

<u>APPLICATION NO:</u>	23/02716/FUL	<u>CASE OFFICER:</u>	Jo Sheridan
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	Whitakers Garden Centre, Manchester Road, Prescot		
<u>PROPOSAL:</u>	Erection of storage area together with the erection of canopy to external plant sales area, erection of extension to external seating area and erection of covered link between external plant sales area and covered plant sales area		

Site Description

The site once formed part of a larger industrial area of factory and works, which has now been largely redeveloped with new housing, Cables shopping park and business parks and Prescot Community Fire and Police Station.

The site now accommodated Whitakers Garden Centre who relocated from a site at Manchester Road, Prescot to make way for residential development.

The garden centre has been operational for over a year.

The site fronts onto Manchester Road and is to the south of Pilkington Court and Prescot Community Police and Fire Station. South of the development site is Prescot Park Way, to the opposite (eastern) side of is a Home Bargains store and its associated car park. To the south are the occupied residential properties of Tenlands Drive.

Proposal

The proposal is for the erection of storage area together with the erection of canopy to external plant sales area, erection of canopy to external seating area and erection of covered link between external plant sales area and covered plant sales area.

Erection of storage area (Sinclair Way): This building is sited within the overflow car park off Sinclair Way. The proposal is retrospective and has the following dimensions: 4.8m deep; 16m long, 2.5m high to the eaves rising to 2.9m at its highest point.

Erection of canopy to external plant sales area (larger canopy):
The canopy would be open to all four sides and have metal legs with a polycarbonate roof.

The canopy would have the following dimensions: 12.3m deep; 30m long; 2.8m high to the eaves rising to 4.9m at its highest point.

Erection of extension to external seating area (café):
The extension would be rectangular in shape, with a flat roof and be timber clad.

The extension has the following dimensions: 4.4m projection from the existing café area; 12.5m wide and 3.9m high (flat roof extension).

Erection of covered link between external plant sales area and covered plant sales area:

The covered link would have timber posts and a polycarbonate roof. The canopy would be open to all three sides (the fourth side would be adjacent to the main garden centre building).

The covered link would have the following dimensions: 30m long; 2.1m projection beyond the existing café building; 2m wide, 2.6m high to the eaves and 3.3m high at its higher point.

Consultations

Environmental Health: No objection subject to a condition regarding contaminated land.

Merseyside Fire and Rescue Authority: No objections; standard response.

Cadent Gas Limited: No objections subject to an informative.

Prescot Town Council: No Comments Received

Representations

This application has been publicised by letters sent to 59 neighbours. It has also been advertised by the erection of two site notices. No representations have been received as a result of the publicity given to the application.

A second neighbour letter consultation was undertaken as the description of the development changed from describing the 'erection of canopy to external seating area' to 'erection of an extension to external seating area.' No representations were received as a result of the publicity given to the application.

Planning History

20/00204/FUL: Erection of a garden centre together with the construction of vehicular access to Manchester Road and Sinclair Way, car parking and associated works. Planning permission granted 29/04/2022.

22/00509/FUL: Variation of condition no.2 attached to planning permission 20/00204/FUL (Erection of a garden centre together with the construction of vehicular access to Manchester Road and Sinclair Way, car parking and associated works) to allow for changes to approved plans comprising of amendment to site access and retention of existing vehicular access off Manchester Road; amendment to site levels (existing levels retained); changes to parking layout/overflow parking; changes to building elevations including alterations to front elevation and the addition of new main entrance structure/canopy, reduction in window height, brickwork height increased to all elevations; steps removed to fire doors and repositioning of escape door on north elevations; addition of doors to south elevation; service area relocated, steps and raised platform removed and fire doors repositioned on west elevation. Planning permission granted 1/01/2023.

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 Replacement Unitary Development Plan (Saved Policies, adopted 2006)
ENV5 – Contaminated Land

Knowsley Local Plan Core Strategy (2016)
SD1- Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS4 – Economy and Employment
CS13 – Principal Regeneration Area – South Prescott
CS19 - Design Quality and Accessibility in New Development

Supplementary Planning Documents
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 the development:

The site is allocated as part of the 'South Prescott Principal Regeneration Area' in the Knowsley Local Plan: Core Strategy Proposals Map and Policy CS13 'Principle Regeneration Area – South Prescott' of the Local Plan is directly relevant. Policy

CS13 seeks the comprehensive redevelopment of the area for mixed business and residential uses.

The site lies within a Principle Regeneration Area as outlined in Local Plan Policy CS1 'Spatial Strategy for Knowsley' where regeneration and development will be maximised.

Policy CS2 'Development Principles' outlines five key principles for development which are:

Principle 1: Promote sustainable economic development, tackle the cause of deprivation and disadvantages and narrow the gap between the richest and poorest neighbourhoods

Principle 2: Reduce carbon emissions and adapt to the effects of climate change

Principle 3: Reduce the need to travel and increase accessibility

Principle 4: Recognise environmental limits, protect and enhance environmental assets, enhance local character and promote quality of place

Principle 5: Make the most efficient use of available resources and infrastructure by prioritising locations consistent with the spatial strategy.

Erection of storage area:

This aspect of the application is retrospective as the building has already been built. The building is used for storage in connection to the garden centre and is sited within the overspill car park off Sinclair Way. The building can also be seen from the adjoining neighbouring residential development of Tenlands Way.

The building is of a size and mass which is acceptable and as such would not be detrimental to the amenity of the occupiers of existing dwellings and would secure an appropriate level of amenity.

Erection of canopy to external plant sales area:

The proposed canopy would be an addition common to a lot of garden centres. The canopy is of a size and mass which is acceptable and as such would not be detrimental to the amenity of the occupiers of existing dwellings and would secure an appropriate level of amenity.

Erection of extension to external seating area:

The proposed extension to the café area would add additional space to the café. The design of the extension is subtle and would fit in with the garden centre building due to the materials to be used. The canopy is of a size and mass which is acceptable and as such would not be detrimental to the amenity of the occupiers of existing dwellings and would secure an appropriate level of amenity.

Erection of covered link between external plant sales area and covered plant sales area:

The proposed canopy is effectively a covered walkway to the side of the garden centre. The width of the canopy has been kept to a minimum. The canopy is of a size and mass which is acceptable and as such would not be detrimental to the amenity of the occupiers of existing dwellings and would secure an appropriate level of amenity.

Conclusion

The proposal would ensure the future growth of an established business within Prescot. The development would not harm highway safety, and neither would it

impact adversely on residential amenity.

In conclusion, the proposed development would comply with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2023) taken as a whole.

Recommendation

Grant planning permission 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 works being undertaken an implementation plan shall be submitted to and approved in writing by the Local Planning Authority (LPA), setting out details in respect to the following matters:
 - Gas/vapour protection membrane. The measures to be installed must comply with the British Standard BS 8485:2015 +A1:2019:
 - i. What specific gas/vapour membrane will be used? The membrane specification must be at least equal to that already installed under the property.
 - ii. How will it be installed and specifically how will the new membrane be integrated with the existing gas protection measures, including ventilation arrangements.
 - iii. The name of the competent persons / company installing the membrane?
 - iv. How the installation of the membrane will be validated?The agreed implementation plan must be carried out by a competent person.

Upon completion of the works, a validation statement must be submitted to the LPA. The statement shall demonstrate that works have been carried out in accordance with the agreed methodology detailed in Point 1 above.

Water suppression shall be used, as required, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site.

Reason: In the interests of safety, to prevent pollution of the water environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

4. No construction work shall take place outside the hours of 08:00 - 18:00 hours Monday to Friday, 08:00- 13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

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.

Informatives

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.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

Informative Note valid from 1st January 2023 until 31st December 2024

3. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4. Please refer to Merseyside Fire & Rescue Service dated 26/01/2024

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
14/11/2023	PD/295/2019	REV A	Location Plan
13/10/2023	PL01	REV -	Site Plan as Existing
13/10/2023	PL02	REV -	Elevations as Existing
04/04/2024	PL03	REV B	Site Plan as Proposed
04/04/2024	PL04	REV B	Elevations as Proposed
04/04/2024	PL05	REV B	Covered Seating Area Plan as Proposed
04/04/2024	PL06	REV B	Covered Seating Area and Canopy Elevations as Proposed
04/04/2024	PL07	REV A	Proposed Canopy to External Plan Sales Area
11/04/2024	PL08	REV B	Charging & Compactor Plans & Elevations

Signed Case Officer¹:

Jo Sheridan

Signed Authorising Officer²:

K Foster

Date:

15 April 2024

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

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