

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 22/00761/FUL **CASE OFFICER:** Andrew Hunt

WARD: Halewood North **PARISH:** Tarbock
Parish Council

LOCATION: Tray Ash Farm, Ash Lane, Tarbock Green, Knowsley, WA8 8JS

PROPOSAL: CONVERSION OF OUTBUILDING TO FORM 1 NO. DWELLING
TOGETHER WITH THE ERECTION OF A DETACHED GARAGE AND
CREATION OF NEW ACCESS FROM ASH LANE

Site Description

The site is building and irregularly shaped piece of land between existing buildings to the northwest and south east. The site is part of the wider Tray Ash Farm complex of agricultural landholdings and buildings.

Proposal

The proposal is for the conversion of outbuilding to form 1 no dwelling together with the erection of a detached garage and creation of new access from Ash Lane.

Consultations

Environmental Health – No Objection subject to conditions in relation to contamination, importation of soil/material and construction hours.

Halton Council – No Objection.

Health and Safety Executive - HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Knowsley Council Highways - Highways has no objection to the proposed development. 4 car parking spaces have been proposed for the dwelling which is considered appropriate. Ash Lane is a Public Right of Way and access should be maintained. The proposed access point is deemed appropriate. As the development is in proximity to the Halton Council adopted highway, it is recommended that they are contacted as part of the application.

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

Representations

This application has been publicised by letters sent to 17 neighbours. No representations have been received.

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Planning History

Numerous applications have been approved at the site, however, none are directly relevant to the current application.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS7 - Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

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

G6 - Conversion or Change of Use of Existing Buildings in the Green Belt
DQ4 - Trees and Development

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

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permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for the conversion of outbuilding to form 1 no dwelling together with the erection of a detached garage and creation of new access from Ash Lane.

PRINCIPLE OF DEVELOPMENT

The application site is situated within the Green Belt.

Core Strategy Policy CS5 states that Inappropriate development will not be permitted in the Green Belt except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations.

UDP Policy G6 states that Proposals for the conversion or change of use of existing buildings in the Green Belt will be permitted provided they meet certain criteria including that the proposals would not have a materially greater impact on the openness of the Green Belt and that the building is of permanent and substantial construction.

NPPF Para 149 states that the construction of new buildings is inappropriate in the Green Belt subject to certain exceptions, one of which (g) allows the redevelopment of previously developed land.

*“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
– not have a greater impact on the openness of the Green Belt than the existing development;
or”*

NPPF para 150 also states that other forms of development are also not inappropriate in the Green Belt.

“150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction”;

The development would involve the conversion of the existing building. The building is considered to be of substantial construction as it has 4 solid walls and an enclosed roof. It is currently being used as an informal recreation area with a sofa, gym, pool table and several cars parked in the building.

The conversion would retain the existing footprint with minimal external changes (including paved areas outside). These changes do not materially affect the openness of the Green Belt. It is therefore considered that the conversion of the building is acceptable in principle.

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The proposal would also include a new building (a detached garage and log store), The building would only be partly visible from outside the side as there would be other building to the north west and south east which would partly obscure views of the building from the south west. This would result in a slighter greater impact on the openness of the Green Belt than the current site. However, when the dwelling is converted, the site will gain permitted development rights for outbuildings (which would be slightly smaller than the proposed building). In addition, an outbuilding of up to 50% of the volume of the original building would be acceptable in principle under UPD Policy G7. The outbuilding is less than 50% of the volume of the main building. Therefore, the garage would be acceptable in principle once the building were converted. Given this, it is considered that it would be unreasonable to require the removal of the garage from the current scheme, If a planning application for the same building would be approved at a later date.

Overall, given the minor additional impact on the Green Belt, the material consideration of a permitted development fallback position, and that fact that the development would be acceptable in principle following conversion of the building means that very special circumstances have been demonstrated for the garage building. However, a condition to restrict any further outbuildings is required in order to prevent over development of the site and proliferation of outbuildings.

Overall, the development would not have a substantial impact on the openness of the Green Belt. As a result, the development is consistent with Core Strategy Policy CS5, UDP and NPPF.

DESIGN, ACCESS AND LAYOUT

Policy CS19 (Design Quality and Accessibility in New Development) in the Core Strategy sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness and the identity and accessibility of new places. The NPPF identifies that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

The conversion of the building would involve only minor external changes such as additional windows. These changes would not significantly affect the character of the building and are considered acceptable.

The garage/log store would be of traditional design and would be in keeping with the surrounding area and its farmyard character.

Overall, the development is consistent with Core Strategy Policies CS19 and CS20.

RESIDENTIAL AMENITY

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

The Amended New Residential Development Supplementary Planning Document (SPD) 2018, gives guidance on the separation distances that should be maintained between residential properties to ensure that harm is not caused to amenity by overshadowing, loss of privacy or through undue dominance. The SPD sets out that:

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- 22m should be provided between existing rear principal elevations and proposed principal elevations for two storey properties
- 20m should be provided between the principle elevations of two storey properties
- 12m should be provided between the principal elevation of one property and the gable elevation of another, and
- properties should have a garden depth of at least 10m.

Existing Residents

The only residential property in the immediate vicinity is the existing attached dwelling. The only building (garage) would be located away from this dwelling at the north west part of the site. The conversion changes would be minor and would not materially impact on neighbours. It is considered that other properties would be located too far away to be materially impacted by the proposal.

Overall, the development will not harm the amenity of neighbouring properties. The development complies with Core Strategy Policy CS19.

Future Occupiers

The proposed dwellings would provide an acceptable level of amenity for future occupiers with all habitable rooms capable of being provided with a window that would ensure good outlook and light.

The proposed dwellings would also have sufficient garden space at the rear.

Overall, it is considered that the development will provide a good standard of amenity for future residents. The development complies with Policy CS19 of the core strategy.

ECOLOGY

The building is already in use as a recreational area and is in an excellent state of repair. Therefore, there is no need for a bat survey or other ecological assessments. Overall, the application will not cause harm to ecology and complies with Core Strategy Policy CS8 and the NPPF.

HIGHWAYS

NPPF para 109 states that a development should only be 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”*.

There would be 4 parking spaces at the property which exceeds council parking standards. In relation to the proposed access is considered appropriate with sufficient visibility to ensure safe access to the site.

Overall, there would not be significant harm to highway safety. This view is supported by the councils' highways department.

Overall, the application complies with Core Strategy Policy CS7. Electrical vehicle charging points are required and can be secured via a condition.

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CONTAMINATION

It is considered that the application will not cause unacceptable contamination risks. This is supported by the views of Environmental Health who have no objection, subject to standard contamination conditions. The proposed development therefore complies with UDP Policy ENV5.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to highway safety, ecology, design, or the amenity of neighbouring properties. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019).

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) Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents :-

- a. Proposed Site Plan (1:500) (received 27/03/2023).
- b. Proposed Location Plan (1:1250) (received 27/03/2023).
- c. Proposed Garage Elevations (received 23/12/2023).
- d. Proposed Garage Floor Plans (received 23/12/2023).
- e. Outbuilding Elevations (received 23/12/2023).
- f. Outbuilding Plans (received 23/12/2023).

Reason: For the avoidance of doubt.

Pre Commencement

- 3) Garage Materials

No work shall commence on the proposed garage building until details and samples of the proposed materials have been submitted to and approved by, the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such hereafter.

Reason: In order to ensure appropriate materials and infrastructure is provided.

Pre Occupation

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4) Electric Vehicle Charging Point

The dwelling shall be occupied until an outdoor, weatherproof electric vehicle charging point readily accessible from a dedicated parking space has been provided for the dwelling.

The chargepoint shall be:

- a) A minimum of 7KW, and
- b) at Least Mode 3 or equivalent,
- c) located in order to comply with the Equality Act 2010 and the accessibility requirements set out in the Building Regulations Part M.

The EV charging point shall be clearly marked as such and their purpose explained to new occupants in any home welcome pack.

Reason: In the interests of air quality, promoting sustainable travel opportunities and to comply with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and NPPF Para 112.

5) Full Fibre Broadband

No dwelling hereby approved shall be occupied until a full fibre broadband connection has been installed and made available for use.

Reason: To support economic growth in accordance with NPPF Para 112

Ongoing Conditions

6) Contamination

Based on the information available we are not aware of any contamination on this site. However, the responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.

If contaminated material is encountered the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.

The applicant should have regard to the following statement in Planning Policy Statement 23 (section 2.51) "As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990."

Reason: In order to ensure that contamination issues are addressed and to avoid harm to human health.

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7) Reporting of Unexpected Contamination

If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

Reason: In order to avoid harm to human health from contamination.

8) Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In order to avoid harm to human health from contamination.

9) PD Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2105 (or any Order revoking or re-enacting that Order with or without modification), other than the development hereby approved, no detached building shall be erected or placed within the site without the grant of planning permission by the Local Planning Authority.

Reason: In order to prevent over proliferation of outbuildings and inappropriate development in the Green Belt.

10) Hours of Construction/Demolition

No construction work, including demolition and deliveries to and from the site shall take place on the site except between the hours:

08.00 - 18.00 Monday to Friday;
08:00 - 13:00 hours Saturday.

No work shall take place on Sundays or on Public Holidays.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

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Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

K Foster

Date:

25 April 2023

INFORMATIVES

1) Merseyside Fire and Rescue – See Letter

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

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Appendix 1 – Site Photographs



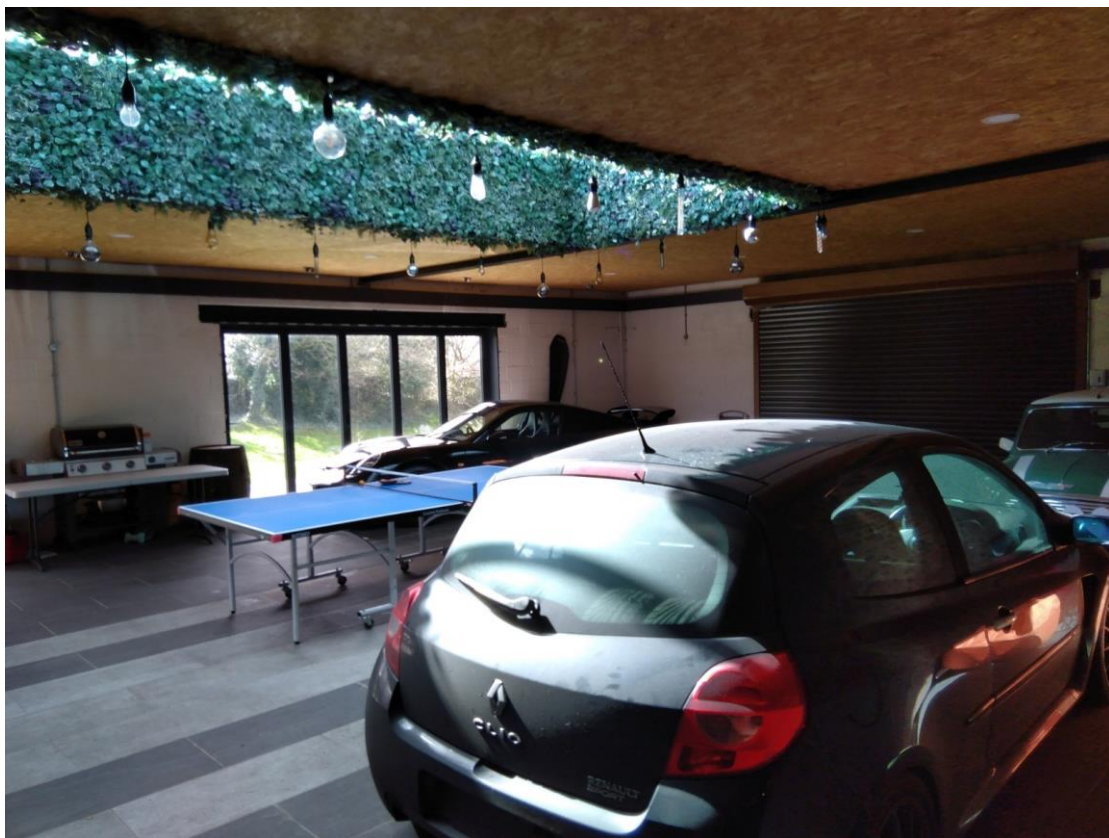
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