
<u>APPLICATION NO:</u>	23/02694/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	St Michael's	<u>PARISH:</u>	Prescot Town Council

LOCATION: Land At Kings Business Park, Kings Drive, Prescot

PROPOSAL: RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FOR THE SALE OF MOTOR VEHICLES, INCLUDING INSTALLATION OF AN OFFICE STRUCTURE & RETENTION OF 2.4M HIGH SECURITY FENCING AND GATES FOR A TEMPORARY PERIOD OF FIVE YEARS.

Site Description

This application relates to 0.35ha of land within Kings Business Park which previously comprised an overflow car park for use by business park employees and visitors. The site contains hardstanding and a number of lighting columns. The car park has not been utilised/required for its original purpose since planning permission was granted in 2003.

The site is located on the eastern side of Kings Drive which is the access road running through the business park. The site is surrounded by mature woodland and consequently is not readily visible from Kings Drive. To the west of Kings Drive is The Hazels Grade II listed building.

To the south of the application site is an existing car park associated with Alfred Knight offices and to the east of the site is an historic (currently derelict) Grade II listed walled garden.

Proposal

This is a retrospective application for the change of use of the site for the sale of motor vehicles , the installation of a sales office and the retention of security fencing and gates office for a temporary period of 5 years.

The former car park is now used for the sale of motor vehicles. (maximum capacity 91 vehicles). At the time of the site visit in November 2023 the parking area was at approximately 75% capacity with vehicles for sale. The proposed site opening hours are 0900 to 1800 Monday to Sunday. The majority of customers visit on an appointment basis only as the potential purchaser would view the vehicles on line. If they want to inspect the vehicle they can ring or e mail to book an appointment. The business very rarely has walk in customers as this is not encouraged.

The sales office is located along part of the western site boundary close to the woodland edge. The office would measure 5.1m by 12.2m with a maximum height of 2.74m. The building would have a flat roof.

The materials used comprise insulated fibreglass to the roof (colour finish dark grey), cladding to the main walls is vertical hardwood timber battens (natural colour) and windows & doors UPVC and aluminium (colour dark grey).

A bin store and bike store are proposed adjacent to the office however no further details have been provided with the application. These elements can be secured by planning condition.

There are no changes planned to the surfacing of the car park and its has been confirmed by the applicant that the parking spaces would not be demarcated.

Consultations

Prescot Town Council - No Comments Received

Highway Authority - No objections

Environmental Health - No objections

Merseyside Fire And Rescue Authority - No objections.

Conservation & Design Officer – No objections subject to the parking area not being demarcated and all of the development (including the fencing/gates) is granted permission for a temporary period of 5 years.

Representations

This application has been publicised by letters sent to 8 neighbours. It has also been advertised by Site Notice and a Press Notice.

There have been 1 letter of objection. The representations are summarised as follows:-

The objector objects on the grounds of Highway Safety, Loss of Light and Visual Amenity however no further details of the objection have been provided.

Planning History

APP. NO: 02/00615/FUL
PROPOSAL: CONSTRUCTION OF 110 SPACE CAR PARK AND ACCESS ROAD -
DECISION: GRANTED
DECISION DATE: 11 June 2003

APP. NO: 04/00678/FUL
PROPOSAL: RENEWAL OF OUTLINE PLANNING PERMISSION FOR THR
REMAINDER OF PROPOSED BUSINESS PARK.
DECISION: GRANTED
DECISION DATE: 06.08.2004

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
CS5 - Green Belt
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

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

EC4 - Regional Investment Site: Kings Business Park
ENV5 - Contaminated Land
EC2 - Sites Allocated for Employment Development

National Planning Policy Framework

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

Principle of Development

Local Plan Policy CS4 identifies the Kings Business Park site for employment uses (Class E (g) , B2 or B8 uses). Whilst car sales does not fall within one of the above use classes (it falls under a Sui Generis Use) it is considered as the previous use was a car park then a car sales area is considered to be complementary to the existing site uses and would be occupying an otherwise vacant site and is therefore considered to be acceptable in principle.

Saved Policy EC4 in the replacement UDP states :

- “1. Kings Business Park meets the criteria for a Regional Investment Site and is considered to be suitable for employment uses which support the Region’s Target Economic Sectors.*
- 2. Outline planning permission has been granted for the following uses:*

*Business uses (Use Class B1);Suitable forms of industrial use (Use Class B2); and
Hotel use (Use Class C1).*

- 3. The Council will approve detailed applications for the development of the site for the above purposes, and for subsequent extensions, infilling or alterations, provided that the development would:*

a) Provide a high quality of design and layout which reflects the status of the site; its landscape and ecological value; and its setting close to the Grade II Listed Building

at Hazels House;

b) *Not have a materially greater impact on the openness or purposes of the Green Belt than the existing approved development; and*

c) *Secure the long-term management and maintenance of any existing landscape features to be retained within the site."*

The proposal is considered to be in compliance with Saved policy EC4. The green belt impacts are discussed below.

Green Belt Considerations.

Kings Business Park is allocated as a business park retained within the Green Belt on the Local Plan Policies Map. Saved Policy EC4 states that development on this site should not have a materially greater impact on the openness of the green belt than the existing approved development.

Local Plan policy CS5 states that *"Major Previously Developed Sites in the Green Belt will be identified in the Local Plan: Site Allocations and Development Policies. Limited infilling and redevelopment of Major Previously Developed Sites in the Green Belt is considered appropriate provided it would not have a greater impact upon the openness of the Green Belt and the purposes of including land within it."*

The existing outline planning permission for this site 04/00678/FUL did not propose any development within the application site. However, prior to the most recent outline consent in 2004 planning permission was granted for a 100 space car park in 2002.

The majority of plots identified on the master plan submitted as part of the outline planning permission have subsequently been developed with the exception of plot 1 which was in the SE corner of the business park (to the east of the current Alfred Knight development) which remains undeveloped.

Consequently a relatively modest single storey building on the application site would not have any greater impact on the openness of the green belt than the development originally proposed under the 2004 outline planning permission given that plot 1 remains undeveloped.

Taking account of the above it is not considered that this proposal amounts to inappropriate development in the Green Belt and in this case no very special circumstances are required.

It should also be noted that the applicant has applied for this use, building & fencing/gates for a temporary period of 5 years which can be secured by planning condition.

The perceived impact on the openness of the green belt would in any event be very low given the scale of the building and the fact that it would be largely screened for view from any public areas by an area of mature woodland which runs in between the site access road and the application site.

The proposal would therefore be in compliance with Local Plan policy CS5 and saved UDP policy EC4.

Heritage Considerations

The Application Site falls within the immediate setting of the Hazel's Grade II listed wall gardens and within the wider setting of the Grade II listed 'The Hazels' and its separately stable block also Grade II listed.

The proposals must be considered in light of the duty within s16 of the Planning (Listed Buildings and Conservation Areas) Act.

In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Walled Kitchen Garden to The Hazels dates to c1760 and is of red brick construction set in an English garden bond with coping. The wall encloses a regular trapezoidal area, and the north section is taller than the other sections. The wall is showing notable signs of deterioration, and its condition is of concern particularly at its corners. Historically (first evident on the 1851 OS map), the walled garden contained a T-shaped large glass house with further glasshouses and outbuildings evident within the north section of the application site along with a number of trees.

According to a dated rainwater hear, the Hazels itself, dates to c1764 with Yates's map of 1786 depicting a large house. It is a double pile three storey house of red brick construction with stone dressing. The stables and outbuildings are first evident on Sherif's maps of 1816 but thought to be contemporary with the house, are u-shape in set out. They are 2 storeys high and constructed of brick with stone dressing. Historically the Hazels, its walled garden and stables have been associated with many prominent local families including the Case, Birch and Pilkington. In 1945, it was sold to Liverpool Corporation and C.F. Mott College was opened in 1946, with around 24 female students.

Initially located elsewhere over a number of sites, the College relocated to the 'Red Hazels' in late 1847/ early 1948. As it grew, the college courses were expanded on and opened to male students, a number of college buildings were also constructed to the south of the Hazels within its wider historic curtilage. The College eventually amalgamated with Ethel Wormald College becoming COLCHE and eventually became part of Liverpool Polytechnic, now John Moores. The campus at the Hazel's closed in 1988 and in more recent years, it has been redeveloped as King's Business Park.

The principle of a hard standing in this location has already been established by the use of the site as an overflow car park for the King's Business Park. It is however understood that since Covid, with changing working patterns, that the site is no longer required as an overflow car park, hence the current application.

Whilst there is no objection in principle to the proposed temporary change of use as principle of cars been parked in this location has previously been established, the heritage officer has raised concerns regarding the demarcation of car parking spaces. The applicant has now confirmed that no demarcation of the car parking areas is proposed.

The proposed temporary office prefab building with its silvered timber clad finish reads as a garden building, albeit modern in form. It is evident from historic maps

that there was historically several outbuildings and glasshouses in this part of the Hazels grounds, albeit, not exactly in this location. The heritage officer is therefore satisfied that its temporary placement in this location does not unduly harm the setting of the Grade II listed Walled Kitchen Garden. It is not visible from either the Hazels or the stables.

In terms of the fence, it is not traditional in appearance however, by and large, it is screened by vegetation and has limited impact on the setting of either the Hazels & it's Stables or the Walled Garden. It is most visible at the entrance from both the Walled Garden and the Hazels, and it is here, that it could be argued, harm occurs. The level of harm would be that of 'less than substantial harm'. It would certainly not be something that would be recommend being granted permanent planning permission but there is a case for a temporary permission associated with the temporary change of use as that use, allows for the passive surveillance of the listed wall and an increase likelihood of any major changes to its condition been report to the owners.

It also needs to be considered that any development of this space does not preclude redevelopment of the walled garden in a meaningful manner which given the temporary nature of the proposal, it should not.

To summarise, given the above considerations, there are no objections in principle to the proposed temporary change of use and associated gate, fence, office unit, bike stand, and bin store provided the concerns regarding demarcation are addressed and everything including the fence and gate is only granted a temporary 5-year permission. It has been satisfied that there are public benefits associated with the active use of application site i.e. passive monitoring of the listed walled garden that will counter act the previously identified harm but only provided this use is only temporary. This will ensure that the application accords with local Policy CS20(c) and national policy found in the NPPF paragraph 208.

Highway Safety Considerations

The planning application is accompanied by a Transport Statement. The report acknowledges that the existing overflow car park is disused. A high-level parking review undertaken in July 2023 confirmed that there was no evidence of any displaced parking on surrounding streets and the existing parking provision within the Business Park can accommodate parking demands.

The report estimates that the number of daily vehicles movements on the application site to be 15 each day, which is significantly less than if the existing circa 110 space car park was fully operational and utilised. (220 vehicle movements each day). The movements are broken down to 20 flatbed delivery/collection vehicle movements per week. Six vehicle movements by staff per day, less than 5 vehicle movements by customers per day.

This shows that the Proposed Development would generate a significantly lower number of vehicle movements than the existing car park use.

Overall, the transport statement concludes that there is no evidence to suggest that the repurposing of the overflow car park would have a material, adverse or severe impact on

highway safety in line with paragraph 111 of the National Planning Policy Framework (NPPF). It found there are no traffic or transport reasons why the car retail proposals could not proceed in the proposed location and the scheme would not have any material impact on the surrounding highway network.

KMBC highway engineers concur with the conclusions of the transport statement and have no objections to the proposed use. The proposal would therefore be in compliance with Knowsley Local Plan policy CS7.

Design/Appearance Considerations

The scale/design of the building and materials used are considered to be appropriate taking account of the use and the siting of the building within the business park. The building would be predominantly screened by the mature woodland from the site access road and is only visible once you enter into the site.

Final details of the bin store/ bike store can be secured by planning condition.

The office building would be in compliance with Local Plan policy CS19.

Environmental Considerations.

The main concern from Environmental health officer was with regard to the potential for ground gas to enter the building through services going into the floor. Following further information supplied by the applicant with regards to potential entry points from ground gas and ventilation points within the building Environmental Health have no objections to the application.

Conclusion

The proposal is considered to be acceptable with regards to the principle of development, impacts on the Green Belt, heritage ,highway safety, design/appearance and environmental considerations. Subject to a planning condition restricting the planning permission to a period of no more that 5 years the development would accord with the above mentioned policies in the Knowsley Local Plan and the Replacement UDP.

Recommendation

That planning permission be granted subject to the following conditions:-

- 1) 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.

- 2) This permission is for a limited period only. The buildings, fencing/gates and use hereby permitted and any foundations, buildings, structures, hardstandings, enclosures, ancillary works or other groundworks associated with the buildings, fencing/gates and use shall be removed and the land restored to its former condition on or before 30th April 2029

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to the impacts on the setting of the Hazel's Grade II listed wall

gardens and within the wider setting of the Grade II listed 'The Hazels' and its separate stable block also Grade II listed and to ensure compliance with Knowsley Local Plan Policy CS20, adopted June 2016.

- 3) Prior to the erection/installation of the bin and or bicycle store full details of these structures including elevations, floor plans and materials/colour finishes shall be submitted to and approved in writing the Local Planning Authority.

The bin and bicycle store shall be installed in accordance with the approved details and shall be retained at all times that the development remains in use.

Reason :- In the interests of visual amenity and to preserve the setting of the Hazel's Grade II listed wall gardens and within the wider setting of the Grade II listed 'The Hazels' and its separately stable block also Grade II listed and to ensure compliance with Knowsley Local Plan Policies CS19 & CS20, adopted June 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
04/10/2023	2311_05	-	OFFICE FLOOR PLANS AND ELEVATIONS
11/04/2024	2311_04	C	DETAILED SITE PLAN - SPECIFICATION
11/04/2024	2311_03	C	PROPOSED SITE PLAN
04/10/2023	2311_01	-	LOCATION PLAN
04/10/2023	-	-	TRANSPORT STATEMENT

Signed Case Officer¹:

Mark Quinn

Signed Authorising Officer²:

K Foster

Date:

12 April 2024

Informatives

1. See attached letter from the Fire Authority dated 07.11.2023

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

