



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 23/01346/FUL

Name and address of applicant

Mr G Dobie
5 Evercroft Road
Roby
Knowsley
L14 7AF

Name and address of agent

Mr A Dohren
1 Derwent Way
Liverpool
L14 7AN

Date of Receipt: 16 June 2023

Date Valid: 21 June 2023

Address/Location Of Development:

5 Evercroft Road
Roby
Knowsley
L14 7AF

Description of Development:

ERECTION OF TWO SOTOREY SIDE EXTENSION (DEMOLITION OF DETACHED GARAGE)

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **granted** for the carrying out of the development referred to above in accordance with the application and plans submitted 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. The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: In the interests of visual amenity and to comply with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

4. Prior to the works being undertaken an implementation plan shall be submitted to and approved in writing by the Local Planning Authority, setting out details in respect of the following matters:

- Gas/vapour protection membrane. The measures to be installed must comply with the British Standard BS 8485:2015 +a1:2019:

- i. The name of the competent persons/company installing the membrane.
- ii. How the installation of the membrane will be validated.

- Cover system:

- i. How material excavated for the foundations and other earthworks from beneath the existing patio and/or beneath the high visibility membrane will be removed and disposed of offsite and will not impact the clean cover system in place at the property.

The agreed implementation plan must be carried out by a competent person.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

5. Upon completion of the works, a validation statement must be submitted to the Local Planning Authority. The statement shall demonstrate that the works have been carried out in accordance with the agreed methodology detailed in condition 4 above.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

6. Water suppression shall be used, as required, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

7. Following the demolition of the existing outbuilding, new fencing shall be provided from the rear elevation of no. 5 Evercroft Road spanning 6m in length to the fence post located at the rear of the existing outbuilding. New fencing should be implemented prior to the occupation of use and should be of close boarded design no lower than 1.8m and no greater than 2.0m in height and should be retained in perpetuity.

Reason: To protect the privacy of the occupants of adjacent residential property and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy (adopted January 2016), Saved Policies H8 and DQ2 of the Knowsley Replacement Unitary Development Plan (adopted 2006).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16.06.2023	ER5/PD/01		LOCATION PLAN
15.09.2023	ER5/PD/03	REV C	PROPOSED FLOOR PLAN & ELEVATIONS
16.06.2023	--		GAS PROTECTION DETAILS

REASON(S) FOR THE GRANTING OF PLANNING PERMISSION

The decision to grant planning permission has also been taken having regard to the policies and proposals as set out below, and to all relevant material considerations including supplementary planning guidance:-

CS19 - Design Quality and Accessibility in New Development

CS2 - Development Principles

H8 - Extensions and Alterations to Residential Properties

This informative is only intended as a summary of the reason(s) for the granting of planning permission. Should you require any further details relating to the decision please contact the relevant case officer (John Fleming on 0151 443 2216)

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.

NOTE FOR APPLICANT:

IMPORTANT - PLEASE READ CAREFULLY THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform Planning Services immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This permission is granted subject to conditions and it is the owner of the property and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent.
 - a) If a condition precedent is not complied with prior to the start of development, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b) In addition, if the requirements of a condition precedent are subsequently not complied with, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;

It should be noted that this property is located on a former landfill which was investigated and monitored under planning approval 09/00556/OUT. As part of the planning permission, earthworks were undertaken, and remediation measures were put into place to ensure that the site is suitable for a residential end use. The condition suggested below details the information we require.

For information, at each property the following build phase remediation and validation was undertaken:

- o Installation of a gas/vapour protection membrane (Visqueen GX). Following installation each plot was visually inspected for compliance with the specification including the subfloor void and airbricks, protection membrane type and installation validation. Independent integrity testing of the membrane was undertaken at 1 in 3 properties.

- o Provision of a 600mm clean cover soil system underlain by a high visibility geotextile membrane in all areas of soft landscaping including gardens.

Based on the information available to this division and the previous remediation undertaken at this site, in relation to contaminated land, there is the potential that some contamination may still exist below the hard standing of the patio area and beneath 600mm within the garden. The responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.

Executive Director - Regeneration and Economic Development

Date: 22 September 2023

IMPORTANT NOTES FOR YOUR ATTENTION:

- 1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation.**
- 2. This permission refers only to those plans submitted as part of the Planning Application a copy of which is retained by the Local Planning Authority. The Local Planning Authority should be contacted in writing if it is proposed to amend these plans in any way as a further permission, may be required.**
- 3. You should ensure that you understand the requirements of all planning conditions and that you fully comply with their requirements. If you are in any doubt about what a condition requires of you, please ask us for assistance. Planning conditions may require you to submit further information to us and await our approval before you can start your development. A failure to do so could result in your development being unlawful and necessitate the submission of a further planning application. A failure to comply with the conditions of the permission/consent may result in the taking of enforcement and potentially legal action, against you to remedy the breach of planning control.**
- 4. A fee is normally payable to discharge planning conditions in accordance with government regulations.**
- 5. This permission does not convey any rights or approval to build on, or develop, any land that is not fully owned or controlled by you, including on party boundaries. You should satisfy yourself that the agreement of any adjoining landowners has been given prior to commencing any building works.**
- 6. If a Building Regulations Consent is required for these works it is your responsibility to ensure that the plans submitted for both the Building Regulations Consent and Planning Permission are the same in all respects. Should the plans relating to one consent vary from the other, it will be necessary for you to submit amended plans to this Department and obtain the relevant approval(s) prior to commencing any works. Knowsley Council's Building Control team are contactable on (0151)-443 2342 and they would be pleased to assist you.**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.