
<u>APPLICATION NO:</u>	23/02023/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Land At Netherley Road, Tarbock Green, Knowsley		
<u>PROPOSAL:</u>	DEMOLITION OF EXISTING BUILDING AND ERECTION OF BUILDING FOR A WORKSHOP/STORAGE FOR MIXED COMMERCIAL AND AGRICULTURAL USE		

Site Description

The application site relates to a commercial landscape contractors depot, storage of manure/topsoil and processing /composting green waste and agricultural land located off Netherley Road, Tarbock.

The site comprises areas of hardstanding, containers, materials a dilapidated building and areas of agricultural land.

Proposal

It is proposed to demolish the existing dilapidated building and erect a new building on a similar footprint as the existing building as a workshop and storage building for mixed commercial and agricultural use.

Consultations

Tarbock Parish Council - No Comments Received
Environmental Health - No objections
Highway Authority - No objections
United Utilities Water Ltd - No objections

Representations

This application has been publicised by letters sent to 14 neighbours. No representations have been received.

Planning History

APP/98/00170 – Use of site for mixed use comprising landscape contractor's depot, storage and grading of topsoil, storage of manure and the processing and composting of green waste, together with the erection of a storage building and the laying out of a concrete yard area for the storage of compost. Granted on appeal January 2000.

22/00760/FUL - WIDENING OF EXISTING VEHICULAR ACCESS TOGETHER WITH THE ERECTION OF 2.3M HIGH GATES Granted March 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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS5 - Green Belt

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS24 - Managing Flood Risk

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

ENV2 - Noise and Vibration

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 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.

Assessment

Principle of Development

The site is located within Knowsley Green Belt and therefore Knowsley Green Belt policy CS5 and guidance in NPPF would apply. In para 149 of the NPPF it states that new buildings in the

green belt are inappropriate apart from certain exceptions including :-

- a) Buildings for agriculture and forestry and
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposed building would be partly used in connection with the on- site agriculture use and so in that respect it would be in compliance with part a) above.

In respect of part d) above the existing building has a volume of approximately 463 cum and the proposed building would have a volume of 690cum. This is a 49% volume increase which could be considered to be materially larger than the existing building however existing dwellings located in the green belt are able to be extended by up to 50% and this building would be within those limits however the proposed building is proposed partly for agricultural uses and therefore would in any event considered to be in compliance with part a) above.

Residential Amenity

The proposed building would be sited 3m from the boundary of the closest dwelling to the west (Sara) and 7m from a conservatory attached to the side of this dwelling. The conservatory appears to be used for storage at the present time. There are no other main habitable room windows to this elevation.

The occupiers of Sara would be entitled under permitted development rights to install a 2m high fence along the boundary between the two sites which would assist in screening the new building. There is also recently planted landscaping along this boundary which over time will provide a screening and soften the appearance of the building.

On balance the proposal would not be detrimental to the amenity of the occupiers of Sara. The proposal would therefore be in compliance with Local Plan policy CS19.

Highways

The use of the site is not proposing to change this application is to upgrade existing workshop/storage facilities. KMBC Highways have no objections to the proposed development which seeks a replacement, larger building with the same use as the existing. The proposed additional floor area (stated as 75m²) would have a very low additional trip generation potential.

The proposal would therefore be in compliance with Local Plan policy CS7.

Design/Appearance

The building would be finished in brickwork to the walls and steel cladding to the roof, UPVC windows and doors and steel roller shutter door to workshop area.

The buildings simple design is common of many agricultural or commercial buildings in the Green Belt and being set back from the highway it would not be detrimental to the street scene or character of the area. The overall appearance of the site would be considerably improved with the demolition of the existing structure and replacement with a modern building.

The proposal would ensure compliance with saved policy CS19.

United Utilities

The site overlies the sandstone rock at depth, in a Groundwater Source Protection Zone (SPZ) 2 and 3. This forms an aquifer, abstracted at depth by United Utilities for public drinking water supply at nearby Water Lane boreholes, located 300m to the northeast.

The original proposals included a wastewater flow from the building and in order to protect the groundwater supply the drainage solution was to provide a package treatment facility. The use of the building has subsequently changed with the office use (including a w/c and kitchenette) being removed as these uses are no longer required. Consequently for the workshop/storage use there would be no wastewater facilities at the building and United Utilities have now confirmed they have no concerns regarding wastewater drainage.

The proposal would therefore be in compliance with Local Plan policy CS24.

Conclusion

The proposed building would be an acceptable development within the green belt in compliance with Local Plan policy CS5 and guidance on Green Belts in NPPF. The design of the building is acceptable, and the proposal would have no adverse impacts on Highway safety or residential amenity.

The proposal would be in compliance with the Local Plan and saved UDP policies listed above.

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 approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials . The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: In the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 4) Prior to commencement of development (including any demolition works) a scheme for the control of dust from site operations and to prevent the transfer of mud out of the site shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be implemented while construction works are in operation.

No demolition or 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 ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with Policy CS2 in the Knowsley Local Plan Core Strategy January 2016 and saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 5) A Phase I site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition) 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 to and approved in writing by the Local Planning Authority prior to development commencing. A site completion report shall be submitted for written approval prior to first use of the building confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
12/01/2024	2755.BR1C	-	AMENDED SITE PLAN AND SITE LOCATION PLAN
09/01/2024	2755.P2A	-	AMENDED FLOOR PLANS AND ELEVATIONS

Signed Case Officer¹:

M Quinn

**Signed Authorising
Officer²:**

K Foster

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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Date:

29 January 2024

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024.

2. See attached letter from United Utilities dated 18/01/24.
3. The applicant/developer is requested to contact the Councils Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site.

