

<u>APPLICATION NO:</u>	23/02815/FUL	<u>CASE OFFICER:</u>	Jo Sheridan
<u>WARD:</u>	Whitefield		
<u>LOCATION:</u>	Car Park, St Chads Drive, Kirkby Town Centre		
<u>PROPOSAL:</u>	ERECTION OF A 53 NO. APARTMENT RETIREMENT LIVING DEVELOPMENT (USE CLASS C3), LANDSCAPING, CAR PARKING AND ALL ASSOCIATED WORKS		

Site Description

The site subject of the application is an area of land approximately 0.35ha in area, situated between St Chad's Drive to the west and County Road to the east. To the north of the site is an St Chads Medical Centre and to the south is Kirkby Police Station. Between the site and the medical centre, is an adopted footpath that links St Chad's Drive to County Road. The site is located within Kirkby Town Centre and is currently utilised as a surface level car park which serves visitors to Kirkby Town Centre.

The site slopes from higher ground in the west to lower ground in the east towards County Road.

The site lies within Flood Zone 1.

Proposal

The application is for the erection of a four-storey building comprising of 53 no. apartment retirement living development (use class C3), landscaping, car parking and all associated works.

The 53 units would comprise of 16 2-bedroom apartments and 37 1-bedroom apartments. Pedestrian and vehicular access would be via St Chad's Drive and would facilitate 22 car parking spaces including 2 accessible spaces.

Consultations

Highway Authority: No objections subject to five conditions for cycle parking, the submission of a construction management plan, a condition securing the provision of car parking, a condition requiring the submission of a scheme to close the existing northern access point and reinstate as footway and a condition for the review of the Travel Plan.

Environmental Health: No objections subject to five conditions for noise mitigation, the submission of a construction management plan, a condition limiting the hours of construction, a full contaminated land condition and a condition to control the noise from fixed plant.

LLFA/Drainage: No objections subject to two conditions; one requiring the

submission of a detailed drainage strategy and the second requiring a management and maintenance plan of the drainage system to be submitted.

Arboricultural Officer: No objections subject to two conditions; one requiring that 5 days' notice is given for the erection of protective tree fencing and the second to require regular monitoring and updates with the local authority arboricultural officer.

Landscape Officer: None received.

Public Health: No objections.

Housing Strategy: No objections.

Merseyside Environmental Advisory Service: No objections, subject to eight conditions for: no tree/scrub felling' provision of bat and bird boxes; reasonable avoidance measures for hedgehogs; secure the implementation of low carbon technologies; lighting scheme to ensure bats remain unaffected; a scheme to eradicate Japanese Knotweed; a validation report confirming Japanese Knotweed has been treated and a condition securing a Landscape and Habitat Management Plan.

Merseyside Police: No objections.

Fusion 21: A commuted sum of £3,710 is advised to be secured as a developer contribution to deliver social value.

Cadent Gas: No comments received.

United Utilities: No objections, subject to two conditions for: details of a sustainable surface water drainage scheme and a foul water drainage scheme and the management and maintenance of the drainage system.

Merseyside Fire and Rescue Authority: No objections.

Representations

The application was been publicised by letters sent to 175 neighbours, the erection of two site notices and a notice in the local press. Two objections have been received as a result of the publicity given to the application. The objections raise the following issues:

- Although the proposed accommodation is greatly needed the proposed finish to the building, dark brickwork, simply is not inline with the town centre's future image. The apartments will be situated in between the old police station and the modern walk in medical centre and the proposed plans look more like the old police station. I would like to oppose the planned facia design and would hope the architects could propose a more suitable modern facade.
- We are against this proposal for many reasons
 1. We have a place like this on Westhead Avenue [The Maples] which was supposed to be put there for the older generation and its already full of drug addicts and alcoholics putting the neighbourhood down plus many people on mobility scooters antisocial riding them past our gate at speed
 2. Parking outside our house, the council do not monitor the existing permit arrangement and give any tickets out so taking the current carpark away will push even more people by our house opposite the site

3. Another building of this scale where we already have the walking blocking sunlight of a day and looks like an eyesore

Our main opposition is parking as this is just not managed it took us fighting for 5 years to get permits and they are hardly worth the paper it's printed on as it's just ignored and not managed by the council correctly and will just get no better when more people park here

Planning History

None relevant.

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 Replacement Unitary Development Plan (Saved Policies, 2006)

- T5 – Location of Major Traffic Generating New Development.
- T7 – New Development and Walking & Cycling Routes
- T8 – Transport Assessments
- T9 – Travel Plans
- T10 – Access for the Less Mobile
- DQ2 – Security in the Built Environment
- DQ3 – Gateway Sites and Corridors
- DQ4 – Trees and Development
- ENV2 – Noise and Vibration
- ENV 4 – Hazardous Substances
- ENV5 – Contaminated Land

Knowsley Local Plan Core Strategy (2016)

- SD1- Sustainable development
- CS1 – Spatial Strategy for Knowsley
- CS2 - Development Principles

CS3 – Housing, Supply, Delivery and Distribution
CS7 - Transport Networks
CS8 – Green Infrastructure
CS15 – Delivering Affordable Homes
CS17 – Housing Sizes and Design Standards
CS19 - Design Quality and Accessibility in New Development
CS21 – Green Spaces and Trees
CS22- Sustainable and Low Carbon Development
CS24 - Managing Flood Risk.
CS26 – Waste management
CS27 – Planning for and Paying for New Infrastructure

Merseyside Waste Local Plan (2013)

WM8 – Waste Prevention and Resource Management
WM9 – Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Huyton Village Masterplan
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 (2018)
Adding Social Value to Development: Employment and Skills SPD (2018)

Article 35 Statement

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

Assessment

Principle of the development:

The site lies within a Principle Regeneration Area as outlined in Local Plan Policy CS1 where regeneration and development will be maximised.

Policy CS2 'Development Principles' outlines five key principles for development which are:

Principle 1: Promote sustainable economic development, tackle the cause of deprivation and disadvantages and narrow the gap between the richest and poorest neighbourhoods

Principle 2: Reduce carbon emissions and adapt to the effects of climate change

Principle 3: Reduce the need to travel and increase accessibility

Principle 4: Recognise environmental limits, protect and enhance environmental assets, enhance local character and promote quality of place

Principle 5: Make the most efficient use of available resources and infrastructure by prioritising locations consistent with the spatial strategy.

The site is also located within Kirkby Town Centre. The Town Centre is part of a retail hierarchy identified in Local Plan Core Strategy Policy CS6. Kirkby Town Centre is identified as the top of the hierarchy along with Prescott and Huyton Town Centres.

Policy CS6 requires development proposal to enhance their role in providing a comparison and convenience shopping as well as a complementary mix of other uses including residential.

Policy CS16 'Specialist and Supported Accommodation' states that the Council will support the provision of new specialist a supported residential accommodation which will be located in an appropriate environment, near to highways, public transport links and local amenities.

It is considered that the proposal for residential development would meet both Core Strategy polices CS6 and CS16 as the proposed use is a conforming use within the town centre and is sited close to public transport and local amenities.

Core Strategy Policy CS15 requires 10% affordable housing provision on this site. The National Planning Policy Framework 2023 paragraph 66 states that at least 10% of the total number of homes should be available for affordable home ownership. Therefore affordable housing to be delivered on the proposed development would be for affordable home ownership. NPPF para 66 also provides exemptions to the 10% affordable home ownership requirement in a number of instances including if a major development provides specialist accommodation for a group of people with specific needs. In this instance, it is considered that the proposed McCarthy and Stone's retirement development would fit into this exemption.

With that said, the Planning and Affordable Housing Statement submitted by the applicant in paragraph 7.12 states the scheme will be part funded by Homes England. McCarthy and Stone are a Strategic Partner with Homes England and as part of their will provide affordable housing through this agreement. The statement in paragraph 7.12 would suggest that the affordable housing to be provided would be shared ownership or other form of discounted housing.

The Strategic Housing team have confirmed that the Council's Housing Needs Assessment 2021 identified a need for 1022 units of additional specialist accommodation for older people by 2036. It is considered that this development would support meeting this need.

Overall Strategic Housing are supportive of the development given that it is part funded by Homes England and will deliver affordable home ownership options for older people. This in turn can have a positive impact on the housing market by improving the availability of family housing and supports Housing Strategy objectives around rightsizing.

Taking all of the above into account, the principal of a residential use on the site is acceptable and would conform with the Local Plan polices CS6, CS15 and CS16.

Layout, scale and design:

The proposal is a four-storey residential building. The mass and height of the proposed building has been kept on a par with its surroundings; the building to the south of the site is Kirkby Police Station, which is a three storey, flat roof, 1960's red brick building. To the north of the site is St Chads Medical Centre which is a three-storey modern building, with white render and a contrasting dark base and cladding detail. The height of the building has been minimised by the proposed flat roof.

The building design has been kept simple but modern. The proposal has been designed to respond to the sites existing context and would provide a continued

building line along St Chad's Drive and County Road. Whilst the main entrance lies to the north of the building, the fenestration of the building allows for good passive surveillance of St Chad's Drive and County Road.

The materials palette is also simple which is welcomed and uses the red brickwork to illustrate the building with vertical and horizontal banding.

Given the scale and design of the building, it is considered that the building would enhance the local area and bring a surface car park into residential use and as such, the proposal would comply with Knowsley Local Plan Core Strategy policies CS19 'Design Quality and Accessibility in New Development'.

Residential amenity:

In order for the proposal to be acceptable, it is important that it does not have a detrimental impact on the amenities of existing residents. Core Strategy Policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of nearby residential neighbours. Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured.

Environmental Health assessed the Noise Report submitted with the planning application in which mitigation was recommended. To ensure the mitigation measures are installed, Environmental Health have advised a condition which should be included on any permission granted.

The nearest residential property would be approximately 35m away from the site (residential properties at Burnard Close) therefore the impact on residential amenity due to the construction of the development will be limited. Whilst it is considered that the proposal would not result in undue harm to residential or local amenity, a condition was requested by Environmental Health requiring the submission of a construction management plan.

Environmental Health also requested a condition restricting the hours of construction in addition to the construction management plan. These two conditions were consolidated and added to the condition requested by Highways for a construction management plan.

The impacts on residential and local amenity are considered to be acceptable having regard to noise, general disturbance and dust.

The proposal would not be detrimental to the amenity of the occupiers of existing dwellings and would provide an appropriate level of amenity for future occupiers of the site. The proposal therefore complies with Knowsley Local Plan Core Strategy policies SD1 'Sustainable development,' CS2 'Development Principles' and CS19 'Design Quality and Accessibility in New Development.'

Highways:

Policy CS7 'Transport Networks' in the Local Plan Core Strategy requires new developments to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. The policy also requires new developments to make adequate provision for cycle and car parking.

The NPPF requires new developments to ensure that appropriate opportunities to promote sustainable transport modes can be taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network, or on highway safety can be mitigated to an acceptable degree. Furthermore, 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.

The planning application is accompanied by a Transport Statement (TS) which outlines that the purpose of the statement is to consider the highways and transport effects of the development proposal. Having assessed the TS, the Council's Highways Advisor is satisfied that the development proposal would not have a severe impact on the local highway network.

The levels of vehicular parking proposed falls below the standards within the Council's Supplementary Planning Document 'Ensuring a Choice of Travel'. The TS provides a comprehensive evidence base to demonstrate that the proposed provision will meet the demands of the development, due to the lower levels of car ownership expected inherently, aided by the town centre location.

The proposed car park layout has been shown, through swept path analysis, to be able to accommodate the on-site turning manoeuvres of an appropriately sized refuse collection vehicle and a fire tender.

The site layout does not show any cycle parking, however, the TS states that the buggy store will be available for the storage of bicycles. To ensure that residents and staff have the opportunity to cycle, the use of the store for cycles, and means within it to ensure cycles can be locked, shall be secured through condition. Further cycle parking will be required for visitors.

The existing car park will be lost as a result of the development, however, this was always intended to be a temporary facility to mitigate the effects of the construction of the town centre improvements. These are currently on-going, however the new car parking provision has been completed.

Subject to the to the recommended conditions referred to above, the application accords with policies CS7 'Transport Networks' and CS19 'Design Quality and Accessibility in New Development' in the Knowsley Local Plan: Core Strategy Policy and it is considered that the development would not result in any significant adverse impacts on highway or pedestrian safety.

Trees and landscaping:

Saved Policy DQ4 of the Knowsley UDP seeks to ensure that new developments include adequate tree and landscape provisions, whilst also seeking the protection or replacement of trees affected by development. Policy CS21 of the Local Plan Core Strategy has the same aims and sets out the principles for mitigation where tree loss is unavoidable. This approach is supported by the Trees and Development SPD.

Hedgerow H1 is proposed to be removed which the Arboricultural Impact Assessment (AIA) has categorised as Category C. The proposed development would encroach within the Root Protection Areas (RPA's) of trees T3, T4, T5, T6, T7 and G1 which are categorised within the AIA as categories B and C. The hedgerow to be removed and the root protection areas of the trees affected are sited to the north of the site between the site boundary and the NHS Walk in Centre.

The Arboricultural Impact Assessment states that as part of the development, five trees are proposed to be planted, however, a more up to date landscape masterplan has been submitted which illustrates 10 trees to be planted. Their size is 12-14cm with species to be determined from a list of six species types.

The Councils Arboricultural Officer has requested two conditions, one requiring that 5 days notice is given for the erection of protective tree fencing and the second to require regular monitoring and updates with the local authority Arboricultural Officer. The two conditions have been consolidated to form one (condition 23).

The details provided to date are sufficient for the proposal to comply with Saved Policy DQ4 of the Knowsley UDP and Policy CS21 of the Local Plan Core Strategy.

Ground conditions and site levels:

A Phase 1 Preliminary Risk Assessment accompanied the planning application for the demolition of the buildings. Environmental Health reviewed the report and advised that a full contaminated land condition be imposed.

The site itself is relatively flat. The existing and proposed site levels are have limited changes with the finished floor level of the building being 28.9AOD (existing site levels in that area are 28.6 – 28.8 AOD).

Air quality:

Environmental Health assessed the submitted Air Quality report and were satisfied with the report and concluded that no further assessment was required.

Drainage:

Policies CS2 and CS24 of the Local Plan Core Strategy combine to ensure that development will not cause an unacceptable risk of flooding and that surface water is drained in a safe and sustainable manner.

The LLFA has reviewed the submitted drainage strategy for the above the application and raises no objection in principle. The LLFA requested a condition requiring details of a SUDS based drainage system to be submitted.

United Utilities requested a similar condition relating to surface water drainage to that requested by the LLFA and as such, these have been consolidated into one condition.

The LLFA and United Utilities also requested a condition for the management and maintenance of the SUDS. The conditions have been consolidated into one.

Subject to these conditions the proposal would be in compliance with Local Plan policy CS24

Ecology:

Policy CS8 of the Local Plan Core Strategy, at various points, 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 fully consistent with the aims of the NPPF. The application is accompanied by a Preliminary Ecological Appraisal and biodiversity net gain metric.

Bats:

Habitats on site and adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the areas in line with NPPF (paragraph 186). This is to be secured by planning condition.

Breeding Birds:

Vegetation on site may provide nesting opportunities for breeding birds, which are protected. A condition will be imposed ensuring that tree and scrub clearance must take part outside of the breeding bird season.

A condition will also be imposed to mitigate the likely loss of bird breeding habitat which will require the applicant to provide details of bird nesting boxes.

Other conditions that will be applied to the decision notice include a standard condition to ensure there are no tree/scrub felling between March and August and a condition requiring the provision of bat and bird boxes.

Terrestrial mammals:

Merseyside Environmental Advisory Service advised that the habitats on site are suitable for badger (protected species) and hedgehog which are a Priority Species and Local Plan policy CS8 applies. MEAS requested a condition to protect the mammals, however it is considered that the site is highly unlikely to be habitat to badgers and hedgehogs given that it is a current car park with development on all sides. Taking this into account it is considered that a condition is not necessary.

Biodiversity Net Gain

The applicant has submitted a Biodiversity Net Gain Report and a metric calculation.

Merseyside Environmental Advisory Service (MEAS) have reviewed the information and advised that there are some limitations to the metric and accompanying report submitted, these are detailed below:

- Proposed other neutral grassland habitat has been assigned 'Medium' strategic significance. This is not agreed, as the location of the site, being predominantly urban with limited connectivity to wider habitats is not ecologically desirable in a local context.
- No condition assessments for proposed habitat creation have been provided as part of the application. Therefore, target conditions of proposed habitat creation cannot be confirmed.

However, when looking at these limitations in the context of the development and requirements for a minimum of a gain in biodiversity at the site post-development in line with NPPF. These limitations do not affect the proposals' ability to achieve a gain in biodiversity in line with NPPF.

MEAS have advised that submitted landscaping plans should be accepted as approved documents and the production of a full and detailed Landscape and Habitat Management Plan, which covers management of the site in perpetuity or for a minimum of 30 years should be secured by planning condition.

Taking the above into account, the proposal complies with Policy CS8 of the Local Plan Core Strategy.

Low Carbon Development

The applicant has submitted an Energy Statement with the application. A fabric first approach to be adopted to reduce energy demand in line with the energy hierarchy. This is welcomed.

Other low and zero carbon technologies to be incorporated are a PV array, Air Source Heat Pumps to provide hot water and a Mechanical Ventilation Heat Recovery system for ventilation. The use of these technologies is in line with Policy CS22 (Sustainable and Low Carbon Developments). The implementation of these technologies will be secured by condition.

Open space:

Supplementary a Planning Document 'Developer Contributions' requires that developments of more than 10 new residential units provide a contribution towards public open space provision.

A planning contribution of £87,181.20 was calculated to be sought to fund open space improvements in the area. The applicant submitted a viability assessment stating that it is not viable to provide a contribution towards open space provision.

Social Value:

The Council's Supplementary Planning Document 'Adding Social Value to Development' has the objective of maximising the employment and the training of local residents. The SPD requires applicants for major development proposals 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. It envisages that the SVS is submitted and a commuted sum is sought to deliver its objectives to help deliver its aims. A sum of £3,710 was sought. The applicant submitted a viability assessment stating that it is not viable to provide a contribution towards social value.

Viability

The contributions sought as a result of the development are:

Social Value: £3,710

Open Space: £87,181.20

As part of this planning application, the applicant submitted a viability appraisal. The assessment was reviewed by the Council's independent consultants, Keppie Massie who considered each of the inputs in the viability appraisal and determined whether they were reasonable. Keppie Massie agreed with the finding of the viability report that there is not the ability to seek any development contributions based on construction costs, sales costs, developer profit and the sensitivities within the market.

Representations received

Two representations were received which raised concerns about the development proposal. The objections are outlined in full earlier in this report. The objections have been addressed through the main body of this report.

Conclusion

To allow the proposal would bring forward an extremely prominent site within Kirkby Town Centre for redevelopment and regeneration. The site has been utilised as a surface level car park for a number of years and this proposal would bring forward residential development of 53 apartments for over 55's which is an identified housing need within Knowsley. The proposal is of good design which will add to the character of the area. The impact on the highway network and the parking provision proposed are acceptable.

Recommendation

Grant planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

3. Prior to the occupation of any part of the development, a comprehensive and fully detailed Landscape and Habitat Management Plan, which covers management of the site for a minimum of 30 years must be submitted to and approved in writing by the local planning authority. The Plan should include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management, including target condition assessments;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

The approved Landscape and Habitat Management Plan shall be implemented in full accordance with the written approval.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

4. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such

details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area. The development shall be carried out only in accordance with the agreed schedule of materials.

Reason: To preserve the character and appearance of the local area and in the interests of visual amenity and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

5. Prior to above ground works, an external lighting scheme shall be submitted to and approved by the Council as Local Planning Authority which seeks to ensure that the foraging and commuting of bats is minimised. The approved scheme shall be fully implemented prior to the occupation of the building and retained thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

6. No tree felling, scrub clearance, hedgerow removal, vegetation management, or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then trees, scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: To mitigate for the loss of bird nesting habitat and to ensure compliance with Policy CS8 in the Knowsley Local Plan Core Strategy adopted 2016.

7. Prior to above ground works, a scheme for enhancement measures for bats and birds (bat and bird boxes) shall be submitted to the Council as Local Planning Authority. The scheme shall include the number, type and location on an appropriately scaled plan as well as timing of installation. The approved scheme shall be fully implemented prior to the occupation of the building and retained thereafter.

Reason: Reason: In the interests of biodiversity conservation and to comply with Policy CS8 of the Knowsley Local Plan Core Strategy, adopted January 2016.

8. Prior to above ground works, full details of the photovoltaic installation and heat pumps shall be submitted to the Local Planning Authority in accordance with submitted an Energy Statement. The details shall include full plans and specifications. The agreed details will be implemented prior to the first occupation of any part of the development hereby permitted and maintained and retained thereafter.

Reason: To reduce carbon emissions in accordance with Knowsley Local Plan Core Strategy Policies CS2, CS11 and CS22.

9. No above ground works shall take place until a scheme for the provision of cycle parking, in accordance with the Council's current standards, has been submitted

to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. For the avoidance of doubt, long stay cycle parking must be covered and offer a means to secure the cycles.

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

10. The Construction Phase Health and Safety Plan (submitted 26/03/2024) shall be implemented in full for the duration of the site preparation and construction phase

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.

11. The development shall not be brought into use until the areas indicated on Site Plan Drawing 1002 Rev P1 be set aside for parking, servicing, vehicular manoeuvring (including provision for pedestrians/cyclists) have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown. These areas shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

12. No above ground works shall take place until a scheme for the design and layout of highway improvement works has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the works shall include but not be limited to:
 - The closure of the existing northern access point and provision of footway at said location to match the surrounding area.The approved scheme shall be implemented and completed before the development is brought into use.

Reason: To ensure the provision of safe and adequate means of access to the development in the interests of highway safety and amenity and to comply with Policy CS19 of the Core Strategy, adopted January 2016

13. Within 6 months of the development reaching 50% occupation, a review of the travel plan approved as part of this permission shall be submitted to and approved in writing by the Council as Local Planning Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing as part of an annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

14. Development shall not commence until a detailed SUDS based drainage scheme based on the principles of the SUDS Manual (C753) and the criteria as set out within Knowsley Strategic Flood Risk Assessment (SFRA, Levels 2), has been submitted and approved in writing by the Local Planning Authority

(LPA). The applicant should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works (see informative 6). The surface water discharge from site shall be through infiltration mechanism unless otherwise agreed in writing with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use. Prior to the first occupation of the development, a Management and Maintenance Plan for the sustainable drainage system relating to the lifetime of the development through an appropriate legally binding agreement shall be submitted to and approved in writing by the Local Planning Authority.

This shall include as a minimum:

- (i) The arrangements for adoption by an appropriate public body or statutory undertaker or details of provision for management and maintenance by a resident's management company.
- (ii) A schedule for on-going inspections relating to performance and condition.
- (iii) Details for planned maintenance and a mechanism for remedial and urgent repair works.
- (iv) Means of access for inspection and maintenance purposes.
- (v) The plan shall be implemented in accordance with the timeframes contained within it.

Reason: To ensure a satisfactory drainage system is provided to serve the site and to ensure effectiveness of the flood risk measures during the lifetime of the development policies in accordance with Paragraph 163 of the National Planning Policy Framework, House of Commons Written Statement 161 for Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Policies CS2 and CS24 of the Knowsley Local Plan: Core Strategy (January 2016).

15. Prior to construction of the building, a scheme shall be submitted to and approved by the Local Planning Authority that details the specific noise mitigation measures that will be installed throughout the development. The scheme shall follow the recommendations of the Acoustic Consultants Limited Environmental Noise Assessment for the proposed retirement living development, Kirkby, Liverpool. Reference 10573/SL: Revision C, dated 30/11/23. Any changes from the recommendations in the report must provide equivalent protection or greater. The approved scheme shall be implemented in full prior to the first occupation of the building and be retained in perpetuity thereafter.

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

16. Fixed plant and machinery associated with the development shall be designed to a level that is at least 5dB(A) below the existing LA₉₀ background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a penalty as per the methodology set out in BS 4142:2014+A1:2019, Methods for rating and assessing industrial and commercial sound. Noise limits for fixed plant are to apply at a position 1 metre from the closest affected window of the nearest noise sensitive property (properties sited at Burnard Close and Westhead Avenue).

Reason: To safeguard local residents from noise and disturbance, and to comply with Saved Policy ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

17. Contaminated Land

A. No development shall take place until a report, detailing the further investigations and chemical analysis that have been undertaken in the vicinity of WS10 and WS6, to assess the risks associated with hydrocarbon contamination (as detailed in the Patrick Parsons site investigation report) has been submitted to, and approved in writing by, the Local Planning Authority. Prior to any further ground investigations or chemical analysis taking place, the scope of works for these investigations must be agreed, in writing, with the local planning authority. The assessment must also be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11).

B. 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. Where soils need to be imported to site (or site won topsoil is to be reused) the remediation method statement must set out a suitable methodology for testing of this material. 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.

Reason: In the interests of safety, to prevent pollution of the environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

18. Remediation and Validation: (prior to occupation)

A. 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.

B. 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.

C. Importation and Reuse of Soil/Material

No soil is to be imported to the site (or site won topsoil reused) until it has been tested for contamination and assessed for its suitability for the proposed

development in accordance with the remediation scheme required by condition 17. The analysis shall be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of safety, to prevent pollution of the environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

19. Materials Management Plan (prior to commencement)

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.

Reason: In the interests of safety, to prevent pollution of the environment and to comply with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

20. Prior to the commencement of development, a site waste management plan (SWMP) shall be submitted to the Council as local planning authority with the purpose of monitoring waste minimization, recently management and disposal of waste on site during the construction phase. The SWMP shall be implemented in full for the duration of the construction works.

Reason: To comply with Policy WM8 'Waste Prevention and Resource Management' of the Joint Waste Local Plan (2013).

21. The tree protection measures outlined within the Arboricultural Method Statement shall be implemented in full and:

- (i) A pre commencement site meeting involving the Project Arboriculturist and Principle Contractor will be undertaken at the beginning of the enabling works phase, main construction phase and post construction phase. In addition, the Project Arboriculturist should be present on site as indicated in the method statement to monitor the removal of existing hard surfaces and when re grading and exposing roots. The existing subbase layer should be retained and the new hard surface finish must be laid on this. Where this is not possible, the Project Arboriculturist must be present for the removal and replacement of the subbase layer to manage and minimise the loss of any roots found during this work practice. At every stage, a short statement should be submitted to the Council as local planning authority providing regular updates.
- (ii) 5 day notice for the erection of protective barriers, positioned as indicated on the tree pretention plan.

Reason: To protect existing trees within the site in the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

22. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the plans outlined in Schedule 1. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and to comply with, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and the National Planning Policy Framework.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Condition 5 - It would be helpful for the applicant to refer to the [‘Bats and Artificial Lighting at Night’](#) guidance which has been produced by the Institute of Lighting Professionals in conjunction with the Bat Conservation Trust.
3. It is an offence to carry out any works within the public highway without the permission of the Highway Authority. The grant of planning permission will require the developer to enter into an agreement under s278 of the Highways Act 1980 with the Council. The applicant is advised to contact the Site Development Team at SiteDevelopment@knowsley.gov.uk to discuss the matter further.
4. United Utilities – see letter dated 21-DEC-23.
5. Merseyside Fire and Rescue Service – see letter dated 21st December 2023.
6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
Standing Advice valid from 1st January 2023 until 31st December 2024
7. To be read in connection to condition 14: For avoidance of doubt, the surface water and drainage strategy, detailed design drawings, calculations and supporting information shall be expected to consider the following elements:

- (i) The surface water drainage discharge hierarchy has been followed and infiltration mechanism has been selected as discharge mechanism from site. This is acceptable.
- (ii) A SuDS aims to minimise the impacts from a proposed development on water quantity and quality and maximise amenity and biodiversity. In designing an appropriate set of SuDS techniques for a development site, the LLFA will therefore be expecting above ground, green SuDS to be prioritised to promote water quality, amenity and biodiversity. Given the feasibility of the infiltration methods and lack of restriction in space availability, no justification has been provided as to why such above ground green SuDS have not been considered.
- (iii) Should the foul water from the proposed site is to connect to the off site UU assets, the details of connection point, discharge rate and the UU agreement will be required.
- (iv) The applicant must provide the full details of survey for the pipes which are supposed to remain on the site (if any) as part of the proposed development. Should none of exiting pipes or manholes will be used after development, what would happen to the pipes, manholes and connection points?
- (v) A drawing with reference 29958/101 Rev A has been tilted as "Existing Impermeable Plan" while the drawing legend indicates proposed impermeable and permeable areas.
- (vi) The LLFA recommends that the concept of rainwater harvesting to be considered for various usages to reduce the amount of surface water storage on site and also to reduce the amount of portable water needed.
- (vii) Technical specifications of the proposed cellular storage system will be required.
- (viii) Plan showing overland exceedance routes and flood depth in the event of a failure of the drainage system. The failure of the proposed system should include for blockage of pipes, blockage of outlet structures and risk of impediments across planned flood routing paths. This could be supported by a designer's risk assessment that identifies key points of failure of the system and what means/mitigations have been adopted to limit risk of failure. This will also inform the maintenance plan with regards to corrective actions needed should a failure occur.
- (ix) Plan showing overland exceedance routes and flood depth, and extreme event exceedance management in the event of a storm event in excess of the 1 in 100 + 40%CC storm event to demonstrate the safety of people and assets It would be expected to consider a 1 in 200 years rainfall event plus 40% climate change as the exceedance event.
- (x) Compliance with the above changes required, Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details. Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated will be required.
- (xi) Compliance with the above changes required, a detailed design of surface and foul drainage system will be required, showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and

gradients, all on -line controls, on and off line storage structures and outfall details, considering the railway requirements.

- (xii) This is a full application for which the applicant needs to submit a Knowsley SuDS Proforma along with the full application.
 - (i) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
 - (ii) A timetable for implementation of the drainage works including an assessment of any phasing of the development.
 - (xiii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations).
 - (xiv) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (xv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (xvi) Foul and surface water shall drain on separate systems

SCHEDULE 1

Drawing	Drawing No	Received
Location Plan	1000 Rev P2	04/04/2024
Existing Site Plan	1001 Rev P2	04/04/2024
Proposed Site Plan	1002 Rev P3	04/04/2024
North & West Elevations	2000 Rev P2	29/02/2024
South & East Elevations	2001 Rev P2	29/02/2024
Ground Floor Plan	1004 Rev P2	29/02/2024
Upper Floor Plans	1005 Rev P2	29/02/2024
Roof Plan	1006 Rev P2	29/02/2024
Boundary Treatment	1007 Rev P4	04/04/2024
Buggy & Bin Store	2004 Rev P3	29/02/2024
Streetscapes	2002 Rev P2	29/02/2024
Site Sections	3000 Rev P2	29/02/2024
Metal Railing Details	1013 Rev P1	29/02/2024
Close Boarded Fence Details	1012 Rev P1	29/02/2024
Paladin Fence Details	1016 Rev P1	29/02/2024
Landscape Masterplan	R/2714/1K	04/04/2024
Planting Details	R/2714/2C	11/03/2024

Existing Impermeable Area Plan	29958/101 Rev A	01/12/2023
Proposed Impermeable Area Plan	29958/103 Rev B	01/12/2023
Existing Utilities Plan	29958/103 Rev B	01/12/2023
Proposed Foul Water Drainage Plan	29958/105 Rev C	07/12/2023
Proposed Levels Layout	29958/106 Rev B	01/12/2023
Cut and Fill Heatmap	29958/107 Rev C	01/12/2023
Proposed Kerbing Layout Plan	29958/108 Rev B	01/12/2023
Typical Details 1 of 2 (drainage detail)	29958/109 Rev A	01/12/2023
Typical Details 2 of 2 (drainage detail)	29958/110 Rev A	01/12/2023
Proposed Surface Water Drainage Plan (Infiltration)	29958/112 Rev A	01/12/2023
Arboricultural Impact Assessment	RT-MME-161307-02-Rev A	01/12/2023
Arboricultural Method Statement	RT-MME-161307-03	01/12/2023
Air Quality Assessment	P6885-R1-V3	04/03/2024
Biodiversity Metric Assessment	RT-MME-161307-05 Rev C	01/12/2023
Construction Phase Health and Safety Plan	Rev. -2 March 2024	26/03/2024
Design and Access Statement	December 2023	01/12/2023
Energy Statement	December 2023	01/12/2023
Environmental Noise Assessment	10573/SL	01/12/2023
Flood Risk & Drainage Impact Assessment	29958/DIA/WOB Issue 02	01/12/2023
Flood Risk & Drainage Impact Assessment Appendix IX - XII		01/12/2023
Health Impact Assessment		01/12/2023
Noise Impact Assessment	Revision C	01/12/2023
Preliminary Arboricultural Assessment	RT-MME-161307-01	01/12/2023
Preliminary Ecological Assessment	RT-MME-161307-04 Rev B	01/12/2023
Phase I Site Appraisal 1	SCK-PPC-00-XX-RP-G-0001	01/12/2023
Phase I Site Appraisal 2		01/12/2023
Phase I Site Appraisal 3		01/12/2023
Phase I Site Appraisal 4		01/12/2023
Phase I Site Appraisal 5		01/12/2023
Phase I Site Appraisal 6		01/12/2023
Phase II Site Appraisal	SCK-PPC-00-XX-RP-G-0002	01/12/2023
Planning and Affordable Housing Statement (inc. Statement of Community Involvement)	7076	01/12/2023
Social Value Strategy	22/7076	01/12/2023
Transport Statement	501.0014/TS/3 Rev 3	01/12/2023
Transport Plan	501.0014/TP/3 Rev 3	01/12/2023

Signed Case Officer¹: **Jo Sheridan**

**Signed Authorising
Officer²:** **Alan Kilroe**

Date: **25 April 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