

APPLICATION **NO:** **CASE OFFICER:** John Fleming
23/02650/KMBC1

WARD: St Gabriels **PARISH:**

LOCATION: KMBC Council Building, Huyton Hey Road, Huyton, Knowsley,
L36 5YH

PROPOSAL: DEMOLITION OF EXISTING BUILDING

Site Description

To the south of the site is Huyton Hey Road beyond which is McDonalds restaurant. To the east of the site is public highway. To the north of the site boundary is a narrow walkway beyond which is the ramp associated with the multi-storey car park. To the west of the site is an area of parking and the entrance to Huyton Town Centre.

The application site is located on the periphery of Huyton Town Centre and is currently a vacant office building. The building is of 1960s design and built in concrete. White UPVC windows span the north and south elevations, the east and west contain a single row of vertical UPVC windows and doors. The building accommodates a flat roof and is generally poor in terms of design and in state of disrepair.

The site includes hardstanding to accommodate a number of vehicles and is contained by a number of mature trees along the dwarf wall boundary which is comprised of brick and metal railing fence.

Proposal

The application seeks for approval to demolition of the existing 4 storey building which has been left in a state of disrepair. The removal of the building will allow for further re-development of Huyton Town Centre as part of the Council's wider regeneration plans going forward.

Consultations

Cadent Gas – No objection. Informative required.

Highways Authority – No objection subject to condition.

Environmental Health – No objection in principle subject to condition.

Tree Officer – No objection subject to condition.

MEAS – No objection advises condition to be attached.

Major Development Team – No response received.

Assets – No response received.

Local Plans – No objections to the development.

Representations

This application has been publicised by letters sent to 60 neighbours and displayed by site notice. No representations have been received.

Planning History

No relevant planning history.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

CS2 - Development Principles
CS6 – Town Centres and Retail Strategy
CS19 - Design Quality and Accessibility in New Development
CS8 – Green Infrastructure
CS20 – Managing the Borough's Historic Environment
DQ4 – Trees and Development

The site is located on the edge of Huyton Town Centre. As such, the demolition of the existing building to allow for the implementation of wider regeneration works associated with the Town Centre is considered acceptable in principle. Regarding the adopted Development Plan policies, the proposed application has regard to aforementioned policies listed above with the officer's assessment set out below.

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 and Design

The application proposals relate to a 4-storey building accessed off Huyton Hey Road and located on the edge of Huyton Town Centre. The Town Centre is part of the retail hierarchy identified in Policy CS6 of the adopted Development Plan. Huyton Town Centre is identified as the top of the hierarchy along with Prescott and Kirkby Town Centres. Policy CS6 requires development proposals to enhance their role in providing comparison and convenience shopping as well as a complementary mix of other uses.

Policy CS4 seeks to safeguard existing employment land from other uses. However, it contains the caveat that *'land which is currently in use or allocated for employment will be safeguarded from changes to other development, except where: there is not current or likely future demand for employment uses on the land; or where the other uses would bring wider regeneration, environmental and amenity benefits.'* (emphasis added).

The application site has been vacant since June 2023. The submitted Design and Access Statement confirms that the demolition of the existing building is required to allow for the area to be regenerated as part of the redevelopment of Huyton Town Centre and surrounding areas.

The proposed demolition will be done in a coordinated manner to minimise disruption within the town centre, local businesses, residents and the public where it will be hoarded off from public access at a height of 2m for the duration of the demolition with all construction vehicles and machinery being contained within the site hoarding and traffic to be managed by a demolition management plan which will be issued before any works commence.

Once the building is demolished the concrete slab and hoardings will remain in-situ to provide a safe and secure environment until the future development of the site. The proposals would therefore allow for wider regeneration initiatives and the implementation of hoarding would be acceptable given it is a temporary fixture and there are examples within the local vicinity where such hoardings are located depicting the wider regeneration aspirations of the Town Centre regeneration scheme.

The demolition of the existing property would improve the general appearance as an entrance to the Town Centre given its outdated appearance and its loss will therefore improve the character of the public realm in the interim until further plans for the wider regeneration initiatives are submitted.

Heritage

The application site is located within close proximity to Victoria Road and Huyton Church Road Conservation Area which is architecturally one of the most important areas of Huyton.

Policy CS20 seeks to preserve or enhance the Borough's historic and architectural assets. The NPPF 2023 makes clear that significance derives not only from physical appearance but also its setting and regard should be given as to whether the proposal will cause 'substantial harm', 'less than substantial harm' or 'no harm' to the heritage asset.

The application property is constructed in concrete and has a poor outwards appearance to both the setting of the conservation area together with the entrance to Huyton Town Centre. The demolition of the building would therefore result in an improvement to the public realm and would result in no harm to the designated heritage asset as it would allow for enabling works for the future regeneration of the Town Centre which will be subject to separate applications.

Ecology

Trees

The submitted Arboricultural Impact Assessment surveys six individual trees which are categorised as category b. Three features were considered to be in good condition with the remaining trees identified as fair condition. No trees located on site are subject to a Tree Protection Order.

All trees will be retained on site. However, the tree crowns will likely be impacted by the demolition and machinery required for demolition. Accordingly the report advises that all features should be given a 30% crown reduction to prevent any potential damage from demolition works.

The Arboricultural Impact Assessment and Method Statement have been reviewed by the Council's Tree Officer who confirms the tree works are acceptable subject to condition.

As such, subject to crown reduction there would be no significant adverse impact to trees on site and is therefore considered acceptable.

Protected Species

Merseyside Environment Advisory Service (MEAS) were consulted concerning the application and have advised that works will be limited to the demolition of the existing structure with no connectivity between the site and designated sites. As such, no adverse impacts to designated sites at Huyton Lane Wetland and Ten Acre Pits which are both Local Wildlife Sites.

A request for a condition relating to tree felling and scrub clearance was also requested if this fell within the bird breeding season. However, breeding birds are covered by separate legislative procedures and it is considered unnecessary to require a condition in this regard. Instead, an informative shall be attached to the decision notice.

A further request was made for pre-commencement check for hedgehog. However, the submitted Preliminary Ecology Assessment confirms that although hedgehog are found within the wider area the site does not contain habitat such as hedgerows or grassland, and ground cover is limited to small areas of soft landscaping which is unsuitable for hedgehog. The overall findings of the PEA are not contested by MEAS and therefore this condition is not sought.

The proposals would not adversely affect ecological species given the site is previously developed land and offers limited habitat value for wildlife.

Residential Amenity

Given the site's town centre location the nearest residential property is some 60m away at Huyton Church Road which is screened from the development due to mature planting at the junction between Huyton Church Road and Huyton Hey Road. As such, it is not considered that the amenity of residents will be adversely affected following the demolition of the property.

Other issues

Highways

The nearest highway to the site is a footway along the western side of Lathom Road, at approximately 3.5mm. Given the height of the buildings, there is substantial risk to pedestrians using the footway associated with falling debris when upper floors are removed. To ensure appropriate safety is provided, a temporary closure of the footway is therefore required. The building also abuts a passageway which is open to the public. This passageway is not adopted highway, but it is understood to be within the control of the applicant. As such, to remove the risk of debris falling onto members of the public, both the footway and passageway together with the car park serving properties on Derby Road will need to be hoarded off at the appropriate times. Although the hoardings associated with the passageway and car parking serving the properties on Derby Road fall outside of the application red edge, these are under the ownership of the applicant and can be erected under permitted development rights.

To ensure safety of members of the public, a condition is attached to this decision requiring the submission of a Demolition Management Plan and these closures should be reflected within the Demolition Management Plan. Subject to the Demolition Management Plan being agreed and the footways hoarded off there would be no risk to members of the public in terms of highway safety. Accordingly, the development is acceptable in terms of public safety and the highway.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 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) No part of the development hereby permitted shall be commenced until a Demolition Management Plan has been submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of demolition effects. This shall include but not be limited to the following:-
- a. Control of transfer of debris out of the site - details of wheel washing facilities/or alternative, including location and type
 - b. Demolition parking arrangements
 - c. Adequate provision for addressing any abnormal wear and tear to the highway.
 - d. Measures for the control of traffic to and from the site, parking and temporary traffic management arrangements during demolition, if necessary.
 - e. The areas for the storage of plant and materials.
 - f. Temporary footway/footpath closures.
 - g. Methods for the mitigation of noise and vibration from building works, and from the operation of any temporary power generation or pumping plant which will operate overnight.
 - h. Methods that can be put in place quickly, should odour control be required.
 - i. methods for dust control and suppression.
 - J location of site compound
 - k. details of relevant pest control measures that will be put in place during the demolition phase.
 - l. Scheme for recycling/disposal of waste resulting from demolition and construction works.

All site works shall then proceed only in accordance with the approved management plan unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: To preserve the safety and function of the highway network and in the interest of residential amenity to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016

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

Reason: In the interest of residential amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 5) Five working days written notice shall be given to the Arboricultural Officer before commencement of the works hereby granted.

Reason: For the avoidance of doubt and to comply with the application.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
13.09.2023	001		SITE LOCATION PLAN
08.12.2023	002		PROPOSED PLAN
26.09.2023	23/00013/AIA		ARBORICULTURAL IMPACT ASSESSMENT
26.09.2023	23/0001/AMS		ARBORICULTURAL METHOD STATEMENT
14.09.2023	--		DESIGN AND ACCESS STATEMENT

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **12 December 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.

INFORMATIVES

Highways

The grant of planning permission does not authorise the erection of scaffolding, hoardings or any other device or apparatus on the highway. A license should be sought from the Council as Local Highways Authority. Contact NRSWA.TeamDRES@knowsley.gov.uk to discuss the matter further.

Breeding Birds

Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction. No tree, scrub or hedgerow felling, management and/or cutting operations should take place during the period 1 March to 31 August inclusive to protect breeding birds.

Cadent Gas

Your planning application – No objection, informative note required.

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective; however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following **Informative Note** into the **Decision Notice**:

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.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

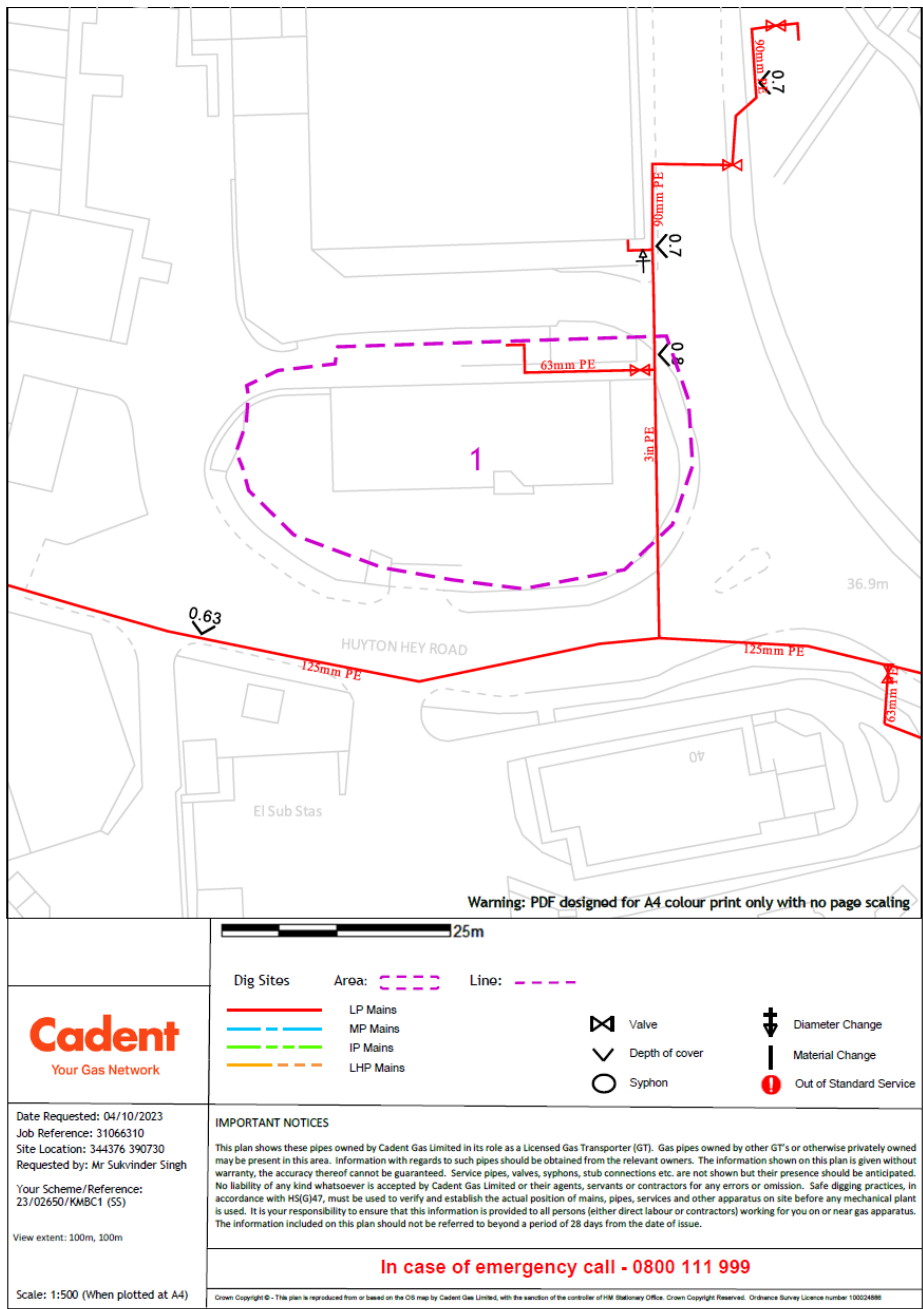
Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability were prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Kind Regards,
Plant Protection Team
T: 0800 688 588
plantprotection@cadentgas.com
cadentgas.com



Coal Authority

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

APPENDIX 1 – SITE VISIT PHOTOGRAPHS



