urban areas, with emphasis upon areas that are within or easily accessible from areas in need of regeneration, and by maintaining the existing settlement hierarchy.

Policy CS1 of the Local Plan Core Strategy also sets out that opportunities for regeneration and development will be within the Principal Regeneration Areas which include Tower Hill, Kirkby. Policy CS12 of the Local Plan Core Strategy states that the comprehensive redevelopment and improvement of the Tower Hill Principal Regeneration Area, will be facilitated through, amongst others, small scale enhancements to retail facilities, appropriate to the scale and function of a local centre to complement that of Kirkby Town Centre.

Principle of Development - Spatial Development Analysis

The application site is located within a Primarily Residential Area, within the large suburban centre of Kirkby. As such, the site is appropriately and sustainably located in accordance with Policy CS1 of the Local Plan Core Strategy. The proposal would also involve a small-scale enhancement to a retail unit to provide additional floor space which would support an existing business. This would contribute to an improvement of the Tower Hill Principal Regeneration Area, in accordance with Policy CS1 and CS12 of the Local Plan Core Strategy.

Principle of Development - Retail Sequential Test Policy Context

Policy CS4 of the Local Plan Core Strategy states that new retail and other main town centre uses will be primarily located within existing town centres in accordance with Policy CS6. A sequential approach to site selection shall 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. For edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

Policy CS6 of the Local Plan Core Strategy states that proposals for retail and other 'main town centre uses' outside Knowsley's Hierarchy of Centres will only be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in Policy CS4.

Paragraph 91 of the NPPF states that 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 suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Principle of Development - Retail Sequential Test Analysis

The proposal will result in the floorspace increase of an existing convenience shop from 25sq.m. to 48.8sq.m. The convenience shop is defined as a main town centre use in the glossary at Appendix A of the Local Plan Core Strategy and at Annex 2 of the NPPF. The application site is over 680m away from the Moorfield, Kirkby - Medium Local Centre and over 1km away from Kirkby Town Centre. The site is therefore, considered to be an out-of-centre location, as defined in the NPPF and in respect of Policy CS4 and CS6 of the Local Plan Core Strategy. Given that the site is out of centre and the proposal will result in increased retail floorspace, a sequential test is normally required. However, it would be unreasonable to disaggregate the new retail floor space from the rest of the development, given that the proposal is to serve an existing business. The proposed additional floorspace by 23.8sq.m. is also deemed to be a modest increase which would not significantly, adversely affect the retail element and function of the nearby local and town centres. A sequential test is therefore, not deemed to be necessary as part of this application.

Retail Impact

Paragraph 5.56 of the Local Plan Core Strategy and Paragraph 94 of the NPPF explains that when assessing applications for retail development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace).

In terms of the retail impact of the proposal, given its small-scale nature, it is not considered that it would have a significant, adverse impact on the vitality and viability of the nearby Moorfield, Kirkby - Medium Local Centre and Kirkby Town Centre. The proposed development also falls well below the 2,500sq.m. gross threshold for triggering the provision of a retail impact assessment. A condition will also be attached to ensure that the convenience shop shall only be occupied in conjunction with the dwelling at no.1 Stretford Close. This is to reinforce condition 2 of the original permission (ref: 74/15118/HIST) and to ensure that there is no conflict between the occupants of the dwelling and the commercial use at the site. Subject to this condition, the principle of the development is considered to be acceptable.

Impact upon Design and Visual Amenity

Design and Visual Amenity Policy Context

Policy CS2 of the Local Plan Core Strategy seeks to promote good quality design and ensure that development respects its setting taking into account relevant design requirements, and best practice.

Policy CS12 of the Local Plan Core Strategy seeks to, amongst others, enhance design quality and site layout to provide improved integration with surrounding areas and Kirkby Town Centre.

Policy CS19 of the Local Plan Core Strategy requires, amongst others, new developments to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment.

The Design Quality in New Development SPD (January 2016) sets out the Council's aspirations and expectations for design standards in new development.

The Tower Hill (Kirkby) Action Area (April 2007) provides general planning, design and transport principles that seek to secure a high-quality neighbourhood design and deliver sustainable development within Tower Hill (Kirkby).

Paragraph 135 of the NPPF requires planning policies and decisions to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Saved Policy S9 of the Knowsley Replacement UDP requires proposals for new or altered shopfronts to relate well to the street scene in terms of materials, form and proportions and provide good access for all members of the community. The Shopfront and Signage Design SPD provides further guidance that relate to the design of and alteration to shopfronts and signage.

Design and Visual Amenity Analysis

As the application site is located on a corner plot where Stretford Close meets Alans Way, the proposed extension would appear highly visible. However, the proposal is for a single storey development which is considered to appear subservient to the main shop building. Whilst a flat roof is proposed, it is considered that this roof style would allow the proposed extension to have a massing and scale that would be modest and appear less conspicuous within the street scene. Matching materials are also proposed, and the overall height of the proposal would be similar to the existing boundary wall and fence it would adjoin with. The proposed window is also considered to line up horizontally with the existing shopfront window. As such, it is considered that the proposal would be acceptable in terms of its impact upon design and visual amenity, in accordance with the policies listed above.

Neighbouring Amenity

Neighbouring Amenity Policy Context

Policy CS19 of the Local Plan Core Strategy and Paragraph 135 of the NPPF seeks to maintain a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy H5 of the Knowsley Replacement UDP states that new development within the Primarily Residential Areas (or proposals for the change of use or redevelopment of existing buildings) will be permitted provided that the development, amongst others, would not have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes.

Saved Policy ENV2 of the Knowsley Replacement UDP states that 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.

Amenities of the Neighbouring Properties

The proposed extension will project from the rear elevation of the existing shop and will be visible to the adjoining dwelling at no.2 Stretford Close and the rear neighbour of no.6 Stretford Close. However, a distance of 3.2m and 23m will be available to these neighbours (respectively) and there are no clear glazed openings proposed to the rear or side elevation which would face towards these dwellings. As such, any impacts in terms of loss of privacy or direct overlooking would be minimal. The proposed extension will also be mostly screened from no.2 and no.6 by the application dwelling and the existing boundary treatment. The proposal would result in an increase of the retail floorspace which may have an impact in terms of noise and disturbance. However, the proposed extension will be to an already existing retail unit which is situated within a detached building and therefore, the level of activity and movement will remain similar to what currently exists. It is also not considered that any harmful impacts would occur in terms of smells/fumes given the nature of the use as a convenience shop. The proposed openings hours of 07:00am to 20:00pm from Mondays to Sundays and Bank Holidays are also not deemed to be excessive and will be secured by condition. It is therefore considered that the impact in terms of noise and disturbance to the neighbouring dwellings will be acceptable. The external fan will also be situated to the rear of the store unit, which will be positioned similarly to where it is currently in situ.

Amenities of the Occupiers of the Application Site Dwelling

The convenience shop subject to this application is sited within the curtilage of an existing residential dwelling (no.1 Stretford Close). Whilst the proposal will extend into the rear garden of no.1, the application dwelling is within the same ownership as the convenience shop. Condition 2 of the original permission ref: 74/15118/HIST also requires that the shop shall only be occupied in conjunction with the dwelling and not as a separate unit. As such, the occupier for both the retail and residential uses are linked at the site and the impact in terms of noise and disturbance to no.1 is deemed to be negligible. It is acknowledged that the proposal will result in the loss of some outdoor amenity space, however a rear yard will still be available, as well as a rear conservatory (albeit with a reduced floor space). It is therefore considered that the proposal will still provide some useable outdoor amenity space.

The proposal would therefore have an acceptable impact on the amenity of the occupiers of the existing residential and neighbouring properties surrounding the site, in accordance with the policies listed above.

Parking and Highway Safety

Policy CS7 of the Local Plan Core Strategy states that new development will be required to be, amongst others, located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles.

The Ensuring a Choice of Travel SPD (September 2010) provides the parking standards for each land use type.

Paragraph 115 of the NPPF states that 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 application property is a 3no. bedroomed dwelling and the convenience shop will have a total floorspace of 48.8sq.m. Appendix A of the Ensuring a Choice of Travel

SPD requires 2no. parking spaces for a 2/3no. bedroomed dwelling and 1no. parking space per 14sq.m for non-food retail uses. As such, a total of 5no. parking spaces are required overall. The application site has off-street parking provisions for 1no. vehicle to the rear only and would therefore, fail to achieve the parking standards. However, this is an existing situation, and the application site is sustainably located within walking distance to the Headbolt Lane railway station and to bus stops along Headbolt Lane. On-street parking is also available should any additional parking be required. As such, on balance, it is considered that the proposal would have no severe impacts upon highway safety, in accordance with the policies listed above.

Waste Management

Policy CS26 of the Local Plan Core Strategy sets out that the Council will promote sustainable forms of waste management in accordance with the waste hierarchy through, amongst others, encouraging good design in new development in order to minimise waste, promote the use of reclaimed and recycled materials and to facilitate the collection and recycling of waste.

Policy WM9 of the of the Merseyside and Halton Waste Local Plan requires, amongst others, that the design and layout of new built developments facilitates the collection and storage of waste and provide sufficient access to enable waste and recyclable materials to be easily collected and transported for treatment.

The submitted plans indicate that the waste storage arrangements will remain as existing. The proposal is therefore acceptable in terms of waste management and storage, in accordance with the policies listed above.

Biodiversity Net Gain (BNG)

The Environment Act 2021 introduced a new mandatory requirement for Biodiversity Net Gain to ensure that most new developments increase baseline biodiversity value by a minimum of 10%. However, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 prescribe exemptions for categories of development to which biodiversity net gain does not apply. This includes development that does not impact a priority habitat and impacts less than: 25sq.m (5m by 5m) of on-site habitat and 5m of on-site linear habitats such as hedgerows.

The application site is fully hard surfaced and contains no priority habitats or on-site linear habitats which will be affected by the proposed development. The proposal is therefore considered to fall below the de minimis threshold and would be exempt from delivering BNG.

Conclusion

The principle of the proposal is considered to be acceptable. The proposed development would also have an acceptable impact upon neighbouring amenities; design and visual amenity; parking and highway safety; and waste management. The proposal is would also be exempt from delivering BNG. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

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) No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy S9 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, The Design Quality in New Development SPD, The Shopfront and Signage Design SPD, The Tower Hill (Kirkby) Action Area SPD, the Design Quality in New Development SPD, and the National Planning Policy Framework.

- 4) The convenience shop (Class E(a)) unit hereby approved shall only be operated and occupied in conjunction with the dwelling at no.1 Stretford Close, Tower Hill, Kirkby, Knowsley, L33 1WE.

Reason: To prevent the creation of a separate unit of occupation and to protect the amenity of the occupants of no.1 Stretford Close, Tower Hill, Kirkby, Knowsley, L33 1WE in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, and the National Planning Policy Framework.

- 5) The development hereby approved shall not be open or in operation outside the following times of 07:00am to 20:00pm from Mondays to Sundays and Bank Holidays.

Reason: In the interests of protecting the amenities of neighbouring occupiers, in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, and the National Planning Policy Framework.

- 6) Prior to the development hereby approved being first brought into use, the provision for waste and recycling facilities as shown on the approved plans shall be made available for use and thereafter retained.

Reason: To ensure satisfactory provision for waste and recycling facilities is provided in accordance with Policy CS26 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Policy WM9 of the of the Merseyside and Halton Waste Local Plan.

- 7) Prior to the development hereby approved being first brought into use, the access and parking area as shown on the approved plans shall be provided and thereafter retained.

Reason: To ensure that adequate access and parking provision is made on the site in accordance with Policy CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016, The Ensuring a Choice of Travel SPD (September 2010) and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
26/08/2024	1	-	Site Location Plan
07/10/2024	2	Rev. A	Existing and Proposed Site Plans
07/10/2024	3	Rev. A	Existing and Proposed Plans

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **11 October 2024**

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