
<u>APPLICATION NO:</u>	22/00760/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Land At Netherley Road, Tarbock Green, Knowsley		
<u>PROPOSAL:</u>	WIDENING OF EXISTING VEHICULAR ACCESS TOGETHER WITH THE ERECTION OF 2.3M HIGH GATES		

Site Description

The application site relates to a commercial landscape contractors depot, storage of manure/topsoil and processing /composing green waste located off Netherley Road, Tarbock.

The business has been in operation since 2000 the previous lawful uses being a waste disposal use and garden nursery.

The existing access off Netherley Road has a width of approximately 5.5m which is sub standard for the types of vehicles using the site such as articulated vehicles, tractors and 8 wheel rigid vehicles.

Proposal

It is proposed to widen the existing access to approximately 8.5m at the entrance narrowing to 7.2m further into the site. A 2.3m high electric gate is proposed to be installed approximately 26m in from the adopted highway boundary.

Consultations

Tarbock Parish Council - No Comments Received
Highway Authority - No objections to amended plans.

Representations

This application has been publicised by letters sent to 7 neighbours. No representations have been received.

Planning History

APP/98/00170 – Use of site for mixed use comprising landscape contractor's depot, storage and grading of topsoil, storage of manure and the processing and composting of green waste, together with the erection of a storage building and the laying out of a concrete yard area for the storage of compost. Granted on appeal January 2000.

K/9915 - CHANGE OF USE FROM MARKET GARDEN TO DEPOT AND FOR STORAGE OF TOPSOIL AND ORGANIC FERTILIZERS FOR USE IN CONNECTION WITH LANDSCAPING CONTRACTOR'S BUSINESS. – Granted March 1987.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

C5 – Green Belts

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

DQ4 - Trees and 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

The site is located within the Knowsley Green Belt. The NPPF guidance on developments in the green belt state that certain forms of development are not inappropriate provided they preserve the openness of the Green belt and do not conflict with the purposes of including the land with the Green Belt. One of these forms of development is engineering operations.

The proposal would constitute an engineering operation which preserves the openness of the green belt. The principle of the development is therefore acceptable and would be in compliance with Local Plan policy CS5 and NPPF

Highway Considerations

The site access does not currently have adequate visibility for a road with a 40mph speed limit, and it would not appear that there is scope to improve it, beyond ensuring that vegetation is from the site (and the neighbouring property) is cut back so that it does not encroach onto the highway (which is a requirement regardless of any application). It is understood that the applicant does not seek intensification of the use beyond that already consented, and thus the proposals represent an improvement on the current situation. The enlarged access point will require a modified highway access junction.

The Council's highways team require that any gate or barrier be sited a minimum of 18m back from the carriageway of Netherley Road. The amended plans indicate the gate set back by approximately 26m which would ensure sufficient room for the largest vehicles using the site to pull off the carriageway before the gates being opened and entering the site.

A detailed design of the highway access works, including the materials for the finish of the access road) would be required prior to the commencement of development which can be secured by planning condition.

The gate would attain a height of 2.1m and would span the full width of the access road. The gate would be electrically operated and would slide across the access road to open. The gate posts including the control mechanism would be 2.3m in height. The colour finish of the gate can be secured by planning condition.

The proposal would be in compliance with Local Plan policies CS7 and CS19.

Tree/ Landscaping

The access widening would result in the removal of several trees and a short section of hedge along Netherley Road. The trees are dead and therefore in this instance a tree survey was not required. The removal of 9m of hedge to allow for the construction of the widened bell mouth of the access is unavoidable, however a new section of laurel hedging would be planted within the site.

Conclusion

The principle of the development is acceptable and would be in compliance with Green Belt local policies and national guidance.

The widening of the access would result in an improvement to Highway Safety and would be in compliance with the relevant saved UDP, Local Plan policies listed above and guidance in NPPF.

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) Prior to the commencement hereby permitted a scheme for the detailed design and layout of highway access works and for the construction of and top surface finish of the access road shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:

- Improved site access junction
- Construction of Access Road

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policies CS7 & CS19 of the Local Plan Core Strategy, adopted January 2016.

- 4) Prior to the installation of the gate and gate posts hereby permitted details of its colour finish shall be submitted to and approved in writing by the Local Planning Authority. The gate and gate post shall be finished in the approved colour within 3 months of its installation.

Reason : In the interests of visual amenity and to ensure compliance with Policy CS19 of the Local Plan Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13/02/2023	NETHERELEY ROAD 03	-	REVISED SITE LOCATION PLAN
13/02/2023	NETHERLEY ROAD 01	-	REVISED PROPOSED SITE LAYOUT
07/02/2023	NETHERLEY RD ACCESS 7	-	REVSIED ACCESS GATE DETAIL

Signed Case Officer¹:

Mark Quinn

Signed Authorising Officer²:

K Foster

Date:

28 February 2023

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further.

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

Appendix 1 – Site Photographs

















