

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

<u>APPLICATION NO:</u>	23/00005/AGR	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Land At Prescott Road, Cronton, Knowsley		
<u>PROPOSAL:</u>	PRIOR APPROVAL FOR THE ERECTION OF 1 NO. AGRICULTURAL GRAIN STORAGE BUILDING		

Site Description

The application site is a rectangular piece of land set within a relatively flat and open part of the Green Belt with extensive views in multiple directions. It is located to the south of the new roundabout on the A580 and to the north of a series of isolated and remote on Prescott Road. The land currently has hardstanding associated with previous works to the roundabout to the north.

Proposal

The proposal is for the erection of 1 no Grain Storage Agricultural Building. The building would be set back well over 25 metres from the road.

The building would be around 9.8 metres tall, 18.7 metres wide and 48 metres deep.

Consultations

Environmental Health – Want additional details on the grain storage building and a noise assessment. Would have no objection subject to conditions in relation to construction management plan, construction hours, fixed plant noise and lighting.

Merseyside Ecological Advisory Service – No Objection subject to a condition to prevent ground clearance from 1 March to 31 August.

Merseyside Fire and Rescue Service – No objection subject to informatives.

Representations

13 Objections have been received and 1 letter of support consisting of the following main points.

Objections

- There is contradictory information with the application form stating that the site is within 25 metres of an access road and the plans showing it would be away from the road.
- I would ask that the LPA looks closely into the Conditions as set out in A.2,

particularly, A.2.(2)(i) whereby siting, design and external appearance are a consideration as to whether Prior Approval is required or not.

- The proposed building would be an isolated building in the middle of a field which visually, would be incongruous and would impact on the landscape character of the area. The proposed siting of the building is clearly inappropriate.
- This is a green belt site, and this building will impact the visual of the landscape and have a negative effect on surrounding properties.

Support

- This is a vital piece of agricultural infrastructure.

Planning History

Previous prior approval applications were submitted last year (22/00378/AGR and 22/00719/AGR). The Compound was constructed approximately 3 years ago in connection with roadworks to the north of the site. The roadworks were completed in March 2022 but the Compound has not been fully removed.

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

CS5 - Green Belt

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

G8 - Agricultural or Equestrian Development

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

The case of (*Smolas v Herefordshire Council [2021]*) explained that when an application is asked to consider and determine an application for prior approval it must

1. determine whether the proposed development falls within the scope of a particular class of permitted development; and then
2. determine whether prior approval should be given

The Key Issues are:

- a) firstly, whether the application complies with the definitional scope of Schedule 2, Part 6, Class A of the 2015 General Permitted Development Order (as amended)
- b) If the application complies with the 2015 GPDO, the siting, design and external appearance of the building.

GPDO 2015

Agricultural Use

The proposal is solely for agricultural use and complies with Part 6 Class A in this regard.

h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

Para A.1 (h) of Class A states that

“A.1 Development is not permitted by Class A if—

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road”;

The Council's Highways department have confirmed that Prescott Road is a Classified Road. The proposal has been changed from the previous applications and no part of the proposal is within 25 Metres of Prescott Road.

The proposal would also avoid works to the existing compound as it would be set back further from Prescott Road. Therefore, it would not involve works to an existing development and would be eligible for the prior approval process.

PRINCIPLE OF DEVELOPMENT

The LPA has concluded that the proposal would be permitted development and would be compliant with the 2015 General Permitted Development Order. The principle of development is therefore deemed acceptable under the GPDO 2015. An agricultural building is also considered an appropriate use in the Green Belt under NPPF para 149 a)

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry”;

SITING, DESIGN AND EXTERNAL APPEARANCE OF THE BUILDING

As the scheme is considered to be acceptable in principle under the prior approval process, only the siting, design and external appearance of the building can be assessed.

Siting

Policy G8

Policy G8 of the Unitary Development Plan (Agricultural or equestrian development) gives criteria that agricultural development are required to meet. These include a preference for using existing buildings and the need to minimise harm to the Green Belt, neighbouring residents and highway safety and to ensure appropriate design.

Site Location

The location of the site has been subject to extensive discussions between the local planning authority and the applicant during previous applications where it was suggested that alternative locations be explored. However, for operational reasons the building needs to be within the landownership of the applicant and with good road access. This is due to the dispersed nature of the agricultural land holdings owned by the applicant, which is spread out over 6 main parcels, all of which are required to be served by the building.

Following discussions, it was established that a new building was required and that there is not a clear alternative which would have less visual impact whilst also meeting the operational requirements of the business.

The building would be prominent from some directions including from the east and west where the land is flat and relatively open. It would be less prominent from the north and south due to the presence of other buildings and large trees which would partly obscure views. Although the site is surrounded by fields, it would also be located close to a busy roundabout and a main road to the north (A580) so would not be located in an undeveloped area. The visual impact of the proposal could also be softened with additional landscaping measures which would reduce the harm from the proposal to acceptable levels. This is supported by Overall, it is considered that there would not be significant harm from the siting of the building.

Residential Amenity

In terms of residential amenity, the building would be over 120 metres away from the nearest property to the south (Red House Farm). In addition, in the current application, the building location has been moved slightly further to the east and further away from Red House Farm. Therefore, the building will be located to the north east of Red House Farm rather than directly to the north at the existing car park (as with the previous applications). Other residential properties nearby would be located even further away from the building. Therefore, there will not be any harm to outlook from the proposal.

Due to the large distance to neighbouring properties, it is considered that any noise impacts would not be significant enough to warrant refusal of the application. The nature of the grain storage use is such that deliveries would be relatively infrequent and then stored for a long time. The noise made by lorries delivering grain would be similar to traffic noise along Prescott Road. The nearest dwelling would be located over 120 metres away, this dwelling is only 17 metres away from the busy road of Prescott Road. The proposal would be over 10 times further away than Prescott Road. Therefore, the proposal will not lead to significant noise above the existing noise level of the road.

In addition, the council's Environmental Health team have statutory powers in relation to noise that could be used in the event of any issues arising.

As the application is a prior approval application conditions cannot be imposed in relation to matters outside the siting, design and appearance of the building. Therefore, the conditions suggested by Environmental Health would contradict the statutory legislation.

Overall, it is considered that the proposal would not cause harm to neighbours.

Design and Appearance

In terms of the design and appearance of the building. The building would be a large rectangular building, it would consist of a roof of reinforced fibre cement sheets, two roller shutter doors to provide access and green and grey metal panels. In terms of design and appearance, the building is of a typical agricultural use and is considered to be appropriate to its context, which is a semi-rural location.

Conclusion

The applicant be informed that under the terms of Class B (Schedule 2 Part 2) of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) prior approval is required and approved subject to the following conditions.

1) **Landscaping Scheme**

Prior to any works above slab level, a landscaping scheme to screen the building and site shall be submitted to the local planning authority. The building shall not be used until the scheme has been installed in accordance with the agreed details. The landscaping shall be retained as long as the building is in use.

Reason: In order to effectively screen the building and reduce its visual impact.

Signed Case Officer¹: **Andrew Hunt**

Signed Authorising
Officer²: **K Foster**

Date: **16 May 2023**

Informatives

N/A

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