

<u>APPLICATION NO:</u>	23/02445/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	4B Cables Retail Park, Steley Way, Prescot, Knowsley, L34 5NQ		
<u>PROPOSAL:</u>	INSTALLATION OF 5 NO. EXTERNAL AIR CONDITIONING CONDENSER UNITS TO REAR ELEVATION		

Site Description

The application property is located centrally within the row of retail premises and is currently vacant. Fronting the application property is a pedestrian walkway beyond which is communal car park associated with the retail park.

The application property adjoins the neighbouring retail units and is brick facing with glazed doors at ground floor level with signage directly above. In addition, each of these units contains apex roof arrangements.

At the rear of the application property is a service yard contained by a tall brick boundary wall beyond which is a mixture of uses including commercial and residential.

Proposal

As originally submitted the proposals sought permission for the installation of an internal mezzanine floor together with the installation of 5no. external air conditioning condenser units to the rear elevation.

The mezzanine floor does not require planning permission. As such, the description of development has been amended to reflect this and the application will concern the installation of the external air conditioning units alone. The units measure as follows:
CU NO1 - .99m height by .94m width by .32m depth.
CU NO3 - .82m height by .94m width by .46m depth.
CU NO 5, 6, 7 - .73m height by .87m width by .37m depth.

Two existing units will be retained.

Consultations

Environmental Health – No objections raised subject to condition.

Representations

This application has been publicised by letters sent to 23 neighbours and displayed by site notice. No representations have been received.

Planning History

Ref: 00/00502/ADV – Installation of 1no internally illuminated central feature sign and

1no. externally illuminated main tenants sign together with lettering to feature fence. Granted 9th November 2000.

Ref: 00/00613/ADV – Retention of 1no. internally illuminated fascia sign and 1no. non-illuminated fascia sign to front elevation, and 1 no. non-illuminated sign to rear elevation. Granted 22nd November 2000.

Ref: 01/00139/ADV – Installation of 2no. non-illuminated gullwing entrance signs. Granted 24th April 2001.

Ref: 74/06862/HIST – Erection of reception building. Granted 6th May 1982.

Ref: 74/15156/HIST – Proposed 16 number 1 bed 2 person 2 storey flats with 8 number parking spaces. Application withdrawn.

Ref: 94/00134/APP – Application for approval of reserved matters for the construction of retail park and drive thru restaurant together with new access. Granted 2nd June 1994.

Re: 94/00365/APP – Erect 4,868sqm superstore, petrol station & car wash together with resiting & detailed design of diner approved in outline under app/94/00134, resiting of non-food retail units approved in detail under app/94/00108, car parking etc. Granted 1st August 1994.

Ref: 98/00444/APP – Application for approval of reserved matters in respect of landscaping in connection with outline planning permission Ref. K/APP/14963 for erection of non-food retailing units, assoc. parking, fast food diner, new roundabout and road. Granted 22nd July 2000.

Ref: 16/00454/FUL – Alterations to front entrance comprising reduction in size of entrance lobby and installation of new windows, doors and cladding panel. Granted 12th August 2016.

Ref: 23/02446/ADV – Display of 2no. illuminated fascia signs to front elevation. Granted 13th November 2023.

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 2016

CS2 - Development Principles
CS6 – Town Centre and Retail Strategy
CS14 – Principal Regeneration Area – Prescott Town Centre
CS19 – Design Quality and Accessibility in New Development

The site is located at Cables Retail Park forming part of the Council's principal regeneration areas. As such, the proposed alterations to the retail premises relating to the installation of plant equipment is acceptable in principle, subject to compliance with local planning policy and guidance.

Regarding the proposed application it has regard to policies CS2, CS6, CS14 and CS19 of the adopted Local Plan Core Strategy (2016).

These policies and guidance require that new development demonstrates a high standard of design, which does not adversely affect the character of the property or street scene and residential amenity and is for an appropriate town centre use.

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

Context

As originally submitted, the proposals sought permission for the installation of 5no. condenser units located at the rear elevation of the retail premises together with the installation of an internal mezzanine floor.

No conditions were placed on the original application associated with the installation of further internal floor space. Article 44 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) classifies development as 200sqm for internal operations. The internal mezzanine would result in an additional floorspace of 127sqm meaning that planning permission is not required for this aspect of development. As such, planning permission is only required for the installation of 5no. condenser units.

Design

The condenser units are designed for purpose and would be sited on the rear elevation of the retail unit. At the rear of the application property is a service yard contained by brick built wall beyond which is residential development. The condenser units would be obscured by the brick boundary wall together with 1no. mature tree and would not

adversely affect the visual amenity of the area given similar plant equipment is sited on the rear elevation of the property. The development is acceptable in terms of design.

Amenity

The application site is within Cables Retail Park. The nearest residential property is located at the rear at Station Road which is roughly 30m from the application site.

A Noise Impact Assessment was submitted with the application but required updating due to technical inaccuracies. Environmental Health has reviewed the updated Noise Impact Assessment who confirm that fixed plant noise is less than 5dB below the background noise level. Given the relatively small nature of development and that it is within an acceptable tolerance range in terms of noise the residential amenity of residents located at Station Road would not be adversely affected by the proposed development. However, due to the nature of the proposal it would be prudent to ensure that potential noise issues did not arise, then a condition relating to fixed plant noise is proposed, who have no objection to the development subject to conditions which have been agreed with the applicant.

Conclusion

The proposal is for 5no. air conditioning condenser units to the rear elevation of the application property and is quite common in such locations. The proposal would not impact on the amenities of the area and raises no highways issues. The application complies with planning policies and is therefore recommended for 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) Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS4142:2014+A1:2019, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive at no. 21 Station Road.

Reason: In the interests of protecting the amenity of neighbouring occupiers in accordance with Policies CS2 and CS19 of the Knowsley

Local Plan Core Strategy adopted January 2016 and Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) No external work associated with the installation of the air conditioning un shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and not at all on Sundays/public holidays without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting the amenity of neighbouring occupiers in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 5) The condenser units associated with this development shall not operate outside the hours of 08:00 to 20:00 on any day.

Reason: In the interests of protecting the amenity of neighbouring occupiers in accordance with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17.10.2023	2181-LP	REV A	LOCATION PLAN
17.10.2023	2181-00		EXISTING AND PROPOSED ELEVATIONS
17.10.2023	2181-03		PROPOSED SETTING OUT FLOOR PLANS
17.10.2023	2181-04		PROPOSED SECTIONS FLOOR PLANS
17.10.2023	2181-05	REV A	PROPOSED AC DETAILS
17.10.2023	2181-BP	REV A	BLOCK PLAN
14.12.2023	10570/JC/BL		NOISE IMPACT ASSESSMENT

Signed Case Officer¹: John Fleming

Signed Authorising Officer²: K Foster

Date: 29 January 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.

COAL AUTHORITY

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

Appendix 1 – Site photographs



