

APPLICATION NO: 23/02677/FUL

APPLICANT: UNITED LIVING

WARD AFFECTED: PRESCOT NORTH

PARISH: PRESCOT TOWN
COUNCIL

DEVELOPMENT: ERECTION OF 88 NO. AFFORDABLE RESIDENTIAL DWELLINGS AND ASSOCIATED INFRASTRUCTURE

LOCATION OF SITE: LAND AT CARR LANE, PRESCOT, KNOWSLEY

DEVELOPMENT PLAN ALLOCATION: SUSTAINABLE URBAN EXTENSION

REPRESENTATIONS: Two periods of consultation have been undertaken with local residents. there were forty-six letters of objection and one letter of support received following the first period of consultation and six letters of objection received to the second period of consultation.

RECOMMENDATION:

That Members delegate authority to the Head of Planning & Building Control to grant planning permission under delegated powers subject to:

(i) The conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning & Building Control in consultation with the Chair of Planning Committee considers appropriate.

(ii) The applicants entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 securing the affordable housing obligations set out in this report.

(iii) In the event of the applicants not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning & Building Control to refuse planning permission under delegated powers, on such grounds, should it be deemed that insufficient progress has been made in completing the Section 106 agreement.

CASE OFFICER: Jo Sheridan

SUMMARY:

This application relates to the erection of 88 dwellings.

The main planning issues are:

- Principle of development
- Design and layout
- Residential amenity
- Highways
- Comments on representations

1. SITE AND SURROUNDINGS

- 1.1 The site subject of the application consists of an area of land approximately 3.4 hectares in area which forms part of a Sustainable Urban Extension (SUE) allocation within the Knowsley Local Plan Core Strategy (Policy SUE 1). The site was formerly used as a treatment works operated by United Utilities. The site has naturally regenerated and largely consists of trees and scrub/vegetation.
- 1.2 The land is to the south of Carr Mill Woods, Carr Lane, Prescott. To the north of the site lies Carr Lane Woods; to the south of the site is the rear of properties at Emelia Drive; to the east of the site lies Carr Lane and to the west of the site is the M57. Carr Lane Lake is a site of Biological Importance. Prescott Brook runs along the northern boundary with Carr Lane Woods lying beyond.
- 1.3 To the south of the site lies an existing right of way. The land rises up from the right of way in the form of a noise bund which has an acoustic fence on top where beyond are the dwellings of Emeilia Drive.
- 1.4 Some works have commenced on site as the applicant was required to undertake site investigations to determine the siting of mine shafts within the site. As a result, trees have been removed from site and hardcore has been laid to allow the vehicles to enter the site to undertake the required investigatory works.

2. PROPOSAL

- 2.1 The proposal seeks the erection of 88 dwellings; they would comprise of 4 x 1 bedroom apartments; 14 x 2 bedroom two storey dwellings; 67 x 3 bedroom dwellings and 3 x 4 bedroom dwellings. All buildings would be two storeys in height.
- 2.2 All of the properties within the site are proposed to be affordable. The final tenure split has not yet been determined as this will be led by the registered provider who will provide the housing.
- 2.3 The public right of way to the south of the site is within the site edged red and is to remain as part of the proposed development.
- 2.4 Vehicular access has already been granted planning permission under application number 22/00376/FUL. The approved access takes the form of a priority junction with a central island on the access route itself as well as Prescott Park Way.

3. RELEVANT SITE HISTORY

- 3.1 22/00376/FUL: Construction of 1 no. vehicular access from Prescot Parkway together with engineering works consisting of the excavation and construction of a drainage swale and other associated works. Planning permission granted 3rd April 2023.

4. ARTICLE 35 STATEMENT

- 4.1 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.

5. EQUALITIES ACT 2010

- 5.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 5.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6. REPRESENTATIONS

- 6.1 The planning application was publicised by 706 individual neighbour notification letters, the display of four site notices and a public notice in the local press. 46 objections and 1 letter of support have been received in response to the publicity given to the application. The application was subject to a second period of consultation which received six objections.
- 6.2 The objections are summarised as follows:

Principle of the proposal:

- Objection is based on the term 'affordable new homes'. Many of the new homes that have been built recently in Prescot are not affordable and thus are pushing people who have lived in the area their whole lives out of the area;
- Object to affordable housing taking more of the green space;
- There are plenty of existing empty houses across the UK, make them more affordable;

- The land is known for flooding, and by building on it, it will only make matters worse for the homes already in the area. All the water from the estate falls that way and we have saw a lot of flooding in that area over the years which will make the homes unstable and increase flooding issues;
- Brownfield sites should surely be exhausted in the borough of Knowsley before further erosion of green field sites;
- When purchasing our property, we were informed of one further development planned for the estate - Miller on Prescott Parkway. We were led to believe that all green areas and surrounding parts were not to be built on. The quickness in this project being presented suggests that was untrue;
- We don't want the houses there the that simple;
- Concerned around the value of our new homes if affordable housing is installed adjacent to them;
- While it is recognised that the land is a former industrial site, but now overgrown, it is a great opportunity for the Council to be constructive and use the land to create an open space and nature reserve which could link with Carr Lane Woods with a bridge over the Prescott Brook.

Highways:

- Carr Lane is already a busy road, with more development to be added, including Aldi;
- Roads are congested at peak times and weekends;
- Access to the site is less than 100 yards from a busy roundabout, several RTA's have happened in last few months;
- This will also add to already increased traffic and concerns around highway safety;
- Prescott Park Way is already used as a 'Rat Run'/race track with no traffic calming measures in place, adding more homes will increase the traffic through the estate making an already over populated area even worse;
- The area cannot sustain the amount of vehicles on the road as well as the lack of infrastructure.

Infrastructure:

- Already difficult getting a doctors, dentist, hospital appointment;
- Schools are at capacity;
- There is no availability of general practice/NHS dentistry/schools within the local area to support additional housing;
- The plan does not have a play area/ park anymore - surely this number of new homes needs a park / play area of their own?
- Unhappy regarding the fact that the current residents, including myself have to pay resident management fees for parks around the current newer estates near Prescott Park Way, but then these new homes will be using the parks too.

Ecology:

- Woods and green land should not be torn down for housing;
- Wildlife will be lost;

- This area around Carr Lane is green and dwellings in the area will take away from the natural landscape and wildlife;
- The proposal would have a significant negative impact on the nearby wildlife both on the site and at Carr Lane Woods;
- The land has also established itself as a thriving area for wildlife; bats, foxes, rabbits to name a few would be displaced, with limited availability in that area for them to relocate;
- This loss of green space would be significant given how built up is the surrounding area. Creating a wildlife space open to the public would be friendly towards the environment, friendly towards wildlife, including bats, help with reducing net CO2, provide space for folk to use to help with their mental health, provide space for locals from the estate and elsewhere to walk and play, and would enhance Carr Lane Woods and Brown's Field.

Residential Amenity:

- Noise pollution and air quality impacts of further building work are a concern; the area has already been subjected to extensive and constant building work in the area;
- Loss of light;
- We are constantly living in a construction site from year to year since living in the area and this has not been very helpful with clean air and pollution. Considering the increased association of pollution and cancer, it is vital to limit pollution in this area. More construction site would mean that we are having to inhale constant dust and debris from these projects.

Miscellaneous:

- Area too populated;
- The Council should use this land as greenspace;
- This area was seen as greenbelt - fully appreciate the need for housing. This estate may reflect in reduced house prices, will there be an adjustment on our council tax and local estate fees for upkeep of the area;
- All of the Neighbouring Properties have been privately owned/bought and we were promised by the housing developers no more new houses would be built.

6.3 The letter of support is summarised below:

- Provide opportunities to get on the property ladder;
- The development of houses in and around the Prescott area as a positive expansion of the Knowsley borough, and hopefully a good investment and re-generation of Prescott as an individual town.

7. CONSULTATIONS

Environmental Health (Knowsley Council): No objection. Conditions have been requested relating to: contaminated land (risk assessment, submission of a remediation scheme; implementation of the approved remediation scheme; reporting of unexpected contamination); noise mitigation measures; the submission of a construction management plan and a condition restricting

the hours of construction.

Highways (Knowsley Council): No objection. Conditions have been requested relating to: cycle storage; pedestrian connectivity (footpath at Carr Lane); Travel Plan and a Construction Management Plan.

National Highways: Comments awaited.

Local Lead Flood Authority (Knowsley Council): No objection. Conditions have been requested relating to details of a drainage strategy to be submitted and a second condition requiring details of the management and maintenance of the drainage system.

Merseyside Environmental Advisory Service (MEAS): No objection. Conditions have been requested relating to biodiversity, protection of protected species, removal of invasive species, landscaping, archaeology, site waste management, low carbon initiatives and a commuted sum for Biodiversity Net Gain.

Landscape Architect (Knowsley Council): No objection.

Arboricultural Officer (Knowsley Council): No objection. Conditions have been requested relating to submission of an Arboricultural Method Statement, tree protective fencing to be implemented, and to provide 5 day notice for the erection of the protective fencing.

FUSION 21: No objection subject to a commuted sum of £8,800 for social value.

The Coal Authority: No objection. Conditions have been requested relating to details of the proposed remedial measures for two mine shafts.

Environment Agency: No objection. Conditions have been requested relating to additional information regarding contaminated land, a condition requiring a verification report to be submitted concerning contaminated land, a condition stating that piling or other foundation designs using penetrative methods shall not be carried out, a condition regarding flood risk and the setting of finished floor levels and a condition to secure an 8m wide buffer for Prescott Brook.

Natural England: No comments.

United Utilities: No objection. Conditions have been requested relating to a surface water drainage scheme and a foul water drainage scheme and the other for the management and maintenance of the sustainable urban drainage system.

Merseyside Police: Observations made. The majority of the blocks of houses have rear access, across several boundaries, that increases the opportunities for crime. The unregistered length of land between the existing housing, mainly on Emelia Drive, and plot 1-39 of the proposed development could

possibly be an issue if cutback.

Merseyside Fire and Rescue Authority: No objection.

Prescot Town Council: No comments received.

8. POLICY CONTEXT

- 8.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2023), an extract from which is set-out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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 usually 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.”

- 8.2 In this regard the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 21 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.
- 8.3 The site is allocated for residential development (as a Sustainable Urban Extension) within the Knowsley Local Plan Core Strategy in order to help meet the borough’s development requirements up to 2028. The relevant adopted policies for the assessment of the application are listed below:

National Planning Policy

National Planning Policy Framework (2023)

National Planning Policy for Waste

Planning Practice Guidance

Knowsley Replacement Unitary Development Plan (Saved Policies, 2006)

T5 – Location of Major Traffic Generating New Development

T7 – New Development and Walking & Cycling Routes

T9 – Travel Plans

T10 – Access for the Less Mobile

G3 – Agricultural Land

DQ2 - Security in the Built Environment

DQ3 – Gateway site and corridors

DQ4 - Trees and Development

ENV2 - Noise and Vibration

ENV3 – Light Pollution

ENV5 - Contaminated Land

Knowsley Local Plan Core Strategy (2016)

SD1 - Sustainable Development

CS1 - Spatial Strategy for Knowsley

CS2 - Development Principles

CS3 – Housing Supply, Delivery and Distribution

CS4 – Economy and Employment

CS7 - Transport Networks

CS8 - Green Infrastructure

CS15 - Affordable Housing

CS17 – House Sizes and Design Standards

CS19 - Design Quality and Accessibility in New Development

CS20 – Managing the Borough's Historic Environment

CS21 - Greenspace and Trees

CS22 – Sustainable and Low Carbon Development

CS24 - Managing Flood Risk

CS26 - Waste Management

SUE1 – Sustainable Urban Extensions and Safeguarded Land

SUE2 – Sustainable Urban Extensions – Development Principles

Merseyside Waste Local Plan (2013)

WM8 - Waste Prevention and Resource Management

WM9 - Sustainable Waste Management Design and Layout for New Development

Adopted Supplementary Planning Documents (SPD)

Ensuring a Choice of Travel SPD (2010)

Design Quality in New Development SPD (2016)

Trees and Development SPD (2016)

Developer Contributions SPD (2016)

Amended New Residential Development SPD

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. It must be considered whether the application is in accordance with the development plan when it is considered as a whole.
- 9.2 The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up-to-date development plan without delay." If there is conflict with the development plan, applications should be refused unless material considerations indicate otherwise. Policy SD1 of the Local Plan Core Strategy reflects this approach which is considered central to decision making.
- 9.3 The relevant policies within the Local Plan Core Strategy and the relevant saved policies within the UDP are considered to be consistent with the NPPF and as such are considered to be up to date. As such, full weight can be given to the Statutory Development Plan and paragraph 11d) of the NPPF is not engaged and members may determine the application, applying the "flat balance". This means members may determine the application from a neutral balance, weighing up harms against benefits.
- 9.4 The application site falls within the Carr Lane, Prescott Sustainable Urban Extension, which is allocated for residential development within the Local Plan Core Strategy by policy SUE1 to meet the Council's development requirements up to 2028 and beyond.
- 9.5 The site also lies within the South Prescott Principal Regeneration Area. With regards to the site designation, Local Plan Core Strategy Policy CS1 lists South Prescott as one of six 'Principal Regeneration Areas' in the Borough and the policy states that opportunities for regeneration and development within the regeneration areas will be maximised. Policy CS1 defines those areas of greatest need and opportunity for comprehensive change in Knowsley; South Prescott being one of those identified areas.
- 9.6 Therefore, the application proposal for residential development is acceptable in principle and the construction of 88 new homes would contribute towards the Local Plan Core Strategy's target of delivering 8,100 homes in Knowsley between 2010 and 2028.

Site Specific Policy

- 9.7 Local Plan Core Strategy Policy SUE2 sets out key policy parameters which new development within Sustainable Urban Extension (SUE) sites must comply with. Indicative considerations for each site are further listed at Appendix E of the Core Strategy.

- 9.8 So, whilst the principle of development is acceptable, in order to determine its overall acceptability, the details of the scheme need to be considered against the detailed requirements set out in policy SUE2 and the relevant policies within the development plan as well as any other material planning considerations.

Design, layout and residential amenity

- 9.9 Policy CS19 of the Core Strategy Local Plan seeks to enhance distinctiveness, identity and accessibility in new development. In particular developments will be expected to integrate positive characteristics from the immediate surroundings including materials, complement and where possible enhance landscape features and provide safe, secure and convenient routes for movement with priority for walking and cycling. Policy SUE2 requires development to incorporate high quality design as well as ensuring good levels of physical integration and connectivity with adjacent development. Core Strategy CS19 seeks to protect the amenity of existing and future occupiers, whilst policy H7 of the Knowsley UDP states that flat developments will only be permitted where there would be no loss of privacy for neighbouring occupiers.
- 9.10 The proposal seeks the erection of 88 dwellings, 4 of which are apartments. All of the proposed dwellings and apartments would be two storey in height which would be in keeping with the character of their surroundings and more generally, Prescott.
- 9.11 The layout of the proposed scheme is traditional in its highway and built form with a single access from Carr Lane which has the benefit of approval under planning application 22/00376/FUL.
- 9.12 The layout of the proposal has been amended significantly throughout the course of the application, which has led to an overall improved scheme. The resultant layout ensures that the scheme is outward looking, i.e. there is positive and passive surveillance to the right of way to the south of site, to the frontage of Carr Lane and to the southwest and southeast of the site which overlooks the new connecting footpath which connects Prescott Park to this site. Within the site, all corner plots are dual fronted to ensure maximum passive surveillance.
- 9.13 The Amended New Residential Development SPD states that new-to-new principal rear elevations for two storey properties should have a minimum 20m offset with minimum garden depths of 10 metres and front to front principal elevations should aim to achieve at least 20 metres interface distance. The SPD allows for reductions in these distances on a plot-by-plot basis. Additionally principal elevation to gables should achieve a minimum 12 metres interface distance.
- 9.14 In some instances (5 areas within the site) the front to front interface distance between some of the new properties has been reduced to between 13 and 17m (the SPD recommends 20m) and in one instance the interface distance has been reduced to 10m. Whilst this could be considered harmful, the benefit of

having a windows allowing permanent surveillance rather than a blank gable is considered to outweigh the potential harm. On balance, securing a well-designed and well-surveyed residential scheme is beneficial and the interface distances in this instance are considered acceptable and would not be harmful to the amenity of new residents.

- 9.15 The Amended New Residential Development SPD states that new dwellings should have minimum garden depths of 10 metres. There are 3 gardens which are marginally below the 10 metre minimum garden depth (plots 19, 50 and 62), but this would not be significantly harmful to the occupants of those dwellings who would still benefit from sufficient outdoor space for everyday needs. As such the proposed development is, on balance, considered to result in acceptable impacts on residential amenity having regard to overlooking/loss of privacy and dominance.
- 9.16 The apartment building which accommodates 4 one bedroomed units, has been specifically designed for the site and has the appearance of a traditional residential house, with each apartment having its own front door.
- 9.17 In addition to the introduction of dual fronted properties and the bespoke apartment building, other amendments have been made to the layout of the scheme. Amendments include the breaking up of the dominant car parking area to the front of properties where possible, rear alleyways removed where possible; and remote parking removed where possible.
- 9.18 The design of the dwellings has also been amended to provide more details and interest in the elevations, such as brick banding between the ground and first floor elevation, placed electrical and gas boxes on side elevations where possible to make them less dominant on the frontage.
- 9.19 In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing residents. Core Strategy Policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of nearby residential neighbours. Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured.
- 9.20 Existing residents may experience some limited disturbance as part of the construction process; however, this would be for a temporary period only. Should members be minded to grant planning permission, a construction management plan can be secured which will seek to control construction hours, dust and mud on the roads.
- 9.21 Overall, the proposal is considered to comply with policies CS2 and CS19 of the Local Plan Core Strategy and the Amended New Residential Development SPD in this regard as well as policy H7 of the Knowsley UDP.

Density

- 9.22 The application proposes a density of 42 dwellings per hectare. The Local Plan Core Strategy policy CS3 states that densities of a minimum of 30 dwellings per hectare are required within Knowsley so the development is in line with policy CS3.
- 9.23 The proposal provides more dwellings than indicated within the 'notional development capacity' for the site as referred to in Appendix E of the Local Plan Core Strategy. The notional capacity for the whole site is set at 74 dwellings. A development proposing a greater number of dwellings could be acceptable provided that the development complies with policy SUE2 as a whole. Having regard to density guidance in policy CS3, it is considered that the proposal achieves an acceptable density which aligns with the broad principles that underlie the Core Strategy which are to secure the efficient use of available land in accordance with Core Strategy policies CS1, CS2 and CS3. This also accords with the NPPF, paragraph 128, which requires decisions to support development that makes efficient use of land. In coming to this view, it is noted that the notional capacity is not a maximum figure.

Affordable Housing

- 9.24 This is a 100% affordable housing scheme. Policy CS15 of the Local Plan Core Strategy normally requires 25% affordable housing provision within market housing schemes on SUE sites. However, this is a 100% affordable housing scheme. Core Strategy SUE2 states that development should meet borough wide local needs whilst policy CS3 states that development should contribute towards re-balancing the housing market.
- 9.25 The Housing Strategy Department has confirmed that there is a high-level need on the Council's Housing Register for 1-bedroom properties for affordable and social rent. When the planning application was originally submitted, it was for 2, 3 and 4 bedroom homes but during the consideration of the planning application, the proposal was amended to include 4, 1-bedroom apartments. There would be 14, 2 bed houses, 67, 3 bed houses and 3, 4 bed houses.
- 9.26 The tenure of the development proposal has also been amended during the consideration of the application with 17 units being for social rent and the remaining 71 units being affordable rent.
- 9.27 The proposal therefore is considered to meet a need identified within the Borough and given the identified need for 1 and 2-bed units, the proposal goes some way to re-balancing the housing market within Knowsley in line with Core Strategy policy CS3.
- 9.28 The applicant has agreed to enter into a S106 to deliver the affordable housing through submission of an Affordable Housing Scheme. For reasons explained below the s.106 will secure 100% affordable housing on site. The tenure split may change from that stated in paragraph 9.26, however, this will be agreed with the Council's Housing Strategy team.

Highways

- 9.29 Policy CS7 of the Local Plan Core Strategy seeks to promote accessible developments, sustainable modes of travel and reduction of carbon emissions whilst ensuring adequate on-site parking is incorporated within new development. This policy seeks to ensure development impacts are acceptable in highway safety terms. Principle 2 of policy CS2 seeks to reduce carbon emissions and adapt to the effects of climate change whilst principle 3 seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. Principle 5 seeks to ensure efficient use of resources and infrastructure by prioritising the location of development in line with the spatial strategy.
- 9.30 Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users. Core Strategy Policy SUE2 requires developments to incorporate good transport linkages both within the SUE site and with surrounding areas. Saved Policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and cycling network as well as promoting access to green corridors to encourage healthy living and exercise and policy T10 seeks to ensure adequate access for the less mobile is provided in new developments. Saved Policy T5 of the Knowsley UDP requires major developments to be within 400 metres from a bus stop and/or 800m from a rail station and Policy H7 of the Knowsley UDP requires developments to incorporate safe and adequate parking areas that include screening.
- 9.31 The NPPF, paragraph 115, advises that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
- 9.32 The site access was granted planning permission under an earlier application 22/00376/FUL. The approved access takes the form of a priority junction with a central island on the access route itself as well as Prescott Park Way. This design is intended to restrict right turn movements for enhanced safety of future residents of the residential site. This previously approved access is designed to accommodate the level of vehicular movements commensurate to the number of dwellings proposed and is therefore considered to be acceptable.
- 9.33 The Council’s Highways team has carefully considered the proposal for 88 houses and the submitted Transport Assessment (August 2023) and Transport Assessment Addendum (May 2024). The Transport Assessment (TA) addresses the likely highway/transportation impacts associated with the development. The preparation of the TA benefitted from pre-application discussions with the Council’s Highways team as to specific requirements and includes accident analysis, an assessment of the accessibility of the site in accordance with the *Ensuring a Choice of Travel* SPD, detailed junction capacity assessments (including the site access) and a consideration of wider

impacts on the network. The TA also considered the detail of the site access, the internal layout and the parking provision.

- 9.34 The conclusion of the TA that there are no safety or operational issues resulting from the development and that the site is accessible; with an appropriate access and internal layout meeting required standards including adequate parking and cycling provision, the proposal is supported by the Highway team.
- 9.35 The site in general largely conforms to national standards, with a 5.5m carriageway width homogenous throughout the development. 2m footways are also provided either side of the carriageway. The layout has been tested to ensure that a 11.2m refuse vehicle can safely manoeuvre through the site.
- 9.36 All dwellings have a minimum of two car parking spaces with the exception of the one bedroom apartments which have one space each. The Council's Highways team is satisfied with proposed level of car park provision. Each dwelling is also proposed to be fitted with an electric vehicle charge point. Every dwelling has a shed to the rear garden which occupants can use to store their cycles.
- 9.37 There is an existing Public Right of Way (PRoW) which runs along the southern boundary of the site. The right of way is to remain and as stated previously in the report, the design of the scheme has been amended so that dwellings front onto it, thereby improving passive surveillance. In addition to the existing PRoW, a 3m wide footpath running north to south is also proposed which will be used by pedestrian and cyclists. This footpath has been encouraged to be provided as it connects the existing Prescott Park development through to the site and onto wither Carr Lane Woods or exiting onto Carr Lane itself. Connectivity will be greatly improved by the provision of this footpath.
- 9.38 A section of land to the west of the Carr Lane / Cables Way roundabout does not have a footway along the carriageway's southern edge. In the interests of aiding pedestrians and connectivity, the paving of this section of land to connect existing footways can be required to be secured via condition should members be minded to grant planning permission.
- 9.39 A number of objections have been received by local residents about the impact of the proposal on highway safety and congestion as well as general concerns about the amount of traffic generated by this development and other recently approved development within the area. Additional concerns centred around adding additional traffic to an estate that has narrow roads and junctions that will struggle to cope with the additional cars.
- 9.40 As detailed in paragraphs 9.33 and 9.34, the Transport Assessment fully considered the issues raised by the objectors and the findings of the Transport Assessment are supported by the Highways team who are satisfied that the

proposal would not have an unacceptable impact on highway safety or cause severe capacity issues.

- 9.41 The Highways team support the development proposal subject to the imposition of several conditions including the requirements to implement the cycle storage as illustrated on the plans; the provision of the footpath along Carr Lane where currently there is none; the submission of a residential travel plan; the submission of a construction management plan which are recommended should members be minded to grant planning permission.
- 9.42 In conclusion, subject to the above conditions, the proposal is acceptable in highway safety terms. The proposal would not compromise the safe operation of the local highway network for the reasons set out above. As such, subject to above conditions, the proposal is considered to comply with the NPPF, policies SD1, CS2, CS7, SUE2 and CS19 of the Knowsley Local Plan: Core Strategy, saved policies T5, T7, T10 and H7 of the Knowsley UDP and Ensuring a Choice of Travel SPD.

Ecology

- 9.43 Policy CS8 of the Core Strategy aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is consistent with the aims of the NPPF. The application is accompanied by a Preliminary Ecological Appraisal, a Bat Survey Report and a Biodiversity Net Gain Assessment.

Appropriate Assessment

- 9.44 The following national and international designated sites are easily accessible (by car and public transport) from the development site and Local Plan Core Strategy policy CS8 applies:
- Mersey Estuary SPA (8.9km south); and
 - Mersey Estuary Ramsar (8.9km south).
- 9.45 The proposal is for 88 net residential units, which will likely result in increased visits (recreational pressure) to the sites listed above. This may result in significant effects on habitats and species for which these sites have been designated. Recreational pressure from residential development has been identified as a 'Likely Significant Effect' alone and in-combination within the Liverpool City Region. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans as Medium-High risk to qualifying features of the national and international sites.
- 9.46 Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects and Local Plan policy CS8 applies. Merseyside Environmental Advisory Service (MEAS), on behalf of the local planning authority, have undertaken an assessment of likely significant effects which is based upon the essential features and characteristics of the project only. This concluded that, without

mitigation/preventative measures, that there will be likely significant effects on the aforementioned sites.

- 9.47 MEAS advised that an Appropriate Assessment was required in accordance with Regulation 63 (Habitats Regulations 2017). MEAS undertook the Appropriate Assessment which concluded that, with mitigation/preventative measures, there will be no adverse effect upon the integrity of national and international sites. Natural England were consulted on the outcome of the Appropriate Assessment and made no comments.
- 9.48 On this occasion, due to the distance between the proposed development site and the designated sites (Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy – Evidence Report (Version 24), MEAS, July 2021) and given that the applicant has incorporated public open space within the development, it is considered that there will be no harm to the integrity of the designated sites as a result of the proposals subject to a condition requiring a colour copy of a leaflet setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes, this can be secured by condition if members are minded to grant planning permission. The HRA was sent to Natural England for consultation who have not made any comments
- 9.49 Carr Lane Lake Local Wildlife Site (Local Wildlife Site) is adjacent to the west of the site. Other LWS are present within 1 km of the site but due to the nature of the proposals and the features for which these sites are designated it is considered highly unlikely the proposals would harm these other sites. MEAS have advised that provided a suitable Construction Environmental Management Plan is implemented it is considered highly unlikely the proposals would harm Carr Lane Lake LWS.

Bats

- 9.50 The ecological survey that supports the application identified a group of mature willow trees (BTG1) to the north of the site which presented multiple potential bat roosting features and were overall considered to be of moderate and high potential for bat habitat. Applying the precautionary principle and for the purposes of this advice this group of trees are considered high roost potential. These trees were to be retained within the development so direct impacts were not anticipated as a result of the development.
- 9.51 Unfortunately, scheduled works on site led to these trees and other trees being damaged (see 'Trees and Landscape' section of this report) and Council Officers made the applicant was made aware of the on site situation.
- 9.52 Following advice from MEAS a Preliminary Bat Roost Assessment of all trees that have been affected (either directly or indirectly) by on-site works, was required to be submitted. No evidence of bats were discovered but the report found the following trees were damaged:
- T3, a mature crack willow has a high bat roost potential – this tree has been significantly damaged by excavation work undertaken. Two limbs

have been removed. The removed limbs (which were placed and adjacent to the tree) were inspected and it was considered that they could potentially have supported low numbers of bats. It is unlikely that it would have supported a maternity roost. No evidence of previous bat roosts were recorded, however, the limbs were on the ground for several weeks before investigations.

- T4, a mature twin stemmed crack willow has a moderate bat roost potential – numerous snapped branches; the removal of surrounding scrub has resulted in a less sheltered environment for the tree and retained potential roosting features. Ground close to the trees has been subject to excavation work potentially causing root damage.
- T5, a mature twin stemmed crack willow, has a moderate bat roost potential – the removal of surrounding scrub has resulted in a less sheltered environment for the tree
- T7, a mature hybrid poplar, has low bat roost potential – located away from areas of damage from excavation works – two tears.
- G15a, a mature poplar, has low bat roost potential - located away from areas of damage from excavation works – a main limb has snapped off the trees potentially as a result of fire damage.
- All other trees – concluded to possess negligible potential value for roosting bats. Some damage from machinery was noted on smaller limbs and trees, however, no sheltered crevices or cavities were noted to have been created as a result of this.

9.53 The recommendation of the bat roost assessment report stated that trees T3, T4 and T5 should be retained in situ and should members be minded to grant planning permission, this will be secured by condition. The Arboricultural Impact Assessment has been amended to reflect the retention of these trees as the Arboricultural Impact Assessment previously had stated that T3 would be removed. The report also recommended, and contains a detailed plan, that proposes six bat boxes to be sited on trees in the areas where the T3, T4 and T5 are sited with the aim of creating roosting habitat within the same locality from which it has been lost. The exact position of the boxes are still to be decided and should members be minded to approve the planning application this detail can be secured by condition. The applicant has also agreed to install nine integrated bat boxes on houses adjacent to linear vegetated boundaries as an enhancement measure.

9.54 The applicant has agreed to pay £44,516.65 for the harm caused to the trees and potential habitat and this can be secured by S106 legal agreement should members be minded to grant planning permission. The money will be spent within Prescot on the creation of new habitat and for works to trees in the area. Officers consider that this compensation as well as the retention of the damaged trees on site is sufficient to mitigate and compensate for the damage that was caused to the trees.

- 9.55 A mature Black poplar (T7) and tree G15a was assessed as having low bat roost potential and this tree is proposed to be lost to facilitate the proposals. Should members be minded to grant planning permission, the soft felling techniques which will require a suitably qualified person to inspect the tree for bats, as described in Section 5.14 of the Ecological Assessment Report, can be secured by a suitably worded planning condition.
- 9.56 Habitats on site or adjacent to the site provide roosting, foraging and commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto these areas in line with NPPF (paragraph 180). Should members be minded to grant planning permission, a lighting scheme that is sensitive to bats within the area can be secured by condition.

Breeding birds

- 9.57 The aforementioned damage to the trees has resulted in a reduction of bird nesting habitat. MEAS recommended that a breeding bird mitigation strategy be submitted to the Council for approval to ensure no net loss of breeding bird habitat within the site. Taking this into account, should members be minded to grant planning permission it is advised that two conditions be attached, firstly an informative type condition stating that they shall be no tree works/removal during the breeding bird season and secondly a condition requiring details of a scheme to be submitted for the erection of bird boxes/bricks to mitigate/compensate for the loss.

Terrestrial Mammals

- 9.58 The site provides habitat for terrestrial mammals which are protected and Local Plan policy CS8 applies. The Reasonable Avoidance Measures described in Section 5.17 of the Ecological Assessment Report should be included within the a Construction Environmental Management Plan which if members are minded to grant approval can be secured by condition.
- 9.59 Hedgehog is a Priority Species and Local Plan policy CS8 applies. In order to maintain habitat connectivity for hedgehogs, MEAS advised that hedgehog highways (13cm x 13cm gaps) should be installed into any close board fences on site. Should members be minded to grant planning permission, this can be secured by a suitably worded planning condition.

Riparian Mammals

- 9.60 It is accepted that the Brook provides sub-optimal habitat for water vole. However, due to the transient nature of water vole there is the potential for this species to be present using the Brook for commuting. Water vole is a protected species and Local Plan policy CS8 applies. In line with best practice guidance, MEAS have advised that no works are carried out within a minimum of 5 metres of the top of the bank and details of methods of protection to this zone are submitted for approval. Should members be minded to grant planning permission, this can be secured by a suitably worded planning condition.

Amphibians

- 9.61 It is considered highly unlikely Great Crested Newt will be harmed by the proposals. However, the proposals have the potential to harm other amphibian species which are protected and Local Plan policy CS8 applies. Amphibian Reasonable Avoidance Measures, such as those described in Section 5.17 of the Ecological Assessment Report should be included within the CEMP. Should members be minded to grant planning permission, this can be secured by a suitably worded planning condition.
- 9.62 A pond located to the south east of the site is to be lost to facilitate the proposals. An amphibian mitigation strategy is to be submitted to the Council for approval which includes a method statement on how the pond will be drained under ecological supervision to enable the relocation of any amphibians encountered during drainage to an appropriate receptor site. Should members be minded to grant planning permission, this can be secured by a suitably worded planning condition.

Biodiversity Mitigation and Landscaping

- 9.63 The application was submitted before the implementation of the Government's mandatory "Biodiversity Net Gain" regulations in February 2024 so there is no requirement to deliver a net gain on the site. Nevertheless, the applicant has undertaken an assessment of habitat loss on the site using the DEFRA Biodiversity Metric v4.0 which calculates an overall loss of 12.46 habitat units which is mainly grassland and scrub supporting birds.
- 9.64 The applicant has submitted a landscape strategy with the application which does offer some mitigation to the habitat loss such as the planting of hedgerows but this does not compensate for the loss of habitats. There is insufficient space to compensate for the loss of habitat on site and MEAS have advised the Council that appropriate off site provision would require the payment of a commuted sum of around £290,000 which could be spent on habitat creation. The applicant has stated that they are unable to pay this sum due to financial viability constraints on site (viability issues are discussed later in the report), as set out there is no mandatory requirement to provide a biodiversity net gain and the loss of the habitat should weigh against the proposed development. Given that the development does not result in the loss of priority habitat and that a recommended condition requires that bird boxes to be implemented on the site this matter should only carry limited weight against the proposed development.
- 9.65 The production of a full and detailed Landscape and Ecological Management Plan, which covers management of the site in perpetuity or for the duration of the development is required to be submitted and if members are minded to grant planning permission, this can be secured by planning condition.

Trees and Landscape

- 9.66 Policy CS21 of the Local Plan Core Strategy seeks to enhance and protect existing trees, woodland, vegetation and other habitat features that offer a positive contribution to the local environment whilst seeking tree planting and other soft landscaping. Where tree loss cannot be avoided, policy CS21 seeks replacement tree planting on a two for one or one for one basis having regard

to appropriate tree species and size. Saved policy DQ4 of the Knowsley UDP seeks to retain and protect those trees that contribute positively to amenity, incorporate integral planting within new developments and make adequate provision for replacement planting either on or off site. This is reiterated in the Trees and Development SPD.

- 9.67 The applicant submitted an Arboricultural Implications Assessment to accompany the planning application and this was updated due to the damage to the trees on site.
- 9.68 9 individual trees (1 category B, 4 category C and 4 category U) and five groups of trees (4 category C and 1 category U) are proposed to be removed to facilitate the development.
- 9.69 Group 6 has been quantified in site area rather than the number of individual trees proposed to be lost. The majority of trees in this group are self seeded, and are in some cases are under 75mm diameter at 1.5m above ground level. the minimum size to be considered a tree under the British standard guidance. This group is considered to have a low arboricultural value and its categorisation under the British standard category C should not be considered a barrier to development.
- 9.70 The landscape plan indicates 84 replacement trees of size 16-18cm. The Council's Landscape officer and Arboricultural officer have both reviewed the landscape plan and accept the proposals. Should members be minded to approve the planning application, the implementation of the plan can be secured by condition.
- 9.71 Notwithstanding the careless damage to the trees undertaken by the applicants' contractor during exploration works on site, the Council's Landscape and Tree officers broadly support the replacement tree proposals and the payment of the compensation money (discussed at 9.54 of this report). Should members be minded to approve the planning application, the Arboricultural Officer has requested three conditions be attached to any subsequent approval, namely the submission of an Arboricultural Method Statement, the requirement to provide five working days' written notice to be given to the Arboricultural Officer before commencement of the works hereby granted and a condition to ensure that the remaining trees are protected by establishing a construction exclusion zone using tree protection.
- 9.72 In summary it is considered that the impacts on ecology can generally be appropriately mitigated during and post construction. There would be some harm cause due to the loss of habit on the site but this would only cause limited harm proposal is considered to broadly comply with Policy CS8 of the Local Plan Core Strategy and the NPPF in this regard.

Noise, Air Quality and Residential Amenity

- 9.73 Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. Saved Policy H7 of the

Knowsley UDP states that apartments will only be permitted where there would be no unacceptable noise or disturbance. Policy CS2 also sets out development principles which require new development to recognise environmental limits, enhance local character and promote quality of place by mitigating potential negative impacts of traffic growth on noise and health, and minimising negative impacts upon noise ensuring any negative impacts are appropriately mitigated. Additionally, Policy CS19 of the Local Plan Core Strategy sets out that new development will be expected to maintain a good standard of amenity for all existing and future occupants.

- 9.74 Policy CS2 of the Local Plan Core Strategy also seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality; principle 4 of policy CS2 seeks to ensure that developments are within environmental limits. Saved Policy H7 of the Knowsley UDP states that bin stores, fire escapes and clothes drying areas should be adequately screened to protect visual amenity.
- 9.75 The Environmental Health team have reviewed the application and recommended a number of planning conditions to mitigate the impacts of the development on residential amenity, noise and air quality. It is recommended that a Construction Management Plan (CEMP) is secured by condition to mitigate/minimise any noise and air quality impacts during the construction process in the interests of protecting residential amenity.
- 9.76 In terms of the impacts of the proposal on air quality, the applicant submitted an air quality assessment. This demonstrated that there would be no significant impacts on air quality and the Environmental Health team have confirmed that they are satisfied with the findings of this assessment.
- 9.77 The proposed housing to the west of the site is located adjacent to the M57 which is a significant noise source. The applicant has submitted a noise assessment to demonstrate that the amenity of future occupiers can be adequately protected.
- 9.78 Guidance on acceptable noise levels in habitable rooms and private gardens are set out in British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings.' BS 8233 recommends that it is desirable that noise from external sources do not exceed 35dB whilst resting; 40dB whilst dining and 30dB whilst sleeping. BS8233 also states that "where development is considered necessary or desirable... the internal target levels may be relaxed by up to 5dB and reasonable internal conditions still achieved.
- 9.79 For private outdoor amenity spaces of new houses, BS8233 states that "it is desirable that the external noise levels for not exceed 50dB with an upper guideline value of 55dB which would be acceptable in noisier environments.
- 9.80 To help mitigate the road traffic noise from the M57, a 4m high acoustic fence was proposed to be sited within the application site which effectively split the open space into two. To have the acoustic fence in this location was considered detrimental to the design of the proposal as it was effectively cutting

the open space into two parts. In this location, it would also have been an issue regarding crime and disorder.

- 9.81 The issue of noise has been the subject of significant discussions between the Council's Environmental Health team and the applicant. These discussions have led to an informal agreement between the Council and the applicant which results in the Council permitting the erection of the acoustic fence on Council owned land, specifically within Carr Lane Woods on land adjacent to the M57, close to the source of the noise. Should members be minded to grant planning permission the precise location, length and specification of the acoustic fence can be secured by condition.
- 9.82 Of the 8 dwellings, there are 15 (plots 28, 31-46) which are exposed to noise levels above 60dB from the motorway during day and night times (level should be 30dB as stated earlier in section 9.77). The noise report recommends that the bedrooms most exposed to road traffic noise are fitted with an enhanced specification of double glazing.
- 9.83 In addition, for the proposed dwellings set back from the motorway (15 plots, plots 25-27, 28-31, 47-48, 52-57), acoustically treated means of ventilation is required to achieve satisfactory internal noise levels. Mechanical ventilation would provide the future occupant with the option to ventilate habitable rooms either with an open window or via the ventilation system.
- 9.84 The proposed on-site mitigation scheme also proposes a 2.1m high acoustic fence around the properties with the gardens closest to the M57, however, the majority of the rear gardens will be protected and screened by the houses themselves. Therefore, the noise levels in the majority of rear gardens will be below the 55dB criterion. There are, however, 7 houses where the rear gardens are predicted to be exposed to noise levels up to 57dB. This is above the guideline of 55dB and BS8233 And carries some limited weight against the proposed development, however, it is not considered that this would cause significant harm to the occupants of those properties sufficient to warrant refusal of the application.
- 9.85 In summary, the submitted noise report contains noise mitigation measures, which include:
- A 4m high acoustic fence along the western boundary with the M57;
 - 2.1m high acoustic fences around the most exposed garden plots;
 - Enhanced glazing scheme;
 - Mechanical ventilation proposals.
- 9.86 In summary it is considered that noise during the construction process, internal habitable room noise across the scheme, private garden noise levels for of the proposed properties and air quality impacts can be appropriately mitigated during construction and are generally acceptable once the properties are occupied. The proposal is considered to broadly comply with Policies CS2 and CS19 of the Local Plan Core Strategy, saved policies H7 and ENV2 of the Knowsley UDP and the NPPF in this regard.

Ground conditions

- 9.87 Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground. This policy also seeks to ensure that adjacent land occupiers, ecological systems and ground water are also not at unacceptable risk from contamination. Policy CS2 of the Knowsley Local Plan Core Strategy requires development to address any issues of unstable land resulting from coal mining. This is reiterated within the NPPF.
- 9.88 The proposal lies within a coal mining Development High Risk Area. Therefore, coal mining features in the area are hazards which need to be considered as part of the determination of this planning application. The Coal Authority records indicate that there are four recorded mine entry shafts (001, 008, 015 and 016) within, or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.
- 9.89 The records also indicate that the site is likely to have been subject to unrecorded underground mining at shallow depth and that a thick coal seam outcropped across the site, which may have been worked from the surface. Voids and broken/disturbed ground associated with such workings can pose a risk of ground stability and may give rise to the emission of mine gases. In addition to this, the Coal Authority also state that the site lies within the boundaries of a wider site where coal has been extracted by surface (opencast) mining methods.
- 9.90 Following an objection from the Coal Authority and consequently further site investigation works, it was found that two of the mine entry shafts (015 and 016) are sited outside of the development site boundary – they are located to the south of the existing right of way between the PROW and the residential properties at Prescott Park to the south.
- 9.91 Shaft 001 is located under the proposed private driveway to the front of plot 58 and shaft 008 is located under the parking places to plot 39. The applicant has agreed to remediate both mine shafts and should members be minded to grant planning permission, it is advised that these remediation measures be secured by condition.
- 9.92 The submitted contaminated land reports were reviewed by the Environmental Health team who have no objections in principle but have requested that a condition requiring the submission of a detailed site investigation and remediation strategy (if required) is applied should members be minded to grant planning permission.
- 9.93 Subject to the above conditions, the proposal is considered to comply with policies CS2 and CS25 of the Local Plan Core Strategy and Saved Policy ENV5 of the Knowsley UDP.

Flood Risk and Drainage

- 9.94 Policies CS22 and CS24 of the Local Plan Core Strategy seek to ensure that development will not cause any unacceptable risk of flooding and that surface water will be drained in a safe and sustainable manner. Policy CS22 of the Local Plan Core Strategy requires new developments to offer sustainable design including flood resilient design. Policy SUE2 of the Local Plan Core Strategy sets out that developments should address flood risk by locating development in areas of low probability of flooding and including flood mitigation measures where necessary. This is reiterated in the NPPF. The applicant has submitted a Flood Risk Assessment (FRA) with the application.
- 9.95 The application site largely lies within Flood Zones 1. Flood Zone 1 is an area with less than 0.1% chance of flooding (1 in 1000 year event plus climate change). Parts of the site are in Flood Zone 2 and 3, more specifically, the area along the western boundary following Prescott Brook watercourse. The entirety of the built development proposed to be within Flood Zone 1. The FRA existing site has areas at a medium to high risk if surface water flooding. The FRA states that when the topography of the area has been reviewed, the areas indicated to have medium to high levels of floodings are not low points in the topography, which suggests that in high rainfall events, water will not collect here and therefore it is believed that the site is at low risk of surface water flooding.
- 9.96 The Environment Agency has reviewed the planning application in relation to the posed risks of the development site associated with controlled waters, including the Secondary A Aquifer (Lower Pennine Coal Measures Formation), Secondary Undifferentiated Aquifer and a main river (Prescot Brook). They advised that the previous industrial activity of the proposed development site as a colliery and sewage disposal treatments works poses a risk of contamination that could be mobilised during construction to pollute controlled waters.
- 9.97 The Environment Agency raised no objections to the proposed development subject to conditions requiring additional information regarding contaminated land, a verification report to be submitted concerning contaminated land, piling or other foundation designs using penetrative methods shall not be carried out, the setting of finished floor levels and a condition relating to biodiversity.
- 9.98 The contaminated land condition and verification report is covered by the condition requested by Environmental Health (see ground conditions). The reference to the finished floor levels has been included with the main condition requested by the LLFA (see below). The piling condition and the condition regarding biodiversity (which seeks to protect Prescott Brook by providing an 8m wide buffer) can be a planning condition should members be minded to grant planning permission.
- 9.99 The Local Lead Flood Authority (LLFA) who consider matters regarding drainage and flood risk has thoroughly assessed the planning application and the submitted Flood Risk Assessment. The LLFA has stated that they have no

objection to the principle of the development proposal subject to, should members be minded to grant planning permission, a condition requiring more detailed information regarding drainage and flood risk.

9.100 United Utilities also reviewed the planning application and requested the imposition of two conditions, one requiring details of a sustainable surface water drainage system and a foul drainage system and the second condition requiring the management and maintenance of the sustainable drainage system. The LLFA has confirmed that the condition they have requested encompasses those requested by United Utilities.

9.101 A water main and a public sewer crosses the site. This is a private issue between the landowner and United Utilities outside of the planning system.

9.102 Subject to the above condition, and in accordance with paragraph 173 of the NPPF and policies CS22 and CS24 of the Local Plan Core Strategy, it is considered that the development would not materially increase flood risk elsewhere. It can be demonstrated that the development can be made safe for its lifetime without unacceptably increasing flood risk elsewhere subject to the suggested condition.

Provision of Open Space

9.103 Core Strategy Policy CS21 sets out that when considering proposals for new residential development, the Council will seek enhancements to green spaces via on site provision, new off-site provision or enhancement of existing off site provision through developer contributions in accordance with Policy CS27 of the Local Plan Core Strategy. The Developer Contributions SPD sets out the appropriate space standards and contributions that can be sought for housing developments. The proposal incorporates some amenity open space on site and the following contributions would also be required:

Parks and Gardens: £75,620.97

Amenity Greenspace: £11,814.84

Provision for Young People and Children: £10,183.14

Allotments: £4,019.31

Outdoor Sports Provision: £59,550.39

Total Open Space enhancements: £161,188.65

9.104 The applicant has submitted a financial viability appraisal which, in brief, states that the proposed development cannot contribute for the requested open space contribution as it would make the development proposal unviable. This is discussed in more detail at paragraphs 9.113 – 9.124. The failure to provide these commuted sums means that the proposed development does not comply with Policy CS21 and this must weigh against the proposed development.

9.105 As stated above, the proposal does incorporate open space on site – 8,835sq.m which is considered advantageous as it provides direct connectivity to Carr Lane Woods and Prescott Brook. A footpath also is proposed from the existing

development site to the south (Prescot Parkway) ensuring excellent pedestrian and cycle connectivity.

- 9.106 Detailed landscaping plans have been submitted with the planning application and are generally acceptable however, some amendments are required to remove some specified species of planting as without adequate management they can become invasive. These amendments and the implementation of the landscaping scheme can be secured by planning condition should members be minded to grant planning permission.
- 9.107 The proposal does provide some on-site open space but fails to provide a commuted sum for off-site open space as required by Policy CS21. There is therefore some conflict with the development plan and this must weigh against the proposed development.

Archaeology

- 9.108 There is one non-designated heritage asset recorded on the Merseyside Historic Environment record: MME21743 Site of Old Carrs Colliery. Yates's map of 1786 shows coal pits in this area. A plan of 1809 shows buildings on this site labelled as Car Colliery. A shaft and two associated structures are shown on the 1894 six inch Ordnance Survey mapping.
- 9.109 The Archaeological Desk-based Assessment prepared by Lanpro (August 2023) considers there is a medium potential for the discovery of archaeological remains from the Industrial and 20th century periods. As this site has archaeological interest, it is advised that should members be minded to grant planning permission, a condition is required to ensure that the applicant undertakes a programme of archaeological work.

Sustainability

- 9.110 The proposal is major development and involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 'Waste Prevention and Resource Management' of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste (paragraph 8) and Planning Practice Guidance (paragraph 49) apply. These policies require the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal during construction and demolition works.
- 9.111 In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved is advised to be submitted should members be minded to grant planning permission. This requirement has been incorporated into the proposed condition requiring the applicant to submit a Construction Management Plan.
- 9.112 Policy WM9 'Sustainable Waste Management Design and Layout for New Development' seeks to ensure that new residential properties provide appropriate facilities for the collection and storage of waste and recyclable materials. The applicant has provided sufficient information in the submitted

‘Waste Management Plan’ and should members be minded to grant planning permission, this document can be made an approved document.

Social Value

9.113 The Council has adopted a Supplementary Planning Document ‘Adding Social Value to Development’ with the objective of maximising the employment and training of local people. The SPD requires applicants for major developments such as this to submit a ‘Social Value Strategy’ to the Council setting out how they propose to provide employment and training benefits for residents in the local area.

9.114 Fusion 21 who are the Council's partner in helping to deliver Social Value have requested a sum of £8,800 towards the production of and monitoring of the Social Value Strategy and this is to be secured through the applicant entering into a S106 agreement, should members be minded to grant planning permission.

Developer Contributions and Viability

9.115 Core Strategy Policies SUE2 and CS27 set out the requirements for new developments to meet the infrastructure demands they create. This approach is supported in the Development Contributions SPD. In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider whether the requirements within the S106 are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

9.116 The following contributions have been identified in relation to this development:

Contribution	Level of contribution required
Parks and Gardens	£75,620.97
Amenity Greenspace:	£11,814.84
Provision for Young People and Children	£10,183.14
Allotments:	£4,019.31
Outdoor Sports Provision	£59,550.39
Social Value contribution	£8,800
Biodiversity (no net loss) contribution	£290,000

9.117 It is considered that the contributions required as part of this application are justified and meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

- 9.118 As part of the submission, the applicant submitted a financial viability assessment as they stated that the required S106 contributions outlined above would make the scheme unviable.
- 9.119 The financial viability assessment was independently reviewed and assessed by the Council's financial viability advisors, Keppie Massie. They advise the appraisal produces a residual land value of £186,733 against the benchmark land value of £550,000. This demonstrates that at present the scheme isn't sufficiently viable to support the full planning contributions. Keppie Massie have prepared a further appraisal with reduced S106 contributions. This shows that to achieve the benchmark land value the scheme could support a contribution of around £11,000. The scheme could not offer more than that stated due to the cost of development, the high abnormal on site (e.g. contamination, noise, mine shafts). Added to this is the fact that the proposed scheme is for 100% affordable housing which provides a lower revenue compared to a market scheme.
- 9.120 Policy CS27 of the Local Plan Core Strategy states that where the Council is satisfied that viability evidence demonstrates that a developer is unable to fully fund all of the developer contributions sought, the Council will make a balanced assessment of whether planning permission should be granted notwithstanding that not all the contributions sought can be fully provided.
- 9.121 This is a 100% affordable housing scheme. Policy CS15 of the Local Plan Core Strategy normally requires 25% affordable housing provision within market housing schemes on SUE sites. However, this is a 100% affordable housing scheme, and this will be secured through a S106 should members be minded to grant planning permission. As the viability review was carried out on the basis the development is to provide 100% affordable housing it is considered reasonable in this instance to secure this level of affordable housing through the s106 agreement.
- 9.122 The applicant has also agreed to construction the 'missing footway' along Carr Lane, which is to be secured by condition should members be minded to grant planning permission.
- 9.123 The Social Value contribution is £8,800 and this will be requested in full, which leaves a residual £2,200.
- 9.124 As outlined earlier in the report, the applicant has agreed to pay a sum of £44,516.65 due to the damage to tree and destruction of habitat on site. This sum of money has been requested due to the damage on site and falls outside of the viability assessment. Should members be minded to grant planning permission, it is recommended that the residual £2,200 be added to the £44,516.65.
- 9.125 In summary, the applicant is contributing £8,800 towards social value and providing a 100% affordable scheme, details of which are to be determined within the S106 agreement. No money is being contributed towards open space nor towards biodiversity. As discussed in para 9.103 over 8,000sq.m of

open space is being provided on site which is advantageous given the green connectivity to Carr Lane Woods. Policy CS27 of the Local Plan Core Strategy states that where the Council is satisfied that viability evidence demonstrates that a developer is unable to fully fund all of the developer contributions sought, the Council will make a balanced assessment of whether planning permission should be granted notwithstanding that not all the contributions sought can be fully provided. Officers have carefully balanced the assessment and consider in this instance the delivery of 100% affordable housing and the contribution towards social value, together with the on-site open space, outweigh in the planning balance the lack of contributions towards open space and biodiversity.

- 9.126 Subject to the above, the proposal is considered acceptable, and the proposal complies with Policies CS15, SUE2 and CS27 of the Local Plan Core Strategy.

Comments on the Representations

- 9.127 Many of the points of objection raised from residents have been addressed previously in the report. The remaining points are addressed below.
- 9.128 The planning determination process can only consider material planning issues. Some of the issues raised by local residents are not material planning considerations and as such cannot be taken into account. These include concerns about loss of views, depreciation of property values as a result of development and any perceived issues with property purchases.
- 9.129 A number of objections have been received on the grounds that residents living on the adjacent development pay a maintenance fee towards management of landscaped areas. Concern has been raised that it would be unfair that new residents would be able to use these areas. The principle of providing a physically integrated development that incorporates good legibility with surrounding areas is a concept supported within Core Strategy policies (in particular policies CS19 and SUE2) and the design principles enshrined within NPPF. Policy SUE2 specifically requires the development to be integrated and have good connectivity. The inclusion of a continuous linear green space and footpath makes for excellent connectivity. As part of all new developments, the inclusion of a management and maintenance condition is a standard approach to ensuring the landscape areas are managed. This can only relate to the open space within the application site and the adjoining development is dealt with in this way. Each development will be subject to the maintenance regime agreed as part of each planning permission. How the management regime is funded is not a material planning consideration.

Conclusion

- 9.130 The development proposal seeks to provide 88 two storey, affordable homes within Prescot. The housing layout has been designed to ensure the efficient use of land, whilst also in the majority upholding design standards such as separation distances and garden sizes. The level of traffic generated by the proposal would not be of a level that would harm highway safety nor would it affect the local highway network. Where there is a loss in trees, these are to

be replaced, but some limited harm would be caused due to the loss of habitats in the site. Noise levels within the site are considered able to be mitigated against and the measures outlined within this report can be secured by condition.

- 9.131 The applicant is contributing £8,800 towards social value and providing a 100% affordable scheme, details of which are to be determined within the S106 agreement. No money is being contributed towards off site open space provision but over 8,000sq.m of open space is being provided on site which is advantageous given the green connectivity to Carr Lane Woods. Policy CS27 of the Local Plan Core Strategy states that where the Council is satisfied that viability evidence demonstrates that a developer is unable to fully fund all of the developer contributions sought, the Council will make a balanced assessment of whether planning permission should be granted notwithstanding that not all the contributions sought can be fully provided. Officers have carefully balanced the assessment and consider in this instance the delivery of 100% affordable housing and the contribution towards social value, together with the on-site open space, outweigh in the planning balance the lack of contributions towards open space and the harm cause due to the loss of habitats on the site.
- 9.132 The proposed development conflicts with some policies in the development plan but when considered as a whole is in compliance with the development plan and is therefore in accordance with Paragraph 11 of the NPPF and should be approved without delay. There are no material considerations which would require a determination other than in accordance with the development plan. Rather, the material considerations further support the grant of permission.

10. RECOMMENDATION

- 10.1 That Members grant authority to the Head of Planning & Building Control to grant planning permission under delegated powers subject to:
- (i) the conditions set out in the attached schedule or such additional or amended conditions that the Head of Planning & Building Control (in conjunction with the Chair of Planning Committee) considers appropriate; and
 - (ii) The applicants entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 securing 100% affordable housing, a Social Value contribution, and a contribution to compensate for the loss habitat on the site all as set out in the report.
 - (iii) In the event of the applicants not entering into a Section 106 agreement within 6 months of Planning Committee's resolution to secure the obligations, that Planning Committee delegate authority to the Head of Planning & Building Control to refuse planning permission under delegated powers, on such grounds, should it be deemed that insufficient progress has been made in completing the Section 106 agreement.

SCHEDULE OF CONDITIONS

	Condition	Trigger
1.	Time period to implement the permission – 3 years	Advisory
2.	List of approved plans and documents	Advisory
3.	Contaminated land condition (risk assessment, submission of a remediation scheme (RS); implementation of the approved remediation scheme; reporting of unexpected contamination; materials management plan; importation of soil/material testing)	Prior to the commencement of development
4.	Noise from traffic mitigation measures	Prior to the commencement of development
5.	Construction Management Plan	Prior to the commencement of development
6.	Drainage – Part A – sustainable surface water drainage scheme	Part A - Prior to the commencement of development
	Drainage - Part B – Management and maintenance	Part B – Prior to the first occupation of any dwelling
7.	Flood risk – site levels	Compliance
8.	Coal mine shaft remediation	Prior to first occupation
9.	Archaeological works	Prior to the commencement of development
10.	Piling foundation works	Compliance
11.	Parking and servicing, including electric vehicle charge points	Compliance
12.	Cycle parking	Compliance
13.	Construction of footpath along Carr Lane	Scheme to be submitted prior to the construction of any dwelling. Construction prior to the occupation of the 50 th dwelling
14.	Travel Plan	Prior to the construction of any dwelling.
15.	Lighting of the private drives	Scheme to be submitted prior to the

		construction of any dwelling. Implementation prior to the occupation of any dwelling served by that private drive
16.	3m wide footpath connecting Prescott Parkway to Carr Lane	Scheme to be submitted prior to the occupation of any dwelling. Implementation to be agreed within a written timescale.
17.	Details of photovoltaics and heat pumps	Prior to above ground works. Implementation prior to the first occupation
18.	Tree planting and soft landscaping	Prior to above groundworks. Implementation in accordance with an agreed timescale.
19.	Arboricultural Method Statement	Prior to the commencement of development
20.	Five working days' notice for trees	Compliance
21.	Leaflet setting out information about the Mersey Estuary SPA to be provided to all first-time occupier of new homes	Prior to first occupation
22.	Bat-sensitive lighting scheme	Prior to above ground works. Implementation prior to occupation.
23.	Soft felling of two trees	Compliance
24.	Enhancement measures for bat and bird habitat	Prior to above ground works. Implementation in accordance with an agreed timescale.
25.	No tree felling	Compliance
26.	Construction Environmental Management Plan	Prior to the commencement of development
27.	Amphibian mitigation strategy	Prior to the commencement of development
28.	Landscape and Habitat Management Plan	Prior to above ground works

29.	Protection of Prescott Brook	Prior to the commencement of development
30.	Retention of trees T3, T4 and T5	Compliance