

<u>APPLICATION NO:</u>	23/02702/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	Redwood Recycling , Lees Road, Knowsley Industrial Park		
<u>PROPOSAL:</u>	CHANGE OF USE OF LAND FROM RECYCLING OF TYRES TO BUILDING CONTRACTORS DEPOT FOR THE STORAGE OF BUILDING AND ASSOCIATED MATERIALS		

KNOWSLEY LOCAL PLAN ALLOCATION –

Primarily Industrial Area

Site Description

The application relates to an existing industrial site located off Lees Road on the Knowsley Industrial Park, Kirkby. The site currently comprises an existing industrial building; associated admin and welfare portable type buildings; weighbridge; loading ramp; 3 no. associated storage containers; 2 no. tyre receptacles; tyre bale and a skip.

The site covers an area of approximately 0.1 ha and is accessed off Lees Road via a long relatively narrow access road (approx. 4.13 m (w)) adjacent to Acorn House, 32 Lees Road. The site is enclosed by fencing and lockable gates at the start of the access road.

The development is located on an established industrial estate which comprises of a variety of industrial processes.

Proposal

Planning permission is sought for the change of use of the site from a recycling use to a Building Contractor's Depot for the storage of building and associated materials.

The application is supported by a statement which indicates that "the rationale for the development is to provide a depot / compound to enable a small local building contractor to service building projects that he undertakes throughout the region. The contractor is engaged on projects including social housing refurbishment for a local housing association and small commercial and domestic projects. The depot will provide a base for the safe storage of tools, equipment and materials and will enable the centralised delivery of bulk building materials such as sand and gravel, which can then be transported to site as and when they are required."

The proposed layout would retain the existing store building and the welfare and office portable buildings and skip. One of the existing containers would be relocated to the side of the store building. The Weighbridge, loading ramp, tyre receptacles and tyre bales would be removed off the site. Four new bulk materials stores would be provided. The new open storage pens would be for the storage of bulk building materials – including sand, gravel and stone chippings.

The operations would be carried out Monday to Saturday between 07:30 - 17.00 with no working on Sundays or Bank Holidays.

The number of proposed employees would be maintained as three full-time equivalent.

Consultations

Merseyside Fire and Rescue Authority - No objection. Made comments in relation to access for fire appliances water supplies for fire-fighting purposes and Section 55 of the County of Merseyside Act 1980.

Environmental Health - No objections in principle subject to conditions.

Highway Authority - No objections.

Health and Safety Executive - HSE's Advice: Do Not Advise Against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

Representations

This application has been publicised by letters sent to 36 neighbours. It has also been advertised by Site Notice. No representations have been received.

Planning History

APP. NO: 06/00292/FUL
PROPOSAL: EXTERNAL ALTERATIONS TO FORM NEW WINDOW AND DOOR OPENINGS TOGETHER WITH ROLLER SHUTTERS
DECISION: Granted
DECISION DATE: August 2006

APP. NO: 14/00671/FUL
PROPOSAL: CHANGE OF USE FROM STORAGE (USE CLASS B8) TO RE-CYCLING OF TYRES AND RETENTION OF PORTAL FRAMED INDUSTRIAL BUILDING, 2 NO. PORTABLE TYPE AMENITY BUILDINGS; WEIGHBRIDGE AND ANCILLARY STORAGE CONTAINERS.
DECISION: Granted
DECISION DATE: January 2015

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.

NATIONAL PLANNING POLICY FRAMEWORK

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

EC3 - Primarily Industrial Areas

T7 - New Development and Walking & Cycling Routes

DQ2 - Security in the Built Environment

ENV2 - Noise and Vibration

SUPPLEMENTARY PLANNING DOCUMENTS

Ensuring a Choice of Travel SPD (2010)

Design Quality in New Development SPD (2016)

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

The application site is located within a Primarily Industrial Area and saved policy EC3 identifies that these areas are appropriate locations in principle for commercial and

industrial uses.

Layout and Design

The majority of the buildings on the site would be retained from the previous use save for the new bulk materials storage bays. One existing container would be re-located to the side of the main building and some other equipment would be removed from the site. Adequate space around the site would be maintained for staff parking and manoeuvring of service vehicles. Access from Lees Road would not be altered.

The application indicates that the height of the building materials stored on site will not exceed the height of the storage containers.

The development does not give rise to any concerns regarding layout and design.

Highways

Three parking spaces are shown on the proposed layout plan for staff. The applicant has demonstrated that access and manoeuvring around the site can be satisfactorily achieved.

The Council's Highways Engineer has no objection to the proposed development subject. Based on the advice of the Highways Engineer, Officers are satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety.

Other Issues

Noise Considerations

Saved Policy ENV2 of the Replacement UDP states that development that will either cause an unacceptable increase in noise or vibration levels or itself be subject to unacceptable noise or vibration from an existing source will not be permitted.

The application indicates that the trip generation to and from the site would remain as the previous use, comprising 12 no. 7.5 tonne HGV movements per week for bulk deliveries. In terms of operating this would be hours 7.30am – 5.00pm Monday to Saturdays. There would also be trips to and from the site during these hours by transit vans serving the specific projects that the contractor is working on in the region.

The site is located within an established industrial area and is surrounded by other industrial and commercial use, however there are some residential properties in the area with the closest being located within the Industrial Park sited approximately 196 m to the south west of the site as well as single dwelling on Arbour Lane at approximately 280 metres away.

Given the distance of the site to these residential properties and the existing industrial uses that are located between the site and the dwellings, it is not considered that the proposed development would raise any concerns with regards to the residential amenity for those properties. The nearest noise sensitive receptors in this instance are therefore other industrial/offices within Business Park.

Whilst the proposed operations on the site have the potential to cause some noise disturbance, however, this is not considered to be any greater than from the existing use. Officers are satisfied that on this basis of the application site's location together

with the fact that the adjoining land uses are industrial in nature, the operations at the site would not cause demonstrable harm to the surrounding occupiers/area.

Air Quality Considerations

Materials would be stored in the bulk materials store within the site. It is recognised that the storage of any materials outside of buildings can have a negative impact upon the quality of the area, particularly where they are exposed to public view or otherwise affect the wider environment. However, it is acknowledged that the very nature of the proposed use would require open areas for the storage of materials. The outside storage areas of the site would be shielded from the street by adjacent buildings. It is also considered that there is potential for materials to become dispersed in the locality and to become deposited on nearby roads by vehicles entering and leaving the site.

Therefore, it is considered that the bulk materials storage containers should be controlled by way of condition in terms of height of materials above the height of the containers. It is also considered that to mitigate for any impacts from dust that dust suppression measures should be employed to assist in reducing dust impact. In this regard it is considered prudent to require water to be available for the purpose of dust suppression, at all times the site is operational used to minimise dust emissions when necessary. Requirement for dust suppression measures to be implemented during operations can be secured by a suitable planning condition should planning permission be granted.

The Council's Environmental Health Officer has suggested that the proposed use should be subject to controls to prevent the disposal of waste by burning on the site and suggests that this should be controlled by a suitable planning condition. However, the NPPF at paragraph 56 makes it clear that planning conditions should be kept to a minimum, and only be used where they satisfy the relevant tests. It goes further on at paragraph 194 to state that the *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."* It is considered that as other pollution control regimes exist outside of the planning system, it would not be necessary to impose a condition. A suitable informative would be included on any planning permission if granted to advise the applicant that no burning of waste should be carried out on the site.

In view of the above, Officers consider that, subject to the imposition of suitable conditions relating to mitigation measures, there would be no significant adverse air pollution, noise or dust impacts on the amenity of the area.

Conclusion

The proposal complies with the National Planning Policy Framework, relevant Local Plan Policies and Replacement UDP policies. The application is therefore 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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The areas indicated on the approved plans shall be set aside for parking, servicing and vehicular manoeuvring in accordance with the details and specifications shown on Drawing No. PL002 – *Proposed Site Layout* at all times that the development is in use.

Reason: In the interests of highway and pedestrian safety and to comply with the National Planning Policy Framework (2023), Policies CS2, CS7 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 4) Notwithstanding any detail on the approved layout plan referenced PL002, received 10 October 2023, materials that may generate dust shall only be stored in bays with walls on at least 3 sides and to prevent wind whipping, the material shall only be stored at a maximum height not exceeding the height of the storage containers hereby approved.

Reason: To ensure a satisfactory development of the site and that appropriate measures are put in place in the interests of the local environment and the general amenity of the area and to comply with the National Planning Policy Framework (2023), Policy CS2 of the Knowsley Local Plan Core Strategy and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 5) In order to minimise dust emissions arising from the development operations and activities water for the purpose of dust suppression shall be made available at all times that the site is operational and shall be used to minimise dust emissions when necessary.

Reason: To ensure a satisfactory development of the site and that appropriate measures are put in place in the interests of the local environment and the general amenity of the area and to comply with the National Planning Policy Framework (2023), Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and saved Policy EC3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 6) The use hereby permitted shall be restricted to the siting of the buildings and storage units in accordance with the details shown on the approved layout plan referenced PL002 received 10 October 2023 hereby permitted and no further containers/receptacles shall be provided on the site.

Reason: In the interest of visual amenity of the locality and in order to protect the amenity of neighbouring sites having regard to the National Planning Policy Framework (2023), Policies CS2 and CS19 of the Knowsley

Local Plan: Core Strategy, adopted January 2016 and saved policies EC3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
10/10/2023	PL003	-	LOCATION PLAN
10/10/2023	PL002	-	PROPOSED SITE LAYOUT
10/10/2023	-	-	PLANNING STATEMENT

Signed Case Officer¹: **M Wishart**

Signed Authorising Officer²: **K Foster**

Date: **15 January 2024**

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:
- 2 The comments of Merseyside Fire and Rescue Authority in their letter dated 5 December 2023.
- 3 In order to ensure a satisfactory development of the site and that appropriate measures are put in place in the interests of the local environment and the general amenity of the area there shall be no disposal of waste by burning on the site.

Contd....

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



Imagery @ Google 2024



