

APPLICATION NO: 22/00759/FUL **CASE OFFICER:** Mark Quinn
WARD: St Gabriels **PARISH:**
LOCATION: Former Mineral Railway Land, Hale View Road, Huyton
PROPOSAL: ERECTION OF 1 NO. COMMERCIAL UNIT (USE CLASS E (g) (i))

Site Description

The application site forms a small section of the former Cronton Colliery mineral railway line located on the southern side Hale View Road in Huyton. The site is currently an unmanaged landscaped area (which generally comprises self-seeded trees and shrubs). The site is bounded by residential dwellings on the opposite (northern) side of Hale View Road. To the south is the Huyton Business Park, to the west are two small former offices which are currently being extended and converted to residential and to the east is another section of the former mineral railway.

Proposal

It is proposed to erect one two storey commercial unit (use class E(g) (i)) for use as an office.

The building would comprise a reception area and staff breakout/ seminar meeting room to the ground floor and open plan office to the first floor. Two car parking spaces would be provided in addition to areas of hardstanding and soft landscaping.

Consultations

United Utilities Water Ltd - No objections subject to liaison with UU with regards to any impact on UU assets.

Local Plan Team - No objections

The Coal Authority - No objections in principle subject to planning conditions requiring further intrusive site investigations.

Merseyside Fire And Rescue Authority - No objections in principle

Arboricultural Officer – Insufficient information submitted to assess the impact on trees

Highway Authority - Raise objection to submitted layout as one additional car space and pedestrian visibility splays are required.

Environmental Health - No objections in principle

Representations

This application has been publicised by letters sent to 14 neighbours.

There have been 4 letters of objection from 3 individual households. The representations are summarised as follows:-

1. Destruction of trees and shrubs that house at least 6 species of bird.
2. It would be a traffic and pedestrian hazard as the road is narrow and all existing residents have to park half on the pavement. There is little space for vehicles passing or any additional vehicles parking on the highway. A commercial use would have

- business vehicles and customer/client vehicles.
3. To introduce a commercial unit would be unsafe, unsightly to existing residents and detrimental to visual amenity diminishing the appeal of the road.
 4. Space is too small and narrow. The building would be right on the road. Concerned that if the applicant got planning permission for a commercial unit he would change it to a dwelling as has been done further along Hale View Road. There is an industrial estate nearby with empty units and unused land.
 5. The land is unsuitable for the proposed use.
 6. Loss of light to dwellings located opposite and would remove the privacy of the road.
 7. The previous commercial premises along Hale View Rd were left empty for some considerable time. Hale View Road should remain residential.

Planning History

K/APP/10367 – ERECTION OF DOUBLE GARAGE AND NEW ACCESS TO HIGHWAY.
REFUSED September 1987

21/00498/FUL – ERECTION OF ONE DWELLING -WITHDRAWN OCT 2021

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
- CS4 - Economy and Employment
- CS6 - Town Centres and Retail Strategy
- 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
- ENV5 - Contaminated Land
- 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 with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Assessment

Background

As mentioned above the application site comprises a small part of a long narrow strip of land which has remained largely vacant since the Cronton Colliery, mineral railway ceased to operate following the closure of Cronton Colliery. The rail tracks were subsequently removed, and the land appears to have been sold off in piecemeal to various landowners.

Planning permission was granted on land to the west of the application site for two small single storey offices in 2002 & 2005 however they were not continuously used as offices and in 2019 planning permission was granted to extend them to add an additional floor for use as two residential dwellings. This work to convert the former offices is still ongoing.

An application on this site was submitted in 2021 for a new dwelling, however this application was withdrawn following officer's advice that the application could not be supported as it would appear cramped given the narrow and tapering nature of the site, the design would not be in keeping with the adjacent approved dwellings, there seems little room for private amenity space and therefore would not deliver a good quality amenity to the occupiers of the dwellings and the property would offer little in the way of privacy for future occupiers given the fact that habitable windows would be located so close to the highway.

Principle of Development

Parts 5 & 6 of Local Plan policy CS4 states that:-

5) New retail and other main town centre uses, as defined in Appendix A: Glossary, will be primarily located within existing town centres in accordance with Policy CS6: Town Centres and Retail Strategy. A sequential approach to site selection shall be applied with locations in existing town, district and local centres of an appropriate scale being considered first, then edge of centre locations and then only if suitable sites are not available should out of centre sites be considered. For edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

6) Office uses may be located within accessible locations in the other employment areas listed in 2) provided that town centre and edge of centre sites have been considered first in accordance with the sequential approach. The sequential approach, however, will not be required to be undertaken where the office use

Part 2) of policy CS6 states :-

2) Proposals for retail and other 'main town centre uses' outside the above centres will only

be permitted if they would complement regeneration opportunities, avoid significant impact upon the viability and vitality of the town, district and local centres, and comply with the sequential test in Policy CS4: Economy and Employment.

As defined in Appendix A in the Knowsley Local Plan, Core Strategy an office which was previously a B1 use and now falls within Use Class E part g (i) is classed as a town centre use and therefore town or district centre locations should be considered first before out of centre locations such as this one.

At the time of writing the report no sequential test has been submitted and therefore the proposal would be contrary to Local Plan policies CS4 and CS6.

The only justification the applicant has provided is that in recent years the applicant has moved from Huyton to Crosby. However, a significant percentage of his property portfolio is still based in Huyton. The applicant strongly believes that there is need to have an office base from which to serve his property management and maintenance business in the locality.

This justification seems to be at odds with the fact that there was little demand for the offices on the adjacent site such that they are now being converted to dwellings.

Design & Siting

Local plan policy CS19 states *“to maintain a good standard of amenity for all existing and future occupants of land & buildings development proposals will be required to :*

- A) Avoid unacceptable impacts on existing residents, business occupiers and future occupiers”*

Saved UDP policy H5 states that new development within primarily residential areas will be permitted provided the development would not:

- a) Have an unacceptable impact on the amenity of neighbouring occupiers be reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on street parking or other causes.*
- b) Adversely affect the character or street scene of the area.*

NPPF 2021 states *“the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*

Also ...development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”

The offices have the appearance of a two-storey dwelling which the applicant states is to closely resemble other buildings in the street in terms of scale, materials and fenestration. There is in fact very little difference in appearance between the office building and the dwelling submitted under reference 21/00498/FUL that was subsequently withdrawn.

With the site being very narrow the proposed building would be sited very close (between 1m -1.5m) of the adopted highway. This would result in the front elevation of the building being only just over 16m from the front elevation of Nos 21/22 Hale View Road.

The design and siting of this building is out of keeping with the surrounding area and would appear incongruous and have a cramped appearance in the street scene.

In conclusion the proposal would be contrary to Local Plan policy CS19, saved UDP policy

H5 and guidance in NPPF (2021).

RESIDENTIAL AMENITY

As referred to above the proposed building would be sited opposite to existing residential dwellings. The building would be located approximately 16m from the front elevation of the dwellings. If the proposal would have been a dwelling, then a minimum of 20m would have been required as a minimum interface distance. However, the proposed office has windows of a similar size and position to a dwelling so there is still the potential for overlooking from occupiers of the office when sitting at a desk etc. In addition, given that the proposed office would be virtually on the highway a two storey building here would be imposing and too close when viewed from the front elevation of the dwelling.

In conclusion the proposed office would be detrimental to the amenities of existing occupiers and would be contrary to Local Plan policy CS19 and Saved UDP policy H5.

TREES

Several trees and shrubs are located within this area of land. A tree and vegetation report has been submitted to support the application. Unfortunately, this does not assess the impact on the trees. A full arboriculture impact assessment would be required for an informed decision on the impact on trees can be made.

As submitted the proposal would be contrary to saved UDP policy DQ4 which states:

Development proposals affecting existing trees, woodlands and other vegetation, which make a positive contribution to amenity, should make provision for their retention.

3. Applicants for planning permission will be required to provide a detailed survey of all existing trees on the site and the likely effects on them of the proposed development, as outlined in the Council's technical advice note "Trees and Development".

Highways & Parking

The site would be accessed from Hale View Road and two off street car parking spaces are proposed.

The proposed development requires a third parking space to meet the requirements of the 'Ensuring a Choice of Travel' SPD. Plans should also show pedestrian intervisibility splays of 2m x 2m either side of the driveway/parking area. The proposed footway fronting the site should be 2m wide, however, in this circumstance the proposed width of 1.4m will be acceptable given the location and limited footfall expected. It will need to be offered up for adoption by the highway authority. Cycle parking for a minimum of 2 bikes will be required, which must be covered and secure.

Should the LPA be supporting this application is it considered that these amendments could be made to the layout to achieve an additional parking space and the pedestrian splays and the provision of cycle parking could be secured by planning condition.

Therefore, in this instance it is not considered that this matter would warrant a reason for refusal.

Contaminated Land

A CCG Combined Phase I/II report, ref: CCG-C-21-12234 has been submitted to support the application. The same report for a previous application on the adjacent site but it was for a residential use. Environmental Health are satisfied with the report. Whilst for this latest application the report is still valid, the conceptual site model will need to be updated, to consider this new use. This can be done through the remediation strategy that will need to be submitted. Environmental Health have therefore suggested a pre commencement condition.

Coal Mining

The site falls within a Development High Risk Area which means there are coal mining features in the vicinity which need to be considered in relation to the determination of this application. The application is accompanied by a Coal Mining Risk Assessment report. Having considered all the available information it is considered that there is a medium risk from possible unrecorded shallow coal mining. The Coal Authority have therefore recommended that a scheme of intrusive site investigations are undertaken prior to the commencement of development to establish if there is any risk posed by previous coal mining activity. This can be secured by way of planning condition to ensure compliance with paragraphs 183 and 184 of the NPPF (2021).

Conclusion

The siting and design of the proposed building is inappropriate for the size and shape of the site and also with it being adjacent to a primarily residential area with existing dwellings located directly opposite to the application site. The building would be incongruous in the street scene and would adversely effect the amenity of the nearby residential occupiers due to its close proximity and potential for loss of privacy. As such it would fail to comply with Local Plan Policy CS19 and saved UDP policy H5.

Insufficient evidence has been submitted to convince the Local Planning Authority that the proposed office cannot be located with a local town or district centre and that no sequentially preferable sites are available. This is contrary to Local plan policies CS4 and CS6

Given the presence of trees on the site without a detailed arboriculture impact assessment the impact of the proposed development on the existing trees cannot be fully assessed. This is contrary to saved UDP policy DQ4.

Recommendation

That planning permission be refused for the following reasons :-

1. The proposed development would result in an undue loss of amenity to occupants of neighbouring residential properties, in particular as a result of the massing of the building close to the adopted highway and the existing dwellings opposite and the potential for loss of privacy given the interface distance between the office windows on the front elevation and main habitable windows in the dwellings. As such the proposed development would be contrary to Policy CS19 in the Knowsley Local Plan, Core Strategy and Saved Policy H5 in the Knowsley Replacement UDP.
2. The proposed development would have a cramped appearance on this narrow site and taking account of its proximity to the adopted highway would pose an incongruous feature in the street scene and would (for an office) be out of character

with the surrounding area. As such the proposed development would be contrary to Policy CS19 in the Knowsley Local Plan, Core Strategy.

3. Insufficient information has been submitted to adequately justify the siting of an office (town centre use) outside of any of the town, local or district centres in Knowsley as such the sequential approach to site selection has not been met and the proposal would be contrary to Local Plan policies CS4 and CS6 in the Knowsley Local Plan, Core Strategy.
4. The impact that the proposed development would have on existing trees located within the site cannot be fully assessed due to the insufficient information being submitted and the absence of an arboriculture impact assessment. As such the proposal would be contrary to Saved Policy DQ4 in the Knowsley Replacement UDP.

Signed Case Officer¹: **Mark Quinn**

Signed Authorising Officer²: **K Foster**

Date: **2 May 2023**

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 -PHOTOGRAPHS







ADJACENT SITE FORMER OFFICES BEING CONVERTED TO DWELLINGS

