

APPLICATION NO: 23/02149/FUL **CASE OFFICER:** Andrew Hunt

WARD: Prescott North **PARISH:** Prescott
Town Centre

LOCATION: Land At Chapel Street, Prescott, Knowsley

PROPOSAL: ERECTION OF 5 NO. APARTMENTS

Site Description

The application site is an irregularly shaped piece of land situated in Chapel Street within Prescott Town Centre. The site is directly to the north of an existing building on the corner of Chapel Street and Eccleston Street. There are building to the east and west and an undeveloped area to the north of the site. The site is in a relatively poor state with vegetation and rubbish within the site boundary. There is also an existing street lighting column near the entrance of the site.

Proposal

The proposal is for the erection of 5 no apartments. The proposal also includes cycle parking and amenity areas.

Consultations

Coal Authority – No objection subject to conditions to secure site investigations and a signed statement by a suitably competent person.

Conservation – No objection subject to conditions in relation to external materials.

Environmental Health – No objection subject to conditions in relation to noise, odour, a Construction management plan and contamination.

Highways - No objection subject to conditions in relation to cycle storage, a construction management plan,

Merseyside Environmental Advisory Service – No objection subject to a condition for a written scheme of archaeological works.

United Utilities – No objection subject to conditions to require sustainable drainage and for the management of sustainable drainage and an informative in relation to United Utilities assets.

Representations

This application has been publicised by letters sent to 80 neighbours and by site and

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press notices. 1 Comment has been received consisting of the following main points.

- I own land near the proposed site and would like to discuss the proposal.

Planning History

None relevant at the site.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS7 - Transport Networks
CS8 - Green Infrastructure
CS14 - Principal Regeneration Area – Prescott Town Centre
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

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

DQ5 - Development in Conservation Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those

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concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ISSUES AND ASSESSMENT:

PRINCIPLE OF DEVELOPMENT

The application site is situated within Prescott Town Centre.

Policy CS14 Principal Regeneration Area – Prescott Town Centre states that the future viability and vitality of Prescott Town Centre will be supported by Encouraging a wider mix of town centre uses, services and facilities in areas surrounding Eccleston Street, includingresidential....

The use of the site for housing would help to regenerate the area by removing an overgrown, empty and derelict site and replacing it with housing development that would help to support Prescott Town Centre through providing additional footfall. The application is therefore in accordance with Core Strategy Policy CS14 and is acceptable in principle.

IMPACT ON THE PRESCOT TOWN CENTRE CONSERVATION AREA

NPPF Para 203 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The application site is currently in a derelict overgrown state which detracts from the overall appearance of the Conservation Area. The adopted conservation appraisal (section 7.3) for Prescott identifies that Chapel Street contains potential for redevelopment on its empty open site (the application site) where enhancement or total redevelopment would be welcomed. According to historic maps, historically the application site had 3no properties on it. The 1848 maps shows that one of the properties had an outrigger and jigger whilst the middle property had a pump. These buildings were still evident on the 1947 OS map but it is unclear when in the late 20th century, they were demolished.

Overall, the proposed scale and mass is reflective of the character and appearance of the conservation area, as it matches the principal construction materials, that of slate and a high quality mixed brindle brick. The application has been amended to remove the front dormer roofs (which are not characteristic of the area). As a result of the changes, the building would now be consistent with the character of the Prescott Town Centre Conservation Area. This is supported by the council's conservation officer who has no objection to the development subject to a condition to secure external material details.

RESIDENTIAL AMENITY

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Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

The Amended New Residential Development Supplementary Planning Document (SPD) 2018, gives guidance on the separation distances that should be maintained between residential properties to ensure that harm is not caused to amenity by overshadowing, loss of privacy or through undue dominance. The SPD sets out that:

- 22m should be provided between existing rear principal elevations and proposed principal elevations for two storey properties
- 20m should be provided between the principle elevations of two storey properties
- 12m should be provided between the principal elevation of one property and the gable elevation of another, and
- properties should have a garden depth of at least 10m.

Existing Residents

In relation to the neighbours, the proposal will not result in any harm to the amenity of neighbours as there are none in close proximity that would be materially affect by the scheme.

Future Occupiers

The proposed dwelling would provide an acceptable level of amenity for future occupiers with all habitable rooms having windows that would ensure good outlook and light. All habitable rooms would have at least one window with the exception of one of the bedrooms of flat 5, however, this would have two rooflights which are considered to provide adequate light and outlook.

The size of the dwellings would also exceed the national minimum space standards.

The proposed dwellings would also have approximately 23sqm of amenity space, whilst this is below the normal standards of 20sqm per flat (100sqm in total), given the constrained nature of the town centre site, it is a positive feature that the proposal includes any amenity space. The standard of 100sqm is appropriate for suburban type developments and would not be possible to achieve in a constrained town centre site. Additionally large amenity spaces would be an inefficient use of limited town centre space and would not regenerate Prescott Town Centre to the same extent, suburban type houses would also be out of character for the town centre. Overall, the proposal has maximized the amount of amenity space that can be reasonably accommodated within the site and is considered acceptable.

In relation to interface distances, some of the flats would be around 7 metres away from the building opposite. Whilst this is below the standard distances, given the constrained town centre site and the fact that no existing residents would be affected, this is considered on balance acceptable. Any future occupants would be aware of this and would be able to view for themselves the distance to the property opposite and decide for themselves whether this was acceptable. Overall, it is considered that the development will provide a good standard of amenity for future residents. The development complies with Policy CS19 of the core strategy.

HIGHWAYS

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NPPF para 109 states that a development should only be 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”*.

The application would be for 5 dwelling and would not generate significant amounts traffic movements. There is sufficient cycle parking within the site for 1 cycle parking per apartment, and it is expected that due to its town centre location, that many journeys will be on foot. Overall, there would be no harm to highway safety. This is supported by the council’s highways team who have no objection to the development subject to conditions to secure cycle parking and a construction management plan.

Overall, there would not be significant harm to highway safety. Overall, the application complies with Core Strategy Policy CS7.

OTHER CONSIDERATIONS

It is considered that issues in relation to archaeology and coal mining can be adequately addressed through conditions, which is supported by the views of relevant consultees. In relation to sustainable drainage, NPPF para 175 requires sustainable drainage systems for major applications only. Therefore, requiring sustainable drainage systems for the current scheme would contradict the NPPF and would not be justified or proportionate.

CONCLUSION

The development is acceptable in principle and would not cause harm in relation to Conservation, highway safety or amenity. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2019).

RECOMMENDATION:

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

- a. Proposed Elevations - AN48 -002 -Rev D – (Received 26/04/2024).
- b. Existing and Proposed Plans - AN48 -001 -Rev D – (Received 31/05/2024).

Reason: For the avoidance of doubt.

Pre Commencement

- 3) Construction Management Plan

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Prior to commencement of development a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority that details the means of mitigation of construction effects. This shall include but not be limited to the following:

- a. Layout of the site compound including identification of areas for the storage of plant and materials, loading/unloading and turning areas for delivery vehicles [for each phase as necessary].
- b. Management of deliveries including prevention of waiting/layover of construction related traffic on the highway, measures for the control of traffic to and from the site and consideration of any temporary traffic management arrangements which may be necessary during periods of construction. Note reversing on the highway is not permitted without a trained Banksman (RoSPA or equivalent)
- c. Construction staff parking arrangements
- d. Control of transfer of mud out of the site - details of wheel washing facilities including location and type.
- e. Methods for dust control and suppression.
- f. A programme of works including phasing, if applicable.
- g. Adequate provision for addressing any abnormal wear and tear to the highway, if applicable.
- h. The location in a pedestrianised area subject to vehicular access restrictions from 10am - 5pm.
- i. Details of relevant pest control measures that will be in place, or will be put in place, should evidence of pests become apparent during the construction works.

All site works shall then be carried out in accordance with the approved Plan unless otherwise agreed in writing beforehand with the Local Planning Authority

Reason: To ensure the satisfactory development of the site and in the interests of protecting the amenity of neighbouring occupiers and to comply with saved Policies H5, and ENV2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and Policy CS2 of the Core Strategy, adopted January 2016.

4) Contamination

No development shall take place until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the Local Planning Authority.

The assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include (were relevant):

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and
 - service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

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- ecological systems,
- archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Materials Management Plan

Prior to the reuse of site won materials ('waste' and non-waste) a Materials Management Plan, signed off by a Qualified Person, shall be submitted to and agreed in writing with the local planning authority. The MMP shall demonstrate that any reuse of contaminated materials does not result in increased risk to the environment or human health.

F. Importation of Soil/Material

No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In order to prevent harm to human health from contamination.

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5) Archaeology

No development or demolition shall take place until the applicant or their agents, has secured the implementation and submission of a report on a programme of archaeological works. That programme of archaeological works should be undertaken in accordance with a Project Design which has been submitted to and approved in writing by the local planning authority prior to works taking place. The Project Design must include the following five steps:

- A phased programme and methodology of site investigation and recording;
- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved Project Design.

Reason: In order to record any undiscovered archaeological features.

Pre above ground works

6) Odour

No above ground development hereby permitted shall be commenced until a scheme has been submitted to and approved in writing by the local planning authority detailing how the smoke and odour from the surrounding businesses will be controlled to prevent future residents of the development being effected.

Reason in order to protect future residents from odour.

7) Coal Investigation

No above ground development shall commence until;
a)a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
b)any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to address coal issues and reduce subsidence and other problems.

Pre occupation

8) Coal Statement

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development

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shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to address coal issues and reduce subsidence and other problems.

9) Bicycle Parking

The proposed development shall not be brought into use until precise scheme detail of the proposed cycle storage highlighted on Drawing 001 Rev C has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the frames of individual cycles.

Reason: To ensure that adequate provision is made for parking cycles securely and to comply with Policy CS7 of the Core Strategy, adopted January 2016

10) Noise

The mitigation outlined in the following report is agreed.

Noise Assessment, Aldrock Properties, Chapel Street, Prescott, Ref:103057, Dated 8 December 2023.

Before the development is occupied a noise mitigation review is due to be undertaken to determine the correct mitigation proposed as detailed in section 8.6 of the report. This is to be submitted to and approved in writing by the local planning authority. The scheme shall be based on the findings of an approved noise survey. All works which form part of the scheme shall be completed before any of the relevant dwellings are occupied and retained at all times thereafter. Evidence of the agreed measures shall be submitted to the local planning authority prior to occupation of the properties.

The scheme shall ensure that noise exposure within living rooms and bedrooms and gardens does not exceed the relevant standards. Where windows are required to be kept closed to meet the indoor noise levels then an alternative means of ventilation shall be provided.

Reason: In order to prevent harmful noise levels.

Ongoing

11) Conservation Details

The materials used for all external surfaces shall be those specified in the listings key of drawing AN48 -002-Rev D – (Received 26/04/2024). All materials shall be retained as such hereafter.

Reason: In order to avoid harm to heritage.

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12) Broadband

No dwelling hereby approved shall be occupied until a full fibre broadband connection has been installed and made available for use.

Reason: To support economic growth in accordance with NPPF Para 119.

Signed Case Officer¹: **Andrew Hunt**
Signed Authorising
Officer²: **K Foster**
Date: **19 August 2024**

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

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

INFORMATIVES

1) Highways

The applicant is reminded that future residents are not entitled to any car parking provision within local Council Owned facilities as part of the development and that the Council will not support any application for a parking permit for residents of the property.

The relocation of existing street lighting columns on the adopted highway would need to be funded by the developer and dealt with as part of the S38/S278 highway agreement. The works will need to be undertaken/agreed by the Street Lighting and Signing PFI Contract Service Provider. The applicant is advised contact SiteDevelopment@knowsley.gov.uk

The grant of planning permission does not authorise the erection of scaffolding, hoardings or any other device or apparatus on the highway. A license should be sought from the Council as Local Highways Authority. Contact Shirley Matthews, t: 0151 443 3034, email: Shirley.matthews@knowsley.gov.uk to discuss the matter further.

2) Coal Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability

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purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

3) Shallow coal seams

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

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