

Historic England: Do not wish to make comments on this application.

HSE: Do not advise against granting planning permission.

Representations

This application has been publicised by displaying site notices. No representations have been received as a result of the publicity given to the application.

Planning History

23/02695/FUL: Construction of new baboon house and all associated infrastructure and engineering works. Planning permission granted 8th January 2024.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 Replacement Unitary Development Plan:

EC6 – Tourism and Cultural Development

DQ2 – Security in the Built Environment

Knowsley Local Plan Core Strategy:

CS2 - Development Principles

CS5 – Green Belt

CS8 – Green Infrastructure

CS19 - Design Quality and Accessibility in New Development

CS20 – Managing the Borough's Historic Environment

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

Green Belt

The application site is located in Green Belt. Policy CS5 relates to development in the Green Belt and states 'inappropriate development' will not be permitted except in very special circumstances.

Paragraph 152 of the NPPF (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This accords with the approach outlined in Policy CS5 of the adopted Core Strategy.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF lists states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and provides a list of exceptions. The proposal would not fall within any of the exceptions and accordingly, very special circumstances must be demonstrated to outweigh the harm resulting from the proposal.

Within their Planning Statement, the applicant has submitted their case for very special circumstances. It is agreed that there is no definition of what is very special circumstances, and it is also agreed that in general terms, such circumstances must be substantive/significant, clear and precise and not be easily replicated. Very special circumstances necessitates a planning judgement based upon a consideration of all issues.

The applicant states that the need for the new fence on an existing established site within the Green Belt should be assessed against the needs for and importance of the business as a whole. Knowsley Safari opened in 1971 and since this time has grown organically over the past 50 years. As stated earlier in this report, a zoo license inspection was undertaken in September 2021 and it was found that there were deficiencies in multiple areas of the perimeter fence where it was either missing or damaged and consequently breached and thus inadequate. The inspection highlighted that Knowsley Safari failed to comply with the following licence condition: "Condition 1 The operator of the zoo must ensure that the following measures are implemented within the zoo: - preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals."

A direction was issued in November 2021 which required Knowsley Safari to meet the requirement of condition 1 and comply with Section 8.29 of the SSSMZP (2012) and Section 1A(d) of the ZLA 1981 to ensure that Knowsley Safari must ensure that the perimeter boundary, including access points must be designed constructed and maintained to discourage unauthorised entry and so far as it practical as an aid to the confinement of all the animals in the zoo. These actions must be completed within 2 years from the date on which the direction came into effect (December 2021).

Knowsley Safari undertook the works in June 2022 and completed them in 2023.

Knowsley Safari is a key part of the visitor economy in the Liverpool City Region, attracting approximately 600,000 visitors each year. This brings direct and indirect expenditure to the local area and the City Region. Knowsley Safari employs 83 staff, with a further 25 employees working within shared services (finance, HR, maintenance, etc) across the Safari and the Knowsley Estate. In addition to these, there are 45 full time staff who are outsourced. The business has an annual turnover of £10.2 million, providing direct and indirect economic benefits to Knowsley and the Liverpool City Region.

The lack of a suitable perimeter fence could have the potential to impact on the business moving forward as it could result in the closure of Knowsley Safari, impacting revenue, the wider economy and employment.

The periphery of Knowsley Safari is well landscaped and the proposed fence is not considered to present a significant impact on the setting of the parkland. It is considered that the fence would not be an incongruous addition to the perimeter as boundaries have been in place for over 50 years.

Taking the above into account, it is considered that the economic benefits Knowsley Safari brings to Knowsley in terms of employment and visitors adding to the local economy outweigh the harm to the Green Belt.

As such, very special circumstances are demonstrated in relation to the proposed development and as such outweigh the harm to the green belt.

Heritage

Policy CS20 seeks to preserve or enhance the Borough's historic and architectural assets and any archaeological remains. The proposed development is located within Knowsley Park which is a Grade II listed Registered Park and Garden and provides the setting to Knowsley Hall a Grade II* Listed Building. Knowsley Hall lies to the north west of the application site, but due to intervening landscape and distance, the application site is not visible from the Hall. It is however, visible from Park Farm of which some of the building could be considered curtilage listed. Their significance lies in their association with Knowsley Hall.

The NPPF (2023) makes clear, significance derives not only from a heritage asset's physical appearance, but also from its setting and regard must be had as to whether the proposal will cause 'substantial harm', 'less than substantial harm' or 'no harm' to a heritage asset.

As previously mentioned, while the application site falls within the setting of the Grade II* Knowsley Hall, due to intervening landscape and distance, the application site is not visible from the principal Hall. It therefore will have no impact on its immediate setting but will have some impact on its wider parkland settings of the Hall. This impact is limited to the change in appearance of the fence as opposed to the principle of fences in these locations as use of this section of the Hall's original park land setting as a safari park with associated fencing requirement, is one that is long established.

The proposed fences are modern in appearance but necessarily so, due to current zoo safety standards. This will have an impact on the primarily 18th century character and appearance of the Hall's setting, thereby representing harm but it is 'less than substantial harm' as defined by the NPPF and to the very lower end of scale. It is considered to be towards the lower end of the scale of harm due to the fences distance from the principal landscape setting of the Hall and its location in a section

of the Park that has a result of the safari park use, has already a number of more modern interventions associated with over 50 years of use of this section of the Park. It is therefore less sensitive to change.

In terms of any buildings which could be considered to be curtilage listed at Park Farm or equally, any curtilage listed walls within whose more immediate setting the fence will fall, again there will be a harmful impact on their setting due to the modern appearance and construction of the fence. Again, the level of harm on their setting would be considered to be that of 'less than substantial' and for similar reasons that are set out in the next paragraph which considered impact on the Registered Park.

In terms of its use within the Registered Park, the fence route is visible from some historic landscape features and will be particularly prominent in areas of open ground. As previously mentioned, its modern appearance will have a greater visual impact than that of the more traditional fence previously found in this section of the Park but again, the level of harm to the Registered Park will be that of 'less than substantial' and towards the lower end of the scale especially given that the safari park was extant on registration of the Park in 1986. Moreover, the use of a Jupiter Green finish reflects the finish of other enclosure within the Park which benefit from planning permission and will ensure a consistent and planned landscape appearance to this section of the registered park albeit, as late 20th century safari park landscape, is maintained. This will help mitigate some of the aforementioned harm.

In all cases, the identified harm, that of 'less than substantial' should be weighed against the public benefits of the proposal of which, it is clear there are numerous including the continued use of this section of the Park as a safari park which generates income that contributes to the maintenance of all of the previously identified heritage assets.

Design

The fence is designed with practicalities in mind and must be functional and fit for purpose – i.e. keeping animals within the Safari. As stated earlier in this report, it is not considered that the fence would be an incongruous addition. The height is 2.8m high and it is sited around the periphery of the Safari where boundaries have been for over 50 years.

Residential Amenity

Given the rural nature of the proposals there are no residential properties within close proximity to the proposed development. As such, there would be no adverse effects to residential amenity beyond what already exist in relation to the existing animals found on site.

Highways

No adverse effects to highways safety would occur as a result of the proposed development.

Conclusion

The applicant has provided clear justification for very special circumstances for the retention of the fence which secures the Knowsley Safari and allow it to operate under the zoo license, retaining a regional visitor attraction, retention of jobs and the positive impacts the Safari brings to the local and city region economy. It is considered that the development would be acceptable in terms of design, residential amenity and highway safety and complies with the relevant Core Strategy, Replacement UDP and guidance in the NPPF and PPG and is therefore recommended for approval.

Recommendation

That planning permission be granted subject to the following condition:

- 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
28/03/2024			Location Plan
23/02/2024	11	-	Site Plan of New Fencing
23/02/2024			Overview Animal Containment Fence
23/02/2024	05	-	Proposed Fence Section Elevations

Signed Case Officer¹: **Jo Sheridan**

Signed Authorising Officer²: **K Foster**

Date: **10 June 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.

