



Knowsley Council

**REGENERATION AND ECONOMIC DEVELOPMENT
DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Application No: 24/00241/FUL

Name and address of applicant

Mr Simon Harwood
57 Cross Lane
Prescot
L35 3QQ

Name and address of agent

O'Rourke-Designs
9 Swansea Close
Garston
Liverpool
L19 2HF

Date of Receipt: 10 May 2024

Date Valid: 21 October 2024

Address/Location Of Development:

Land Adj 33 Lancaster Avenue
Whiston
Knowsley
L35 3QS

Description of Development:

ERECTION OF 1NO. DWELLING

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. No development hereby approved shall commence until a Phase I Site Investigation and Risk Assessment has been carried out and a written report submitted to and approved in writing by the Local Planning Authority. The investigation shall establish whether there are any concerns of contamination from the current or previous use of the site or adjacent sites. The investigation shall include the results of a desk study, site walkover, human health and environmental risk assessment, and an initial conceptual site model. The assessment(s) must be undertaken by a suitably qualified contaminated land practitioner, in accordance with government and Environment Agency guidance, namely 'Land Contamination Risk Management' (<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>)

If identified as necessary by the Phase I Site Investigation and Risk Assessment, no development hereby approved shall commence until a subsequent Phase II Site Investigation and Remediation Proposals has been submitted to and approved in writing by the Local Planning Authority.

A Site Completion Report shall then be submitted to and approved in writing by the Local Planning Authority, prior to any occupation of the dwelling hereby approved, confirming that encountered site conditions were as expected and detailing any necessary remedial actions.

In any event the applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should previously unsuspected contamination be encountered during the development of the site.

Reason: Details are required prior to the commencement of development to ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with Saved Policy ENV2 and ENV5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), and the National Planning Policy Framework, which states that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

4. No development hereby approved shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a scheme for the control of noise and dust from site operations and detail measures to prevent the transfer of mud out of the site. The approved plan shall thereafter be adhered to throughout the construction phase.

Reason: Details are required prior to the commencement of development in the interests of highway safety and to protect residential amenities in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy H5 and ENV2 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), and the National Planning Policy Framework.

5. Notwithstanding the submitted details, no development comprising the erection of any external walls and roof, or the installation of any external windows and doors shall take place, until a detailed materials schedule with specifications, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), the Design Quality in New Development SPD, the New Residential Development SPD, and the National Planning Policy Framework.

6. Prior to any above ground works commencing on site, full details of both hard and soft landscape works, with an associated implementation plan, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include details of the proposed hard surfacing materials. The soft landscaping works shall include a schedule of any proposed plant/trees to be planted, detailing their species, size and density, and planting locations.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the landscaping works contribute to a satisfactory standard of completed development and its long-term appearance harmonises with its surroundings development, and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Policy CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the New Residential Development SPD and the National Planning Policy Framework.

7. Prior to their first installation, full details of any new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected in accordance with the approved details prior to the dwelling being first occupied and retained as such thereafter.

Reason: In the interests of visual amenity and to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), the Design Quality in New Development SPD, the New Residential Development SPD, and the National Planning Policy Framework.

8. Any new close boarded fences to be installed must have accessible hedgehog holes which shall contain a 13cm x 13cm gap to the base every 10m within the fence. The hedgehog holes installed shall be retained as such thereafter.

Reason: To ensure good connectivity between gardens allowing for use and movement by foraging hedgehogs in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), and the National Planning Policy Framework.

9. Prior to the first occupation of the dwelling hereby approved, the new window serving the bathroom in the first floor of the southeast facing side elevation (facing no.33 Lancaster Avenue, L35 3QS), shall be obscurely glazed to a minimum of level 5 (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To prevent intrusive overlooking to safeguard the amenities of the residents of the adjoining residential property/properties in accordance with Policy CS2 and

CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), the New Residential Development SPD, and the National Planning Policy Framework.

10. Prior to the first occupation of the dwelling hereby approved, the access and parking area as shown on the approved plans shall be provided and thereafter retained. The proposed parking area (driveway to the front) shall measure at least 5.5 meters in length and 6 meters in width to accommodate 2no. vehicles for off-street parking.

Reason: To ensure that adequate access and parking provision is made on the site for the traffic generated by the development, in accordance with Policy CS7 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the Ensuring a Choice of Travel SPD and the National Planning Policy Framework.

11. Prior to any demolition, and/or ground and site clearance and preparation works taking place, the following reasonable avoidance measures in relation to hedgehogs/mammals shall be undertaken and implemented throughout the construction phase of the development hereby approved:

- oA pre-commencement check for hedgehog mammals;
- oAll trenches and excavations should have a means of escape (e.g. a ramp);
- oAny exposed open pipe systems should be capped to prevent mammals gaining access; and
- oAppropriate storage of materials to ensure that mammals do not use them.

Reason: In order to adopt a precautionary measure to ensure the protection of Priority Species in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), and the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, details of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the numbers of bird and bat boxes to be installed, their design, and their locations. The approved bat and bird boxes shall be installed prior to the first occupation of the development hereby approved and be retained as such thereafter.

Reason: To secure opportunities for biodiversity enhancements in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the New Residential Development SPD, and the National Planning Policy Framework.

13. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in National Planning Practice Guidance.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CS2 and CS24 of the Knowsley Local Plan Core Strategy (Adopted January 2016) and the National Planning Policy Framework.

14. No demolition works shall take place during the bird breeding season - between 1st March to 31st August inclusive. If it is necessary to undertake works during this period, then the structures to be demolished shall be checked first by an appropriately experienced ecologist to ensure that no breeding birds are present. If found to be present, then all works around the area of the nest shall cease immediately and work must be delayed until the nest is no longer in use, or details of how they will be protected have been submitted to and approved in writing by the

Local Planning Authority. The development hereby approved shall thereafter be carried out in accordance with the approved details.

Reason: To protect ground breeding bird habitat in accordance with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), and the National Planning Policy Framework.

15. The Biodiversity Gain Plan (as required by the 'Statutory Biodiversity Condition' - see further details below) shall be prepared in accordance with the submitted 'Biodiversity Net Gain Summary report', prepared by Mulberry, dated 15th October 2024.

Reason: To ensure that 10% Biodiversity Net Gain can be achieved in accordance with the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
21/10/2024	003		SITE LOCATION PLANS
21/10/2024	001		PROPOSED PLANS
20/12/2024	004		STREET SCENE ELEVATIONS

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: -

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS1 - Spatial Strategy for Knowsley

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

CS24 - Managing Flood Risk

CS26 - Waste Management

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

H5 - Development within Primarily Residential Areas

ENV2 - Noise and Vibration

ENV5 - Contaminated Land

SUPPLEMENTARY PLANNING DOCUMENTS

Ensuring a Choice of Travel SPD (2010)

Amended New Residential Development SPD (2018)

Design Quality in New Development SPD (2016)

National Planning Policy Framework

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 (Miss Kim Vo on)

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 Biodiversity Net Gain Condition

Unless an exception or a transitional arrangement applies, the effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a. a Biodiversity Gain Plan has been submitted to the planning authority, and
- b. the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Knowsley Metropolitan Borough Council. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

Paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990 outlines the following matters required within a Biodiversity Gain Plan:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) such other matters as the Secretary of State may by regulations specify.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under Section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the Section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

* Listed exemptions from Statutory BNG can be found at <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

* The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

* Minimum legal requirements for the Biodiversity Gain plan can be found at Environment Act 2021

* Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

* Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application The Town and Country Planning (Development Management Procedure) (England) Order 2015

* Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

- 2 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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Standing Advice valid from 1st January 2025 until 31st December 2026

- 3 Any works associated with the development should be limited to the hours of 08:00 to 18:00 from Monday to Friday, 08:00 to 13:00 on Saturdays and not at all on Sundays/Public Holidays.
- 4 The new access to the dwelling must be at least 6m in width and the kerbs will need to be dropped. The applicant will need to contact the Highways contractor (Tarmac) to undertake these works following any formal planning permission which is received. To request a quote for a dropped crossing from Tarmac, they can be contacted via 0800 023 2334 or knowsley.highways@tarmac.com. Tarmac will then instruct an Inspector to attend the location and scope out the works. The applicant is reminded that it is an offence to carry out any works within the public highway without the permission of the Highway Authority.
- 5 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. United Utilities' recommend the applicant visits their website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United Utilities.

United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline.

Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, United Utilities' 'Standard Conditions for Works Adjacent to Pipelines' which can be found at: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#) (unitedutilities.com)

The level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts United Utilities' Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

United Utilities' strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer. The applicant should consider their drainage plans in accordance with the drainage hierarchy. In the event that the applicant, or any subsequent developer, approaches United

Utilities regarding a connection for surface water to the public sewer, it is likely that United Utilities' will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

For applicants / developers:

Drainage / wastewater infrastructure: SewerAdoptions@uuplc.co.uk

Water supply / water infrastructure: DeveloperServicesWater@uuplc.co.uk

To enable United Utilities' to answer enquiries as quickly as possible, we request enquiries are not sent to multiple mailboxes - this will delay our response.

- 6 Access for fire appliances should comply with the requirements of Section B5, Schedule 1 of the Building Regulations. Provisions for access will depend on the size and use of the building. The design of the access route, for example minimum road widths and maximum reversing distances, should also be considered (Appendix A, attached). In accordance with Section 55 of the County of Merseyside Act 1980, the position of the premises should not compromise or impede existing means of fire service access to a neighbouring building.

Water supplies for firefighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities - 0161 907 7351) with suitable and sufficient fire hydrants supplied.

Consideration should be given to the recommendations within the 'National guidance document on the provision of water for firefighting', produced by the Local Government Association and Water UK, available for free download via: <https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

Further information regarding access requirements can be found in the current version of Approved Document B, which is available for free download via: <https://www.gov.uk/government/publications/fire-safety-approved-document-b>



Executive Director - Regeneration and Economic Development

Date: 15 January 2025

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 minor commercial 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.