

<u>APPLICATION NO:</u>	22/00633/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	Unit 6C And Unit 6D, Academy Business Park, Lees Road Knowsley Industrial Park, Kirkby, Knowsley		
<u>PROPOSAL:</u>	USE OF 2 NO. UNITS FOR FLEXIBLE USE OF CLASS E(g) USE OR CLASS B2 USE OR CLASS B8 USE OR B8 USE WITH TRADE COUNTERS		

Site Description

The application site is a small part (two units) of a larger business park. The business park is situated to the north east of a busy main roundabout.

Proposal

The proposal is for the change of use of dwelling of two units to a flexible E (G)/B2/B8 use or B8 with trade counters.

Consultations

Highways – The proposal will involve a minor change leading to a shortfall in parking. Overall, the wider site will be able to absorb an increase in parking demand should the units be used as offices. However, any further applications of this type at the site will require a re-assessment of the highways impacts of the overall scheme.
United Utilities – There is a water pipeline within the site that should not be built over. Request a condition to ensure drainage infrastructure is not adversely affected.

Representations

This application has been publicised by letters sent to 18 neighbours. No comments have been received.

Planning History

An outline application for the wider site was approved (19/00337/OUT – approved 26/02/2020). A further application was approved for the wider redevelopment of the site (20/00467/FUL - approved 30/7/21). A similar application to change the use of a different unit 1F – 1H was approved (22/00302/FUL – approved 27/9/2022).

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS4 - Economy and Employment
CS11 - Principal Regeneration Area - Knowsley Industrial and Business Parks
CS19 - Design Quality and Accessibility in New Development

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

EC2 – Sites Allocated for employment development
EC3 - Primarily Industrial Areas

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

Principle of Development – Employment

Core Strategy Policy CS4 States that Land for employment development* will be made available to ensure that at all times there is a sufficient range of available and

deliverable sites and premises by size, location, type and suitability to meet the needs for employment development over the following five year period.

**(defined as B1,B2 and B8 uses).*

The proposals are to extend the list of use classes available to B1 (Now Class E (g) and B2 as well as B8/Trade Counter. Therefore, the application is in accordance with this part of Policy CS4.

Principle of Development – Town Centre Uses

Policy CS4 also states that main town centre uses (including offices) will be primarily located within existing town centres in accordance with Core Strategy Policy CS6. A sequential approach will be used. The policy also states that Office uses may be located within accessible locations in the other employment areas listed provided that town centre and edge of centre sites have been considered first in accordance with the sequential approach. The sequential approach, however, will not be required to be undertaken where the office use is ancillary to other employment uses.

In relation to the current proposal, this would relate to only two units as part of a wider employment development. The scale of the current units compared to the wider site is small. Therefore, it is considered that the potential office use of the units would be ancillary to the main employment use of the site.

However, if there is a further increase in the number of units with office uses (Class E (g) at the site, this may trigger the requirement for a sequential test.

Amenity

Policy CS19 requires that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

The proposals would not materially affect neighbouring/business premises as the change would result in any greater amenity impacts than the existing B8/Trade Counter use. However, a condition will be attached to limit fixed plant noise levels to protect neighbouring occupiers against excessive noise.

Highway Safety

NPPF para 111 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 use of the site if changed to offices would result in a shortfall of parking spaces. However, any parking requirements can be met through other parking areas within the site. Overall, there would be no harm to highway safety from the proposal. This is supported by the views of the council's highways department who have no

objection to the application. However, any further changes to the site uses may require a re- assessment of overall highways impacts. An informative will be added to the decision to notify the applicant of this.

Drainage

In relation to drainage, the application is solely to change the use of a building which already has planning permission. It will not lead to material changes to the site layout. The proposed changes will not create any materially different impact on drainage infrastructure compared to the approved layout. Therefore, a condition in relation to impact on drainage infrastructure would be unnecessary and unreasonable..

Conclusion

The proposal would be acceptable in principle and in relation to Neighbour amenity highways, and drainage. The application complies with local planning policies and is recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions.

- 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 following approved plans and documents :-

- a. Proposed Floor Plan – (1374 -PL – 2002) (received 12/10/2023)
- b. Site Location Plan - (1374 -PL – 2000) (received 12/10/2023)
- c. Cover Letter (received 12/10/2023)

Reason: For the avoidance of doubt.

- 3) Fixed Plant Noise

Fixed plant and machinery associated with any use of the units hereby permitted shall be designed to a level that is at least 5dB(A) below the existing LA90 background noise level (as measured in January 2020 using as reference the Noise Impact Assessment referenced 6757124-02 dated December 2019 by Bureau Veritas) 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, Methods for rating and assessing industrial and commercial sound.

Noise limits for fixed plant are to apply at a position 1m from the closest affected

window of the nearest noise sensitive property.

Reason: In the interests of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan, adopted January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006

4) Use Class

Units 6C and 6D (the subject of this planning permission) shall not be used for any other purpose other than Use Class E (g), Use Class B2 or Use Class B8 of the Town and Country Planning Use Classes Order 1987 as amended, If Use Class B8 is implemented that unit can include trade counter use if wanted, but any trade counter use included within a unit implementing Use Class B8 shall be no more than 15% of floor area of that individual unit for any ancillary retail sales.

Reason: For the avoidance of doubt and to ensure that retail use remains ancillary to the Use Class B8 use of the unit to which the use relates, thus limiting the loss of any Use Class B8 floorspace and restricting counter sales, so complying with Policies CS4 and CS11 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

Signed Case Officer: **Andrew Hunt**

Signed Authorising
Officer: **Alan Kilroe**

Date: **30 January 2023**

Informatives

1) United Utilities – See Letter

2) Further Changes

Any further changes to the uses on site may require a reassessment of the scheme from a highways perspective.

Appendix 1 – Site Photographs

