

<u>APPLICATION NO:</u>	24/00601/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	17 Priory Close, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A SINGLE STOREY REAR EXTENSION, ADDITION OF A VELUX TO FRONT ROOF SLOPE.		

Site Description

The application relates to a one and a half storey semi-detached bungalow within a cul-de-sac at no.17 Priory Close. 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 proposal seeks to erect a single storey rear extension, following the removal of the existing rear utility room, which would project 3.9m from the original rear wall and measure 7.7m wide. A flat roof with a low pitch and two roof lanterns is proposed and would have a maximum height of 2.2m. A window is proposed to the rear elevation with bi-folding doors proposed to the north side elevation. The proposed development will be finished in matching facing brickwork to the exterior, a flat rubber bond roof and grey uPVC doors and windows. A Velux window will also be installed to the main dwelling's front roof slope.

Consultations

Environmental Health (28.11.2024): No objections. The application site is next to a landfill and the Priory Close properties were built when the pits were disused prior to the site becoming a landfill. It is presumed that the properties do not include gas protection measures. As such, a condition is requested for measures to be implemented if during the extension works, gas protection measures are identified. If works are required, a validation statement must also be submitted. A condition is also requested for a water suppression to be used to minimise dust emissions.

Whiston Town Council: No comments received.

Representations

This application has been publicised by letters sent to 7no. neighbours. No representations have been received.

Planning History

74/01137/HIST - Two Porches and One Detached Garage. Granted, 10.12.1975.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 UDP, 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 CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy H8: Extensions and Alterations to Residential Properties

Policy ENV5: Contaminated Land

Supplementary Planning Documents (SPDs)

Householder Development (June 2016)

Ensuring a Choice of Travel (September 2010)

National Policies

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The main considerations for this application are:

- Compliance with Householder Development SPD;
- Neighbouring Amenity;
- Design and Visual Amenity;
- Access, Parking and Highway Safety;
- Waste Management;
- Ground Conditions.

Compliance with Householder Development SPD

Rear Extension

The proposal would project 3.9m from the original rear wall and would comply with the 4m threshold. The proposed single storey rear extension would therefore accord with the guidelines under Part 7.4 of the Householder Development SPD.

Neighbouring Amenity

No.15 Priory Close

The proposal would extend close to the shared boundary with no.15 Priory Close, which is the adjoining neighbour to the south. However, the proposed rear extension would be below the 4m threshold of the Householder Development SPD, which is considered an acceptable projection to avoid causing overshadowing, loss of outlook or loss of privacy. There are also no openings proposed to the side elevation facing towards no.15 and the existing fence will provide a degree of screening. Therefore, the impact in terms of loss of privacy or direct overlooking will be minimal.

No. 8 Priory Close

No.8 is the opposing neighbour to the front. The proposed rear extension would be fully screened by the application property to this neighbour. The proposed Velux rooflight will also be positioned high towards the ridge and is of a small size which will serve a non-habitable room of a bathroom. Therefore, any impact in terms of direct overlooking, overshadowing, or loss of outlook, sunlight or privacy will be negligible.

In view of the above, it is considered that the proposal would be acceptable and would not have a significant, detrimental impact upon residential amenity to these neighbours, in accordance with Policy CS19 of the Local Plan, Saved Policy H5 and H8 of the Knowsley Replacement UDP, and the Householder Development SPD.

Design and Visual Amenity

The proposed extension is considered to appear as a proportionate and subservient addition to the main dwelling due to its single storey height. Whilst a flat roof with a low pitch is proposed, the proposed extension would not be highly visible from the street scene, given its siting to the rear and that it will be fully screened by the application dwelling. The proposed depth of 3.9m is also acceptable and would ensure that the proposal does not overwhelm or dominate the original dwelling. It will also be finished in matching materials. The proposed Velux rooflight will also appear in keeping with the neighbouring developments, with several properties featuring dormers and rooflights to their roofs. As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, in accordance with Policy CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP and the Householder Development SPD.

Access, Parking and Highway Safety

The proposal would not affect existing parking or access arrangements and would have an acceptable impact upon access, highway safety and parking provision, in accordance with Policy CS2 and CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP, the Householder Development SPD and the Ensuring a Choice of Travel SPD.

Waste Management

The proposal would not affect the existing waste storage arrangements and is acceptable in terms of waste management and storage, in accordance with the Householder Development SPD.

Ground Conditions

Environmental Health have been consulted and have raised no objection in principle. However, they note that the application site is next to a landfill situated in Stadt Moers Park, previously Halsnead Quarry. The Priory Close properties were built when the pits were disused prior to the site becoming a landfill. It is presumed that the developer would not have included gas protection measures in the properties as legislation in relation to contaminated land was not introduced until 2000 (Part 2A of

the Environmental Protection Act). As such, a condition is requested for measures to be implemented if during the extension works, gas protection measures are identified. If works are required, a validation statement must also be submitted. A condition is also requested for a water suppression system to be used to minimise dust emissions. Subject to the above conditions, the proposal is deemed to be acceptable in terms of land contamination, in accordance with Saved Policy ENV5 of the Knowsley Replacement UDP and the NPPF.

Other Matters

The application site is defined as being within a Development High Risk Area by the Coal Authority. An informative will therefore be attached to provide further information regarding this.

The application site also has an estimated 3-5% risk for radon. When extensions are made to buildings in high radon areas, the Building Regulations require that protective measures are taken against radon entering the building. An informative will therefore be attached to provide further information regarding this.

Conclusion

The principle of the proposal is considered acceptable. The proposed development would have an acceptable impact upon neighbouring amenities; design and visual amenity; parking and highway safety; and waste management. Matters relating to land contamination will also be mitigated by conditions. 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 materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: To secure a satisfactory development in materials which are appropriate for the locality in accordance with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006), Policy CS19 and CS20 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the National Planning Policy Framework.

- 4) No development hereby approved shall commence until an implementation plan has been submitted to and approved in writing by the Local Planning Authority. The implementation plan must be carried out by a competent person and shall set out details in respect to the following matters:

Gas/vapour protection membrane

- What specific gas/vapour membrane will be used? The membrane

specification must be at least equal to that already installed under the property.

- How will it be installed and specifically how will the new membrane be integrated with the existing gas protection measures, including ventilation arrangements.
- The name of the competent persons / company installing the membrane?
- How the installation of the membrane will be validated?
- The measures to be installed must comply with the British Standard BS 8485:2015 +A1:2019.

Cover system

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

The development hereby approved shall then be carried out in accordance with the approved plan.

Thereafter, within three months following completion of the proposed works, a validation statement to confirm that the works have been carried out in accordance with the approved plan shall be produced, submitted to and approved in writing by the Local Planning Authority.

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 ENV5 of the Knowsley Replacement Unitary Development Plan, adopted in 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.

- 5) No development hereby approved shall commence until details for the use of water suppression systems to minimise dust pollution from the excavated materials during site clearance and construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: Details are required prior to the commencement of development to minimise and mitigate to acceptable levels any effects that the development may have in terms of dust pollution and to protect the amenities of the neighbouring occupiers, in accordance with Policy CS2 of the Knowsley Local Plan Core Strategy, adopted January 2016 and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
06/11/2024	PP-13526761v1	-	Location Plan
06/11/2024	2E220824A	-	Proposed Site Plan
12/11/2024	P2E220824A	-	Planning Purpose Drawings [Existing and Proposed Floor Plans and Elevations]

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **15 January 2025**

Informatives

1. The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Informative Note valid from 1st January 2025 until 31st December 2026

2. The applicant is advised that the estimated probability of the property being above the Action Level for radon is 3-5%. When extensions are made to existing buildings in high radon areas, or new buildings are constructed in these areas, the Building Regulations require that protective measures are taken against radon entering the building. It is therefore advised that the applicant should visit the following link for further information <https://www.ukradon.org/> and/or contact a Building Control body.
3. 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. If contaminated material is encountered, the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.