

<u>APPLICATION NO:</u>	24/00241/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	Land Adj 33 Lancaster Avenue, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF 1NO. DWELLING		

Site Description

The application site relates to vacant land to the northwest of no.33 Lancaster Avenue, which contains two single storey outbuildings. The application site is located within a Primarily Residential Area, as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The application seeks permission to erect a two storey, three-bedroom, detached dwelling, with accommodation provided in the roof space. The dwelling would have a maximum depth of 10.5m and width of 5m. A dual pitched gabled roof with a rear dormer, and a two-storey front projection is proposed and would have a maximum height of 8m to the ridge and 5.2m to the eaves. The rear dormer would project 3.9m from the ridgeline, have a total height of 2m and measure 4.7m wide.

The proposed dwelling would feature a kitchen, living room and W/C at ground floor. Two bedrooms and a bathroom are proposed at first floor, with the third bedroom proposed at second floor. The front elevation would include a main front entrance and three windows, with the rear elevation to feature two windows and a set of sliding doors. A window is also proposed to the east, side elevation. The materials to be used include brick to the walls, tiles to the roof and uPVC windows.

The proposed site plan demonstrates that 2no. off-street parking spaces would be provided to the front of the new dwelling, and an outdoor amenity area to be created to the rear.

Consultations

Highway Authority (20.11.2024): No highway objections. The proposal will meet the parking standards. The new access must be at least 6m in width and the kerbs will need to be dropped. The applicant will need to contact the Highway Authority's contractor to carry these works out and an informative is suggested regarding this.

Environmental Health (18.11.2024): No objection in principle. A pre-commencement condition is requested in relation to contaminated land and for a Construction Management Plan, with a condition suggested to restrict construction work hours.

Merseyside Environmental Advisory Service (MEAS) (20.11.2024): The submitted Biodiversity Net Gain Summary Report and associated Statutory Biodiversity Metric Calculation Tool are accepted and show that the development is capable of achieving 10% Biodiversity Net Gain. Conditions are recommended to restrict demolition works during the bird breeding season; for Reasonable Avoidance Measures to protect hedgehog habitats; and for the installation of bird/bat boxes.

United Utilities Water Ltd (08.11.2024): Has no further comment on this application. It

is recommended that the applicant considers the drainage plans in accordance with the drainage hierarchy. Additional information regarding United Utilities' property, assets and infrastructure; drainage; water efficiency, and their contact information has also been provided.

Merseyside Fire and Rescue Authority (01.11.2024): Requests for informatives relating to access and water provision to be attached.

Whiston Town Council: No comments received.

Representations

This application has been publicised by letters sent to 8no. neighbours. It has also been advertised by a Site Notice.

2no. letters of objection have been received and the material planning considerations are summarised as follows:

- The proposal will exacerbate existing parking problems and cause increased demand for on-street parking.

Planning History

14/00563/FUL - Erection of 1no. two storey 3-bed dwelling with dormer to rear together with associated vehicular access. Withdrawn, 07.10.2014.

10/00522/FUL - Erection of 1no. detached dwelling. Withdrawn, 08.02.2012.

04/00397/FUL - Erection of 2no. two bedroomed flats and alteration to parking for 4no. apartments already approved. Withdrawn, 25.05.2004.

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 (January 2016)

Policy CS1: Spatial Strategy for Knowsley

Policy CS2: Development Principles

Policy CS7: Transport Networks
Policy CS19: Design Quality and Accessibility in New Development
Policy CS24: Managing Flood Risk
Policy CS26: Waste Management

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas
Policy ENV2: Noise and Vibration
Policy ENV5: Contaminated Land

Supplementary Planning Documents (SPDs)

Ensuring a Choice of Travel (September 2010)
Design Quality in New Development (January 2016)
New Residential Development (September 2018)

National Policies

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Planning Policy for Waste

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

The main considerations for this application are:

- Principle of Development
- Layout, Design and Appearance
- Residential Amenity
- Highways and Access
- Drainage and Flood Risk
- Contaminated Land
- Landscaping
- Ecology/Biodiversity Net Gain
- Waste
- Other Matters

Principle of Development

The application site is located within the suburban settlement boundary of Whiston, with good access to the Whiston railway station, local bus routes, major road networks and local services and amenities. The application site is therefore sustainably and appropriately located in accordance with Policy CS1 of the Local Plan. As the proposal seeks consent for the erection of a residential dwelling within an Existing Residential Area, it would also accord with Saved Policy H5 of the Knowsley Replacement UDP. The principle of the proposal is, therefore, acceptable, subject to matters further discussed below.

Layout, Design and Appearance

The proposed layout is of a simple, rectangular shape and would respect the building line set by the neighbouring apartment building to the north. Whilst the proposed

dwelling's footprint and overall plot size will be narrow, when compared with individual neighbouring dwellings/plots, the proposal would appear in keeping with these. The proposed front driveway and rear garden is also deemed to reflect the surrounding plots, which have similar sized driveways and front and rear gardens. Although Lancaster Avenue is primarily defined by terraced houses, the wider area includes a mix of dwelling types, which include two storey apartments, semi-detached, and detached buildings, as well as one and a half storey detached bungalows. The proposed detached, two storey dwelling will therefore complement with these varied dwelling types.

In terms of scale, as indicated on the Proposed Street Scene Elevations, the proposed ridge height of 8m and eaves height of 5.2m would match with no.33 Lancaster Avenue, and with the apartment building to the north. Whilst a dual-pitch gabled roof is proposed and would contrast with the primarily hipped roof properties along Lancaster Avenue, no.33 – which is the immediately adjacent dwelling to the south, features a dual-pitch gabled roof. Accordingly, the proposed roof design is considered to reflect this neighbour's roof style. It is also common within the wider area for dwellings to have a mix of both hipped and dual pitched roofs. It is acknowledged that the proposed dwelling will have a narrow form measuring 5m wide, which will depart from the wider forms seen in the area. However, the size of the proposed dwelling is constrained by the narrow size of the plot and whilst the frontage will be slim, overall, it will appear complementary with the varied massing seen on the row of dwellings, of which the proposed dwelling would sit within.

With regards to design and appearance, a traditional and simple architecture is proposed, and this would complement and appear visually similar with the existing neighbouring properties. The proposed materials are also acceptable as they would mirror the surrounding material palette, which includes brickwork to the walls, uPVC window openings and roof tiles. Moreover, the proposed openings will have a mostly horizontal emphasis and will reflect the fenestration of the neighbouring properties. The proposed dwelling is to feature a two-storey front projection. This will mimic and appear in keeping with the neighbouring two storey front projection seen at the adjacent apartment building. The proposal also includes a rear dormer. However, this would not be highly visible from the street scene given its siting to the rear. It will also appear subordinate to the main dwelling, given that it would be set level with the ridge height, be set in from the end walls and would sit above the roof eaves.

Accordingly, the proposed dwelling would be compatible with the surrounding street scene in terms of layout, design and appearance and the proposal complies with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy, Saved Policy H5 of the Knowsley Replacement UDP, the Design Quality in New Development SPD, the New Residential Development SPD, and Paragraph 135 of the NPPF.

Residential Amenity

Amenities of the neighbouring dwellings

The majority of the proposed openings are located to the front and rear elevations and would face towards no.7 and no.8 Lancaster Avenue (opposing front neighbours) and a row of terraced dwellings along Cross Lane (rear neighbours). Appendix 4 of the New Residential Development SPD specifies that front to front principal and rear to rear elevations should achieve a minimum interface of 20m. The submitted plans indicate that a distance of 20m will be provided between the elevations of the proposed dwelling and the front and rear neighbours. These would be sufficient distances to ensure that any impact in terms of loss of privacy, or direct overlooking would be acceptable and in accordance with the minimum interface guidance. Whilst a window is proposed to the rear dormer and would provide an elevated view into neighbouring rear gardens, it is not uncommon for upper floor windows in rear

elevations to have a view into neighbouring areas. The impact in terms of loss of light and privacy from the proposed rear dormer is therefore deemed to be minimal.

The proposed dwelling will be situated close to the apartment building to the north. The apartment building contains four windows at first floor and two windows at ground floor, to the side elevation facing the site. However, all these windows are obscurely glazed and there are no openings proposed to the side elevation facing these. Given that these windows are all obscurely glazed, it is deemed that the proposal would have a limited impact in terms of loss of outlooks for the apartment building. Notwithstanding this, it is acknowledged that the proposal would result in a degree of overshadowing and loss of light to these windows. However, a gap of 1.8m would be provided which would allow a degree of light to pass through. The proposal will also replicate the same relationship for these windows, as the windows to the other side elevation of the apartment building, which are currently overshadowed due to the close relationship with no.28 Lancaster Avenue.

The proposal will also be built along the shared boundary with no.33 Lancaster Avenue. However, a distance of 3.4m would be provided from the nearest built form (detached garage) at no.33, with a distance of 7.3m to be provided to the main dwelling. One window is proposed to the side elevation at first floor, which would face towards this neighbour. However, this will serve a non-habitable room of a bathroom, and a planning condition will be attached to ensure that it is obscure glazed. No.33 also features no openings to their side elevation facing towards the application site and therefore, the impact in terms of loss of privacy or direct overlooking will be minimal. Whilst a degree of overshadowing is likely to occur to no.33's rear garden, the impact is not deemed to be significant enough to warrant a refusal, given that no.33 features a garden area to their east side, where the enjoyment of their outdoor amenity area could reasonably take place. Accordingly, it is considered that the proposal would have an acceptable impact in terms of loss of light and privacy.

Amenities of the future occupiers of the proposed dwelling

The submitted plans demonstrate suitable separation distances between the proposed dwelling and the front, rear and side neighbouring properties, as discussed above. The habitable rooms within the proposed dwelling would also contain at least one opening that would allow each room to receive a source of daylight. A rear garden amenity area 18m in length is proposed, and this would accord with the New Residential Development SPD, which requires a minimum rear garden depth of 10m. A planning condition will also be attached to ensure that details of boundary treatments are to be provided, prior to first occupation to ensure that there will be sufficient separation with the neighbouring plots.

Noise/Construction

The proposed development is residential and would be in keeping with the use of the surrounding residential properties, producing a similar level of noise. Environmental Health have raised no objections although a planning condition is recommended to restrict construction work hours. However, this is not deemed to be necessary as these matters are already controlled through separate Environmental Health legislation and will be attached as a planning informative instead. Environmental Health have also recommended for a pre-commencement planning condition to secure a Construction Environmental Management Plan. This is required to control noise and dust from the site operations and to prevent the transfer of mud out of the site. Subject to the above planning condition and informative, it is considered that the proposal's impact in terms of noise would be acceptable.

The proposed development would therefore have an acceptable impact on the amenity of the occupiers of the neighbouring residential properties, and upon the

future occupiers of the proposed dwelling. Accordingly, the proposal is considered to comply with Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy, Saved Policy H5 and ENV2 of the Knowsley Replacement Unitary Development Plan, the New Residential Development SPD, and Paragraph 135 of the NPPF.

Highways and Access

Objections have stated that the proposal will exacerbate existing parking problems and cause increased demand for on-street parking. However, given that the proposal is for a single dwelling, it is not considered that the vehicle movements to be generated would have a material impact on the surrounding highway network. Appendix A of the Ensuring a Choice of Travel SPD requires 2no. off-street parking spaces for 2/3no. bedroomed dwellings. The submitted plans demonstrate that 2no. off-street parking spaces will be provided, and the proposal would achieve the parking standards. A planning condition will be attached to ensure that the access and parking provisions are provided prior to occupation. The Highways Authority have also raised no objections, but notes that a driveway of 5.5 meters in length by 6 meters in width, is needed to accommodate 2no. vehicle parking. The front area to the application dwelling will be large enough to accommodate a driveway of these measurements and these requirements will be incorporated into the above planning condition. Highways also notes that the new access must be at least 6m in width and the kerbs will need to be dropped. A planning informative will therefore be attached, advising the applicant to contact the Highways contractor to undertake any works involving the adopted highway. Accordingly, subject to the above planning condition and informative, it is considered that the proposal would have no severe impacts upon highway safety and would accord with Policy CS7 of the Local Plan, the Ensuring a Choice of Travel SPD and Paragraph 116 of the NPPF.

Drainage and Flood Risk

The application site is located within Flood Zone 1, which is in an area with a low probability of flooding. The yearly chance for surface water flooding and from rivers and seas flooding is also identified as being very low, with flooding from groundwater and reservoirs being unlikely. The submitted Application Form indicates that surface water will be disposed of via a main sewer with foul sewage disposal being unknown at this stage. United Utilities have provided comments to recommend that the applicant considers the drainage plans in accordance with the drainage hierarchy, and this will be attached as a planning condition. An informative would also be included to set out the information received from United Utilities. Subject to the above planning condition and informative, the proposal is considered to be in accordance with the Policy CS2 and CS24 of the Local Plan and Paragraph 181 of the NPPF.

Contaminated Land

The Environmental Health Officer was consulted as part of this application and notes that the application site is close to a former landfill site and former colliery works. Therefore, given the sensitivity of the proposed residential development and to ensure a safe development, a pre-commencement planning condition has been requested for the submission of a Phase I Site Investigation to be undertaken. This will then assess whether a Phase II Site Investigation is required. Subject to the pre-commencement planning condition, the proposals impact in terms of contamination would be acceptable, in accordance with Saved Policy ENV2 and ENV5 of the Knowsley Replacement UDP and Paragraph 196 of the NPPF.

Landscaping

The submitted proposed plans indicates that hard surfacing will be used to the front to create a driveway area for off-street parking. However, no specific details have been provided in terms of the full proposed soft and hard landscaped areas. Information regarding the boundary treatments for the proposed new dwelling have

also not been submitted. As such, planning conditions will be attached as part of any planning permission for a scheme of landscaping and full details of boundary treatments to be submitted, prior to occupation. Subject to these conditions, it is considered that the proposal is acceptable in terms of landscaping, in accordance with Policy CS19 of the Local Plan, the New Residential Development SPD and Paragraph 135 of the NPPF.

Ecology/Biodiversity Net Gain

A Biodiversity Net Gain (BNG) Summary report, prepared by Mulberry, dated 15th October 2024, with an associated Statutory Biodiversity Metric Calculation Tool have been submitted as part of the application. These have been reviewed by MEAS who have confirmed they are acceptable. As there are built features on site which may provide nesting opportunities for breeding birds, MEAS recommends for a planning condition to ensure that any demolition works are undertaken outside of the bird breeding season. MEAS notes that the habitats on site are also suitable for hedgehogs which are a Priority Species. A planning condition is therefore recommended for the installation of hedgehog highways to any close boarded fences, and for a condition for Reasonable Avoidance Measures to be implemented to ensure there are no adverse effects on hedgehogs. MEAS have also requested for a condition for details of the installation of bat and bird nesting boxes on the site (including number, type and location). Subject to the above planning conditions, the proposals impact upon ecology, habitats and protected species is considered acceptable in accordance with Policy CS2 and CS19 of the Local Plan, the New Residential Development SPD, and Paragraph 187 of the NPPF.

Mandatory 10% BNG is applicable to the proposal. MEAS have reviewed the submitted BNG information and confirms these are acceptable as they show the development is capable of achieving 10% BNG. The baseline date is confirmed as 30 July 2024. In summary, the assessment found the existing baseline value of the applicant site equates to 0.01 habitat units. The proposed development will result in 0.02 habitat units (109.08% net gain). The development is therefore subject to the mandatory pre-commencement biodiversity gain condition, meaning the development cannot begin until a biodiversity gain plan has been submitted and approved by the local planning authority. The on-site habitats only comprise vegetated garden and are not considered to be significant enhancements. Therefore, the site is not required to be legally secured, and a Habitat Management and Monitoring Plan (HMMP) is not required. Accordingly, the proposal can achieve 10% BNG and subject to the above condition, it would accord with the NPPF and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Waste

The submitted plans demonstrate that a gap of 0.87m will be provided to one side of the dwelling. This is considered to be a sufficient gap for the movement of waste and recycling bins from the rear garden to the front on collection days. Accordingly, the proposal would be acceptable in terms of waste management, in accordance with Policy CS26 of the Local Plan and the National Planning Policy for Waste.

Other Matters

Comments have been received by the Merseyside Fire and Rescue Authority and will be included as an informative as part of any permission.

Conclusion

The application is for the erection of a dwelling within a Primarily Residential Area and the principle of the proposal is considered acceptable. Subject to planning conditions and informatives, the proposed development would also have an acceptable impact upon neighbouring amenities; layout, design and visual amenity;

access, parking and highway safety; drainage and flood risk; contamination; landscaping; ecology; and waste management. The proposal is also capable of achieving 10% Biodiversity Net Gain. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

Recommendation

That Planning Permission 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 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:

- A pre-commencement check for hedgehog mammals;
- All trenches and excavations should have a means of escape (e.g. a ramp);
- Any exposed open pipe systems should be capped to prevent mammals gaining access; and
- Appropriate 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

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **15 January 2025**

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

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

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>

Informatives

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

also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK. Standing Advice valid from 1st January 2025 until 31st December 2026

2. Construction Hours

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.

3. Highways/Dropped Kerb

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.

4. United Utilities

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.

5. Fire Safety

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>