

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

<u>APPLICATION NO:</u>	23/02744/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Shevington	<u>PARISH:</u>	
<u>LOCATION:</u>	Tower Hill ABC, Heathfield Drive, Tower Hill, Kirkby, Knowsley, L33 1WU		
<u>PROPOSAL:</u>	DEMOLITION OF EXISTING BOXING CLUB BUILDING AND ERECTION OF REPLACEMENT TWO STOREY BUILDING, INCLUDING AIR SOURCE HEAT PUMP, WELLNESS CABIN, NEW CAR PARK AND NEW ACCESS		

Site Description

The application site is a detached building used as an amateur boxing club, located on Heathfield Drive, Kirkby. The site is surrounded by open space with residential properties further away. There is also a primary school to the north east.

Proposal

The proposal is for the demolition of existing boxing club building and erection of replacement two storey building, including air source heat pump, wellness cabin, new car park and new access.

Consultations

Environmental Health – No Objection subject to conditions in relation to a construction management plan, noise, construction hours, contaminated land and lighting.

Highways – No objection to the application subject to a conditions to require parking and servicing details to be implemented cycle and motorcycle parking and an informative in relation to highways consents.

Merseyside Fire and Rescue – No Objections subject to informatives.

Police Architectural Liaison Officer – No Comments.

United Utilities – No objection subject to a condition to require a sustainable drainage scheme and an informative in relation to their assets.

Representations

This application has been publicised by letters sent to 30 neighbours. No representations have been received.

Planning History

Previous applications for a single storey front and side extension have been approved (20/00741/FUL – approved 3/2/21) and a single storey rear extension and

alterations to roof shape (22/00640/FUL – approved 6/2/23).

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS7 - Transport Networks
CS12 - Principal Regeneration Area – Tower Hill
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

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

N/A

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

Core Strategy Policy CS21 states that development which would result in the loss of urban greenspace will not be permitted unless several criteria are met.

Part 2 d) includes where the development is required to improve greenspace provision or for ancillary facilities to support sport or recreation.

Core Strategy Policy CSS12 (Principal Regeneration Area – Tower Hill) states that small scale enhancements to community facilities will be supported.

The application site is situated within Urban Greenspace and Education Land. However, the site has an existing boxing club at the site. The new building would be a larger version of the existing boxing club with additional elements including a car park, pitch and running track. These are sporting uses which are considered an appropriate use at the site. The facilities would enclose a slightly larger area of land than the current boxing club (which is currently not fenced off). However, this is considered to be compliant with part 2 d) of policy CS21 as the site would be used for sporting and recreation facilities. In addition, the facilities would not adversely impact the core functions of the open space in terms of amenity, recreation or other benefits.

The application complies with policies CS12 and CS21 of the Knowsley Core Strategy.

Street Scene

The design is considered to be a modern design which in keeping with the street scene.

Neighbour Amenity

Core Strategy Policy CS19 (Design Quality and Accessibility in New Development) states that development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers;

In relation to neighbour amenity the new building and other elements of the proposal would not be located close to any neighbours and would therefore not cause any harm to neighbour amenity subject to conditions including in relation to noise and construction management plans. This is supported by the views of Environmental Health who have no objection subject to conditions.

Highway Safety

NPPF Para 111 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 would be severe.

Currently there is no parking at the site, the proposal would increase this to 12

parking spaces. This level of parking is considered to be acceptable for the proposed use. This view is supported by the council's highways department who have no objection to the development subject to conditions. Conditions are required to secure the implementation of parking and for details of cycle parking to be submitted.

Overall, the proposal would not cause significant harm to highway safety.

Crime and Anti-Social Behaviour

There is no evidence that the application would cause significant issues in relation to crime and anti-social behaviour. This is supported by the views of the police architectural liaison officer who have not raised any issues with the application.

Flood Risk

The site is a minor site that is not in a high risk flood zone. In relation to the suggestion for sustainable drainage, the application is not a major application therefore a requirement for sustainable drainage would contradict NPPF para 175 and would not be justified.

Trees

The application site includes several trees within the site that would form part of the pitch/car park area on the proposed plans. The trees are not of particularly high quality and a planning condition to require replacement planting would effectively mitigate any harm to trees.

Other

The site would include rooftop solar panels and would generate renewable energy onsite which is a benefit of the scheme.

Conclusion

The proposal would be acceptable in principle and in relation to Neighbour amenity highways safety, crime and trees. The application complies with local planning policies and is 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 following approved plans and documents :-

- a. Roof Plan 2023 CO 120 B (received 10/01/2024)
- b. 1st Floor Layout Plan 2023 CO 110 B (received 10/01/2024)
- c. Ground Floor Layout Plan 2023 CO 100 B (received 10/01/2024)
- d. Proposed Site Plan 2023 CO 001 A (received 10/01/2024)
- e. Proposed Elevations 2023 CO 201 B (received 10/01/2024)
- f. Location Plan L01 (received 12/01/2024).

Reason: For the avoidance of doubt.

Pre – Commencement

- 3) Contamination

A Phase I site investigation shall be submitted for written approval prior to works commencing in order to establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. This report shall include the results of a desk study, site walkover, and human health and environmental risk assessment. If identified as necessary by the desk study, a Phase 2 site investigation and remediation proposals shall be submitted for approval prior to works commencing. In any event the applicant/developer is requested to contact the Councils Environmental Health Service (Tel: 0151 443 4267/4266) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site. A site completion report shall be submitted for written approval prior to occupation confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

Reason: In order to prevent harm to human health.

- 4) Noise

Development shall not commence until a scheme has been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby residential dwellings both prior to and following the operation of the development permitted.

The following noise levels shall be met after implementation of the scheme;
For fixed plant, the rating level of noise emitted from the site, measured at the closest boundary of the nearest residential dwellings shall be at least 5dB(A) below the existing background level. For other operations on site the rating level of noise shall not exceed the existing background level at the positions described above.
Measurement and assessment shall be made according to British Standard BS 4142:2014.

All works which form part of the scheme shall be implemented in full in accordance

with the scheme as agreed. Documentary evidence of the works shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: In order to avoid harmful noise impacts on neighbouring properties.

5) Lighting

Prior to the commencement of construction, a lighting scheme which includes the steps necessary to minimise light intrusion to local dwellings shall be submitted for the written approval of the local planning authority. The scheme shall include an isolux plot to demonstrate that the obtrusive light limitations suggested in the Institution of Lighting Engineers Guidance Notes for Light Pollution are met. All works which form part of the scheme shall be completed prior to operation and shall be maintained thereafter in accordance with the agreed scheme.

Reason: In order to avoid harmful lighting impacts on neighbouring properties.

6) Construction Management Plan

No part of the development hereby permitted shall be commenced until a construction / Demolition Management Plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction / demolition effects. This shall include but not be limited to the following:

- Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any temporary power generation or pumping plant which will operate overnight.
- Methods for dust control and suppression.
- Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.
- Details of relevant pest control measures to be taken during both the construction and demolition phases.

Reason: In order to avoid harmful lighting impacts on neighbouring properties.

7) Trees

Prior to the implementation of any landscaping or the removal of trees from the site a scheme for replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include tree replacement for individual and groups of trees on a 2:1 basis. The scheme should include the location, size and species of the replacement trees.

The tree planting shall be wholly implemented in its finally approved form in accordance with the approved scheme within the first available planting season following the substantial completion of development. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a

period of five years thereafter shall be replaced in kind during the first available planting season following the date of loss or damage.

Reason: In the interests of visual amenity and to ensure the development complies with Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

Pre Occupation

8) Cycle Parking

The building shall not be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

9) Car Parking and Layout

The development shall not be brought into use until the areas indicated on Site Plan Drawing 23023 CO 001 A be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

Ongoing Conditions

10) Construction Hours

No construction / demolition 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.

Reason: To protect neighbours from noise.

Signed Case Officer¹: **Andrew Hunt**

**Signed Authorising
Officer²:** **K Foster**

Date: **13 February 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

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

Informatives

1) Works to Highway

The applicant is reminded that it is an offence to allow material carried from the site to be deposited on or cause damage to the highway, as a result of dirty wheels or badly loaded vehicles. Should this occur, the Council as Local Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute offenders under Sections 131, 148 and 149 of the Highways Act 1980.

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

The relocation of existing street lighting columns on the adopted highway would need to be funded by the developer and dealt with as part of a highway agreement. The relocation of any existing street lighting columns will need to be undertaken/agreed by the Street Lighting and Signing PFI Contract Service Provider. The applicant is advised contact SiteDevelopment@knowsley.gov.uk

2) Merseyside Fore and Rescue – See Letter

3) United Utilities

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

