

Agenda



Knowsley Council

29 May 2024

To: The Chairperson and
Members of the Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 6th June, 2024**, in the Council Chamber, Municipal Buildings, Huyton at **6.00pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

1. *Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Keith Glover on (0151)-443 3502 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Ms C Bannon	Ms J Lilly
D J Baum	Ms J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 14th March 2024.

(Pages 1 - 4)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **22/00233/FUL DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF LAND AT DYE HOUSE, PRESCOT, TO ERECT UP TO 45 RESIDENTIAL UNITS (TO INCLUDE A MIX OF HOUSES AND APARTMENTS) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (ACCESS TO BE TAKEN FROM THE EXISTING DEVELOPMENT TO THE NORTHEAST) - DYE HOUSE, LIVERPOOL ROAD, PRESCOT, KNOWSLEY, L34 3LX**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/00233/FUL in the search box

(Pages 5 - 58)

- (b) **23/02833/FUL CHANGE OF USE OF A DWELLINGHOUSE (USE CLASS C3) TO A 2 BED CHILDREN'S HOME (USE CLASS C2) - 9 LOGNOR ROAD, WESTVALE, KIRKBY, KNOWSLEY, L32 0SX**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02833/FUL in the search box

(Pages 59 - 72)

- (c) **23/02389/FUL NEW ACCESS AND LANDSCAPING SCHEME OF APPROVED AGRICULTURAL GRAIN STORAGE BUILDING (APPLICATION 23/00005/AGR) - LAND ADJACENT TO PRESCOT ROAD, NORTH OF RED HOUSE FARM AND SOUTH OF CRONTON ROAD, CHESHIRE, WIDNES, WA8 5PS**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02389/FUL in the search box

(Pages 73 - 84)

- (d) **23/02351/FUL REDEVELOPMENT (AND PART RETENTION) OF EXISTING DOGS TRUST REHOMING CENTRE TO DELIVER NEW FACILITIES INCLUDING NEW REHOMING BUILDING, VETS AND PUPPY SUITE, AN INTAKE AND BOOKING BUILDING AND TRAINING BARN, WORKS TO VEHICULAR AND PEDESTRIAN ACCESSES, LANDSCAPING AND LAYOUT INCLUDING OUTDOOR FURNITURE AND ASSOCIATED WORKS - DOGS TRUST, WHISTON LANE, HUYTON, L36 6HP**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02351/FUL in the search box

(Pages 85 - 120)

4. PLANNING COMMITTEE PROTOCOL UPDATE

To consider the report of the Head of Planning and Building Control.

(Pages 121 - 130)

5. PLANNING COMMITTEE SITE VISIT PROTOCOL UPDATE

To consider the report of the Head of Planning and Building Control.

(Pages 131 - 142)

6. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 143 - 164)

7. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning and Highways to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **COMPOUND, CHAPEL BROOK TRADE PARK, 13 WILSON ROAD, HUYTON, L36 6AW**

(Pages 165 - 168)

- (b) **5 KNOWSLEY PARK LANE, PRESCOT, L34 3NA**

(Pages 169 - 170)

- (c) **33 BEATTOCK CLOSE, TOWER HILL, KIRKBY, KNOWSLEY, L33 1ER**

(Pages 171 - 174)

8. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION REFERENCE: 22/00233/FUL

APPLICANT: Group D Developments and Thomas Rose

WARD AFFECTED: Prescott North

DEVELOPMENT: DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF LAND AT DYE HOUSE, PRESCOT, TO ERECT UP TO 45 RESIDENTIAL UNITS (TO INCLUDE A MIX OF HOUSES AND APARTMENTS) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (ACCESS TO BE TAKEN FROM THE EXISTING DEVELOPMENT TO THE NORTHEAST)

LOCATION OF SITE:

DYE HOUSE, LIVERPOOL ROAD, PRESCOT, KNOWSLEY, L34 3LX

DEVELOPMENT PLAN DESIGNATION:

Sustainable Urban Extension e) Land bounded by the A58

REPORT UPDATE REPORT TO BE READ IN CONJUNCTION WITH THE ORIGINAL COMMITTEE REPORT CONSIDERED BY MEMBERS AT 14/03/24 PLANNING COMMITTEE

This planning application was considered by members at Planning Committee on the 14th March 2024. Members resolved to defer the application until a site visit could be undertaken.

The original committee report (appended) sets out all the planning issues. Since the reporting of this planning application to March Committee, 6 additional representations have been received objecting to the proposal. No new issues have been raised within the additional representations. Concerns by one resident related to highway safety in connection with the McDonalds on Cables Retail Park opening 24 hours a day and the impacts on highway safety. Highway safety has been discussed in relation to this planning application in the main report and it is not considered that the McDonalds opening hours would have a detrimental highway safety impact on the proposed planning application. The issue of litter in relation to the McDonalds is also not material to the consideration of this planning application although litter is discussed in relation to the proposal itself in the original appended committee report.

SUMMARY OF TOTAL NUMBER OF REPRESENTATIONS

Two rounds of consultation were undertaken. There were 157 objections received following the first round of consultation, together with a petition with 98 signatures. 61

objections were received following the second round of consultation. 1 comment has been received in support of the application.

RECOMMENDATION:

The recommendation remains unchanged and is as follows:

That members delegate authority to the Head of Planning & Building Control to grant planning permission subject to:

- (i) The conditions set out in the attached schedule contained within the original committee report (appended) 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 the original appended report and the Biodiversity Net Gain (BNG), Social Value and Public Open Space contributions also set out in the original 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 s106 agreement.

CASE OFFICER

Clare Appleyard (0151) 443 2848

APPLICATION NO. 22/00233/FUL

APPLICANT: Group D Developments and Thomas Rose

WARD AFFECTED: Prescott North

DEVELOPMENT: DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF LAND AT DYE HOUSE, PRESCOT, TO ERECT UP TO 45 RESIDENTIAL UNITS (TO INCLUDE A MIX OF HOUSES AND APARTMENTS) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (ACCESS TO BE TAKEN FROM THE EXISTING DEVELOPMENT TO THE NORTHEAST)

LOCATION OF SITE:

DYE HOUSE, LIVERPOOL ROAD, PRESCOT, KNOWSLEY, L34 3LX

DEVELOPMENT PLAN DESIGNATION:

Sustainable Urban Extension e) Land bounded by the A58

REPRESENTATIONS:

Two rounds of consultation have been undertaken. There were 157 objections received following the first round of consultation, together with a petition with 98 signatures. 53 objections were received to the second round of consultation. 1 comment has been received in support of the application.

RECOMMENDATION:

That members delegate authority to the Head of Planning & Building Control to grant planning permission 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 and the Biodiversity Net Gain (BNG), Social Value and Public Open Space contributions also 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 s106 agreement.

CASE OFFICER

Clare Appleyard (0151) 443 2848

1. SITE AND SURROUNDINGS

- 1.1 The application site consists of an area of land approximately 1.09 hectares in area which forms part of a Sustainable Urban Extension (SUE) allocation within the Knowsley Local Plan Core Strategy (policy SUE1). The site consists of a single dwelling known as 'Dye House', an associated brick outbuilding and gardens, a paddock area to the north and an area of low-lying vegetation to the west.
- 1.2 Prescott Brook, classified as a main river, runs across the site from the southeast to the northwest. The site itself lies predominantly within flood zone 1, with part of the site within flood zone 2 (mainly to the north of the brook); a small area is classed as flood zone 3, this being directly adjacent to Prescott Brook and around the access into the site from Liverpool Road.
- 1.3 The site contains extensive landscaping to the south of the brook and to the front of Dye House. Mature landscaping also lies to the south, southwestern and western site boundaries. Many of the trees adjacent to the A58/Liverpool Road roundabout lie adjacent to the site and not within it.
- 1.4 The site forms a small area of an allocated 'Sustainable Urban Extension' site with the majority of the SUE site already benefiting from planning permission under planning application reference 19/00684/FUL. This consent was for the erection of 227 market dwellings and this permission is currently under construction by Taylor Wimpey and is now known as Orchard Park. As such the site is bound by residential properties to the north and east with Liverpool Road and the A58 roundabout running along the southern and southwestern boundary. The A58 bounds the west of the site. More residential and limited commercial properties lie further south and southwest.
- 1.5 The site has a difficult topography with higher ground levels adjacent to the northern site boundary, falling slightly towards the brook and rising again to the south of the brook and adjacent to Liverpool Road. The southeastern corner of the site is raised, with levels falling to the east with the boundary of Orchard Park and Walnut Grove. Aligned with the presence of the brook and the mature landscaping on the site this provides a challenging context to the development.

2. PROPOSAL

- 2.1 The proposal is for the demolition of Dye House and its associated outbuilding and the construction of 19 houses and 26 apartments, with associated private and communal gardens, car parking, a foul water pumping station, substation and associated works.
- 2.2 The apartments are split into two blocks. Apartment block A consists of 20 apartments which are a mix of 10 one bed, 8 two-bed and 2 three-bed apartments. Apartment block B consists of 6 one-bed apartments. The proposal also seeks permission for 3 two bedroomed houses and 16 three bedroomed houses which are a mix of two and three storeys.
- 2.3 All of the properties within the site are proposed to be rent to buy tenure affordable

homes

- 2.4 The access into the site is through the existing Taylor Wimpey development to the north. A pedestrian and emergency access point are proposed in the location of the existing access to Dye House off Liverpool Road. This will be controlled by bollard(s) to prevent general vehicular access and egress.
- 2.5 The proposal incorporates 70 car parking spaces and an 8-metre offset zone around Prescot Brook. Bin stores and cycle stores are proposed to serve the apartment buildings. A maintenance zone has been provided adjacent to the sandstone wall next to Liverpool Road to the south of the site.

3. RELEVANT PLANNING HISTORY

In accordance with the Environmental Impact Assessment (EIA) Regulations the proposal does not require an EIA.

The land to the north and east of the site has planning permission for the following:

19/00684/FUL - ERECTION OF 227 NO. DWELLINGS TOGETHER WITH VEHICULAR/PEDESTRIAN ACCESSES, LANDSCAPING & ASSOCIATED INFRASTRUCTURE Approved 18/12/20.

4. ARTICLE 35 STATEMENT

- 4.1 Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

5. EQUALITIES ACT 2010

- 5.1 In formulating a recommendation on this application, the Local Planning Authority has considered the requirements of 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 application was first advertised in October 2023 by display of a site notice, in

the local press and letters sent to neighbouring properties. A second round of consultation on an amended scheme, involved letters to neighbouring properties in December 2023. The first round of consultation resulted in 157 objections being received (including from Cllr Wynn) and the second round of consultation resulted in 53 further objections being received. A petition with 98 signatories has also been received. 1 comment has been received in support of the proposal. The objections are summarised below:

Green Belt

The application site is within the Green Belt and should not be built on.

Highway Impacts

The proposal will be harmful to highway safety, will lead to more traffic in the estate (both construction traffic and traffic serving the proposed dwellings) and will create congestion.

There is only one access, and this is proposed to be taken through the Orchard Park estate. As this site is currently in the process of being built out by Taylor Wimpey, it is considered that the applicant should liaise with the landowner to discuss how the site will be accessed and provide details of this with their application.

The access will be difficult to negotiate at various times of the day and heavy machinery and plant accessing the site will be very disruptive harming residential amenity.

Concern has been raised from a safety perspective due to construction traffic using the existing estate to access the site.

The access road will be right outside Acorn Drive properties and the additional cars/construction vehicles passing the properties directly adjacent and facing the access road will be adversely impacted from the additional traffic creating noise, light and air pollution and general disturbance.

The junction onto Liverpool Road does not provide sufficient time to exit Olive Road, even with only part of the SUE site built out.

This junction at Olive Road and Acorn Drive does not safely allow for the volume of traffic either.

Roads on the existing estate are narrow and not fit for purpose and the main T-junction on the Taylor Wimpey estate is already very tight and not sufficient for additional traffic.

The proposal does not comply with the Knowsley Parking standards set out in the SPD. The development should provide a minimum requirement of 74 spaces but

only provides 72 spaces. Concern has also been raised about parking obstructing roads etc.

The proposed parking layout on some plots is inappropriate.

There are a number of areas along the spine road where there are missing gaps in the footway provision. At the site entry the western footway stops with no crossing facilities.

The footway stops on the eastern side (to the north of the apartment block A parking) which means that pedestrians would again have to cross the road. There is also no footway on the northern side of the southern part of the spine road beyond plot 26. For adoption and accessibility purposes, this is usually expected to be provided as well.

Refuse Vehicle Access and impacts of bin store location

The turning head within the western part of the site is not uniform and does not have typical width footways or service strips around the turning area for adoption purposes.

Many apartment developments have poor waste management systems. Concern has been raised from a visual amenity perspective but also in relation to litter, vermin, pests and the risk of arson.

Concern has been raised about the bin store being at the rear of the gardens of Acorn Drive properties and the impact of this in terms of noise, odour, vermin and this being a potential fire hazard as well as problems with overspilling litter.

Inconsistencies with the information submitted

Concern has been raised in relation to the inconsistency of the information submitted. The applicant has confirmed they are the sole owner of the land but then submitted a Certificate B with their submission and served this on Taylor Wimpey. Taylor Wimpey states that they have not received notification from the applicant that the application has been made.

There is also inconsistency with the information in relation to the proposed number of dwellings with reference made to 21 dwellings in the layout but the application form states a net gain of 49 dwellings. The description of the development, planning statement and plans state that there are 45 dwellings.

Design

The proposed development falls within the Land bounded by the A58 Sustainable Urban Extension (SUE) designation. The proposed development of 45 units and the consented 227 dwellings on the Whitakers Garden Centre site result in 272 dwellings being delivered across the site allocation.

It is not considered that the proposed elevations and materials would be in keeping in terms of the character, materials and design, with the adjacent Taylor Wimpey site or the surrounding area.

The rest of the SUE site consists of dwellings so apartments are not in keeping with the design of the existing estate which are mainly 3 or 4-bed houses.

Concern about the density of the development.

The proposal will have adverse impacts on visual amenity.

Residential Amenity

There is concern about the impact of the position and height (3 storey) of apartment Block A and the resulting residential amenity impacts on the future occupiers of units to the rear of this block. The close proximity of Block A (8m from the rear boundary) will have overlooking impacts and the scale, design and height of the apartment block will lead to loss of light to neighbouring properties.

The building up of land levels will also impact on residential amenity including loss of privacy.

Some properties overlook open space and this will be replaced by a large apartment building/dwellings which will negatively affect residential and visual amenity through dominance/overshadowing/loss of privacy.

A section plan has been requested in relation to the construction of the car park serving apartment block A and to ensure the retaining wall along the boundary is not affected.

Increase in noise pollution and disturbance from the development, the apartment blocks, traffic and construction as well as other effects during construction e.g. mud on the road, dust, pollution etc.

Increase in light pollution from the development and from traffic using the development.

The location of the footpath within the green linear corridor area will lead to loss of privacy as children's bedrooms etc will be overlooked

The access road will increase overlooking. One response has also raised that they are Chinese, and, in their religion, it is bad luck to live right by a junction.

Concern has been raised that a local resident's autistic child has no sense of danger and so there is concern about the disruption from traffic including having the access road in its current location, which will put their child's life in danger.

The open brook within the development is a potential drowning danger.

Air Quality

The proposal will negatively impact on air quality especially during construction and from traffic.

Affordable Housing

It was understood that there would be no affordable housing.

The tenure mix of the homes has not been made clear.

The proposed housing tenure and mix does not align with the affordable housing need evidence for the area. Market evidence should be provided to justify housing mix and tenure.

Concern about living next to a housing association managed area of social housing. One resident reported that they had moved away from social housing due to their experience living near it.

Drainage

The Hydraulic Modelling Assessment suggests an increase in the water level within the Whitakers Garden Centre boundary and it is requested that this is quantified and comparisons provided to allow an understanding of the implications of this.

The application site holds water regularly and this raises concerns about the impact the development could have on the adjacent Taylor Wimpey site and its drainage infrastructure.

The proposal will exacerbate this issue as more water flows into the Brook. The loss of the Willow is a particular concern as Willows hold water and help mitigate against flooding.

Concern about limited drainage information and increased flood risk on the application site and adjacent sites.

The proposal involved building directly next to Prescott Brook which will disrupt the drainage system as the flood plain is compromised.

The development site is within a flood risk zone and raising levels will create increased problems with flooding for neighbours.

The culvert should be made bigger and the proposal to leave the stream open would be a health and safety risk e.g. a risk that young children might fall into the stream.

Ground Stability

Concern that building on the Dye House land will affect the stability of adjacent built-up gardens and properties within Orchard Park.

There has been previous coal mining activity in the area which can be potentially hazardous and create land stability issues and the development may lead to subsidence and create a safety risk.

Impacts on Biodiversity

The proposal will negatively impact on bats in the area, which have been seen using the property proposed to be demolished.

The proposal will negatively impact on protected species such as birds, foxes.

Tree Impacts

All protected trees should be retained. Two trees have already been accidentally killed on the Orchard Park development and concern that this will happen to other trees.

The proposal involves the loss of some mature trees including the Willow tree on the eastern boundary of the site. The loss of trees will be a big loss as they help protect privacy and act as a noise buffer for traffic from Liverpool Road and the Bypass.

The replacement trees within the proposed landscaping scheme are not considered of an adequate size to replace mature trees or offer mitigatory habitat for wildlife.

Concern that the tree report is outdated (2021).

The proposal will result in the loss of greenspace.

Impact on Services

A large number of houses have been recently built in the area with no additional infrastructure. The proposal will lead to increased pressure and increased difficulty accessing schools, doctors, dentists, nurseries, hospitals, social care, local amenities etc.

Social and economic impacts

Depreciation of property values. It is unfair that residents were not able to consider the new application /development of the Dye House site before purchasing their property and with the cost of living crisis, may not be able to move away if they wish to.

How will the proposed development affect land management fees and how will tenants be selected? Queries have been raised about why other housing associations have not progressed with this site.

Anti-social behaviour

There has been an increase in crime and antisocial behaviour in the area. Recent dispersal zones regarding anti-social behaviour in Prescott ends at Derby Street/Liverpool Road by the Clock Face Pub and very close to Orchard Park. This pushes the issue outside Prescott high street and onto Orchard Park/Liverpool Road residents.

Will there be criteria stipulated for tenants e.g. over 50s to help ensure anti-social behaviour does not increase.

Amended Plans

The amended plans have disregarded and failed to address resident's concerns. The Council has failed to consider the significant and legitimate concerns raised by residents and the plans should be re-evaluated and meaningful engagement undertaken.

Additional

Concerns about process transparency and concerns about the purchasing process of some of the Orchard Park properties and the information that was made available to those purchasing their properties. The Dye House application did not show up on local searches during the purchasing of properties on Orchard Park.

Concern that residents (of Orchard Park mainly) were not invited to consult/comment on this proposal as part of the applicant's engagement with local residents. Orchard Park residents, who are most affected by the proposal, were excluded from the local engagement process.

Concern that Orchard Park residents were not made aware of the connecting access link road to the Dye House site. Residents were assured when they purchased their properties that the area had no plans for social housing or shared housing, only 3 or 4 bed houses. Having the access link from Acorn Drive will make the proposed application site and Orchard Park feel like one housing site. Will TW residents have to pay for the upkeep of the proposed site and how would boundaries be determined? If Orchard Park residents have to pay a public/communal areas management fee, why are these residents being put at

risk of having these areas used by new residents? People who do not pay for the maintenance of the greenspace areas around the estate are less likely to respect these areas. It is not fair that a management fee is paid for maintenance of the estate which could then be accessed/used by Dye House residents.

Loss of views and loss of a pleasant wildlife/open space area.

Concern has been raised about the short consultation period for additional comments to be made to the amended plans notification.

The planning process has lacked transparency with insufficient information and engagement with the community.

There is a disregard for the community as there is a lack of a defined boundary. The plan to integrate the two sites is a threat to privacy and security.

6.2 Letters in support of the scheme

One letter of support has been received and the grounds of support are summarised as follows:

The proposal won't be an off the shelf cut and paste architecture following the 'dull visual narrative' of modern house building.

The retention of 50% greenspace across the development is considered to be a credit to the design of the scheme.

Too many developments in the town are based on maximising numbers.

The retention of the well-established trees will help with local wildlife which too often has been for the developer to remove all landscaping across the site and replace with new trees which take years to mature.

The variety of 1 and 2 bed apartments and family homes delivers opportunities for many who cannot afford a 3- or 4-bedroom house.

7. **CONSULTATIONS**

Prescot Town Council – Objected to the proposal on the grounds of visual amenity, highway safety, flooding and loss of trees.

KMBC Highways – No objection subject to the following conditions: highways construction management plan; provision of cycle parking; provision of the parking, servicing, vehicular manoeuvring areas which shall be surfaced, drained and marked out in accordance with the approved details; and the submission of a lighting scheme for the private communal areas.

KMBC Arboricultural Officer – No objections subject to conditions requiring the development to be carried out in accordance with the Arboricultural Impact and Method Statement, tree protection details, 5 days' notice to be provided to the Council before works commence and a condition to secure tree replacements on a 2 for 1 basis with mitigation to include climax species.

KMBC Landscape Architect – No objections raised. It is considered the amended scheme responds better to site constraints, especially removing plots 44 and 45 and relocating the bin store. A watching brief is required in relation to the acoustic fence next to the Prescott Bypass to protect the trees. There should be a continuation of the cycle and pedestrian route through onto the Taylor Wimpey development site.

Housing Strategy – No objections raised although it was requested that the proposal include affordable/social rent tenure and that any scheme incorporate level floor wet/shower rooms to assist in meeting housing need. The Council's housing need is in relation to 1 and 2 bedroom accommodation, 4-bed accommodation and the need for these house types is for affordable/social rent.

KMBC – Waste Management – No objection raised. There is a preference for one bin store to serve the Apartment Block A and concern has been raised that parked cars will prevent refuse vehicles turning round in the turning head next to the pumping station.

Environmental Health – No objections subject to the imposition of the following conditions: contaminated land (risk assessment, submission of a remediation scheme; implementation of the approved remediation scheme; reporting of unexpected contamination; materials management plan; importation of soil/material testing); noise mitigation scheme for properties; full details of the acoustic barrier; fixed plant noise; and construction management plan.

Merseyside Police – Whilst no objection has been raised, Merseyside Police have raised the following concerns: plots 29-32 do not show access arrangement at the rear for bin movement and further detail is required as there is limited natural surveillance; the cycle storage is remote from the apartment blocks and further detail is required for the greenspace area in terms of how this will be managed to prevent anti-social behaviour.

Merseyside Fire and Rescue – No objections. Informative to be added to any decision.

Conservation and Design Officer – No objections raised although concern raised about the lack of Heritage Impact Assessment and the impacts of the acoustic fencing on the gateway location into Prescott.

Merseyside Environmental Advisory Service – No objections subject to the following conditions: submission of a landscape environmental management plan; soft felling of the mature oak tree (trees with bat roost potential); no works to be carried out within 5 metres of the top of the bank of the Brook; submission of a construction environmental management plan; reasonable avoidance measures for terrestrial mammals; inclusion of hedgehog highways; details of lighting to protect bats; pollution prevention measures to protect the Brook; submission of a

method statement to remove or treat the Himalayan Balsam which is an invasive species; site waste audit; providing a leaflet within the home buyers pack detailing nearby European Designated Nature sites and highlighting awareness of the impacts of “recreational pressures” on those sites as well as offering information about other areas that can be visited to ease this pressure; and the implementation and submission of a report setting out a programme of archaeological watching brief works (including a written scheme of investigation).

Environment Agency – No objections subject to a condition requiring the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures set out therein including: finished floor level restrictions, provision of a safe access and egress route for residents during flood conditions onto Liverpool Road, sequential location of the development within the site and provision of 8metres either side of Prescott Brook that will facilitate unobstructed maintenance.

LLFA – No objections subject to a detailed drainage strategy condition and a drainage management condition.

United Utilities – No objection subject to a drainage condition and an informative.

The Coal Authority – No objections subject to the imposition of a condition to secure the remedial stabilisation works to address land instability arising from coal mining legacy and a condition requiring the submission of a signed statement or declaration to confirm the site has been made safe and stable for the development and confirming the remedial works and mitigation measures have been carried out.

Natural England – No comments to make.

Cadent Gas – No objections. An informative is recommended confirming Cadent operates gas infrastructure in the area of the development.

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8. POLICY CONTEXT

8.1 The National Planning Policy Framework is a material planning consideration in the determination of planning applications. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 then clarifies that achieving sustainable development means that the planning system has three overarching interdependent objectives: an economic objective to help build a strong, competitive and responsive economy; a social objective to support vibrant, strong and healthy communities; and an environmental objective to contribute to protecting and enhancing the historic and natural environment.

8.2 Paragraphs 11 and 12 of the National Planning Policy Framework state 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 relevant adopted policies for the assessment of the application are listed below.

Knowsley Local Plan: Core Strategy (2016)

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS3 – Housing Supply, Delivery and Distribution
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

Knowsley Replacement Unitary Development Plan (Saved Policies 2009)

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
H7 – Provision of Flats, Nursing and Residential Homes, Hostels and HMOs

The Joint Merseyside and Halton Waste Local Plan (2013)

WM8 - Waste Prevention and Resource Management

WM9 - Sustainable Waste Management Design and Layout of 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

National Planning Policy

National Planning Policy Framework (2023)

National Planning Policy for Waste
Planning Practice Guidance

- 8.3 The NPPF is a material planning consideration in the determination of planning applications. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 11 and 12 of the NPPF states that decisions should apply a presumption in favour of sustainable development. Paragraph 8 then clarifies that achieving sustainable development means that the planning system has three overarching interdependent objectives:
- an economic objective to help build a strong, competitive and responsive economy;
 - a social objective to support vibrant, strong and healthy communities; and
 - an environmental objective to contribute to protecting and enhancing the historic and natural environment.
- 8.4 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. '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 NPPF is considered to be up to date national planning policy.
- 8.5 The Knowsley Local Plan: Core Strategy was adopted in January 2016, although 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 the NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

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. It is noted that the Local Plan Core Strategy and the most important policies for determining the application are up to date such that the 'tilted balance' in paragraph 11d of NPPF does not need to be applied.

- 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 *land bounded by A58, Prescot Sustainable Urban Extension*, which is allocated for residential development within the Local Plan Core Strategy by policy SUE1. The application site is part of a wider site allocated in the Core Strategy for residential development. Therefore, the application proposal for residential development is acceptable in principle and the construction of 45 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

- 9.5 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.
- 9.6 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.

Comprehensive Development

- 9.7 The NPPF introduces an obligation to make the efficient use of the limited land resource with a view to creating well designed places. The need to ensure that planning permissions within the allocation deliver and facilitate comprehensive development is a clear priority within the Council's Local Plan Core Strategy Policy SUE2 which states:

"Development within Sustainable Urban Extensions must [...] demonstrate a comprehensive approach to the development of the relevant Sustainable Urban Extension and to infrastructure provision' (excerpt from Policy SUE2 part 1b)."

- 9.8 As such, it is a clear thread of national and local policy that the site must be brought forward in a comprehensive manner. The application site is a southern parcel of land that sits within the wider SUE allocation and Taylor Wimpey are building out the first land parcel (known as Orchard Park) under planning permission reference 19/00684/FUL.
- 9.9 The proposal seeks to utilise an existing access spur that formed part of the Taylor Wimpey development. This spur has not been constructed and remains an undeveloped grass/earth slope currently. A S106 agreement which was signed as part of the Taylor Wimpey planning permission sought to secure comprehensive development with the application site by including provisions to ensure access for any potential development on this site.
- 9.10 The s106 also includes a commentary on what happens if no agreement is reached on the land transfer. In particular the s106 requires the completion of the access road within 6 months of the completion of any land transfer. A condition is therefore recommended (if members decide to grant planning permission) to ensure that no part of the development is occupied until the access road has been completed, including any estate road sewers and service media connections within the access road spur. Should members decide that permission should be granted a further condition is recommended to ensure that the full access road details are submitted to and approved in writing by the Local Planning Authority prior to its construction.
- 9.11 The above provisions and conditions ensure that the access road will be constructed to an acceptable standard to serve the proposed development and seeks to promote comprehensive development across the SUE site.
- 9.12 The development also includes a linear corridor of greenspace that runs through the site continuing from the Taylor Wimpey housing development which ensures a comprehensive approach to the green space provision. There is also a footpath link onto Liverpool Road which comprehensively links the development to the wider strategic road network.
- 9.13 In terms of comprehensive development, there is one small area where it is difficult to link the sites because the land ownership is not within the control of the applicant. This is in the northeast corner of the site where there is no link to the existing footpath on the Taylor Wimpey development, adjacent to 16 Walnut Grove. Nevertheless the applicant is agreeable in principle to a mown path to the boundary and has amended the proposed ground levels so they seamlessly integrate with the adjacent land in this area. The levels detail can be secured via condition if members are minded to grant planning permission.
- 9.14 There are some retaining structures which will be kept in place by the entrance and whilst this has limited impacts on integration, existing land levels, flood risk and the route of the brook mean that this area needs to remain at a higher level to secure a footpath link onto Liverpool Road. Having regard to the fact that the applicant cannot build a connection on the adjacent land as they do not own this part of the site, it is considered that the site achieves a good level of integration and promotes comprehensive and integrated development as required by Core Strategy policies SUE2 and CS19. It is recommended that conditions are also imposed relating to hard and soft landscaping and boundary treatments to achieve good levels of integration (if members are minded to grant planning permission).

- 9.15 Overall, the scheme delivers a comprehensive approach to development and the use of the above planning conditions will help secure comprehensive development.

Design, Layout and Residential Amenity

- 9.16 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 (including signage) 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. In this case high levels of integration are required with the existing part of the SUE site which is in the process of being constructed as well as the surrounding area including the A58/Liverpool Road. 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.
- 9.17 It is noted that concern has been raised by neighbours that the proposed development will be seen as one housing site, alongside Orchard Park. However, this is the aspiration of Policy SUE2 as high levels of integration are required by both Policy SUE2 and CS19 of the Local Plan Core Strategy, to ensure that both developments include legible links and relate well together.
- 9.18 Specific concern has been raised that the proposal fails to accord with Policy SUE2 part c). This part of the policy states that development in SUE allocated sites should 'be of a high design quality which enhances local distinctiveness and identity (incorporating localised design features where appropriate) and provides high levels of physical and visual integration and connectivity with adjacent urban development'. The objection states that the development does not incorporate design features or materials used within the adjacent Orchard Park development and this will create a visually separate development.
- 9.19 During consideration of the application the proposal has been amended to: remove two plots (identified as plots 44 and 45 on the originally submitted layout) which ensures the continuation of a green link and offers some continuity between the application site and Orchard Park.
- 9.20 The levels of the site are raised to the north and this is partly due to the Environment Agency requiring flood risk mitigation, whereby overall finished floor levels have to be raised to protect future occupants from the risk of flooding. However, the levels have also been raised to allow the development to be able to integrate and utilise the access road, as levels to the north within the Orchard Park site are at a higher level than the application site. Additionally, levels need to allow the access road to be built over a culverted section of Prescott Brook.
- 9.21 The development includes a retaining structure and a linear green space and footpath running along the eastern boundary of the site with a larger area of green

space to the northeast. The applicant has worked hard to ensure that the level changes adjacent to Walnut Grove (on the Orchard Park estate) tie in with the adjacent land levels as much as possible. Hedging is proposed to delineate the eastern boundary with Walnut Grove which is considered to be acceptable.

- 9.22 Concerns have been raised that the introduction of apartments will not be in keeping with the area. However, policies SUE2 and CS17 of the Local Plan Core Strategy seeks to ensure that new developments incorporate a mix of housing having regard to local housing need. There is a need for 1 and 2 bed units within the area as well as 3, 4 and 4+ bedroomed dwellings. As such, it is not considered that the proposal should be refused on the grounds that apartments have been included in the housing mix.
- 9.23 The properties within the development are of a high-quality design, utilising brick detailing and a red brick. The materials are in keeping with the character of Prescott and the existing SUE site development.
- 9.24 The level of design integration between the application site and Orchard Park is limited as the proposed properties appear rather different to the existing dwellings with little integration apart from the brick colour and the fact that pitched roofed properties are being constructed using brick and grey roof tiles. Furthermore the adjacent site use of stone cills, low arch brick window heads, front bay windows and use of a traditional architectural approach does not fully align with the more modern design proposed by this application. However, this scheme has attempted to take on board some integration within the surrounding area including use of red brick and grey tiles and general use of brick detailing.
- 9.25 Separation distances between properties are considered to be in keeping with the recommended separation distance in the Amended New Residential Development SPD. In particular, the SPD requires the retention of a 22m interface distance between the existing rear principal elevations and proposed principal elevations for two storey properties and where proposed properties are higher than 2 storeys, or involve significant levels changes, a further 3m (per floor) should be added.
- 9.26 Objections have been received about the close proximity of the apartment building in particular, to neighbouring properties on Acorn Drive. The apartment building is 25 metres away at its closest point which is considered to comply with the SPD in terms of the interface distance between Acorn Drive properties and the proposed apartment block A building, having regard to the scale and height of this building. The separation distances achieved help to mitigate any dominance impacts and ensure that the proposal would have acceptable impacts in terms of loss of privacy and overlooking.
- 9.27 Having regard to the height of the proposed building, the ridge height varies across apartment block A which helps to break up the massing of the building. The closest element of apartment block A to the Acorn Drive properties has a ridge height of approximately 10.9m. The maximum height of the building has a ridge measuring c12.9m, as measured from the proposed ground level. The building at its closest point is 25 metres from Acorn Drive properties and is set back further, by approximately 29.6metres at its furthest point from some of the Acorn Drive properties.

- 9.28 The applicant has submitted drawings to show that the overall ridge height of apartment block A has been reduced in height from the ridge height of the original proposal. However, it should be noted that this has been achieved by lowering ground levels in part, as well as amending the design of the building. In simple terms the land the building is sitting on has in effect has been lowered to reduce its impact rather than reducing the overall massing of the building generally.
- 9.29 Having regard to the siting, massing, height and scale, it is not considered that, on balance, the proposal is overly dominant on the neighbouring properties along Acorn Drive nor will it lead to unacceptable levels of loss of light. The applicant has demonstrated the relationship of the apartment building A with the residential properties along Acorn Drive. This shows that even with the change in land levels, the ridge height will not protrude above the height of one of the house types on Acorn Drive but will be approximately 1.7m higher than some of the lower ridge height properties on Acorn Drive.
- 9.30 The size of the apartment building and the extent to which it runs alongside a number of properties to the north of the site has been a concern during the consideration of the application. The plans have been amended following discussions with the applicant to reduce this impact, however there are no adopted standards in Knowsley which provide guidance on the appropriateness of this relationship. Nevertheless given the distance from the boundary and the scale, massing, height and design of the apartment building, in combination, is not considered the building would be overly dominant in relation to the existing properties.
- 9.31 The Amended Residential Development SPD also 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.
- 9.32 The scheme overall meets the interface distances within the SPD. There are 7 gardens which are marginally below the 10 metre minimum garden depth (plots 29,30, 33 to 36 and 43), but this would not be significantly harmful to the occupants of those dwellings. 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. 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.
- 9.33 Concern has been raised about the footpath to the east and the potential for users of the footpath to be able to look into bedrooms of the Orchard Park properties. At its closest point the footpath would be approximately 21.5 metres from the nearest residential property along Walnut Grove. There are no adopted separation distances relating to residential properties and footpaths. However, 21.5 metres is considered sufficient to ensure that the relationship does not cause unacceptable harm to privacy and as such, the impacts of the footpath on residential amenity is considered to be acceptable in terms of overlooking and loss of privacy impacts.

- 9.34 The Amended New Residential Developments SPD requires blocks of flats to provide a minimum of 20m² garden area per flat (either shared space or individual) which should exclude bin stores etc. The communal space for apartment block B includes 93m² of garden area (guidance recommends 120m²). Based on guidance in the SPD Apartment block A should provide 520m² of communal/individual gardens area. The proposal incorporates approximately 877m² of space. Overall, considering the additional communal space to the south of the Brook, the level of amenity space is considered acceptable.
- 9.35 On balance, the interface distances and garden sizes are broadly compliant with the Amended New Residential Developments SPD and the proposal incorporates areas of greenspace to the south of Prescott Brook and some linear space on the eastern side of the site which ensure adequate amenity greenspace and communal space are provided for occupants of the proposed dwellings and apartments across the development.
- 9.36 In terms of how the design takes its cues from the adjacent SUE land parcel, the applicant has agreed to utilise red brick rather than buff brick although the design itself is more modern and does not take many specific design features from the Orchard Park more traditional architectural approach. The scheme therefore shows only moderate compliance with part c) of Local Plan Core Strategy policy SUE2 and part a) of Core Strategy policy CS19, but this is not considered to be harmful to the character and appearance of the area and consequently the small conflict identified above with policies SUE2 and CS19 is given limited weight against the proposal. In coming to this view regard has also been given to the Design Quality in New Developments SPD.
- 9.37 Should members be minded to grant planning permission it is recommended that samples of the proposed materials are submitted to and approved and full details relating to hard and soft landscaping, boundary treatments and final levels (to include section details showing the section across the car park to Acorn Drive properties and a section detail showing the greenspace to include 16 Walnut Grove) are also secured by condition in the interests of protecting visual amenity and delivering a high-quality integrated development.

Density

- 9.38 The application proposes a density of 39.6 dwellings per hectare excluding the access road spur and 38.6 dwellings per hectare when including the access road spur. 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.
- 9.39 The proposal does, when combined with the Orchard Park development, provide 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 133 dwellings and the Orchard Park planning permission exceeded this figure on its own. The Orchard Park committee report considered this matter of density at the time and concluded that Appendix E set out an estimate of capacity and this is not the number of dwellings which the site is allocated for. 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

- 9.40 This is a 100% affordable housing scheme and an Affordable Housing Statement (AHS) has been submitted in support of the application. Whilst the tenure mix is not clear within the AHS, other supporting information with the application indicates that the tenure mix will be 100% rent to buy. The Affordable Housing Statement also sets out the broad criteria under which a tenant will be given the opportunity to purchase their home. 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.
- 9.41 The Housing Strategy Department has confirmed that there is a high-level need on the Council's Housing Register for 1 and 2 bedroom accommodation and 4 bedroom homes. Housing Strategy has also confirmed that there is a need for social/affordable rent.
- 9.42 An objection has been received on the grounds that the proposal does not align with housing needs for the Borough which are set out in the Knowsley Housing Needs Assessment 2021 and the Knowsley Housing Strategy 2022 -2027. The Housing Strategy response clearly sets out the affordable housing needs for the area in relation to dwelling bedroom numbers. The proposal does include 16 1-bed apartments, 8 2-bed apartments and 3 2-bed dwellings. The remaining split consists of 16 3-bed dwellings and 2 3-bed apartments.
- 9.43 The scheme includes 60% of units that meet housing need in terms of bedroom numbers for the rent to buy units. Whilst the scheme does not include any affordable rent tenure, the 2021 Housing Need Assessment 2021 still shows a need for both affordable home ownership and affordable rent products.
- 9.44 It is noted that the Housing Strategy team has not objected to the development and there is still a need for the affordable housing tenure and mix proposed. This is clearly shown within the Housing Need Assessment 2021 which states the following needs:

Affordable rent:

29.4% 1-bed;

28.7% 2-bed;

39.5% 3-bed;

2.4% 4 or more bedrooms.

Affordable home ownership:

7.6% 1-bed;

33.4% 2-bed

44.7% 3-bed;

14.3% 4-bed or more bedrooms.

- 9.45 The proposal therefore is considered to still 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.
- 9.46 The applicant has agreed to enter into a s106 to deliver the affordable housing through submission of an Affordable Housing Scheme (to secure 25% affordable housing on site via this mechanism) and to secure the recycling of receipts back into the borough for those properties where the purchaser has acquired equity through a staircasing event.

Trees and Landscape

- 9.47 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.
- 9.48 The applicant has submitted an Arboricultural Implications Assessment and an Arboricultural Method Statement in support of the application. Residents have raised concerns about loss of trees and stated that there is a Tree Preservation Order which covers the grouping of trees in the area of land between Liverpool Road and Dye House, to the east of the access road into Dye House. However, this was a temporary TPO (which was made in 2021) that has now lapsed. The trees within the site are not currently covered by a TPO.
- 9.49 The landscape masterplan submitted with the application sets out that the proposal includes the loss of 14 trees. These include the removal of a Willow (tree quality category rating B2), Lime (A3) and two Sycamores (one is A3 and the other is B2). The proposal also includes the removal of group G4 (category A3-C2) which includes a Lime, an Oak and 5 Sycamores and part removal of groups 3 and 8 which include trees within categories B2-C2. The remaining trees proposed for removal are B2 category trees.
- 9.50 In terms of the tree quality rating, the best trees fall under an A category rating meaning they are of high quality and value whilst category B trees are of moderate quality and value and category C and U are of low quality and value. As such, the proposal does involve the loss of some very high-quality trees. These trees also offer a street scene, landscape, conservation and visual amenity value as they are

visible from surrounding roads and the Willow tree is an attractive feature when viewed from Walnut Grove and has high aesthetic value in terms of its visual amenity.

- 9.51 The Council's Arboricultural Officer has been consulted and has stated that when developing a site, it is important to maintain the conservation of valuable landscape features, whilst balancing the need to detail the landscape design around the long-term features of the site. This means focusing on the protection of retained trees with adequate construction exclusion zones. As such, in terms of the loss of the Willow (T1 on the plans) the Arboricultural Officer has confirmed that the Willow is a fast growing species that currently has a significant positive impact on the site; however, this Willow does have a hole in the crown and the life expectancy of this tree is significantly less than the life of any mitigatory tree planting and the development itself. Therefore, the removal of the tree is acceptable in the context that a condition secures the tree replacement on a 2:1 basis utilising a climax variety and ensuring their establishment into maturity through a landscape management and maintenance plan. This can be secured through a planning condition if members decide to grant planning permission.
- 9.52 The Arboricultural Officer has further commented in relation to the loss of the other mature trees within the site, considering their amenity value to still be significant despite being set further into the site. These are still considered to have visual, landscape and conservation value. The mitigation for their loss should also be via a conditions which secure a 2:1 replacement tree planting utilising a climax species and management and maintenance of the replacement trees.
- 9.53 Any construction, including acoustic fencing within the root protection zone, will be required to follow the relevant BS5837 guidance and shall require an Arboricultural clerk of works. The Arboricultural Officer has recommended a tree protection condition as well as the requirement that 5 days notice is given before any tree protection is erected. A tree protection condition is therefore recommended on this basis alongside the landscaping scheme and landscape management and maintenance plan. On the basis of the above, the Arboricultural Officer has raised no objections to the proposal.
- 9.54 The loss of these high value Category A and B trees, considered for both their amenity value and habitat value, are given limited weight against the proposal. This limited weight is based on a balanced judgement taking into consideration the proposed mitigation planting which goes above and beyond policy CS21 requirements and the allocation of the site. The proposal includes the planting of approximately 80 trees (28 is the policy requirement) which, whilst smaller than those trees being replaced, are policy compliant in terms of replacement planting size. The Willow Tree to the northeast boundary of the site is considered to have particular visual amenity value. The applicant has explored options to retain this tree but unfortunately the excavations required to deliver the proposed development and utilise the access road, would not be conducive to securing this tree's longevity. Advice has been taken from the Tree Officer who has raised no objections to the loss of the trees including the Willow subject to appropriate mitigation as set out above.
- 9.55 In terms of landscape impacts, Local Plan Core Strategy Policy CS8 seeks to preserve landscape character. Whilst the development will result in permanent

change to the landscape character through the introduction of housing and the loss of a number of significant mature trees, the development does incorporate some new trees and this detail can be secured by condition alongside a management and maintenance plan for the landscaped areas. The SUE allocation has already accepted the principle of housing in this location.

- 9.56 Having regard to the mitigation proposed, the impact of the development in terms of tree loss and the fact that the development does not protect or enhance all landscape and habitat features that contribute positively to the local environmental and amenity, it is considered that the proposal does have some limited conflict with saved policy DQ4 of the Knowsley UDP, and policies CS2 and CS21. In coming to this view regard has been given to the Trees and Development SPD. This is given limited weight having regard to the mitigation proposed and having regard to the constraints of this allocated development site.

Provision of Open Space

- 9.57 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: £31,111.33

Provision for Young People and Children: £21,330.90

Allotments: £1,653.59

Outdoor Sports Provision: £24,499.71

- 9.58 The applicant has agreed to the required contributions. Nevertheless, if members are minded to grant planning permission a soft and hard landscaping condition is recommended to secure the onsite amenity open space and hard landscaping. A landscape management and maintenance plan are also required by condition if members decide to grant planning permission.
- 9.59 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 that are being paid for by Orchard Park residents.
- 9.60 As previously raised, 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 is part of this ethos along with trying to ensure some level of integration where land levels allow.

- 9.61 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.
- 9.62 Subject to the above conditions and s106 payments, the proposal is considered to comply with Policies SUE2, CS19, CS21 and CS27 of the Local Plan Core Strategy, the Developer Contributions SPD and the NPPF.

Highway Impacts

- 9.63 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 emission 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.
- 9.64 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.
- 9.65 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.'
- 9.66 Significant numbers 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 the development and the use of the neighbouring Orchard Park development to access the proposed new housing. 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. A number of objections referenced specific junctions that would be more problematic and requested improvements and traffic management to the existing main signalised access junction from Olive Road onto Liverpool Road.

- 9.67 As discussed earlier in this report, the access to this site through Orchard Park was planned for as part of the Whitakers Garden Centre consent for the 227 dwellings on the wider housing allocation. This access provision, in principle, was accommodated within the s106 for the Whitakers Garden Centre development. Access from the A58 bypass or Liverpool Road was not deemed safe or feasible to serve the proposed development of the remaining Dye House land parcel.
- 9.68 The Council's Highways team has carefully considered the proposal and has confirmed that the access is acceptable and capable of safely serving the development. The applicant has submitted evidence to demonstrate that a refuse vehicle can access the site safely and turn around with space for manoeuvring within the turning head. The width of footways is acceptable and in relation to service strips, the applicant has submitted the route of the service strips for consideration. Whilst the service strip is only on one side of the southern access road, it has been demonstrated the service strip could accommodate utilities to serve the proposed dwellings. It is not considered that the scheme could be refused due to the extent of service strip provision given the provided information and confirmed these are capable of serving the development. The visibility onto the main access road from the apartment block access is also considered acceptable.
- 9.69 In relation to the pedestrian cycle ramp which links the development with Liverpool Road, this is an important route out of the development as it provides access to a bus stop as well as facilitating the delivery of a sustainable legible development.
- 9.70 Details of the retaining wall adjacent to the ramp and the need for a balustrade that does not impede visibility will be delivered via an appropriately worded planning condition should the application be approved.
- 9.71 The Highways team have confirmed that the junction into the Orchard Park site is designed to cater for the combined demand from both schemes within the allocated SUE site, having regard to the allocation in the Local Plan Core Strategy and allowing for an integrated approach to development of both sites. Notwithstanding this, the applicant has provided a Transport Statement which quantifies the expected level of trip generation from the development based upon survey data, in line with national standard practice, which is accepted by the Highways team. The number of trips in or out in the am peak is predicted to be 17 vehicles, with 16 in the pm peak. This equates to approximately 1 vehicle every 4 minutes. This level of traffic is unlikely to have a discernible effect on the performance of the junction and is acceptable in highway safety terms. This level of traffic is also unlikely to adversely impact on the existing estate roads in terms of congestion and highway safety.
- 9.72 Objectors have raised concerns about the level of parking within the proposed development. One objection stated that the proposal provides less than the number of parking spaces advised by the Ensuring a Choice of Travel SPD. The SPD sets out maximum parking standards for the proposed development. The standard requirements are 1 parking space per 1-bed and 2 spaces per 2-3 bed dwelling or apartment. The total required under the SPD is therefore 74 parking spaces.

- 9.73 The development actually incorporates 2 spaces per house and allocates a ratio of 1 space per 1-bed apartment, 1.5 spaces per 2-bed apartment and 2 spaces per 3 bed apartment. The total number of parking spaces accommodated across the site is 70 spaces (inclusive of 2 disabled parking spaces) which is slightly less than the maximum provision set out in the SPD. However, these standards are maximum parking standards and the site is in a sustainable location. On this basis 70 spaces are considered acceptable. It is noted that the Council's Highways team is satisfied with the parking provision and considers this will not lead to highway safety issues.
- 9.74 On this basis, no the Council's Highways team have no objections to the proposed development subject to a number of conditions. These include a condition to ensure that parking, servicing and vehicular manoeuvring have been surfaced, drained and permanently marked out in accordance with the layout plan, imposition of a highway construction management plan (CMP) condition, a lighting condition for the private communal areas and a condition to secure details, provision of the cycle storage units and a condition is also recommended to secure bollard(s) at the entrance to the footpath off Liverpool Road to prevent vehicle access. Should members be minded to grant planning permission it is recommended that these conditions are imposed.
- 9.75 The Highways CMP will include details of the location of the compound, location of storage areas for plant and materials, unloading and turning areas for delivery vehicles, construction staff park arrangements, control for the transfer of mud out of the site which will include wheel washing details, methods of dust suppression and details pertaining to the management of deliveries to try to avoid waiting/layover of construction related traffic on the highway, which may be required during the construction phase. These conditions are required in the interests of highway safety and to protect residential amenity. The Highways CMP will also require adequate provision for addressing any wear and tear to the highway if this is applicable again to ensure the safe operation of the highway.
- 9.76 Some objectors have raised concerns that cars will park in the turning head within the development. The Highways team have confirmed that this can be monitored and if operational issues become apparent, then the Council can put double yellow lines around the turning head.
- 9.77 In conclusion, subject to the above conditions, the proposal is considered to be 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.

Crime, Security and Health and Safety Considerations

- 9.78 Saved Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. This policy promotes good levels of natural surveillance, landscaping schemes that avoid providing potential hiding places whilst also providing defensible space, inclusion of features to prevent inappropriate access and inclusion of security features such as fencing, walls and lighting.

- 9.79 A number of concerns have been raised from local residents in relation to increased levels of crime and anti-social behaviour at Orchard Park and the surrounding area. In particular concerns have been raised about the impacts of the implementation of a 'dispersal zone' in Prescot which ends at Derby Street/Liverpool Road, by the Clock Face pub and very close to Orchard Park. Concern has been raised on the basis that this pushes these issues onto residents in the area of Orchard Park/Liverpool Road. Merseyside Police have been consulted about this issue. The Neighbourhood Inspector for the area has advised that over the past few months, dispersal zones have only been issued for Halewood. However, there was a Community Priority ASB Operation during the Summer in Prescot and this may have caused some displacement. This occurred over Summer and is not currently in place. Discussions regarding displacement zone boundaries is not a material planning consideration in determining this application.
- 9.80 Merseyside Police raised a few layout concerns relating to the location of cycle storage and how the brook open space area would be managed. The applicant has made amendments to the scheme which include some levels changes which ensure a better relationship of the scheme with the brook and inclusion of more permeable boundary treatments to introduce more opportunities for overlooking or perceived overlooking. This includes hit and miss fencing or railings on top of retaining structures adjacent to the brook and a terraced garden approach to some of the dwellings adjacent to the south side of the brook. Should planning permission be granted a condition to secure the permeable boundary treatments, elevation details of the bin stores and a lighting scheme for private communal areas are recommended in order to reduce opportunities for anti-social behaviour.
- 9.81 The cycle storage for the apartments is proposed to be covered and secure and has been sited to allow some overlooking. One bin store has been moved from across the access road to a more accessible location to reduce opportunities for anti-social behaviour. In terms of the bin storage to the rear of plots 29 to 32, there will be gated access to allow the bins to be wheeled into the rear/side garden space and again the inclusion of these gates within the boundary treatment to the rear of these plots can be conditioned. Elevation details of the bin store can also be conditioned.
- 9.82 It is considered that subject to the above conditions, that the scheme is capable of complying with saved Policy DQ2 in the Knowsley UDP; and Policies CS2 and CS19 of the Local Plan.

Heritage Assets and Archaeology

- 9.83 Policy CS20 of the Local Plan Core Strategy requires developments to preserve or enhance the Borough's historic assets and archaeological remains. Chapter 12 of the NPPF and Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) all seek to preserve or enhance the Borough's historic and architectural assets and any archaeological remains. This includes non-designated heritage assets. Saved policy DQ3 of the Knowsley UDP seeks to enhance the visual appearance of gateway corridors or sites linking town or district centers. Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to show special regard to the desirability of

preserving and enhancing listed buildings and their settings, in exercising their planning functions. Considerable importance and weight should be given to the desirability of preserving listed buildings and their settings.

- 9.84 The nearest listed buildings are some distance from the site: 6 and 6a Beesley Road; 52 and 54 Derby Street; stable block to the northeast of 54 Derby Street; 44-50 Derby Street; The Hazels; stables at the Hazels; and the garden wall to the Hazels. Therefore, the development will have no impact on the setting of any listed buildings.
- 9.85 The site is located close to the Prescott Town Centre Conservation Area. However, it is separated from this by the residential development taking place on the former Whitakers Garden Centre so has no impact on the setting of the Conservation Area.
- 9.86 There are two non-designated heritage assets affected by the development. These are the former site of a dye house (Dye House outbuilding), a possibly 18th century building and the stone boundary wall to Liverpool Road.

Significance

- 9.87 The Conservation and Design Officer has assessed the significance of the heritage assets. The Dye House outbuilding is a late 18th/early 19C structure which is described in detail within the submitted Historic Building Recording submitted with the application. It is the only feature which remains of the original 'Dye House'. While now somewhat an isolated historic feature this was a multi-functional building, appearing to incorporate a pigsty, laundry and earth closet. It has archaeological, historical and architectural significance. It is considered to be of a 'low' or 'local' level of significance.
- 9.88 The site is located on a key gateway on the main vehicular entrance into Prescott, and as such development here has the potential to affect the experience of entering Prescott and the Prescott Town Centre Conservation Area. The trees on the site help to soften the urbanising effect of the hard engineered roads/roundabout.
- 9.89 The red sandstone wall fronting Liverpool Road is attractive and built of fairly large squared off blocks of local sandstone. It adds much to the character, quality and local distinctiveness of this entrance into Prescott. As the land falls towards Prescott Brook, the wall becomes a considerable retaining feature bridging the brook, at Brook Bridge. The wall is almost continuous along the full length of Liverpool Road, adding to the sense of cohesiveness, quality, attractiveness and historic interest of the route, up to the threshold of the conservation area at the Clock Face PH. The proposals do not directly affect the outside perimeter walls of the site.

Impacts on Non-designated Heritage Assets

- 9.90 The proposals result in the loss of the outbuilding at Dye House. While this is of local interest, it has archaeological, historic and architectural value as part of the historic fabric of Prescott. The NPPF, paragraph 203, requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Core Strategy Policy CS20 also states that proposals should preserve or enhance the borough's historic and architectural assets through appropriate design and appropriate integration of any assets with their setting and immediate landscape. The Conservation and Design Officer requested that a Heritage Statement consider the significance of this asset. The applicant did not provide this.
- 9.91 However, this outbuilding was considered to have a low or local level of significance. Having regard to the loss of this asset and the level of significance, the loss of this asset is considered to be outweighed by the benefits of bringing housing forward on this allocated site.
- 9.92 The amended acoustic fence proposal results in an improved visual impact on the gateway into Prescott and a condition is recommended to secure elevation details of the acoustic fence prior to its erection. Subject to this condition, the proposal is therefore considered to accord with Core Strategy policies CS2, S19, SUE2 and Knowsley UDP saved policy DQ3 as well as the Design Quality in New Development SPD.

Archaeology

- 9.93 There is potential for below-ground remains relating to the former dye house and the 18th century farm to be present within the proposed development site. Dye houses are uncommon features in Merseyside, and should the archaeological remains be present they would be considered to be of regional significance. An historic building investigation and archaeological evaluation were recommended to be undertaken at pre-application stage, of which the written scheme of investigation for historic building recording and an archaeological strip, map and record evaluation has been agreed with the applicant. The historic building investigation has been undertaken by the applicant, agreed with MEAS (the Council's ecological and archaeological advisors) and submitted with the application. However, MEAS advises that a programme of archaeological evaluation in accordance with the agreed written scheme of investigation is secured by planning condition.
- 9.94 Subject to the above conditions (which are recommended if members are minded to grant permission), it is considered that the proposed development complies with Core Strategy Policies CS2, CS19, CS20 and SUE2, Knowsley UDP policy DQ3, the Amended New Residential Development SPD, the Design Quality in New Development SPD and NPPF. On balance the benefits associated with housing provision on an allocated site is considered to outweigh the harm and loss to the non-designated heritage asset, in particular the outbuilding at Dye House. In coming to this view regard has been given to Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015).

Noise, Air Quality and Residential Amenity

- 9.95 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.
- 9.96 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. Proposal should seek to mitigate/minimise adverse impacts on air quality. Saved policy H7 of the Knowsley UDP states that bin stores, fire escapes and clothes drying areas are adequately screened to protect visual amenity.
- 9.97 The Environmental Health team has 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 Environmental 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.
- 9.98 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 officers have confirmed that they are satisfied with the findings of this assessment, although it is noted that the applicant used higher baseline inputs.
- 9.99 The proposed housing to the south and southwest of the site is located adjacent to Liverpool Road and the A58 which are a significant noise source. The applicant has submitted a noise assessment to demonstrate that the amenity of future occupiers can be adequately protected. The original submission included a noise mitigation scheme with substantial boundary fencing of up to 6metres in height to achieve the noise standards required by Environmental Health within the private garden areas and habitable rooms. However, the visual impact of this height of fence was considered to be unacceptable. Discussions with the applicant has resulted in an amended acoustic fence height of up to 2.5m in height.
- 9.100 The applicant submitted an updated acoustic assessment report that demonstrated that internal habitable room noise standards could be achieved with mitigation to include enhanced glazed specifications. However, the amended 2.5m high fencing

results in noise levels that exceed the environmental limits normally accepted by Environmental Health as being appropriate to protect residential amenity.

- 9.101 There are 9 properties whose gardens would exceed the desirable garden noise levels. It is advised that the desirable external noise level for gardens should not exceed 50dB LAeq T with an upper guideline value of 55dB LAeq, T, which would be acceptable in noisier circumstances. The 9 properties where the rear garden exceeds this figure would have a noise range of between 56.6 and 59.3dB, based on a 2.5m high acoustic barrier. Nevertheless this increased noise level would be as a result of a relatively constant noise rather than noise with an irregular character.
- 9.102 Environmental Health have raised concern about the noise levels in rear gardens for future occupiers of the proposed development, but have not objected, and references other schemes within the borough whereby higher garden noise levels than those achieved in this scheme, have been accepted.
- 9.103 It is considered that in order to achieve a visually acceptable scheme, a balance is required whereby a number of properties in the south and southeast of the site have moderately higher noise levels in the private rear garden space. However, it is recognised that there are a small number of properties whose rear gardens exceed standard environmental noise limits. This is given limited negative weight in the planning balance. The preservation of visual amenity within an important gateway area to Prescott through use of a lower 2.5m high acoustic fence is given significant weight in favour of the proposal.
- 9.104 On this basis, if members are minded to grant planning permission is recommended that a number of conditions are imposed including submission of a noise mitigation scheme is secured to protect residential amenity (relating to both the acoustic mitigation required to protect habitable rooms and private garden areas), details of the acoustic fencing to be erected are required.
- 9.105 Concern has been raised by local residents about the impact of the proposal on the residential amenity of existing occupiers in relation to the use of the access road. In particular concern has been raised about noise and disturbance from the headlights of vehicles and impacts on air pollution from traffic. It is accepted that there will be an increase in usage of the access road into the Dye House site which will lead to more vehicles using this part of the estate. However, the level of traffic generation has been assessed as relatively low and it is not considered that the proposal could be refused on the grounds of noise, light intrusion, air quality or general disturbance due to increased traffic using the Orchard Park estate and no objections have been received in relation to this matter from the Environmental Health or the Highways teams.
- 9.106 It is also noted that concern has been raised about the apartment building and the associated car parking and use of bin stores creating more noise and odour, as well as attracting rodents and pests and the siting being a fire hazard, encouraging litter to be left at the side of any bin store and causing general disturbance. The location of the bin store was considered to be harmful to residential and visual amenity.

- 9.107 However, it is not considered that a proposal can be refused on these grounds given no objections have been received from Environmental Health. A condition is recommended to secure elevation details of the bin store. One of the bin stores is proposed to be sited behind fencing and the retaining wall structure to the rear of the Acorn Drive properties and will not create a visually intrusive addition or be overly dominant on neighbouring properties. The other bin store is located by the side of the apartment building between the access road and the apartment block A.
- 9.108 The CEMP requires submission of pest control measures during the construction phase and the bin store elevation details can also be secured by condition. Whilst there is a bin store behind the rear gardens of properties on Acorn Drive, the land levels are lower due to changes in land levels across the site and two bin stores have been included within the development to reduce the number of bins held in one storage location.
- 9.109 As part of this planning application, consultation with Knowsley Council's Recycling Manager has been undertaken and no objections have been raised in relation to this development. The Recycling Manager has, however confirmed, that consideration can be given to the use of specific euro bins with either 'cat flap' or 'letter box' lids which ensure that only recycling is put in the 'letter box' style bins whilst 'cat flap' bin lids tend to be quieter. A well secured bin store also helps avoid fly tipping.
- 9.110 Concern has also been raised in relation to light pollution from the development. The CEMP will control lighting during construction and operationally, street lighting will be managed through the highway adoption process whilst private lighting of communal areas will be controlled via an appropriately worded condition (if members are minded to grant permission). Subject to these conditions, it is not considered that the proposal will result in adverse impacts from lighting.
- 9.111 Subject to the above conditions being imposed, 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 acceptable in the operational phase of development. Impacts on residential amenity are considered to be acceptable. The proposal is considered to 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. Whilst limited weight is given to the exceedance of environmental limits in regard to garden noise within properties, the visual impact of a higher fence would not be acceptable. On this basis it is considered that a noise mitigation scheme condition, acoustic fence condition and fixed plant noise restrictions are appropriate to mitigate against noise impacts for future and existing occupiers in the interests of protecting residential amenity.

Ecology

- 9.112 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

Habitat Regulations

- 9.113 The proposal is near to the following national and international sites: Mersey Estuary SPA and the Mersey Estuary Ramsar site. These sites are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Local Plan Core Strategy Policy CS8 applies. MEAS considered the possibility of their being likely significant effects on sites using the source-pathway-receptor model. As there are pathways between the national and international sites, MEAS advised that the proposal requires a Habitats Regulations Assessment for Likely Significant Effects. The applicant submitted a Habitats Screening Assessment and Appropriate Assessment (referred to as the 'Shadow HRA') which was subsequently updated following comments from MEAS.
- 9.114 This updated Shadow HRA has assessed impacts on the Mersey Estuary SPA and Ramsar site which is considered acceptable being approximately 9.5km from the site. The HRA considered likely significant effects including effects via recreational disturbance from the development alone and in combination with other developments, concluding that the proposal would have no adverse impact from recreational pressure from the proposal alone and in combination with other developments in the area. The updated Shadow HRA also assessed the likely significant effects from pollution impacts to the Mersey Estuary SPA via Prescott Brook.
- 9.115 The conclusions of the revised Shadow HRA include recommendation for a construction environmental management plan (CEMP) to reduce the pollution impacts and use of best practice construction measures to prevent spread of Himalayan Balsam. Whilst MEAS does not consider this sufficient, MEAS does accept that a suitably worded condition to secure an invasive species method statement would be sufficient to ensure that the proposal will not lead to adverse impacts via this pollution pathway via Prescott Brook.
- 9.116 The Shadow HRA advises that an information leaflet and possible financial sum for recreational pressure will mitigate recreational pressures. MEAS has advised that a leaflet is sufficient to address the identified recreational pressures having regard to the separation distance to the Mersey Estuary SPA and if members are minded to grant planning permission this can be secured via planning condition. .
- 9.117 The Shadow HRA has been sent to Natural England for consultation who have not made any comments. Therefore, subject to the conditions listed above, the Shadow HRA and the mitigation proposed is considered acceptable to demonstrate the Council's duty in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and in light of the identified mitigation, there will be no adverse effect on the integrity of national and local sites.

Ecological Information

9.118 The applicant submitted Ecological information to allow assessment of the application in accordance with Local Plan Core Strategy policy CS8 and the NPPF. MEAS has confirmed that the Biodiversity Net Gain Assessment can be accepted and, following further updates, the Ecological Appraisal is also acceptable.

Bats

9.119 The bat survey report, further information including survey sheets and the Tree Bat Roost Assessment Report submitted by the applicant are considered acceptable. 11 trees were identified as having bat roost potential and no evidence of bat use or presence was found. On this basis the three tests under the Habitat Regulations do not need to be undertaken. MEAS has raised no objections subject to a soft felling condition which can be secured through the CEMP. A lighting condition is also recommended as there are habitats on and adjacent to the site that provide foraging and commuting habitat for bats. The lighting conditions will require lighting to be designed to protect ecology and ensure there is no excessive light spill onto the woodland and brook habitats.

Terrestrial mammals

9.120 The habitats on site are considered suitable for badger (protected species) and/or hedgehog (priority species). As such MEAS has recommended that a condition is imposed securing reasonable avoidance measures to ensure there is no adverse effects on badger and/or hedgehog. These measures can be included in the Construction Environmental Management Plan:

- Pre-commencement check for badger and hedgehog;
- All trenches and excavations to have a means of escape;
- Any exposed open pipe systems to be capped;
- Appropriate storage of materials to ensure mammals do not use them.

9.121 A condition is also recommended to secure hedgehog highways to maintain habitat connectivity for hedgehogs.

Invasive Species

9.122 Himalayan Balsam and cotoneaster are present within the site boundary. Cotoneaster is listed on Schedule 9 of the Wildlife and Countryside Act and Himalayan Balsam is listed in schedule 2 of the Invasive Alien Species (Enforcement and permitting) Order 2019 and the NPPF applies. MEAS has recommended that the applicant submit a method statement outlining how the plants can be controlled from spreading further as well as how the plants will be disposed of after treatment/removal and the methods of control that will be used including details of post control monitoring.

9.123 This can be secured via condition within the Construction Environmental Management Plan (CEMP) which seeks to manage and mitigate the main environmental effects during the construction phases of the proposed development. The CEMP addresses and proposes measures to minimise the main construction effects of the development and includes details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management, amongst other things.

Waste

- 9.124 As the proposal involves excavation, demolition and construction activities which are likely to generate significant volumes of waste. Policy WM8 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.
- 9.125 In accordance with policy WM8, evidence through a waste audit or a similar mechanism such as a site waste management plan, is required to be submitted. This can be secured through the CEMP.

Biodiversity Net Gain and no net loss

- 9.126 The application is expected to achieve no net loss of on site habitat because it was submitted before the implementation of the Government's "Biodiversity Net Gain" regulations in February 2024. The DEFRA Biodiversity Metric v4.0 has been used to inform the BNG Assessment Report submitted by the applicant and it calculates an overall loss of 1.21 habitat units following development which equates to a -29.7% loss of habitats on the site.
- 9.127 MEAS are not fully satisfied with the proposed on-site mitigation and advise losses of other neutral grassland require consideration. This can be created along the brook easement through landscape enhancement and/or creation. It is recommended that a landscaping condition is imposed to secure some compensation for the loss of neutral grassland habitat.
- 9.128 In order to mitigate for the remainder of the lost habitat the Council's Ecology Consultant has advised that the BNG contribution required would be £27,450 and this would be put towards scrub and grassland habitat creation at Stadt Moers Park. The applicant has agreed to pay this contribution and it would be delivered via s106 agreement in the event the application is approved.

Landscape Ecological Management Plan (LEMP)

- 9.129 Linear hedgerow units will be significantly enhanced post development through mixed and single species hedgerows and this is welcomed. It is recommended that a landscaping condition is imposed to secure these enhancements as well as a landscape and Ecological Management Plan condition.
- 9.130 The applicant has submitted a landscape plan which specifies planting native tree species and these are considered to be acceptable. This landscape plan can form the basis of the Landscape Ecological Management Plan, and additional required details should include the following ecological mitigation:
- 9.131 Subject to the above conditions and the applicant entering into a s106 to secure the Biodiversity Net Gain contribution, the proposal is considered to result in acceptable impacts on ecology. In relation to ecological impacts, the proposal is therefore considered to comply with policies CS2, CS8, CS19, CS21, SUE2 and CS27 of the Local Plan Core Strategy, the Developer Contributions SPD and the NPPF.

Surface Water Drainage and Flood Risk

- 9.132 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 located 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 with the application.
- 9.133 The application site lies within flood zones 1, 2 and 3. The majority of the site is in flood zone 1 (FZ1 lowest risk of flooding), with the area of the site to the north of Prescott Brook (and to the east but this is outside the application site) falling within flood zone 2 (FZ2). Flood zone 3 (FZ3) is mainly concentrated directly adjacent to and including the Brook with a small area next to the access of Liverpool Road also being categorised as flood zone 3.
- 9.134 The Environment Agency has raised no objections to the proposal subject to a condition requiring the development to be carried out in accordance with the submitted flood risk assessment and specifically requiring the development to be carried out in accordance with the mitigation measures set out in the FRA. These mitigation measures include the development being built such that the finished floor levels are set no lower than 51.45 metres above Ordnance Datum, ensuring the development includes the provision of the safe access and egress route for residents during flood conditions; this is the access onto Liverpool Road. The development is also required to provide an 8metre unobstructed maintenance access to Prescott Brook from within the site.
- 9.135 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 through the implementation of the mitigation measures set out in the FRA.
- 9.136 The imposition of a restriction on minimum Finished Floor Levels (FFL) will ensure the development is appropriately flood resistant and resilient. The development does not introduce vulnerable classifications of development in flood zone 3 and seeks to ensure that vulnerable development is in the lowest flood risk areas; where a number of apartments are in flood zone 2, the EA has confirmed that the FFL restriction would address flood risk concerns and the majority of the properties are located in flood zone 1. Additionally, the proposal manages residual risk and ensures that an alternative safe access and escape route is included in the proposal as part of an emergency access route, which has been accepted by the EA.
- 9.137 It is noted that one of the objections raised relates to concerns about a rise in the level of ground water on adjacent land. The applicant has confirmed that this risk is marginal and will not have any material impact on flood risk elsewhere. The

LLFA has been consulted in this regard and has raised no objections to the proposed development (subject to drainage conditions) confirming that any increased water levels are negligible given the uncertainties involved in hydraulic modelling exercises and having regard to the nature of land use in the area. More importantly in relation to this objection, the flood risk being discussed is from a fluvial source (main river) where the EA provides statutory advice and the EA has confirmed they are satisfied with flood risk associated with the proposed development.

- 9.138 The NPPF requires developments within flood zones 2 and 3 to consider whether there are any sequentially preferable sites that could accommodate the proposal. The sequential test seeks to direct development to areas with the lowest risk of flooding from any source. The NPPF states that development should not be permitted where there are reasonably available sites appropriate for the proposed development at lower risk of flooding. The applicant undertook a sequential test and considered if the site could be accommodated in any other areas at lower risk of flooding.
- 9.139 The Local Planning Authority concurs that there are no sequentially preferable sites for the development. In coming to this view, regard is given to paragraph 168 of the NPPF and the Flood Risk and Coastal Change Planning Practice Guidance which set out that in considering sequentially preferable sites, regard can be given to wider sustainable development objectives. This development forms part of an allocated SUE site which has been identified as helping to meet housing need for the borough and the development of this site ties in with the wider objectives of developing this SUE site. The wider sustainable development objectives also introduce the ability for the SUE site to introduce affordable housing provision in the context of the Orchid Park development providing market housing only. It is considered that there are no sequentially preferable sites having regard to the sustainable development objectives that underly the allocation of this site in meeting appropriate and sustainable development needs up to 2028. In coming to this view, regard is given to the allocation's notional capacity figures and the NPPF's commentary on density (paragraph 129 of the NPPF).
- 9.140 Concern has been raised about having an open brook and amenity area within an integrated development and the dangers of open water for children and children with autism. The brook is already a constraint/feature within the site and, like many channels and water features, the drainage brook and its surrounding vegetation acts as a sustainable urban drainage feature within the site. Advice has been sought from the landscape architect in relation to this matter and it is recommended that a risk assessment and mitigation condition should be imposed to secure any appropriate mitigation measures in the interests of safety (depending on the outcome of the risk assessment).
- 9.141 Subject to the condition above, the proposal is considered to comply with policies CS2, CS22 and CS24 of the Local Plan Core Strategy and the NPPF.

Contaminated Land and Land stability

- 9.142 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.

- 9.143 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 has confirmed that the site lies in an area where historic unrecorded shallow coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with these workings can pose a risk of ground instability and may give rise to mine gases being emitted. Additionally, a recorded off site mine entry is present within 20metres of the eastern boundary of the site. The Coal Authority has confirmed that their records show this was treated in 2021 by means of pressure grouting. On this basis, the Coal Authority has confirmed that this mine shaft is unlikely to extend to the application site.
- 9.144 The applicant submitted a Desk Study Report with their application to address coal mining risks. This report concluded that there is a very high potential for shallow coal mine workings to be present including bells pits/shafts and voids. The report recommends that further investigation is required by means of a rotary boreholes investigation but advises that a site wide drilling and grouting scheme is anticipated to be required to stabilise shallow coal workings. Following this the applicant submitted a Site Investigation Report which indicated (from rotary borehole drilling) that as evidence of mine workings were encountered, that a drilling and grouting programme will be needed to deliver a safe and stable development, and this would require site wide drill and grouting.
- 9.145 As such, the Coal Authority has raised no objection to the proposal subject to the imposition of a condition to secure remedial stabilisation works to ensure the development is safe and stable and subject to a condition to secure a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the proposed development. This statement will confirm that all remedial works and any mitigation measures necessary have been completed to address the risks posed from historic coal mining activity.
- 9.146 Environmental Health have reviewed the Contaminated Land report submitted with the application and has raised no objection subject to condition. The condition will require the submission of a risk assessment, submission of a remediation scheme for approval, implementation of the approved remediation scheme, reporting of unexpected contamination, submission of a materials management plan where any site won materials are proposed to be re-used, and submission of a suitable methodology for testing of any materials in the event that any soil/material is imported to site.
- 9.147 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.

Comments on the Representations

- 9.148 Many of the points of objection raised from residents have been addressed previously in the report. The remaining points are addressed below.
- 9.149 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 and information made available information.
- 9.150 Local residents have raised particular concern about the applicant's consultation and pre-application engagement with many concerned that they were not engaged with even though they are most affected by the proposed development. The Council's Statement of Community Involvement strongly encourages comprehensive pre-application engagement with ward members, Town and Parish Councils and residents for larger schemes, so that a subsequent formal planning application can fully acknowledge and respond to the views and opinions of local people and consultees. Whilst the Planning Act 2008 addresses community consultation for very large schemes, the scheme is not classed as a very large scheme for the purposes of the Planning Act. Whilst community engagement is strongly encouraged, and is considered good practice, it is not mandatory for schemes of the size of this application and so the nature of consultation carried out by the applicant and who was engaged with would not form a basis for a reason for refusal.
- 9.151 A number of objections have been received on the grounds that the proposal will increase pressure on local services such as doctors, dentists, hospitals and schools. The size of the scheme does not trigger education or health contributions and as such, this is not something that can be considered as part of this proposal. In coming to this view regard has been given to Policy CS27 of the Local Plan Core Strategy and the Developer Contributions SPD.
- 9.152 Concern has been raised about the transparency of the planning application and consultation process. It is noted that the LPA can only publicise 'valid' applications. This planning proposal was made valid in October 2023. The planning notification process has been carried out in accordance with the statutory requirements. The Council cannot carry out pre-application engagement on an applicant's proposals; the pre-application engagement process is applicant led.
- 9.153 Concern has also been raised regarding this inconsistency of the information submitted with the application form stating that 49 new properties (net) will be created whilst all the supporting plans relate to 45 new residential units. There has also been concern that the right landowner notification process was not carried out. The plans are clear in relation to the mix of apartments and dwellings and the description of development clearly states up to 45 units and as such, whilst the reference to the unit numbers within the application is incorrect, the

accompanying application plans and documentation clearly show a 45 unit scheme. The applicant has confirmed that the landowner is aware of the application. Therefore, the LPA has to accept that the notification procedure has been undertaken and the landowner is aware of the application.

- 9.154 The reasoning as to why other developers are not proceeding with developing this site is also not a material planning consideration and could amount to commercially sensitive information. Regardless of who the applicant is and who may have considered developing the site, each planning application must be determined on its own merit.
- 9.155 Comments have been received that the introduction of the access road in a location that will increase overlooking and disturbance to those properties adjacent to this junction is not considered to be a robust reason for refusal. No guidance relates to overlooking from travelling or stationary vehicles. The impact can only be considered in relation to air quality and general noise and disturbance which, whilst discussed above, are not considered reasons capable of reaching a threshold supporting a reason for refusal in this case. The number of vehicles generated by the development is considered reasonably small and the junction has been deemed capable of handling the traffic associated with a scheme of this size.
- 9.156 Concern has been raised in relation to impacts on the amenity of young people with autism which is noted. The concern specifically has been raised relating to the impact of the proposal on autistic children due to the increased traffic and due to the open brook. The dangers posed by the open brook, especially in relation to the potential for drowning accidents and the disturbance from increased traffic is a serious concern. As discussed earlier in the report, the planning process has assessed the impacts of the development on residential amenity and in relation to drainage in accordance with planning policy and found it acceptable. Concern has also been raised by residents of Acorn Road about the location of the proposed access road because living opposite a 'T-junction' is considered unlucky in their culture or religion. Because of the layout of the Orchard Park scheme (which included the proposed access to the current proposals) it is not physically possible to alter the location of the junction.
- 9.157 Disability (such as autism), race and religion are all protected characteristics under the terms of the Equality Act 2010. As such, officers have had due regard to the requirements of that Act as well as the Council's Equality and Diversity Policy Statement. The Council's policy statement seeks to ensure that in delivering its services the Council is committed to equality and diversity which provides an overarching context within which the Council works. In this case, the impacts on the existing residents have been assessed and while the proposed development may have an adverse impact from an equality perspective such impacts would be limited and are not considered to outweigh the public interest in upholding the planning system and providing much-needed housing in Prescott. As such, it is not considered that the proposal could be refused on these grounds.
- 9.158 Quality of life, health and wellbeing are material planning considerations and Local Plan Core Strategy Policy CS2 seeks to reduce health inequalities for Knowsley residents whilst policy CS19 seeks protect the amenity of existing and future occupiers. However, the impacts associated with a 45 unit scheme and its resultant

noise and air quality impacts have not been deemed to be reasons for refusal and Environmental Health has not raised objections on air quality, odour or noise grounds. The CEMP will seek to mitigate the construction impacts during this phase of the development.

Social Value

- 9.159 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.
- 9.160 A Social Value Strategy has been submitted with the application and it is recommended that this is implemented during the construction of the development; this can be conditioned.
- 9.161 The Adding Social Value SPD also requires the delivery of the Social Value Strategy to be monitored and this is secured through the applicant entering into a s106 agreement. The total monitoring cost contribution has been calculated at £1820 for the apartments and £1900 for the dwellings. The applicant has agreed to the inclusion of this cost within the s106 agreement

Viability and Developer Contributions

- 9.162 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.

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

Parks and Gardens (public open space contribution): £31,111.33
Provision for Young People and Children (public open space contribution): £21,330.90
Allotments: £1,653.59
Outdoor Sports Provision: £24,499.71
Social Value contribution: £3,720
Biodiversity Net Gain contribution: £27,450

Total Contribution - £110,257.53

- 9.164 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.

- 9.165 The recommendation to Planning Committee is set out below. It is recommended that Planning Committee resolves to approve the application subject to the above contributions being agreed by all the applicants and the s106 agreement signed. The recommendations set out below include that if the section 106 agreement is not completed within 6 months of the date of this planning committee meeting, delegated authority is given to the Head of Planning & Building Control to refuse the application on the basis that the necessary contributions have not been secured, should the LPA not be satisfied with the progress made by that date.
- 9.166 Subject to the above, the proposal is considered acceptable, and the proposal complies with Policies CS15, SUE2, SUE2c and CS27 of the Local Plan Core Strategy and the Masterplan SPD.

CONCLUSION AND PLANNING BALANCE

- 9.167 The development plan is the starting point for decision making where applications that accord with the up-to-date development plan should be approved without delay. Where there is conflict with the development plan, applications should be refused unless there are material considerations that indicate otherwise. The application is specifically allocated for residential development within the Local Plan Core Strategy in order to assist the Council in meeting its housing needs and, therefore, the principle of residential development is acceptable, and the application should be approved unless material considerations indicate otherwise.
- 9.168 The Council can demonstrate it has the required 5-year supply of housing sites coming forward and can demonstrate excellent levels of delivery of (housing land) supply in recent years. Therefore, the 'tilted balance' set out in NPPF is not required to be applied in this instance and it is a straight assessment required of the benefits and dis-benefits of the proposal and the weight attributed to each, to determine if the application should be approved.
- 9.169 The main benefit of the scheme is the provision of additional housing on an allocated site. This makes a contribution to the Council's supply of housing and is given significant weight in favour of the application, in combination with the mix of affordable housing which includes a high number of 1 and 2 bed units for which there is an identified need. The proposal would also have economic benefits in terms of jobs in construction and spending within the construction industry supply chain; moderate weight is attributed to this benefit. Other benefits from the scheme include the provision of accessible amenity space around the brook. The creation of amenity space around this water feature allows the development to offer opportunities for enjoying this space; this provision goes above policy requirements in terms of amenity greenspace standards.
- 9.170 The scheme includes provision of a linear green corridor, landscaping and tree planting. It is considered that the identified harm, i.e. the loss of the non-designated heritage asset (the Dye House outbuilding) is outweighed by the benefits associated with the proposal which include the provision of housing on an allocated site. In coming to this view regard has been given to the low/local level of significance associated with the outbuilding.

- 9.171 The provision of the linear amenity greenspace, tree planting and air quality impacts all weigh neutral in the overall planning balance. Suitable mitigation has been proposed to address a number of identified issues, such as the impact on adjoining residents, landscape impacts, impacts on non-designated heritage assets, highways, ground contamination, impact on ecology and trees, drainage, impacts on residential amenity of existing occupiers and the impact of the development on European designated sites. Financial contributions to social value, other forms of public open space and biodiversity net gain also mitigate against the impact of development. Given the proposal seeks to provide mitigation rather than betterment in these areas, these are not considered as benefits of the scheme and are considered neutral in the planning balance. Overall, it is considered that the layout scale and massing are also neutral in the planning balance.
- 9.172 The proposal will have moderate impacts on the residential amenity of future occupiers for a small number of properties to the south of the development. Limited weight is given to the exceedance of environmental limits in regard to garden noise within these 9 properties. However, this is considered acceptable when taking into consideration the visual impact of a 2.5m acoustic fence instead of a 6m high fence in a gateway location into Prescott. As such the higher garden noise levels are a dis-benefit of the scheme afforded limited weight; however, there is also an element of 'buyer beware' in respect of this issue, so only limited weight is attributed to this. This is on the basis the mitigation scheme put forward demonstrates best practical means whilst having regard to the limited number of properties affected.
- 9.173 The proposal will lead to the loss of a number of high value trees which are considered to have significant impacts on visual amenity and offer some habitat/conservation value. The loss of these trees is a dis-benefit of the scheme. However, the proposal involves a good level of tree planting across the development over and above policy requirements. The weight accorded to the loss of the trees is given limited negative weight.
- 9.174 Finally the conflict identified with Core Strategy Policy CS19, part a) and policy SUE2, part c) in relation to how the design enhances local distinctiveness and identity, incorporating localised design features and including visual integration is accorded limited negative weight.
- 9.175 The identified negative impacts do not outweigh the other environmental, social and economic benefits of the proposal and the contribution to housing land supply. On the basis of the above, it is considered that the proposal represents sustainable development in which the positive benefits of the scheme significantly and demonstrably outweigh the adverse effects. On this basis, the scheme is recommended for approval subject to conditions and the applicant entering into a s106 obligation.
- 9.176 The remaining environmental impacts are considered to be acceptable on the grounds set out in the main body of the report. As outlined above, the social impacts, which include access to affordable housing and the enhancement of the water feature running through the site, weigh in favour of the proposal in the planning balance. The economic impacts of the proposal also weigh in favour, in

the planning balance. As such, the proposed development is considered to comply with the development plan as a whole.

10. **RECOMMENDATION**

10.1 That members delegate authority to the Head of Planning & Building Control to grant planning permission subject to:

- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Head of Planning 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 and the following contributions:

Biodiversity Net Gain contribution: £27,450

Social Value Contribution: £3,720

Public Open Space contributions:

Parks and Gardens: £31,111.33

Provision for Young People and Children: £21,330.90

Allotments: £1,653.59

Outdoor Sports Provision: £24,499.71

- (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 s106 agreement.

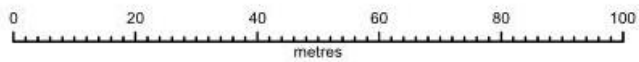
SCHEDULE OF CONDITIONS

	Condition	Trigger
1.	Time period to implement the permission – 3 years	Compliance
2.	List of approved plans and documents	Compliance
3.	Works shall be carried out in accordance with the FRA and the measures listed therein (to include a minimum FFL)	Compliance
4.	Lighting	Prior to the erection of any lighting
5.	Noise Mitigation Scheme and details of acoustic barrier and how the fencing will relate to the sandstone wall	Prior to first occupation
6.	Fixed plant noise	Compliance
7.	Samples of materials	Prior to any above ground construction of the dwellings/apartment hereby

8.	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)	Risk Assessment – prior to commencement; submission of RS – prior to commencement where contamination is found; implementation of RS – prior to being brought into use; reporting of unexpected contamination – compliance; MMP – prior to the reuse of any materials; importation of soil/testing – prior to any material being brought to site.
9.	Coal Authority condition to secure a safe and stable development – remedial stabilisation works to address land instability to be carried out in full	No development to commence until the scheme has been carried out.
10.	Coal Authority condition to ensure a competent person has signed off delivery of a safe and stable development	Prior to first occupation
11.	Development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement. Tree pit details and further tree protection details and a watching brief for acoustic fencing/service runs affecting tree roots. 5 working days advance notice shall be given prior to the erection of protective fencing.	On-going
12.	Construction Environmental Management Plan to include: reasonable avoidance measures; dust suppression; noise and pollution mitigation measures; construction hours; invasive species measures for Prescott Brook and method statement for treatment and/or removal of invasive species including Himalayan Balsam; pollution prevention measures to Prescott Brook; soft felling of trees with bat roost potential; waste audit/site waste management plan; layout of site compound; storage of plant and materials; unloading/loading and turning areas; management of deliveries; staff parking arrangements; wheel washing measures; provision for addressing abnormal wear and tear on the highway.	Pre-commencement
13.	Hard and soft Landscaping scheme to include replacement planting of climax species.	Prior to above ground works
14.	Landscaping Ecological Management Plan including management and maintenance of the landscaping and POS areas.	Prior to first occupation

15.	Levels details to include sections of the retaining wall and the section to 16 Walnut Grove	Prior to any above ground works
16.	Boundary treatments to include retaining structures, elevations, siting and materials (to include hedgehog pathways). Gates shall be provided to the rear of plots 29-32 to allow bins to be stored in garden boundaries. NOTE: permeable fencing (e.g. hit and miss or railings) shall be provided adjacent to the brook)	Prior to the erection of any boundary treatments
17.	Archaeology	Prior to commencement (including demolition)
18.	Details of bin storage	Prior to first occupation
19.	Details of bollards and erection of the bollards to prevent vehicle access onto the footpath off Liverpool Road	Prior to first occupation
20.	Leaflet setting out information about the Mersey Estuary SPA to be provided to all first-time occupier of new homes	Prior to first occupation
21.	Risk assessment and mitigation measures relating to the Brook	Prior to the first occupation
22.	No part of the development shall be occupied until the access road has been provided.	Prior to first occupation
23.	Provision of cycle parking areas	Prior to first occupation of each dwelling to which it relates
24.	Areas set aside for parking, servicing and manoeuvring to be surfaced, drained and marked out in accordance with the approved details	Prior to first occupation
25.	Details, design and provision of access road	Prior to first occupation
26.	Drainage condition (UU and LLFA)	Prior to commencement
27.	Drainage management and maintenance details	Prior to first occupation
28.	Details of substation/pumping station utility buildings to include elevations, materials, hard standing and boundary treatments	Prior to their erection

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