

Regeneration and Economic Development Department

APPLICATION NO: 21/00652/FUL

APPLICANT: Flintrock Ltd

WARD AFFECTED: Kirkby Central

DEVELOPMENT: PROPOSED AMENDMENTS TO 4 M HIGH TIMBER FENCE LOCATED TO PART OF WESTERN BOUNDARY FRONTING MOORGATE ROAD AND SOUTHERN SIDE BOUNDARY INVOLVING THE REDUCTION IN HEIGHT TO A MAX. 2.55 M AND DARK STAIN FINISH

LOCATION OF SITE: Venus 217, Delphi Trading Estate, Moorgate Road, Southdene, Kirkby, Knowsley, L33 7XL

KNOWSLEY LOCAL PLAN ALLOCATION –

Strategic Road Network
Primary Industrial Area

RELEVANT POLICIES

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS8 - Green Infrastructure
CS19 – Design Quality in New Development
CS21 – Greenspaces and Trees

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

EC2 - Sites Allocated for Employment Development
EC3 - Primarily Industrial Areas
DQ2 - Security in the Built Environment
DQ3 - Gateway Sites and Corridors
DQ4 - Trees and Development
ENV2 - Noise and Vibration
ENV3 - Light Pollution

TECHNICAL CONSULTATIONS:

Highway Authority – No objection.
Merseyside Police HQ – No objection in principle.

NEIGHBOUR NOTIFICATION:

The original application has been publicised by letters sent to 10 neighbours. It was also advertised by Site Notice. No representations were received.

Following the submission of amended plans, consideration has been given to the necessity to re-consult on the amended plans received. In this instance it was considered that the proposed amendments constitute substantial differences or fundamental change to the originally submitted proposal. Additional neighbour letters have been sent to the same 10 neighbours.

The LPA has acted fairly and reasonably taking into account the duty to fully consider representations from interested parties and has re-consulted in order to make sure that nobody has been deprived of the opportunity to make any representations that they may have wanted to make on the application as amended due to the nature of the change/s.

No representation was received following the second round of consultation.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

ARTICLE 35

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.

ISSUES AND ASSESSMENT:

SITE AND SURROUNDINGS

This application relates to a large commercial building (B2/B8 uses) with associated car parking located on the Delphi Trading Estate, on Moorgate Road, Knowsley Industrial Park.

The application site sits at the junction of Moorgate Road and South Boundary Road. Other industrial and commercial premises are located immediately to the north, east and west of the application site. Directly to the west of the site lies Park Brow Primary School and its associated playing fields. On the opposite side of Moorgate Road to the south west there are residential properties with other dwellings located on Lindby Close and Moorgate Lane.

Moorgate Road is a strategic transport network which connects the M57, with the wider Knowsley Industrial Park and Kirkby Town Centre.

PROPOSAL

Planning permission was originally granted in 2014 and 2017 for the industrial building on the site and its associated layout and ancillary development as indicated in the planning history further on in this report.

The planning application as originally submitted related to the retention of a 4 m high timber fence and concrete posts to part of the western boundary fronting onto Moorgate Road and the southern side boundary alongside the Deacon Park site. That fencing has been erected.

Following officer discussion with the applicant's agent, which centred around the unacceptability of the 4 m fence as erected, the application proposal has subsequently been amended. The scheme currently under consideration would involve amendments that would see the fence reduced to a height of 2.55 m and stained a dark brown colour.

The fencing would still be set behind existing paladin fencing which encloses an existing car parking area associated with the industrial building. Along the front boundary, facing onto Moorgate Road, there would be planting in a gap of between approx. 800 – 850 mm between the existing Paladin and the timber fencing. The front section extends for approximately 33 metres in length. The applicant maintains that this would allow sufficient space to be retained to allow for secondary access/egress for maintenance

The boundary line to the South is stepped and again enclosed by Paladin fencing. The timber fencing at this point would be set into the site by between approximately 3.88 m to 10.1 m. There would be a 1.5 m gap stopping short of the existing fence to allow for maintenance access. The fencing would extend for a distance of approximately 71.5 m along this boundary.

The application indicates that the development is required to meet the occupier's operational requirement. The applicant's agent puts forward a case that the fencing is required for the purposes of security and to reduce the impact on the neighbouring amenity in respect to external lighting and noise which is discussed in detail in this report.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

RELEVANT PLANNING HISTORY

14/00510/FUL

Demolition of existing building and erection of a new industrial/ warehouse building (Use Classes B2/B8) including ancillary office space and construction of car parking.

Granted - November 2014

16/00400/FUL

Variation of Condition no. 2 attached to planning permission 14/00510/FUL - to allow for amendments to: increase of floor space by 640sq.m; alterations to elevations; relocation of sprinkler tank and pump house; and amendments to car parking layout including increase in number of HGV spaces and area for future car park expansion

Granted - February 2021

17/00626/FUL

Application to vary Condition no.1 as applied to planning permission 16/00400/FUL - Variation sought to approved plans as listed in schedule 1 to allow for alteration to elevations and car park layout

Granted - January 2018

17/00626/NMA

Application for a non-material amendment following grant of planning permission 17/00626/NMA - application to vary Condition no.1 as applied to planning permission 16/00400/FUL - variation sought to approved plans as listed in Schedule 1 to allow for alteration to elevations and car park layout (approval sought for re-siting of 1 no. level access roller shutter door and 1 no. personnel door; removal of second floor louvres to western elevation; re-siting of 4 no. louvres to office accommodation on western elevation; removal of traffic island at site entrance; installation of 2 no. pedestrian refuges to site entrance road; erection of sub-station; amendments to kerb line within car parking area/service yard and increase in vehicle turning circle to north east corner of site and installation of grasscrete)

Granted - October 2018

17/00626/NMA2

Application for a non-material amendment following grant of planning permission 17/00626/FUL) - variation sought to approved plans as listed in Schedule 1 to allow for the addition of 2 no levelled access door on the southern elevation of the existing warehouse, installation of a mezzanine to provide ancillary office accommodation, additional windows on the western elevation, erection of welfare block, erection of 1no external ramp on the southern elevation, erection of a waste platform and canopy on the southern elevation, erection of guard hut and 2 no smoking shelters, reconfiguration of the car parking and rear yard area including a car park extension on the southern boundary and installation of external plant comprising of 9 no new ventilation louvers on the northern elevation and 1 no wall mounted condenser and 3 no VRF units

Granted - March 2021

17/00626/NMA3

Amendment to Condition 7 to allow internal works to be undertaken at any time

Granted - April 2021

17/00626/NMA4

Application for a non-material amendment following grant of planning permission 17/00626/FUL - variation sought to approved plans as listed in schedule 1 to allow for changes to the size and locations of the louvres on North and West elevations and changes to the size and location of the level dock doors on the southern elevations

Granted - July 2021

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Display of signage comprising; of 4 no non illuminated fascia signs to South, North and West elevations and; 26 no wall mounted non illuminated signs, 43 pole mounted non illuminated signs and 8 post mounted non illuminated signs across the external grounds/car park of site

Pending Consideration - Valid 8 November 2021

POLICY CONSIDERATIONS

The proposal is considered to conflict with relevant National Planning Policy and the policies in the Knowsley Local Plan: Core Strategy (2016) and Saved Policies of the Knowsley Replacement Unitary Development Plan (2006).

DESIGN, ACCESS AND CRIME PREVENTION

The fencing is in a prominent location on a busy strategic road network through the borough. The immediately surrounding properties are made up of, in the main, industrial premises which are enclosed by brick wall and railings. The wider application site is enclosed by 2.4 m high Paladin fencing. For most of the western boundary of the wider site, along Moorgate Road there is substantial tree planting behind the fencing.

In respect of the residential properties, save for the row of terraced properties nearest to the site, residential properties on the other side of Moorgate Road are set behind a tree lined grass verge and are enclosed in most instances by brick walls. The terrace block opposite the site again is mostly brick walls with timber fencing limited to one of the dwellings which is set atop a brick wall.

Saved Policy DQ3 of the Knowsley UDP relates to Gateway Sites and Corridors. This policy seeks to ensure that new development proposals which are within or adjacent to, or visible from identified routes should seek to enhance the visual appearance of the route. Whilst Moorgate Road is not specifically identified in the main body of the policy, the explanatory text indicates that other more minor routes provide important 'gateway' links between the strategic transport network and the Boroughs town and other centres. The explanation goes on to highlight examples of these routes which includes Moorgate Road.

The 4m high fencing originally applied for has been erected and is very much in the foreground of the streetscene. Which has led to discussion with the applicant's agent over its suitability.

The supporting information with the original application indicates that timber fencing is that typically seen in such industrial areas. It goes on to suggest that the proposed *'fencing is a minor addition that would increase security of the site. Furthermore, the site lies within an industrial location, and the addition of the boundary fence would not have a negative impact on the amenity of the local area... will not be an overbearing structure when viewed from the public highway, and will be in keeping with the thick, tall trees that screen the majority of the parking and yard area.... It is the applicant's position that the addition of the fencing would improve the visual appearance of the Site and screen the activity to the benefit of the neighbouring residential properties and should be considered acceptable.'*

In contrast, it was officer's view that a 4m high solid close boarded timber fencing with concrete posts originally applied was a harsh and stark contribution forming an incongruous and prominent feature in the street scene, at odds with the surrounding character of the area. Consequently, this has resulted in the amendments, which intended to reduce the height to that of the existing Paldin fencing and to finish the fence in a dark stain.

Timber fencing is not usually advocated on street frontages in most areas and in particular on highly prominent gateway locations, however, on balance, taking into account that the timber fencing would be secondary to the existing Paladin; there is some planting in between; it would be finished in a dark colour; and the applicant's operational needs, it is considered that in this instance the proposal would be acceptable. This is also having regard to fact that a 2 m high fence of any chosen material could be erected if set back into the site by 2m, without the need for planning permission.

Crime and Security Considerations

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The applicant puts forward a case that *'the majority of the service yard and car parking is already screened by mature tree belts and/or smaller buildings, however the corner where the fencing is located was not previously screened and is open to views from Moorgate Road and the A5207, which is a busy main road...Prior to the erection of the fence, this corner of the Site was open to views compared to the surrounding boundaries ... This is considered to be a security risk, both to vehicles and property, but also safety of workers who would be arriving and departing at the site during the hours of darkness.'*

Furthermore, it is put forward that the fencing ... *'will also deter potential intruders who could access the car parking and yard area undetected by the staff operating the gatehouses, which are located at the Site entrances...'*

It is acknowledged that the car parking area would be screened to some extent as it would be enclosed in part by the solid fencing which is the subject of this application. Nevertheless, Officers challenged the justification for the 4 m fence as erected which is currently at twice the height of that which could be permitted and clearly significantly higher than the fall-back position.

It is officer's view, that a sufficient level of screening could be achieved by a boundary treatment significantly lower than that erected and hence the amendment that seeks consent to alter the fencing to 2.5 m high.

Saved Policy DQ2 of the Knowsley UDP states at paragraph 2 that:

Security features such as fencing, walls, CCTV cameras and lighting (both in new developments and where proposed to provide added security to existing developments) should be designed so as to avoid causing harm to:

- a) *Visual amenity;*
- b) *The amenities of occupiers of nearby property; or*
- c) *Highway safety*

The explanatory text to Policy DQ2 states that the design of new developments has a crucial role to play in delivering and creating a sense of safety and security. ...

The Police Architectural Liaison Officer has no objection to the scheme (in relation to the 4 m high fence) but comments in respect of industry standard specifications for security fencing and recommend that any security fencing should be tested and certified by the Loss Prevention Security Board (LPCB).

However, security in new development should not be achieved at the cost of making the development unattractive. This will mean ensuring that features such as security fencing, walls, lighting etc. are only used where they are justified by security considerations and are of high visual quality, particularly on highway frontages.

The text goes on to discuss fencing in industrial locations stating that... *'Over recent years, there has been considerable demand to construct palisade fencing around industrial and commercial properties and schools. This can create an unwelcoming visual appearance. For this reason, the Council normally requires that more attractive forms of fencing are used particularly on highway frontages in industrial areas or in residential areas.'* It is clear that there is a key requirement for high quality boundary treatments in prominent locations across the borough.

It is considered that on balance, the amendments proposed would result in an acceptable compromise both in terms of the visual impact and the operational requirements of the applicant.

Noise and Light

The applicant's submission indicates that *'...operations at the Site are 24 hours and in addition, the proposed fencing will provide additional screening for noise and external light spill from the development which would be beneficial to the near-by residential properties directly to the south west of the proposed fencing.'*

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The nearest residential properties are located approximately 43.5 m from the site boundary across a dual carriageway served by lighting columns within the central reservation between the site and the dwellings.

In respect of the lighting on the site, this should as a matter of course be designed to ensure that light does not spill outside of the application site so that it would not have a detrimental impact on the amenity of occupiers of nearby properties/sites or the adjacent highway and if that is the case this should be controlled by other mitigation measures directly associated with the lighting scheme.

Turning to the noise aspects, noise impacts of operational activity associated with the use of the site for its intended industrial purposes will have been assessed in planning decisions made for the re-development of the site for the erection of a new industrial/warehouse building (Use Class B2/B8) including ancillary office and car parking and subsequent variations to conditions as outlined in the planning history above.

The Local Planning Authority is not aware of any complaints made in regard to these issues.

Conclusion in relation to Visual Amenity, Crime, Noise and Lighting

Taking into account the amendments to the fencing as constructed, the development is overall considered acceptable impact on the street scene would be significantly reduced and the development, as amended would not conflict with the NPPF, policies CS2, CS19 of the Knowsley Local Plan: Core Strategy and Saved Policies ENV2, ENV3, DQ2 and DQ3 of the Knowsley UDP.

HIGHWAYS

The Local Highway Authority have commented on the application and advised that the timber fence location around the site access is such that it would not obstruct visibility for either pedestrians or vehicles.

On the basis of the above, the development does not have any detrimental impacts on highway or pedestrian safety and in regard to these aspects of the development, does not conflict with Policies CS7 and CS19 of the Knowsley Local Plan: Core Strategy, Saved Policy T6 of the Replacement UDP and Ensuring a Choice of Travel SPD.

RESIDENTIAL AMENITY

In order for proposals to be acceptable, it is important that they do 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 adjoining or nearby residential property.

As detailed earlier on in this report there have been no objections to the proposal from nearby residents. It is not considered that given the reduction in height and finishing; and the distance from the dwellings the proposal would harm residential amenity.

In conclusion, the proposal would not be detrimental to the amenity of the occupiers of existing dwellings. The proposal, does not conflict with the NPPF, Policies CS2 and CS19, of the Local Plan: Core Strategy and Saved Policy DQ3 of the UDP.

OTHER ISSUES

Arboricultural Considerations

There are an existing group of trees to the southern boundary of the application site which are located within a grassed area and extend over the boundary into the adjacent site. The fencing the subject of this application is sited inside of existing Paladin fence. The Council's Arboricultural Officer has advised that in these circumstances tree reports are not required. Given the siting and the fence post specifications it is not considered that the development would have had significant impact on the trees.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

In respect of impact on trees the development does not conflict with Policies CS2, CS8, CS19 and CS21 of the Knowsley Local Plan: Core Strategy and Saved Policy DQ4 of the Knowsley Replacement UDP.

CONCLUSION

Officers have taken into account the need to weigh up the balance of planning gains from the overall development against any impacts on visual amenity.

The Applicant's supporting information in relation to security and that in their opinion that the site would be afforded necessary security, attracts weight in the assessment of the planning balance. Weighing all the relevant factors, having regard to the NPPF; and all relevant policies of the adopted development plan, the impacts would not be so significant to demonstrably outweigh the benefits that the applicant considers would flow from the development. As such the development is considered to be sustainable development and should be approved.

RECOMMENDATION:

That planning permission be granted subject to the following conditions:

- 1) Within two months of the date of this decision the approved fencing shall replace the existing 4 m high timber fencing that has been erected on the site.

Reason: In the interests of visual amenity and to comply with the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies EC3 and DQ3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
28/07/2021	P101	B	Location Plan
28/07/2021	P16	C	Typical Fence Details
22/03/2022	P103	C	Proposed Site Plan

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:
- 2 The comments of Merseyside Police Architectural Liaison Officer:
 - When specifying perimeter fencing security the main security standard is provided by the Loss Prevention Security Board (LPCB) who work with Government security agencies and Police to independently test and certify fencing systems.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

- The standard is LPS 1175 and has varying levels of security ratings that are determined by tools used and time taken to breach the fencing.
- The minimum security rating is LPS 1175 Issue 8 A1. This test involves a limited attack toolkit with a minute attack time.
- The maximum is LPS Issue 8 H20. This test involves a greater number of tools (including cordless) with a 20 minute attack time.
- LPS 1175 does not have a height specification.
- I would recommend any applicant wishing to install perimeter fencing that it should be tested and certified by the LPCB.

Maxine Wishart
25 April 2022

Alan Kilroe
27 April 2022

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

c:\users\kilroea\appdata\local\microsoft\windows\inetcache\content.outlook\6tverf1e\dlp - 21-00652-ful v. approval.rtf