

Agenda



Knowsley Council

8 January 2025

To: The Chairperson and Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 16th January, 2025**, in the Council Chamber, Municipal Buildings, Huyton at **6.00pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

1. *(Please Note: Access to the Council Chamber is limited and members of the public or press wishing to attend in person are strongly advised to register in advance by emailing committees@knowsley.gov.uk or telephoning (0151) 443 2679. Attendees will be required to show photographic identification and will be subject to [security checks](#). Please note that meetings will also be live streamed. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Mrs C Bannon	Ms J Lilly
D J Baum	Mrs J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 12th December 2024.

(Pages 1 - 2)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **24/00352/FUL - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO TWO DOG EXERCISE AREAS - LAND AT NORTH END LANE, HALEWOOD, LIVERPOOL, L26 5QB**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00352/FUL in the search box

(Pages 3 - 22)

- (b) **24/00371/FUL - CHANGE OF USE FROM RESIDENTIAL DWELLING (C3 USE) INTO CHILDREN'S CARE HOME (C2 USE) - 73 ST HELENS ROAD, PRESCOT, KNOWSLEY, L34 6HP**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00371/FUL in the search box

(Pages 23 - 34)

- (c) **24/00492/FUL - VARIATION OF CONDITION 6 TO PLANNING PERMISSION 24/00038/COU (CHANGE OF USE FROM THE EXISTING CLASS E(A) TO HOT FOOD TAKEAWAY (SUI GENERIS), ALONG WITH INSTALLATION OF AN EXTERNAL EXTRACTION FLUE TO THE REAR OF THE PREMISES) TO ALLOW OPENING HOURS OF 08:00 TO 00:00 MONDAY TO SATURDAY AND 10:00 TO 00:00 ON SUNDAY - SELF PICK VEG, 66 ECCLESTON STREET, PRESCOT, KNOWSLEY, L34 5QL**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00492/FUL in the search box

(Pages 35 - 46)

- (d) **24/00125/FUL - ERECTION OF TWO STOREY SIDE AND REAR EXTENSION - 14 WILLIS LANE, WHISTON, KNOWSLEY, L35 3RU**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 24/00125/FUL in the search box

(Pages 47 - 58)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 59 - 66)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning and Building Control to report on the following appeal decisions taken by the Planning Inspectorate in respect of 89 Bearswood Road, Liverpool, Merseyside, L33 2AF.

(Pages 67 - 68)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

PART II

Under Section 100A(4) of the Local Government Act 1972, and having satisfied the requirements of paragraph 10, the public may be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the undermentioned paragraphs of Part 1 of Schedule 12A to the Act.

**Exempt
Under
Para (s)**

7. ENFORCEMENT UPDATE

To consider the report of the Head of Planning and Building Control.

(Pages 69 - 78) 6a, 6b

8. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO: 24/00352/FUL

APPLICANT: Ms Mckenna (Zoomies Liverpool)

WARD AFFECTED: Halewood North

DEVELOPMENT:

RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO TWO DOG EXERCISE AREAS

LOCATION OF SITE:

Land at North End Lane, Halewood, Liverpool, L26 5QB

DEVELOPMENT PLAN ALLOCATION:

Green Belt

REPRESENTATIONS:

44 overall responses have been received in response to the proposals. 6 were in objection and 38 were in support.

RECOMMENDATION:

That Members delegate authority to the Head of Planning & Building Control to grant planning permission under delegated powers subject to:

- (i) the conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning & Building Control, in conjunction with the Chair of Planning Committee consider appropriate.

CASE OFFICER

Reece Black (0151) 443 5040

SUMMARY:

This application relates to a change of use application for part of an agricultural field to a dog exercise area at land at North End Lane. This application is retrospective and seeks permission for retention of the now existing use.

The application is made by a business called 'Zoomies' after operating under a temporary change of use (covered by Permitted Development Class B) two enclosures have been created on site and annotated, on the submitted plans and on site, as

‘Activity Zone’ (1,238sqm / 0.31 acres) and ‘Action Zone’ (6,720sqm / 1.66 acres). The boundary treatment for each of these enclosures is provided by stock-proof livestock fencing; these and other gates for any enclosures have been erected on the field under Permitted Development and remain 6ft (1.8m) and under. Accordingly, these are lawful and do not fall within the scope of this application for Planning Permission.

No buildings are included within the proposal. All associated equipment / obstacles are moveable, not permeant structures. Associated works include an extended informal vehicle route and parking area in the site (at a footprint of circa 132.9sqm) from the established hardstanding to ‘Action Zone’ constructed with recycled road plannings and would accommodate up to two vehicles; as well as a crushed gravel pathway (to an area of circa 32.1sqm) within ‘Activity Zone.’

The relevant planning issues are:

- Principle of Development
- Residential Amenity
- Impact on Local Highway Network, Site Access, and Sustainable Travel
- Ecology / Biodiversity Net Gain (BNG)
- Comments on Representations
- The Planning Balance

1. SITE AND SURROUNDINGS:

- 1.1. The site is located on land off North End Lane (accessed off Gerrards Lane) and covers an area of circa 9,392sqm (2.32 acres). The site has existing vehicular access from the south-west which leads to a section of hardstanding to provide a parking area, adjacent an existing vacant stable.
- 1.2. The curtilage of the site and enclosures within are bounded by 1.8m tall stock-proof fencing, existing hedgerows and vegetation. To the south of the application site is another existing enclosure, ‘Adventure Zone’ which has Planning Permission under reference (23/02640/FUL). There is a small, shallow pond to the north-western part of the site; this is outside the red line boundary of the site and CCTV is in operation at the main entrance and parking area with a capacity of up to 10 vehicles.
- 1.3. There are small clusters of residential development situated to the south-west and to the north-west from the application site. All other adjacent land is agricultural land and fields.

2. PROPOSAL

- 2.1. Retrospective Planning Permission is sought to retain the existing use for the two exercise and agility areas for dogs which would be operated alongside the adjacent ‘Adventure Zone.’ The proposed development would allow dogs to be exercised (off-lead) in secure enclosures and bookings for the facility are made on the online system.

2.2. The hours of operation (all year round) would be 7am-8pm (Monday-Sunday). This would be across the whole of the 3 'zones' which would have different, staggered appointment times to start and finish sessions to allow the easy flow of traffic on a continual flow. A Management Plan submitted with the application would ensure that customers are instructed not to arrive more than 5 minutes before the start of their appointment and to leave the site by the end of their appointment time.

2.3. The 'zones' of 'Action Zone' and 'Activity Zone' covered by this application would be managed as the following:

Action Zone – 1 hour or half hour bookings which occur either on the hour or every half an hour. This 'zone' would be capped to a maximum of 2 cars and 8 dogs (5 dogs for the 30-minute appointments).

Activity Zone – 1 hour or half hour bookings which occur quarter past or quarter to the hour. This 'zone' would be capped to maximum 2 cars and 5 dogs per appointment.

2.4. Bins are provided to each individual field with a larger bin in the car park.

2.5. The application was supported by a Management Plan, which covers the operational development and how highways and noise issues for the site management would be mitigated. A Statutory Biodiversity Metric Calculation Tool and Summary was also submitted.

2.6. The application has seen amendments to include a change in the hours of operation. The management plan was revised to be provide further detail.

3. RELEVANT SITE HISTORY

23/02640/FUL - CHANGE OF USE OF PART AGRICULTURAL LAND TO A DOG EXERCISE AREA. Approved 29 January 2024.

4. ARTICLE 35 STATEMENT

4.1. 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.

5. EQUALITIES ACT 2010

- 5.1. In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 5.2. Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6. REPRESENTATIONS

- 6.1. The application was advertised by individual neighbour letters sent to 40 properties. A total of 44 overall representations were received in response to the consultation including 6 objections and 38 letters of support.
- 6.2. Two periods of public consultation were carried out in, the first in July 2024 and the second in September 2024.
- 6.3. The objections raised are on the following grounds: -

a) Highways

- Traffic issues with dog owners parking in the Lane.
- Dog owners parking inside the new development of North End Lane – even though this is private property.
- Since moving to the Lane, we have had several near misses with visitors of the site flying out of Zoomies car park.
- North End Lane is not suitable for any more traffic than it already receives.
- Dog owners park in our driveways – this will increase if planning is granted.
- Access to Gerard's Lane is already dangerous and visually impaired which will be exasperated if planning is granted.
- The Lane is very tight and there is no adequate space for two cars passing.
- No clear view to the right side when exiting the junction at North End Lane onto Gerrards Lane.
- The exercise area is a big factor of increased traffic on a poorly maintained adopted road. The road is falling apart. The bushes either side of North End Lane are overgrown and not well maintained.
- There is no walking area for pedestrians when cars are passing.

- Potential for up to 300 extra vehicles per day turning into a very narrow lane with extremely poor exiting visibility – an accident is almost inevitable – and the lack of hedge/ditch maintenance.
- North End Lane is a single-track road accessed at a narrow junction with Gerrard's Lane with very limited visibility splays in both directions with no visibility aids such as convex traffic mirrors. The width of the carriageway at the junction is very much limited to 1 car.
- Concerns raised that the visibility splay can practically be implemented due to the densely overgrown 3m+ high hedgerow. Existing access is inappropriate and unsafe.
- The worst-case scenario of full capacity, at 30-minute intervals, the number of vehicles entering and existing the site would exceed 300 per day, this would be severe to the Lane. This would have an adverse impact in terms of traffic generation (Saved Policy G8).
- The increase in traffic would create a genuine safety hazard – the Lane does not have separate pedestrian footpaths or lighting – as such pedestrians and cyclists rely on local residents driving with caution; customers of the application site will not be as aware of these conditions (Saved Policies T6 and G6).

b) Residential Amenity

- Dogs barking at all hours.
- Dog owners shouting.
- The noise that the park creates can already be heard and if it extends directly outside our homes, it will be unbearable whilst utilising our gardens.

c) Miscellaneous

- Dog owners letting their dogs foul the Lane.
- This will sour the purchase of our final home in this peaceful hamlet.
- This expansion will reduce our quality of life moving to what was a quiet rural lane which was a factor in buying our home. This permission should not be granted. There are no circumstances which this expansion could be safely allowed.
- The existing planning conditions for Dog Adventure Zone have not been complied with.
- Potential purchases of the seven new builds directly across the Lane from the dog park were likely not aware that they'd have dogs barking and dog owners shouting.
- Planning application says 'retrospective', but the extending of already existing facility has been going on for many months, clearly with no regard for the failures to comply with the previous application.
- 'Retrospective' application is just a box-ticking exercise.
- New fencing, gates and 'canine amenities' have been installed, an application appears to have been made for a mains water

connection, with a ditch having been dug to the side of the Lane months ago.

- Attempts have been made to contact the owners to have the hedges – their responsibility, cut back to the required width with no avail.
- Opening hours are a concern – long hours which range from 6:30am (earliest) to 10pm (latest).
- Capacity – when considered with the existing approved dog field (which has a maximum capacity of 8 dogs and 3 cars), the new applies for 8 dogs in one field and 5 in the other. This could result in a maximum of 21 dogs in total across the 3 fields. This will cause unmitigable disturbance.

6.4. The representations in support of the proposals are summarised as follows;

- This amenity has positive outcomes for both dogs and their owners – good for mental and physical health.
- The site is safe and well respected. I can take my dog for training and off lead running.
- The facility is excellent for dog owners, especially those with dogs that are reactive or otherwise unable to use public space.
- The owners of the site are clear on rules and use of the fields.
- It's the only place of this kind where we can safely let our dogs off lead in a secure field.
- This dog field is important to dog owners who are disabled and can let their dogs off-lead in a safe environment.
- The site is an asset to the local area.
- As someone who was bitten by a dog off-lead this space is great to exercise my dogs and not worry about mine or their safety.
- The site allows banned breeds to be exercised off-lead – this is a safe place for them to exercise.
- Dog poo bags are provided in case visitors forget their own.
- Zoomies provides more than just a field, but equipment also. Privacy screening and staggered start times in place reduce crossing paths with other dogs.

6.5. Any material planning considerations are covered within the relevant sections of the report. However, some of the points raised would be considered non-material to the application.

6.6. These include mention of some policies such as G1, G2, and G6 which are no longer adopted because they were replaced by policies in the Core Strategy Local Plan when this was adopted in 2016. These policies are therefore no longer applicable in the determination of current applications.

7. CONSULTATIONS

Local Highway Authority (Knowsley Council) – No objection subject to Condition in relation to visibility splays implementation.

Environmental Health (Knowsley Council) – No objection subject to the submitted Management Plan be made an approved document.

Environmental Sustainability – (Knowsley Council) – No objection - satisfied that Biodiversity Net Gain (BNG) legislation will be complied with to achieve the 10% uplift, and this will be fully achieved on-site.

Halewood Town Council – No comments received.

8. POLICY CONTEXT

- 8.1. Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2024), an extract from which is set out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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 usually 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.”

- 8.2. In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement

Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 232 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

- 8.3. The entity of the site is allocated as within the Green Belt on the Local Plan Policies Map and Development Plan in accordance with the Knowsley Local Plan Core Strategy to help meet the borough's development requirements up to 2028. The relevant adopted policies for the assessment of the application are listed below.

Knowsley Local Plan Core Strategy (2016)

SD1 – Sustainable development
CS2 – Development Principles
CS5 – Green Belt
CS8 – Green Infrastructure
CS7 – Transport Networks
CS19 - Design Quality and Accessibility in New Development
CS21 – Design Quality and Accessing New Development
CS26 – Waste management

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

G3 – Agricultural Land
G4 – Rural Diversification
ENV2 – Noise and Vibration

National Planning Policy

National Planning Policy Framework (NPPF)
Planning Practice Guidance (Green Belt)
Planning Practice Guidance (Biodiversity Net Gain)

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up-to-date development plan without delay".
- 9.2. Paragraph 142 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the

essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 asserts that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

- 9.3 Core Strategy Policy CS5, in accordance with the NPPF state that inappropriate forms of development will continue to be resisted in the Green Belt (except in very special circumstances). Paragraph 154 of the NPPF asserts that development in the Green Belt is inappropriate unless certain exceptions apply. One such exception is:

Criterion h) "other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are (v.) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)."

- 9.4 The use of land for dog exercise and agility areas would be considered to accord with criterion h), specifically (v.) as use for recreation. Consequently, provided that it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it, the proposal would not be deemed 'inappropriate development' and accord with both the NPPF and Policy CS5.
- 9.5 The proposed development would introduce additional activity onto the site in the form of people exercising their dogs and vehicular movements (and car parking) associated with the use. Although, the restrictions on the use as proposed in the management plan would mean that this activity is at a relatively low level so it is considered that the openness of the Green Belt would be preserved. As outlined the boundary treatments erected for the enclosures have been done so in accordance with Permitted Development; Schedule 2, Part 2, Class A of the General Permitted Development Order grants permission for fences, walls and gates up to a height of 2 metres and do not form any part of the assessment; the paraphernalia equipment also does not.
- 9.5 The proposed development would not result in urban sprawl, cause neighbouring towns to merge into one another, affect an historic town or adversely affect urban regeneration. The development is in the countryside; however, the use would not be out of character in a rural area and on this basis, it is considered that the proposed development would not conflict with the purposes of including land in the Green Belt.
- 9.6 The proposed development is for a recreational activity in the Green Belt which would preserve its openness and not conflict with the purposes of including land in the Green Belt. The proposed development is therefore

appropriate development in the Green Belt and would comply with the NPPF and Policy CS5 of the Knowsley Local Plan Core Strategy.

- 9.7 Saved Policy G3 of the Replacement Unitary Development Plan (2006) – Agricultural Land, states that:

(1) new development involving the loss of the best and most versatile agricultural land (Grades 1, 2 or 3A) in a way which would practically prevent it from future return to agricultural use, will not be permitted unless:

(a) it has been demonstrated that the development cannot be accommodated on previously developed land or on land within the boundaries of an urban area; and

(b) it has been demonstrated that sufficient land of lower agricultural quality is unavailable or if available should not be developed in preference taking into account landscape, wildlife, historic or archaeological considerations.

- 9.8 The application relates predominately to a change of use to the land, with very little material changes to the topography and conditions of the site. The activities of dog walking, training etc would not practically prevent it from future return to agricultural use and would therefore be acceptable (and therefore negates the need to demonstrate the requirements of (a) and (b)).

- 9.9 The accompanying explanation for Saved Policy G3 outlines that the Department for Environment, Food and Rural Affairs (DEFRA) classifies agricultural land according to its best quality. Land within grades 1, 2 and 3a is known as “best and most versatile”.

- 9.10 A search on Natural England’s records for agricultural land classification (ALC) the proposed site would be understood to be classified as Grade 2 land quality. The explanatory text for Saved Policy G3 stipulates that new developments can, in effect, destroy the quality of agricultural land, making it impossible to use it as a resource in the future.

- 9.11 Policy G3 asserts that non-agricultural developments (such as new recreational or tourism uses) can themselves have a valuable role to play in diversifying the rural economy and can also provide an opportunity for enhancing the landscape. Policy G3 therefore does not seek to prevent such uses being permitted in principle. Therefore, the application would be deemed to accord with Saved Policy G3 as the proposal would not be considered to cause any unacceptable harm on the Green Belt or any unacceptable and irreversible harm to the agricultural land quality that would prevent it being restored to agriculture.

- 9.12 Saved Policy G4 of the Replacement Unitary Development Plan (2006) – Rural Diversification states that proposals for the diversification of rural enterprises will be permitted provided that they would:
- a) Preserve the openness and purposes of the Green Belt;
 - b) Not harm the visual amenity or character of the area; and
 - c) Otherwise be in accordance with the policies of this Plan.
- 9.13 The explanatory text to Policy G4 states that rural diversification shall be encouraged where it contributes to sustainable development objectives and preserves the openness of the Green Belt and does not conflict the purposes of including land within it. The application is considered to accord with Saved Policy G4 as the proposal would preserve the openness and purposes of the Green Belt and would also not result in harm to the visual amenity and character. There are no proposed buildings included within the application.
- 9.14 For the reasons outlined above the proposals are considered to be in accordance with the provisions of the NPPF (Green Belt), Policy CS5, Saved Policies G3 and G4, the principle of the proposed development is considered to be acceptable.

Design & Layout

- 9.15 Policy CS2 of the Local Plan: Core Strategy is relevant for the consideration of the design and layout of the development as it requires development to promote good quality design and ensure that new development respects its setting taking into account relevant design requirements, and best practice.
- 9.16 The proposal contains little in the way of material considerations for design; the application pertains to the use of the land. No buildings are included within the scheme and any associated equipment and boundary treatment would be impermanent or allowed under Permitted Development.
- 9.17 The only physical development on the site that is not permitted development is the access road within the site to reach the access gate for 'Action Zone' and the parking area for this enclosure, which would be constructed within recycled road planings together with the pathway within 'Activity Zone' which would be constructed within crushed golden gravel. These would be minor associated works and would not have any significant impacts on the design and layout of the site.
- 9.18 Therefore, the application is considered to comply with Policy CS2 of the Knowsley Local Plan: Core Strategy and have an acceptable design and layout.

Residential Amenity

- 9.19 In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing residents. Core

Strategy Policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of nearby residential neighbours.

- 9.20 Policy CS2 asserts that new development would be expected to mitigate potential negative impacts of traffic growth, noise and vibration levels, ensuring any negative impacts are appropriately mitigated. Policy CS19 (Design Quality and Accessibility in New Development) 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.
- 9.21 Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. The accompanying guidance of Saved Policy ENV2 ascribes that parts of the countryside and urban green areas should also be considered sensitive areas and preserved for their amenity values.
- 9.22 The closest residential property is located approximately 80m away (to the north-west). For the consideration of this application, it would not be considered that neighbouring residents would suffer a loss of amenity by means of loss of light, privacy, or overbearing impact or other considerations.
- 9.23 In respect of the use applied for, it is acknowledged that there could be a potential for an increase in noise through dogs barking during the day.
- 9.24 The application has been supported by a Management Plan and following amendments to this it provides measures to mitigate the impact of the development. The Management Plan states that customers book the field for private hire and are provided with specific times to enter and exit the site, in order to reduce crossover and excitement with dogs. Privacy screening has been attached to various perimeter fence lines (which would be removed once willow planted in January 2024 has established) which will further act as a natural visual and noise barrier. A “waiting area” has been created in the car park with signage. Although times are staggered, customers and their dogs must remain in their vehicle in the designated waiting area until the previous customer has secured their dog(s) into their vehicle in the enclosed park / left Zoomies.
- 9.25 The application has been reviewed by the Council’s Environmental Health team, who raised no objections to the retrospective application. In the consultation response received by Environmental Health it advises that no complaints have been submitted to Environmental Health for either the existing approved site or the retrospective application currently in use. Should members be minded to grant planning permission it is recommended that a condition is imposed which requires the use to operate in accordance with the management plan. A condition to restrict the hours of use of the facility to 7am-8pm (Monday-Sunday) is also recommended, should members be minded to grant planning permission. These hours are

consistent with the restrictions on the existing exercise area approved under planning permission 23/02640/FUL.

- 9.26 In conclusion, for the reasons outlined above, along with the suggested condition in relation to hours of operation and the submitted Management Plan, the proposal is not considered to be harmful to the amenity of the occupiers of neighbouring dwellings and will accord with Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy and Saved Policy ENV2 of the Replacement Unitary Development Plan.

Highways

- 9.27 The NPPF at paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 9.28 Policy CS2 (Development Principles) criterion e) requires new development to mitigate the potential negative impacts of traffic growth and road traffic on highway safety. CS7 (Transport Networks) criterion d) outlines that Planning powers and other interventions will be used to support a sustainable and integrated transport system that will enhance road safety.
- 9.29 An established vehicular access from North End Lane allows access and egress to/from the site, with existing hardstanding providing up to 10 informal spaces. The customers of the previously approved scheme of 'Adventure Zone' are requested to park in this section and users of the proposed 'Activity Zone' would also be required to park in this area. Customers of the proposed 'Action Zone' would be required to park in the newly created and designated parking area. This would be located adjacent the access gate of 'Action Zone' and would accommodate up to two vehicles.
- 9.30 The application site is located in a rural location, a bus route is found on Lydiate Lane, to the west, however, it is expected that most to all customers who attend the site (given the rural location and the purpose of the use) would travel to the site by private car. There is no pedestrian pathways located along North End Lane.
- 9.31 The application has been reviewed by the Council's Highway Team who have advised that they have no objections to the proposal on highway safety grounds.
- 9.32 The proposed development would result in an increase of the level of activity and number of trips to North End Lane. However, the application proposes the use of a booking management system with staggered arrival and departure times to ensure that vehicular traffic accessing and egressing the site is spread out at a filtered pace. If the management system is put in place the highways team believe that the level of activity associated with the development would not have an unacceptable impact on highway safety. If

members are minded to grant planning permission it is recommended that the implementation of this booking system is secured by planning condition.

- 9.33 Furthermore, to ensure that the potential negative impacts of additional traffic created by the development are adequately mitigated, Highways have recommended a condition requiring the visibility splays at the site access are improved. This would include the provision of a 2.4m x 32m splay to a north-western direction and 2.4m x 43m splay to a south-eastern direction. This can be secured by planning condition if members are minded to grant permission.
- 9.34 Moreover, the proposal is a retrospective application both enclosures included within this submission have been in operation since July 2024. It is understood that no complaints have been made to Planning or Highways on issues relating to highway safety. The application is not for a major development and therefore a Transport Assessment would not be required to determine the application. Sufficient information has been included within the Management Plan to allow Council Officers to support the application.
- 9.35 Subject to the to the recommended conditions referred to above, the application accords with policies CS7 (Transport Networks) and CS19 (Design Quality and Accessibility in New Development) in the Knowsley Local Plan: Core Strategy Policy and it is considered that the development would not result in any significant adverse impacts on highway or pedestrian safety.

Biodiversity Net Gain (BNG) / Ecology

- 9.36 BNG became mandatory for small sites from 12 February 2024. BNG is an approach to development which makes sure that habitats for wildlife are left in a measurably better state than they were before the development. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG uplift of 10%.
- 9.37 As the application proposals did not fit within any exemptions, it is legally required to comply with the legislation and provide a BNG uplift of 10%. The application was supported by the Statutory Biodiversity Metric Calculation Tool and a BNG Summary; these outline the site pre- and post-development has been carried out to determine whether the proposals will achieve a biodiversity net gain.
- 9.38 The statutory metric and report submitted with the application are acceptable and they show that the required 10% BNG could be achieved, on-site. The BNG Summary submitted (4.1.1) stipulates that the on-site biodiversity units after the completion of development (including the new tree planting and willow habitats) will result in a net of 0.48 habitat units representing a 10.51% net percentage biodiversity gain of habitat units. The new line of willow trees will result in a net gain of 0.07 hedgerow units representing a

41.84% net percentage gain of hedgerow units. Therefore, the proposed development would exceed the statutory 10% net gain target.

- 9.39 Should planning permission be granted, a detailed Biodiversity Gain Plan must be submitted and approved, normally this would be prior to the commencement of the development. However, as this is a retrospective application the condition will be worded to the submission of the Biodiversity Net Gain Plan within 3 months of the date of permission, should members be minded to approve this application.
- 9.40 Policy CS8 (Green Infrastructure) states that new developments should sustain and promote biodiversity in accordance with its importance and contribution to ecological networks. Given the uplift secured from BNG and the fact that other than moderately small sections of 'modified grassland' has been lost for hardstanding or the crushed gravel pathway in 'Activity Zone,' no other vegetation or ecology have been removed from the site to facilitate the development.
- 9.41 No other surveys or reports were considered necessary, and the proposed use of the site would not significantly be deemed to drastically alter the biodiversity within the site. Consequently, the application is considered to comply with Policy CS8 in the Knowsley Local Plan: Core Strategy and would not be considered to have any detrimental impact on ecology and biodiversity.

Miscellaneous / Other Issues

- 9.42 Policy WM9 of the Merseyside and Halton Waste Local Plan (WLP) requires that adequate measures are provided as part of the design for the facilitation of storage and collection of waste. Policy CS26 (Waste Management) criterion c) requires good design in new development in order to minimise waste, promote the use of reclaimed and recycled materials and to facilitate the collection and recycling of waste. The application has outlined within the submitted Management Plan that outlines customers are responsible for picking up any excrete waste. Biodegradable dog waste bags are provided to allow customers to collect waste.
- 9.43 Notwithstanding this, should members be minded to grant the application, a condition pertaining to further details of waste collection to be submitted and approved by the Local Planning Authority and that this shall remain as agreed for the lifetime of the development. This would be in the interest of sufficient site management, to respect local character and amenities, following objections raised and to accord with Policy CS26 of the Knowsley Local Plan: Core Strategy and Policy WM9 of the Merseyside and Halton Waste Local Plan.
- 9.44 It is acknowledged from the representations received that the site has been in operation for a number of months without any formalised planning permission. However, as the proposals were the subject of a planning application it was not considered expedient to take formal enforcement action and should members

be minded to grant planning permission the breach of planning control will be resolved. Alternatively, if members are minded to refuse permission then officers will review the expediency of taking formal enforcement action.

10. CONCLUSION & PLANNING BALANCE

- 10.1 The proposed development is acceptable in principle and would not cause unacceptable harm in relation to residential amenity, highway safety, ecology and waste management for the reasons set out in the report.
- 10.2 In conclusion, the proposed development would comply with the policies listed above and included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (Saved Policies, 2006) and the National Planning Policy Framework.

11. RECOMMENDATION

- 11.1 That Members delegate authority to the Head of Planning & Building Control to grant planning permission under delegated powers subject to:
- (i) the conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning & Building Control, in conjunction with the Chair of Planning Committee consider appropriate.

SCHEDULE OF CONDITIONS

	Condition	Trigger
1.	List of approved plans and documents	Advisory
2.	Hours of use	On-going
3.	Implementation of visibility splays	Within 1 month / On-going
4.	Further detail on waste management	Within 3 months / On-going
5.	BNG Plan	Within 3 months / On-going
6.	Will operate in accordance with the Management Plan	On-going
7.	Will operate in accordance with the Bookings Schedule	On-going

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